

A WINNING BUDGET BATTLE PLAN FOR GEORGE BUSH: THE VETO

(Updating *Backgrounder* No. 443, "Reagan's Trump Card: The Veto," July 8, 1985.)

After nine months of bipartisanship and cooperation, George Bush and the Democratic Congress soon may clash in a succession of knockdown-dragout legislative confrontations. In recent weeks liberal lawmakers have vowed to torpedo each of the key pillars of the Bush electoral mandate by sending to the Oval Office a series of bills that would: prevent a capital gains tax cut, raise taxes, violate the terms of the Gramm-Rudman-Hollings budget law, provide federal funds for abortion, rearrange the national defense priorities of the Commander in Chief, and impose an anti-family child care law. With the spirit of goodwill between Capitol Hill and the White House clearly eroding, the President must adopt a new October strategy. He must begin to employ the most valuable tool that the Constitution empowers him with: the veto.

The authority to veto is the President's trump card over Congress. It allows him unilaterally to block the passage of laws that conflict with his legislative priorities or that he believes are injurious to the nation. For Congress, overriding a presidential veto has proved to be a rare and difficult task: in the era of the modern presidency, legislators have succeeded in rallying the two-thirds vote in each chamber needed to overturn a veto less than 8 percent of the time. If the President uses his veto pen prudently, moreover, then just by threatening to veto the White House can force Congress to change legislation to meet the President's objections. Bush recently used merely the veto threat to shoot down a proposal by congressional liberals to raise top marginal income tax rates.

Formidable Weapon. Some of Bush's advisers mistakenly believe that to veto is to admit presidential ineffectiveness and that vetoing thus should be used sparingly. The historical record disputes this. The veto generally has been wielded by the nation's strongest and most legislatively successful chief executives, not its weakest. In this century, Theodore Roosevelt, Franklin Roosevelt, Harry Truman, and Dwight Eisenhower routinely vetoed legislation they opposed. In fact, one of the nation's most legislatively active Presidents, Woodrow Wilson, went so far as to say: "The President is no greater than his prerogative of veto makes him."

So far the Bush Administration has used the veto infrequently, but skillfully. Bush has issued about a dozen forceful veto threats, drawing a clear line in the sand, and using his veto pen on each of the three occasions Congress has crossed that line. A dramatic victory for Bush was the minimum wage bill that Congress passed with a \$4.55 an hour minimum after Bush had stated he would reject any bill with a minimum over \$4.25. Bush proved true to his word, vetoed the bill, and prevailed by 37 votes on the House override attempt.

Learning from Reagan Failures. Bush's veto strategy contrasts with that of his predecessor, Ronald Reagan. The Reagan Administration never developed a credible veto policy. As a consequence, Reagan had more than one in five of his vetoes overridden, a very high percentage. Worse, many of Reagan's veto threats were ignored near the end of his presidency because he so routinely signed bills that he previously had pledged to reject. The Bush White House apparently has learned from the failed Reagan veto policy.

To build on the success of his early veto strategy and to ensure his legislative success this fall, Bush should announce his resolve to veto unacceptable legislation in four crucial policy areas:

- ◆ ◆ Any reconciliation package that omits a capital gains tax cut;
- ◆ ◆ Any alternative to automatic Gramm-Rudman-Hollings spending cuts that contains a tax increase or further defense spending reductions;
- ◆ ◆ Any of the thirteen spending bills that still must cross his desk that violate the targets in the budget summit agreement or that contain unacceptable amendments, such as federal abortion funding; and
- ◆ ◆ Any child care legislation that discriminates against low-income traditional families or discourages use of home or religious day care.

Winning a High-Stakes Showdown. House minority whip Newt Gingrich of Georgia predicts that the next two months will be "one of the most important periods of the Bush presidency." With the President riding on a crest of 70 percent public approval ratings, and promoting a clearly enunciated election mandate of budget restraint, no new taxes, and capital gains tax reduction, the White House likely would win any high-stakes veto showdown with a rudderless and scandal-plagued Congress. History demonstrates that the veto in the hands of a popular President is a formidable and highly effective weapon. Its judicious use only expands the chief executive's political capital and public standing.

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