February 10, 2005

Extract from Peter M. Shane and Harold H. Bruff's Separation of Powers Law citing Tillman's A Textualist Defense

Seth Barrett Tillman

Available at: https://works.bepress.com/seth_barrett_tillman/51/
veto device here—and in many other settings—is far from an instance of legislative tyranny over the Executive. It is a necessary check on the unavoidably expanding power of the agencies, both executive and independent, as they engage in exercising authority delegated by Congress. . . .

Justice REHNQUIST, with whom Justice WHITE joins, dissenting.

...Because I believe that Congress did not intend the one House veto provision of §244(c)(2) to be severable, I dissent. . . . Congress has never indicated that it would be willing to permit suspensions of deportation unless it could retain some sort of veto. . . .