

# The Executive Memorandum

The Heritage Foundation

214 Massachusetts Avenue N.E. Washington, D.C. 20002 (202)546-4400

**RUSH!**

9/5/85 Number 91

## THE ODDS ARE, REAGAN CAN MAKE HIS VETOES STICK

With the budget process gridlocked, and no serious cuts in domestic spending forthcoming, the Administration has promised over the past weeks to fight the deficit with its most formidable weapon: the Reagan veto pen. In turn, Democratic Congressmen are hinting at thwarting this strategy by waging battles to override these vetoes. "We have the votes to override," warned one Senator recently. But such speculation is premature and conflicts with historical evidence on voting patterns. This is no time for the Administration to develop cold feet for the heavy odds are that Reagan can make his vetoes stick.

Veto overrides, which require a two-thirds vote in each House, are difficult and rare. Over the period of the modern presidency (1945-1984) fewer than one in twelve vetoes were overridden. Even during Gerald Ford's tenure, when presidential prestige had reached its lowest ebb, Congress overrode less than 20 percent of his vetoes.

Analysis of voting patterns on override attempts over the past 30 years reveals that even when a bill is passed by a greater than two-thirds margin in both Houses, the President usually has his veto sustained. From Reagan through Eisenhower, there have been 38 unsuccessful attempts at overrides; in 30 of these cases, the override vote failed even in the House that had voted by more than two-thirds to pass the bill on the original vote.

In some cases the vote turnaround has been dramatic.

Example: In 1976, Ford vetoed a military construction bill that had passed the House by 299-14 and the Senate by 80-3; the veto was sustained easily in the Senate on a 51-42 vote.

Example: In 1973, Nixon vetoed for the second time the \$2.6 billion Rehabilitation Act of 1973, even though the bill had passed the House by a huge margin and the Senate by 86-2. Nixon convinced conservative Senators that the program's cost was still excessive, and thus had his veto sustained by four votes.

The main reason why the vote on a bill's passage is a poor predictor of success on override is that such votes rouse strong feelings of party loyalty. Members of the President's party often switch their vote on an override attempt to "rally around the President."

All the trump cards are in Reagan's hand to make his vetoes stick. A study by political scientists David Rohde and Dennis Simon on congressional responses to presidential vetoes found that two factors which inhibit Congress' ability to override a veto are the President's "public standing" and "control of Congress by the president's party." Reagan clearly has strong public support. Further, he works with a Republican-controlled Senate, an advantage not enjoyed by Eisenhower, who yet was able to build coalitions to withstand the great majority of congressional override attempts.

If Reagan can keep Republican defections in the Senate below 30 percent on override attempts, he will have the votes to sustain all of his vetoes even should he not win a single Democratic vote. Given the Senate's 50-49 vote in favor of an impressive package of budget cuts last spring, it seems that a coalition among conservative Senators to sustain vetoes of spending bills could be forged.

For a supportive congressional coalition to be built, the President must state his intention to veto a bill early in the legislative process. Reagan has tended toward a wait-and-see strategy, causing confusion among GOP Congressmen and contributing to his high rate of overrides to attempts. To prevent overrides, Reagan needs to give considerable advance warning of his intention to veto before the vote of passage on the bill to avoid putting potential presidential supporters in an untenable position on a subsequent override attempt.

For a veto strategy to be successful, of course, Reagan will need to pick his targets carefully. To determine his likelihood of success the Administration needs to look beyond the vote on the bill's passage. The key criterion should be whether the President is willing to speak out, to mobilize public opinion and to mount a campaign on Capitol Hill to forge a coalition to sustain the veto. Wielding the veto is one of the most dramatic forms of Presidential leadership. Congress will respect it and the public will appreciate it.

Stephen Moore  
Policy Analyst

---

For further information:

James Gattuso and Stephen Moore, "Reagan's Trump Card: The Veto," Heritage Foundation Backgrounder No. 443, July 8, 1985.

David W. Rohde and Dennis M. Simon, "Presidential Vetoes and Congressional Response: A Study of Institutional Conflict," paper delivered at the 1983 Meeting of the American Political Science Association, September 1983.