

constitutionally correct and appropriate opinion as to the position of judges in our society. Their job is to take the Constitution, take our statutes and our treaties, and, in the light of Supreme Court precedent, rule only on those things—not to create new law, not to invent a cause they want to make. They are to be very limited in their role. Jerome Holmes understands that.

The second characteristic he has is that of integrity. We hear that word bantered around a lot, and we hear modifiers placed on it. You cannot modify integrity. You either have it or you don't. Your life either represents it or it does not. What people see you do and how you do it is either of integrity or not.

This is an African-American male who was raised in this city, who struggled to accomplish the highest levels of his profession. He excelled every step of the way. Not only did he apply his efforts in terms of his profession, but he spent a great deal of his time applying his skills, knowledge, and intellect to help other people outside of the field of law.

He is a man committed to our country, who has full recognition of what his responsibilities will be as an appellate court judge in the Tenth Circuit in this country. He also fully well knows that his role is to follow the precedent set by the highest Court in this land and to do that in a way which gives everyone before him a truly blind cause of justice for their benefit. We cannot ask more than that of our judges—that in fact they have not only integrity and intellect, but the last thing we can ask is, Do they have heart? Do they have compassion? Have they experienced the real problems of life personally, so that they can see into the lives of others and how they deal with those things in the predicaments and situations which we face and whether they follow a response that is one of integrity. I have no question in my mind that Jerome Holmes has the qualities and characteristics which will make him an excellent appellate judge.

We are going to hear some opposition to him. The opposition is basically because he believes in a colorblind society. He has written commentaries based on what he believes personally. He has been critical—and rightly so, as many in this body have been, and others—of decisions the Supreme Court has made. But to be critical doesn't mean one will not follow what is called *stare decisis*, the precedent set down by the Supreme Court.

It takes great courage for an African-American male to look at affirmative action in a light that says that in the long run, it hurts race relations rather than helps them. Those are my words, not his. But, in fact, what he has done is said this goes against what he believes to be fair and honorable, as we approach the problems within our society. What he really believes is that everybody should be judged on the con-

tent of their character, not on the color of their skin.

So we will hear a lot over the next 4 hours—2 hours today and 2 hours tomorrow—from those people who would question his position. It is OK to question it, but it is not OK to oppose him on the basis of what his personal beliefs are. If we do that, there is not a judge who can qualify. Not one judge could qualify for any court in this land if we take all their personal opinions and put them out in the open and say: This goes against something I believe.

So I am honored that I have the privilege to stand on the Senate floor and defend the criticisms that will come before him. I also know he has heart, he has intellect, and he has integrity. That is what we want. It doesn't matter whether he is Black or White or whether he is Republican or Democrat, we want those qualities in our judges. That is how we assure our freedom—we take the political arena away and out of the courts, and we let the Constitution and our statutes and our treaties reign supreme. That is the best equality for all that we can give to the next generation.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that any quorum call time we have on the Holmes nomination be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOMENT OF SILENCE TO HONOR OFFICER CHESTNUT AND DETECTIVE GIBSON

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in recognition of the anniversary of the fatal shootings of Officer Chestnut and Detective Gibson.

(Moment of silence.)

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, it was 8 years ago today that these two brave men gave their lives in defense of the United States Capitol. A plaque in this building commemorates their bravery. Their names have been etched indelibly

upon the National Law Enforcement Officers Memorial a mile from here, and the headquarters of the United States Capitol Police now bears their names, all of which are fitting and proper memorials but none of which can do these men the full justice they deserve.

We must also remember them in our words, in our actions, and in, as we just did, a moment of prayer. All Members of Congress today, all congressional staff, and, indeed, all Americans owe a great debt of gratitude to Officer Jacob Joseph Chestnut and Detective John Michael Gibson.

These two brave men stood up for us all. They defended our democracy itself, and although none of us will be called upon to display the same sort of moral heroism, we can all learn from their example and all reflect upon their bravery.

Today we mourn for them, we pray for them, we thank them and their families, and we remember them.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there may be other Members of the Senate who have served as police officers during their careers, sitting Members of the Senate. But I served as a Capitol police officer when I was going to school back here. I worked the swing shift. I have a great affection and feel very affiliated with the Capitol police.

Officer Gibson was killed along with Officer Chestnut on the House side. Not long before this terrible act occurred, the Democratic Senate had a retreat in Virginia. My wife got sick during the night. We had to call the Capitol police who were standing by. I can remember Officer Gibson running. He had to run from where the headquarters was, in a different part of the hotel, to our room—it was spread out a long way—carrying all this emergency equipment. When he came, he was perspiring so hard. He was so gentle and nice with my wife. Every time I hear this recounted, how he and Officer Chestnut were killed, I remember this man so clearly. I can see his face very plainly.

I have expressed to his family my personal appreciation, as I tried to do for Officer Chestnut, whom I did not know except in passing—but I felt some affinity toward Officer Gibson. These two men were at one of the entrances to this Capitol. The crazed man came in and killed both of them. While we have this terrible event in the history of the Capitol 8 years ago today—1998—if there could be a positive side, and that is hard to find, the one place you would have to go is the Visitors Center. That is because as a result of this tragic event the decision was finally made, after years and years of treading water, to go ahead and take care of a new visitors center for this Capitol complex. That will be completed in less than 1 year.

It is going to be a wonderful addition to the Capitol for people who are visiting the Capitol. Millions of people

come to visit the Capitol every year. Right now they come through these doors, just like the ones Officers Chestnut and Gibson were guarding. There have been improvements made, but it is hard to do that because of the doorways as you come into the Capitol itself. With the new Visitors Center, there will be an entry over by the Supreme Court. People coming in will be able to be screened for weapons and other dangerous materials.

There will be two beautiful auditoriums where they can watch a 12-minute film to acquaint them with what is in the Capitol. There will be restrooms which are still lacking with the present situation. There will be places for them to eat, get snacks, and buy food. It will be a wonderful experience for them to come to the Capitol. It is a good experience now, but the new situation will make the experience much better.

After 8 years, we still remember these two fine men. We do so not only because of their personal sacrifice, but the fact that every day in this Capitol—as I look around, there are plainclothes officers. A lot of people do not know who they are, but they are here. And they would give their lives protecting the Presiding Officer, the distinguished majority leader, and the assistant leader, those in the back rooms, or any other Senator. That is their job. They know it. While we sometimes take them for granted—and I hope we don't—these are some of the finest trained police officers in the world.

When we stand for Chestnut and Gibson in a moment of silence, our thoughts are also with these valiant men and women who protect this beautiful facility and the people who are in it—Senators, staff, and visitors.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I yield 15 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator has 5 minutes remaining under his control.

I recognize the Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am baffled that there would be any opposition to Jerome Holmes to be appointed a U.S. circuit court judge to the Tenth Circuit. I congratulate my colleague

from Oklahoma for his leadership in promoting such a fabulous nominee. I believe that he would be just the kind of person we need on the bench. It's really, really baffling to hear any objection to him.

I want to talk about his background and record, and we'll begin to have a better understanding of the demand for ideological purity on the part of Democratic and liberal Members of the Senate when it comes to judges. It is unbelievable that there would be objection a man who articulates a view consistent with the Supreme Court majority in the Adarand case, an African American himself, who believes in Martin Luther King, Jr.'s dream that people would be judged by the content of their character and not the color of their skin.

He is a fabulous nominee. I would just like to mention a few things about him. He was voted out of committee a few weeks ago, July 13, on a voice vote. If confirmed, he will be the first African American to serve on the Tenth Circuit. He has stellar academic credentials and legal credentials. He graduated from Wake Forest University—one of America's great universities—cum laude with honors in 1983. Then he attended Georgetown University Law Center, one of the Nation's great law schools. At Georgetown, he was editor-in-chief of the Georgetown Immigration Law Journal. That's a great honor, to be part of a law journal at any law school, much less a great law school such as Georgetown. It's very competitive and difficult to get in Georgetown.

Recently, in 2000, he earned a master's of public administration from Harvard University's Kennedy School of Government. Between college and law school, he worked briefly as a social services assistant with the D.C. Department of Corrections, dealing with criminals and the problems they have.

Following law school, he clerked for the Honorable Wayne Alley on the U.S. District Court for the Western District of Oklahoma and the Honorable William J. Holloway on the U.S. Court of Appeals for the Tenth Circuit. In other words, he clerked for a trial court judge in the Tenth Circuit. By the way, it is a competitive process to be selected to be a clerk for a trial court judge. It takes a good law student to be selected for that. Everyone who applies is not selected. It is a very great honor. People compete for those few positions.

He worked at the trial bench, where he participated at the right hand of a U.S. Federal judge trying cases and participating in the trial of cases. Following that, he went to the Tenth Circuit, the very court he is now nominated to. If it is difficult to be a law clerk for a Federal district trial judge, it is far more difficult to be selected as a law clerk for a court of appeals judge. They have a stack of applications. They look at all competitors from around the country, and they select

the best. He was an honors graduate from Wake Forest and a top graduate at Georgetown and editor of the Law Review, and he clerked for a Federal judge. He clerked and help Judge Holloway write opinions on the Tenth Circuit—the very thing he will be doing if he is confirmed to this position, which I trust he will be.

Following these clerkships, he spent 3 years in private practice as an associate with the well-regarded law firm of Steptoe & Johnson, one of the best law firms in America. They do not hire just anybody.

In 1994, Mr. Holmes began a distinguished career as a Federal prosecutor, serving as an assistant U.S. attorney in the Western District of Oklahoma, the circuit area where he will be a circuit judge when confirmed.

I have served as an assistant U.S. attorney and as a U.S. attorney supervising assistant U.S. attorneys for almost 15 years. That is a great, great position because the assistant U.S. attorneys prosecute cases full time in Federal court before Federal judges. They learn everything there is to know about criminal law, which will be an important part of his duties as a Federal circuit judge. It is very good experience. Assistant U.S. attorneys get experience practicing before Federal judges, being involved in writing appeals to Federal judges, and understanding how the Federal system works. He did that for quite a number of years.

During that time, he prosecuted public corruption cases. Now that's a challenge. I have been there and done that. That is not easy. Politicians do not take lightly to being indicted. They do not appreciate it, and it is tough litigation. He prosecuted Federal criminal civil rights violations. Somehow, I guess they are saying this African American who has achieved so much is insensitive to civil rights because he does not agree with everything the left thinks about affirmative action or quotas. He was the U.S. attorney's office's antiterrorism coordinator, and he worked on the prosecution team that built the case against the perpetrators of the Oklahoma City bombing. That is a good background that shows a breadth of experience.

Since 2005, he has been the director of the prominent Oklahoma law firm of Crowe & Dunlevy, where he focused on white-collar criminal defense and complex litigation—another good background for the Federal bench.

Not only has he been a prosecutor, but he has defended criminal cases, giving him a perspective on both sides. I am a big fan of prosecutors, but I understand my colleagues on the other side of that debate, who defend cases, as I have on occasion, appreciate the fact that prosecutors have some defense work. He has had both.

Also, he chaired the firm's diversity committee, the committee committed to making sure that his law firm, Crowe & Dunlevy, did the things necessary to be a diverse law firm. He has

given back to the people of Oklahoma through taking leadership roles in a wide variety of important organizations. These include service as the director of the Oklahoma Medical Research Foundation. That is an important committee outside the normal realm of what a lot of people do with their lives, volunteering and giving time to a group like that. He also has served as trustee of the Oklahoma City National Memorial Foundation, director of the Oklahoma Academy for State Goals, chairman of the City Rescue Mission, helping people in trouble, down and out, people who need a hand to lift them up. I guess on occasion they minister to those people who are hurting, they minister to their souls. I think it is something to be proud of. He also served as vice president of the Oklahoma Bar Association.

He enjoys strong bipartisan support in Oklahoma. Gov. Brad Henry, a Democrat in Oklahoma, recently wrote that the nominee "is a highly qualified candidate, a superb lawyer, with a reputation for fairness, ethics, and integrity."

He summed up his letter by writing:

In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.

That is the Democratic Governor of Oklahoma.

Daniel Webber, a Democrat whom President Clinton made the U.S. attorney in Oklahoma, wrote:

I have known Jerome Holmes for over ten years. . . . I believe his intellect, experience, and character make him an excellent choice for a position on the appellate court.

The American Bar Association has unanimously found him qualified for the position.

Why would we have an objection to someone who spent this many years of his life practicing in Federal court as an assistant U.S. attorney, who spent 3 years as a law clerk to Federal judges, practicing in one of the country's biggest law firms, and being not a partner—they use a different phrase there, something like a partner—with the Dunlevy law firm in Oklahoma, a firm with a great reputation in the State? What is it that causes the Senate to have a debate on this fine nominee?

Again, I congratulate Senator COBURN for offering this kind of nominee. He has been willing to express his personal views on matters that some on the left do not like. I guess that is it. Let's just be frank about it. I suggest that what he said is consistent with the opinions of the U.S. Supreme Court. But even if he had a slightly different view than the Supreme Court, what is wrong with having him express that view? Why would anyone object to that?

This is what he said about the University of Michigan affirmative action case that many felt—and at least four Supreme Court Justices felt—was essentially a quota system. What is affirmative action? Everyone has a different view. What I think we in Amer-

ica tend to agree is that affirmative action, affirmative outreach, affirmative efforts to bring minorities into institutions and give them a chance to succeed is all right, but setting up quotas by which people, by the color of their skin, are given preference over someone else, therefore enhancing their ability and their rights over the rights of someone else simply because of the color of their skin, violates the equal protection and due process clauses of the U.S. Constitution. So that is all that tension in there.

I guess we come down to it in what I say, this is not a perfect analysis, but we say affirmative outreach is good; quotas are bad. I guess when you have a case such as University of Michigan, you ask, was this a quota or was it affirmative outreach? They had a big case on it. He had expressed some concern about that case. Remember, it was 5 to 4. It was not as if the Supreme Court had taken a case that they all felt one way about. So he wrote an op-ed, an article in the Daily Oklahoman. The title is "A Step Closer to King's Dream." He started off this way:

Perhaps the dream of Dr. Martin Luther King, Jr. will be realized: Children seeking educational opportunities no longer will be judged by the color of their skin.

Is that something that is radical? I don't think so. We have Members of this Senate who believe that anybody who deviates the slightest millimeter, or centimeter beyond the ideological views of the left is somehow unqualified to be a Federal judge. From what I have seen, they tend to be more critical if that person happens to be an African American that criticizes leftist orthodoxy.

So he wrote an article. It was, I thought, a very thoughtful article. There was nothing extreme about this. He said:

There are other ways to get minority students on college campuses besides handing out benefits based solely on skin color—an accident of birth.

I think that is a thoughtful statement—a matter of real importance. He then goes on to talk about what you can do to help minority students succeed and have a better chance to enter universities, noting:

. . . a poverty-reduction approach that primarily focuses on implementing race-neutral macroeconomic and labor-market policies, even though its central goal is bettering the life chances of the truly disadvantaged black and brown urban poor.

He goes on to say:

Diversity proponents need to come up with race-neutral policies that have the desired effect of boosting the number of minority students. Politicians and educators in Florida, Texas and California have attempted to do just that by mandating that the top percentage of students (for example, the top 10 percent) at every public school in the state be guaranteed a place in a state university.

So what he is saying is that is a race-neutral way to have a more diverse student body. But what is dangerous and violates the Constitution is to say that every law school or every univer-

sity must accept so many people, each based on race, regardless of their qualifications for the position.

He goes on to say that this high school proposal that Florida, Texas, and California have done is "race neutral, yet their acknowledged goal is to increase the number of minority students on college campuses. Top students from predominantly minority schools will invariably be represented there."

So, Mr. President, I would just say that I don't see anything extreme about those views. I don't believe my colleague from Oklahoma does. I see the Presiding Officer, a former justice on the Texas Supreme Court. I don't think he would believe those are extreme views. In fact, they are consistent with the U.S. Supreme Court opinion in Adarand. I think they are consistent with the Supreme Court opinion in the University of Michigan cases, very consistent with those cases, and respectful and understanding, as an African American himself, that we have to be careful that we are not moving to a situation in which people receive benefits as a result of the color of their skin only, unless there is a showing of a prior history of discrimination, which can be shown in a number of cases. Unless you have that, you should not create a legal system in America that advances someone simply because of the color of their skin and, therefore, puts at a disadvantage someone because of the color of their skin.

So he has made some thoughtful comments about it. I believe they are wise. I think he is correct. I am amazed that someone in this Senate would object to his confirmation based on these comments. But we apparently have that. I am sure we will have a good vote for Mr. Holmes tomorrow. I hope we will, and he will be confirmed. But it is rather odd to me that we have this objection, and he doesn't go straight through without any of this kind of debate.

I thank the Chair and the Senators from Oklahoma, Mr. COBURN and Mr. INHOFE, for their commitment to this sterling nominee, a minority, with an outstanding record—went to Georgetown, clerked for the Tenth Circuit, clerked for a Federal district judge, an assistant U.S. attorney, worked for one of America's great law firms. He has every right to be rated qualified by the American Bar Association, as he was unanimously. He should be confirmed for this position.

I yield the floor.

Mr. CORNYN. Mr. President, I am proud to join Senators INHOFE and COBURN—my friends and neighbors from the State of Oklahoma—in support of this fine nominee to the Federal bench.

Jerome Holmes is a leader in Oklahoma's legal community—and a leader in the broader community in which he lives. Mr. Holmes has demonstrated the qualifications, character, and temperament that will make him an outstanding judge.

As a testament to his ability and promise, the Judiciary Committee unanimously voted to move Mr. Holmes's nomination to this floor for confirmation. Jerome Holmes enjoys bipartisan support not only here in Washington, but, perhaps more telling, he enjoys bipartisan support back home in Oklahoma—where people know best this accomplished man and his good work.

In fact, Oklahoma's Democrat Governor, Brad Henry, said of Mr. Holmes: "Jerome is a highly qualified candidate, a superb lawyer with a reputation for fairness, ethics, and integrity . . . In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes." Again, Mr. President, that high praise comes from Oklahoma's Democrat Governor. Other prominent Democrats in Oklahoma praise Jerome Holmes as "a person of unwavering integrity," a "principled leader," and someone with a "willingness to listen and respect differing views." In short, the people who know this man best—Oklahomans of competing political stripes and policy views—think Jerome Holmes will make a great judge.

Those who know Jerome Holmes best know that he served with distinction as a Federal prosecutor for over a decade. They know that as an Assistant U.S. Attorney he vigorously—but fairly—prosecuted public corruption and civil rights violations—and that he served as his office's antiterrorism coordinator. In fact, Jerome Holmes worked on the prosecution team that built a case against the perpetrators of the Oklahoma City bombing.

I recall vividly that dark day in 1995, the day the Alfred P. Murrah Federal Building was bombed, the day that the people of Oklahoma City were terrorized. The Tenth Circuit's Chief Judge Deanell Reece Tacha pointed out that "[i]n some ways," her circuit and the people of Oklahoma "knew ahead of the rest of the nation of the horrors of terrorism."

Those who know Jerome Holmes best know that, he—like so many others in his office—took on this difficult assignment with fairness and care and dedication to see justice done.

President Bush nominated this fine man to the appellate bench for his strong qualifications but also for his demonstrated understanding of the proper, limited role of the Federal judiciary under the U.S. Constitution.

Jerome Holmes himself said it best:

I recognize very clearly the distinction between the role of a writer on social policy issues in their personal capacity and the role of a judge in adjudicating the rights and liberties of individual litigants.

And Mr. Holmes pointed out that as a judge "it is inappropriate for me to import my personal views on policy issues into the decision making process."

I would submit that this statement by Mr. Holmes is exactly correct. Judges should not be seen as politicians in robes. Unfortunately, too

many people still view the Federal courts as a vehicle for enacting policy choices that are too extreme to prevail at the ballot box. And, as a corollary, these same people view activist judges as a means to their policy ends.

I am confident that Jerome Holmes understands the proper, limited role that this Nation's Founders assigned to the Federal judiciary. I say that because I am confident that this President understands the judicial role and continues to nominate like-minded men and women to the bench.

The court to which Mr. Holmes is nominated—the Tenth Circuit Court of Appeals—covers a large part of the middle and western United States. The territorial jurisdiction of the Tenth Circuit includes six States: Oklahoma, Kansas, New Mexico, Colorado, Wyoming, and Utah. And the circuit also has jurisdiction over those parts of Yellowstone National Park extending into Montana and Idaho.

Last week, the Senate confirmed another outstanding nominee to the Tenth Circuit, Neil Gorsuch. And when the Senate votes to confirm Jerome Holmes, as I am confident it will, he will join Judge Gorsuch and four other fine Bush nominees on the Tenth Circuit.

So, in closing, I commend President Bush for submitting another fine nominee to the Senate for confirmation, and congratulate my friends from Oklahoma, their constituents, and the entire Tenth Circuit. I believe Jerome Holmes will make a fine appellate judge and will serve this Nation with honor and distinction.

I yield the floor.

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL SIGNING STATEMENTS

Mr. SPECTER. Mr. President, the American Bar Association issued a re-

lease today summarizing a report by a blue ribbon task force which concluded that President Bush's signing statements are in violation of and undermine the important doctrine of separation of powers. As it has been widely recorded, President Bush has undertaken a practice of issuing a signing statement at the time he signs congressional action into law. The task force said its recommendations "are intended to underscore the importance of the doctrine of separation of powers and, therefore, represent a call to the President and to all his successors to fully respect the rule of law and our constitutional system of separation of powers and checks and balances."

Noting that the Constitution is silent about Presidential signing statements, the task force found that while several Presidents have used them, the frequency of signing statements that challenge laws has escalated substantially, and their purpose has changed dramatically, during the administration of President Bush. According to a press release issued today by the ABA, the task force report notes:

From the inception of the Republic until 2000, Presidents produced fewer than 600 signing statements taking issue with the bills they signed. According to the most recent update, in his one-and-a-half terms so far, President George Walker Bush . . . has produced more than 800.

The report found that President Bush's signing statements are "ritualistic, mechanical, and generally carry no citation of authority or detailed explanation." Even when "[a] frustrated Congress finally enacted a law requiring the Attorney General to submit to Congress a report of any instance in which that official or any officer of the Department of Justice established or pursued a policy of refraining from enforcing any provision of any federal statute, . . . this, too, was subjected to a ritual signing statement, insisting on the President's authority to withhold information whenever he deemed necessary."

This request raises serious concerns on the proceedings for separation of powers. The ABA states that its report goes on to say:

If left unchecked, the president's practice does grave harm to the separation of powers doctrine and the system of checks and balances that have sustained our democracy for more than two centuries.

The Senate Judiciary Committee held a hearing on this subject and found that this practice does threaten the separation of powers doctrine. The hearing showed that the Constitution is clear, that when both Houses of Congress pass legislation and submit that legislation to the President, the Constitution calls either for the President to sign the legislation, to engage in what could be called a pocket veto, or to veto the legislation and send it back to Congress. If there is a constitutional issue and the President concludes that portions of the statute are unconstitutional, he has an oath to uphold the