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## United States Senate

COMMITTEE ON APPROPRIATIONS  
WASHINGTON, DC 20510-6025  
<http://appropriations.senate.gov>

TERRENCE E. SAUVAIN, STAFF DIRECTOR  
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June 25, 2007

The Honorable Dick Cheney  
Vice President of the United States  
The White House  
1600 Pennsylvania Ave., N.W.  
Washington, D.C. 20500

Dear Mr. Vice President:

As Chairman of the Subcommittee on Financial Services and General Government Appropriations, with jurisdiction over the Executive Office of the President (including the Office of the Vice President) and the National Archives (including Information Security Oversight Office), I have been following the story first reported last week in the Washington Post regarding your attempts to exempt the Office of the Vice President from a presidential executive order that establishes a uniform, government-wide system for safeguarding classified national security information (Executive Order 12958.)

I write to express my concern and to call on you to take corrective action regarding this matter prior to our Subcommittee markup, which could be as soon as the week of July 9, 2007.

Serious questions have been raised about both the legality and the appropriateness of exempting your office from the rules that apply to all other Executive Branch officials. According to press reports, the rationale advanced as to why your office has not complied with Executive Order 12958 is that yours is "a unique office that is neither a part of the executive branch nor a part of the legislative branch, but is attached by the Constitution to the latter."

That assertion is a Constitutional caricature, grossly distorting the intent of the framers. Just because the Speaker of the House and the President Pro Tempore of the Senate are in the line of presidential succession does not make them part of the executive branch. Nor is the Chief Justice of the Supreme Court an officer of the legislative branch simply because the Constitution specifies that he preside over the Senate during an impeachment trial.

More importantly, the decision to exempt your office from this system for protecting classified information is deeply troubling because it could place national security secrets at risk.

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For these reasons, I urge you, Mr. Vice President, to immediately comply with Executive Order 12958. It is my hope that you will take this action so that we will not be compelled to take corrective action in our appropriations bill.

Sincerely,

A handwritten signature in black ink that reads "Dick Durbin". The signature is written in a cursive, slightly slanted style.

Richard J. Durbin  
Chairman  
Subcommittee on Financial Services  
and General Government