

**George Bush and The Efficacy of Veto Threats in the 102nd Congress:  
An Archival Analysis\***

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Paper prepared for delivery at the Midwest Political Science Association, April 2001,  
Chicago, IL.

\* Author gratefully acknowledges funding provided by the College of Liberal Arts and Sciences,  
University of Florida, for this research.

## **Abstract**

This research assesses the influence of President Bush's veto threat strategy from 1991-92 using primary data. Archival research at the Bush Presidential Library in College Station, Texas uncovered eighty-two veto threats issued by the president and his senior advisors to Democratic committee chairs and leaders in the 102nd Congress. These detailed threats were made out of public view at the beginning stages of the legislative process. Analysis of these rarely available data challenges several formal models' assumptions about the need for public commitments and congressional uncertainty for veto threats to have the force of influence. A "reputational-structural" framework based on the president's policy reputation and voting alignments in Congress is developed to evaluate the success of the Bush's signaling strategy. Empirical analysis emphasizes the centrality of Bush's veto threats on the failure of legislation in committee as well as for inter-branch compromise and bipartisan passage of bills that became public laws.

## Introduction

The veto power gives the president a powerful instrument both to halt legislation and to mold policy outcomes through implied use (Wayne 1978). Presidents' ability to obtain congressional acquiescence through veto threats is a central test of legislative influence. Yet, a clear understanding of the conditions under which such threats succeed or fail remains elusive. In the study of presidential-congressional relations veto threats have drawn relatively little empirical scrutiny, in large part due to difficulties involved in data collection. The few scholarly analyses that have examined veto threats have relied on newspapers' reporting (Spitzer 1988), legislative histories of nationally significant bills according to *Congressional Quarterly* accounts of "major legislation" (Sinclair 2000), or a random sampling of nationally significant bills according to several journalistic sources (Cameron 2000).

The paramount difficulty with these studies, Bond, Fleisher and Krutz (1996, 134) remind us, is that they may not be generalizable. Data culled from journalistic sources reflect only those veto threats—or select parts of threats—that are made public at some point in the legislative dance between the branches. These data may not constitute a representative sample of the actual threats presidents issued, and the information gleaned by journalistic sources from the Administration or members of Congress may be selective and fail to convey the full contours of the threats. Since presidents and their top advisors may "stay quiet" and issue veto threats out of public view as legislation winds through the legislative process, evaluating executive success with these data sources is problematic.

Political scientists' insight on the efficacy of veto threats has been heavily influenced by game-theoretic approaches that unfortunately exclude conditions under which presidents may have incentives *not* to publicize threats. A central assumption in such formal models is that an effective veto threat strategy pivots on presidents' public commitments or congressional uncertainty about what legislation the president will accept or veto. These assumptions are irreconcilable with an "insider" approach by

the president and risk painting an inaccurate portrait of actual executive-legislative dynamics on veto threats.

This research assesses the influence of President Bush's "private" veto threats from 1991-92 using primary data. Archival research at the Bush Presidential Library in College Station, Texas uncovered eighty-two detailed veto threats issued by the president and his senior advisors to Democratic committee chairs and leaders. These threats were made out of public view at the beginning stages of the legislative process. Analysis of these rarely available data highlights the difficulties in squaring several formal models' assumptions about the basis for effectual veto threats with Bush's signaling strategy. Most of these threats issued by Bush and his advisors, as well as their objections to specific provisions in threatened bills, were *not* reported in journalistic accounts of legislative histories because the president made no initial public pronouncement on these bills.<sup>1</sup> The Administration's approach to implied use of the veto is notable for the specificity with which the president and his senior advisors outlined for Democratic leaders the exact provisions of legislation that had to be excised or altered for the majority to gain passage of bills.

This article develops a strategic "reputational-structural" model to evaluate the success and impact of Bush's veto threat strategy on pending legislation in the 102nd Congress. The framework emphasizes how "quiet" cues the Bush Administration sent to Democratic party leaders, in combination with the president's policy reputation and structural dynamics in Congress, transformed veto threats into a relatively effective instrument for influencing legislative outcomes while enabling Bush to avoid the hazards of "going public." Empirical analysis emphasizes the centrality of Bush's veto threats on the failure of legislation in committee as well as for inter-branch compromise and bipartisan passage of bills that became public laws.

The analysis progresses in four stages. The first section highlights several problems of basic assumptions in rational choice models of veto threats when they are applied to a "hidden-hand"

approach by the president and elaborates an alternative theoretical framework based on strategic signaling to assess the efficacy of Bush's private veto threats. The second section details the contours of the archival data. The core of the empirical analysis follows with a thorough appraisal of Bush's ability to eliminate exceptionable provisions from legislation that ultimately passed or halt legislation from reaching a floor vote. The concluding section suggests how the model developed in this research may be applied to future inquiries on presidential veto threats.

### **Veto Threats, Executive Strategy, and the Bush Presidency**

Rational choice approaches have dominated the relatively meager scholarship on veto threats. Yet assumptions of public vows and congressional uncertainty in the "commitment" and "coordination" models, respectively, are empirically inconsistent with evidence of George Bush's typical approach to veto threats in the 102nd Congress. The objective of this section is to survey briefly the problems of these models' assumptions, theorize about the conditions under which an insider approach may be appropriate for presidents, and set up evaluative criteria to assess the efficacy of private veto threats.

#### ***The Commitment Model of Veto Threats***

The commitment model suggests that the effectiveness of veto threats turns on the president's *public* strategy. Ingberman and Yao (1991) contend that because presidents cannot credibly threaten to veto any bill that they prefer to the status quo, they must search for an alternative means to gain potential advantage over Congress. "Going public" (Kernell 1997) with a commitment to veto legislation gives presidents some level of proposal power by indicating to Congress which provisions a bill must or must not contain to earn his approval. From this perspective, convincing Congress to take the veto threat seriously requires an irrevocable public commitment. "The effect of political rhetoric," Charles Cameron (2000, 196) posits, "is to constrain the speaker so he can't retreat from his position without paying a steep price." Such presidential tactics are surely common. Bill Clinton's public threat to veto health care legislation that did not guarantee universal coverage at the outset of his first term,

and Gerald Ford's promise to veto any legislation that increased the federal deficit, are two examples. Each president staked his reputation on the pledge to veto legislation that did not conform to his preferences, and his credibility vis-à-vis Congress was arguably enhanced. Reneging on that promise might entail electoral retaliation, denigrate his reputation in Congress, or cost him in the court of public opinion. George Bush's 1990 about-face on his "read my lips, no new taxes" promise of the 1988 campaign, and conservatives' ire in Congress and in the electorate, crystallizes the dangers of backtracking on a public veto commitment (see Eastland 1992).

The commitment model is nevertheless problematic on both theoretical and empirical grounds. The framework parts ways rather dramatically with several studies based on archival research that emphasize the merits of an insider presidential strategy. Presidents often have substantial grounds for avoiding public commitments and pursuing low-key negotiation. Presidents Kennedy and Johnson sought to build congressional support behind the scenes because they thought their chances for success were greater *by eschewing* public posturing (Covington 1987). Eisenhower engaged in a "hidden-hand" approach to policymaking in a successful effort to reconcile contradictory public expectations of the president's role (Greenstein 1982). He traded open displays of political skill in favor of "covert prime ministerial practices [that] included avoiding public fights and farming out controversial actions to his aids" (Greenstein 2000, 48). Gerald Ford also obviated a public campaign against Democrats' attempts to override his numerous vetoes from 1975-76. In light of Ford's weak institutional position and severe cross-pressures on his GOP co-partisans in Congress, he worked closely with the Republican party leadership organization, outside of public view, to rally support for his veto positions when challenged by the Democratic majority (Conley, forthcoming).

Whether presidents are building support for their agenda or seeking to halt the congressional majority's policy agenda, nothing guarantees that members of Congress will comply with their grassroots appeals. Ironically, public veto threats may have the inverse effect of *reducing* the incentive

for legislators to acquiesce to the president's demands. As Kernell (1997) contends, going public violates the very spirit of bargaining and may not produce the desired effect for the president.

Presidents who appeal over the heads of Congress may exacerbate cross-pressures on legislators.

Legislators and leaders who acquiesce to the president's demands may appear manipulated. Heightened media scrutiny surrounding controversial issues and a perception of manipulation among members' reelection constituencies may prompt legislators to shirk compliance. As a result, leaders and legislators who might be inclined to work with the president, or who are ideologically more predisposed to do so, may fall under party and constituency pressures to back away from the president's demands and choose conflict over cooperation.

These concerns may temper the president's willingness to employ public veto threats. When presidents go public the majority congressional party may retaliate with a similar strategy by retaining objectionable provisions and daring the president to veto legislation as a means to build support for its preferred agenda. Going public may breed high-profile, high-stakes conflict between the president and Congress. Presidents must worry about the possibility of successful overrides, which could prove costly on policy grounds and damage their public image. Even if an override ultimately fails, the legislative majority may take the initiative as part of a strategy to draw public attention to inter-branch conflict and blame the president for gridlock (Gilmour 1995; Conley and Kreppel, forthcoming). Republicans' repeatedly unsuccessful attempts to override President Clinton's vetoes of appropriations bills in the government shutdown of 1995/96 are one such example. While in this case public sentiment ultimately shifted to the president's side, chief executives have solid reasons to want to escape the potential risks involved in the politics of brinkmanship that such public conflict may breed.

The commitment model suffers from several empirical difficulties. First, the model produces counterfactual results. The model forecasts that presidents will make good on their veto threat unless Congress yields completely to their demands (assuming all of the president's demands can be

ascertained). However, more than half of the threatened bills that passed according to Cameron's cataloging of public threats were *not* vetoed when Congress failed to comply (Cameron 2000, 197). Clearly, presidents do not veto all legislation when Congress concedes to some, but not all, of their stipulations. The model also predicts that Congress will successfully override the president's veto, but Congress actually fails to do so fourth-fifths of the time (Cameron 2000, 197).

Second, the shortcomings of the commitment model come into sharper focus when issues of measurement are considered. Comparing final legislative outcomes with presidents' public veto threats may obscure more than enlighten our grasp of presidential success. Not all veto threats are made in a public venue. Archival evidence suggests, contrary to the basic tenets of the commitment model, that a rhetorical strategy may *not* comprise the standard operating procedure for presidential veto threats and inter-branch accommodation.

George Bush's 1992 vow at the Republican National Convention to veto bills that exceeded his budget requests is a case in point. The final appropriations bills for FY 1993 were, in fact, very close to Bush's requests. But attributing success to Bush's public threat leads to wrong conclusions and belies the actual modus operandi of inter-branch negotiation. Democrats, if they were aware of Bush's statement, largely ignored it and wrote bills that far exceeded his budget guidelines. These bills also included a host of other provisions to which the Administration later objected that were not part of the president's general policy statement. Only after a series of *private veto threats* targeting specific budget and other policy concerns on more than a dozen bills did the congressional majority ultimately comply with many—but not all—of the president's provisos. It was obviously not practical for Bush and his advisors to build a public case on every provision to which they objected in a host of bills.

The implications for evaluations of presidential success are clear. Without more detailed information beyond journalistic sources, we would have missed many other important elements to which Bush objected in the bills but were not reported in the press. Comparing the final outcome of the

appropriations bills with Bush's general public statement, we might have incorrectly presumed that Congress *capitulated* to the president's demands on a panoply of bills. In point of fact the outcomes represented much behind-the-scenes negotiation and *compromise* struck between the White House and Capitol Hill.

### ***The Coordination Model and Veto Threats***

The coordination model is an alternative approach for understanding the efficacy of veto threats. This model, however, also makes assumptions that are incompatible with an insider strategy to legislative bargaining. The model was developed by Matthews (1989) with the central premise that Congress has incomplete information on which bills the president may prefer to the status quo. Uncertainty in Congress is a prerequisite for an effective veto threat strategy. Cameron (2000, 181-82) emphasizes the centrality of the premise this way: "if the president's veto threat is to have any effect on the legislature, Congress must be somewhat unsure about what policies the president will accept." The supposition is that Congress does not know whether the president is an accommodator, who will accept the majority's ideal point, or whether he is a compromiser with whom the majority must negotiate. If Congress knows that the president will ultimately accept the policies it passes, veto threats have no basis for influence. But if Congress is uncertain about what the president will accept, legislators will meet the president's demands as far as necessary to circumvent a veto. The key to the power of the president's veto threat is his "policy reputation" in Congress, which bolsters the sincerity of the veto threat. Matthews and Cameron argue that the president's "rhetoric" or messages, whatever form they take, give legislators an estimation of his position as an accomodator or a compromiser by changing his policy reputation in their eyes.

When the coordination model is applied to private veto threats, the fundamental problem is the assumption of congressional uncertainty about the president's policy preferences. *This general postulate is empirically inconsistent with archival evidence of Bush's signaling strategy in the 102nd*

*Congress*. The overwhelming share of the veto threats issued by Bush and his senior advisors contained information on *specific* legislative provisions to which the Administration objected, creating conditions of nearly perfect information in Congress. Memoranda to committee chairs categorically cited the provisions of bills that had to be dropped or altered to avoid a veto. Congressional leaders were assured that the president would accept the legislation if such provisions were modified. Hence, the presumption that credible veto threats hinge solely on conditions of incomplete information in Congress misses the mark.

If the assumptions of the commitment and coordination models of veto threats are not germane to an insider presidential strategy, it becomes critical to theorize about the factors that underlay the credibility of veto threats within a high information setting. The next section develops an interpretative framework that emphasizes how private veto threats are best conceptualized as strategic cues to congressional leaders. The threats may begin behind the scenes and later become public knowledge. But in essence presidents foist the decision about risking a veto and a public battle on congressional leaders by initially giving them the opportunity to “quietly” comply with the Administration’s policy concerns. Early, private signals open up a space for inter-branch negotiation in which the president and congressional leaders can reach mutual accommodation while “saving face.” Grasping the conditions under which private veto cues are most influential and have the desired effect for the president requires a focus not only on the president’s policy reputation, as the coordination model posits, but also the interplay of president’s incentives to “stay quiet” and voting alignments in Congress.

### ***Private Veto Threats: Strategic Signaling in a “Reputational-Structural” Framework***

The president is among the most important cue-givers to members of Congress (Light 1999; Kingdon 1995; Sullivan et al. 1993; Clausen 1973). Matthews and Stimson (1975, 51) define a cue as “any communication—verbal or non-verbal, intended or unintended—that is employed by the cue-taker as a prescription for his vote.” Although most studies stress the centrality of presidential cues on

members' roll-call voting behavior (Bond and Fleisher 1990; Edwards 1989), presidents' private veto threats also serve as important cues or signals to members of Congress. The difference is that implied veto cues occur at a different juncture of the legislative process and with a more narrow subset of cue-takers as the focus of attention.

Veto signals on pending legislation form an important component of the decision rules party leaders employ at the "formulation-modification" stage of the legislative process (Ripley and Franklin 1975) as they decide how—of if—to proceed with legislation. Presidents have strong incentives to send early cues to congressional leaders. Proactive involvement at the outset of the legislative process is a strong precursor to success on floor outcomes. Once bills reach the floor stage of the legislative process, presidents' capacity to influence legislators is marginal, at best (Bond and Fleisher 1990; Edwards 1989). Because party leaders have the ability to structure choices on the floor (Peabody 1985; Ripley 1969; Sinclair 1995), modification of legislation to the president's liking before it reaches this stage increases the probability of preferential outcomes. Early signals also demonstrate presidential resolve and may convince party leaders to pull a bill from the legislative calendar altogether, obviating the president's need to cast a veto if compromise cannot be reached.

The advantages of a private veto strategy at the early stages of the legislative process are multiple. Quiet negotiation enables the president to avoid the perils of "going public" and is highly conducive to inter-branch compromise. Signaling out of the public view relays informational cues to congressional leaders while permitting them to act autonomously—or at least allowing them to appear to do so. An insider strategy gives the president *and* leaders in Congress more options for reciprocal exchange and compromise without damaging their public images. If Congress complies only partially with the president's wishes, he may choose to accept the compromise and sign the legislation. The president does not have to worry about losing face in the court of public opinion or charges that he has reneged on a public pledge. Similarly, behind the scenes compromise on the part of congressional

leaders to get legislation passed avoids the appearance of backtracking on public commitments that might otherwise draw close media or constituent scrutiny.

Although it is an axiom of the legislative process is that “Presidents and other actors can and must modify proposed policy content to accomplish preferred outcomes” (Gleiber and Shull 1992, 443-44), it is *not* the case that presidents must initially convey their policy preferences in a public forum for veto threats to have the force of influence. A “reputational-structural” approach to private veto threats makes several key assumptions about the foundation for credible veto threats, following Sullivan’s contention that the strength of the linkage between signaling and choice is central to bargaining between the president and Congress (1990, 1169). The first assumption is that congressional leaders operate under conditions of perfect or nearly-perfect information. The Administration’s signals to Congress provide a blueprint for congressional action by outlining provisions of legislation that must be deleted, altered, or inserted to avert a veto. The second is that the president issues the veto threat because he wants to avoid public conflict and because of sincere concern over policy. The president is not interested in engaging in “strategic disagreements” with the congressional majority (see Gilmour 1995). Indeed, the whole purpose of the insider approach is to avoid going public, which may not be feasible given the scope of the president’s concerns on a single bill. The final assumption is that the threatened legislation is deemed “passable” by the Administration and that passage is the initial objective of congressional leaders. Without the belief that the bill has a reasonable chance of passage, the president and his advisors would not invest precious time in signaling the veto threat.

[Figure 1]

The decision tree in Figure 1 traces the possible outcomes following a private veto threat. The model is useful as a heuristic to explicate the assumptions of an insider approach to veto threats and lay the foundation for evaluating presidential success. When the president signals a veto threat, committee and party leaders have three choices: they can yield to the president’s demands either by capitulating on

the objectionable provisions or killing the bill in committee (C1), compromise only on select provisions (C2), or deny the president's request altogether (C3). Obviously the president's most preferred outcome is P0—Congress capitulates to his provisos and the legislation passes in a form consistent with his goals. From the president's vantage point outcome P1 is second best: leaders decide not to pursue the legislation and pull the bill from further consideration. Although the president is successful in halting the bill, a potential drawback is that provisions he might otherwise support do not pass.

When Congress yields only partially to the president's demands, or refuses to cede any policy ground, the situation becomes more complex. Under condition C2 when leaders offer concessions to the president by removing some objectionable provisions or language and retaining others, the president's preference order may be expressed as follows:  $P2 \geq C4 > C8 > C9$ . The president may have strong incentives to accept the bill (P2). He may cite a panoply of concerns in the veto threat in the bid to exact as many concessions as possible from congressional leaders, but realistically he may expect to gain only part of the request. Congressional leaders must carefully weigh the president's concerns and glean the intensity of his opposition. Whether the president signals unequivocal opposition to specific legislative provisions or indicates dissatisfaction with the general thrust of the bill, the challenge for leaders is to use available information to convince the president and his advisors that they have made a good faith effort to modify the bill. Satisfied with the progress on the bill, and wishing to avoid a protracted public fight, the president may choose to accept compromise and back the legislation.

Outcome C4, in which the president decides not to accept the compromise and veto the bill, is potentially equivalent to P2. The rationale is that the president will employ the veto power on the most hotly contested issues that breed strong ideological conflict between the branches, and when he is fairly certain that congressional leaders will not choose to pursue an override attempt or an override attempt is likely to fail. To his credit the president may assess his "veto strength" in Congress. The margin by which the legislation originally passed, and the nature of that passage coalition, is a key determinant of

the probable success or failure of an override (Hoff 1992). When the bill passes via a party line vote and the president is confident he can impede an override coalition, he may choose to wield the veto power in search of greater compromise from congressional leaders. It is at this juncture that the president may “go public” and build support against the congressional legislation. However, attempted or successful overrides, respectively, are the least preferential outcomes for the president. These outcomes yield the situation the president wishes to circumvent: outward conflict between the branches and a test of his policy reputation.

A different preference order takes shape when congressional leaders refuse to address the president’s concerns altogether (C3):  $C6 > C10 > P4 \geq C11$ . The president would rather veto the legislation than accept a bill with no compromise at all. He may be willing to risk a veto override attempt and bring conflict into the public arena under select conditions if leaders have not expended any effort to change the legislation. The president’s calculus about building a case against the congressional majority again depends on estimated veto strength in Congress and the relative intensity of his position on the issue. Congressional leaders must also weigh carefully whether a failed override will achieve the desired payoff, presumably in terms of shoring up electoral support by demonstrating resolve on an issue. The condition under which the president is likely to accept a bill without compromise (P4) is if there is a strong possibility of a successful congressional override (C11). If the president’s veto strength is lacking and he does not want to play the “going public” game, he would prefer to accept the bill in lieu of facing a blow to his reputation.

The complete order of the president’s preferences in the decision tree in Figure 1 may be expressed as follows:  $P0 > P1 > P2 \geq C4 > C6 > C8 = C10 > P4 > C9 > C11$ . The ordering stresses that presidents want to avoid successful overrides at all costs. Vetoing legislation without further congressional action is preferable to an override attempt which brings conflict into the public arena. The primary objective of a private veto threat is to get Congress to capitulate, table the bill in

committee, or obtain substantial concessions, in that order of preference. These are the three most successful outcomes from the president's vantage point.

Figure 1 emphasizes that president's behavior on veto threats at the formulation-modification stage of legislation is strategic. Chief executives who are prescient enough to read the current landscape of institutional politics in Congress anticipate that leaders will react in predictable ways to veto threats under certain structural conditions. The efficacy of private veto threats pivots on the strategic configuration between the branches. From a "reputational-structural" perspective the president's policy reputation among congressional leaders and the linkage of that reputation to prevailing voting alignments in Congress shapes the efficacy of private veto threats. An emphasis on presidents' policy reputation as an operative factor in the credibility of veto threats is entirely compatible with an insider approach to bargaining under conditions of high information.<sup>2</sup> If congressional leaders believe that the president prefers the status quo and are confident he will follow through with a veto if objectionable provisions of legislation are not removed, the onus is shifted back to them to seek accommodation. In a highly partisan setting in Congress in which the president's veto strength is strong and the majority may be hard pressed to find enough votes for overrides, intra-party cohesion bolsters the credibility of veto threats.

How can the president convince Congress of his preference for the status quo? McCarty (1997) posits that he may be able to build such a reputation in Congress by threatening to veto bills he would otherwise accept, which assumes congressional uncertainty. Yet the president does not have to "bluff." Issuing private veto threats and citing specific legislative provisions achieves the same end, particularly if the president shirks an activist policy agenda and is on record (i.e., during the campaign or through prior vetoes) in support of consolidation and retrenchment. The president's threats implicitly convey to congressional leaders that he would rather forego legislation altogether in the absence of some compromise over his concerns. Leaders are thus compelled to take the threat seriously because they

want to pass legislation as part of their agenda *much more than they believe the president wants or needs to pass the legislation.*

The ability of presidents to make the most of their reputation through private veto threats is contingent upon the internal configuration of Congress—a paramount factor overlooked in the rational choice models considered earlier. Under conditions of strong party cohesion and narrow party margins in Congress, when leaders want to pass legislation and avoid publicly challenging the president they will most often assent fully or partially to presidents' demands—or table bills—rather than risk a veto which they cannot override. When leaders defy the president's objections and legislation passes by a partisan majority, they will confront considerable difficulties in mustering a supermajority. The president's early veto threat signals resolve to leaders in his own party (e.g., ranking committee members, the minority leadership organization), who can shore up support for his veto if the majority proceeds to an override attempt. As party-unity and inter-party conflict heightens in Congress, the credibility of veto threats—both public *and* private—increases proportionately.

Congressional leaders' experiences with unsuccessful attempts to override vetoes enhance the chief executive's ability to issue private veto threats that they must take seriously. While leaders may have electoral incentives to challenge vetoes and bring inter-branch conflict to a head in the bid to build a public case against the president (Woolley 1991; Rohde and Simon 1985), they cannot engage in such a strategy continuously or on every issue when faced with a considerable number of veto threats. Leaders must select issues of conflict very carefully because public esteem typically falls when Congress challenges the president (Durr, Gilmour and Wolbrecht 1997). Most critically, the electoral fortunes of members depend on producing legislative *results* of which they can boast to their constituents. Gridlock and failed overrides do not meet constituent demands. On this basis leaders have strong incentives to work behind the scenes with the administration to seek accommodation and reach their ultimate objective: to get legislation passed. Thus, private veto threats can be a force for inter-branch agreement

across the president's term as electoral and institutional forces merge, not solely at the outset of his term (see McCarty 1997, 2-3).

### ***George Bush and Private Veto Threats in the 102nd Congress***

Applying the reputational-structural framework to Bush's term underscores the foundation for an effective private veto threat strategy. Bush has been described as a "guardian president" of the Tory bent who had a highly circumscribed policy agenda and chose to concentrate on managerial and procedural issues (Hammer 1995; Mullins and Wildavsky 1992). As a "third Reagan term" Bush's presidency centered on protecting his predecessor's policy legacy rather than setting forth an intrepid agenda for change (Sinclair 2000). Bush's preference for the status quo was probably best reflected in the words of his chief of staff, John Sununu, in 1990. Referencing the Administration's favored contours of legislative activity for the second half of Bush's term, Sununu noted: "There's not a single piece of legislation that needs to be passed in the next two years for this president. In fact, if Congress wants to come together, adjourn, and leave, it's all right with us" (Duffy and Goodgame 1992, 70-71).

Bush and his advisors built a strong policy reputation for the status quo which was bolstered by his extensive use of the veto. While his victories in Congress have been typecast as "negative achievement" (Foley 1994, 54-9), the basis for Bush's munificent vetoes was both his lack of a broad agenda and the dearth of support for his positions among the Democratic majority. Sixty-five and 67 percent of his position votes in the 101st and 102nd Congresses, respectively, were leveled *in opposition* to floor votes as Democrats took charge of the legislative agenda. And 74 percent of all the positions Bush took across his term pitted a majority of Republicans against a majority of Democrats. Party-unity, then, largely governed Bush's relations with the 102nd Congress.<sup>3</sup>

Bush transformed party cohesion into a defensive strategy to guard the status quo. The president and his advisors were far more concerned with shows of veto strength on Democratic legislation than setting forth an intrepid policy agenda. The White House kept careful tallies of House

and Senate votes and focused on shoring up partisan support. On key votes the objective was to insure that passage coalitions evidenced enough “nays” that an eventual veto could be sustained in one or the other chamber. This was a central criterion in the White House’s evaluation of floor outcomes.<sup>4</sup>

Bush’s vetoes were virtually indomitable in light of structural conditions in Congress, and House Democrats were unable to move priority legislation without compromise. “Repeat play” between the branches confirmed this fact. Of nine override attempts in the 101st Congress, three were successful but later failed in the Senate. And of the eight House override attempts in the 102nd Congress only two were successful. Ultimately the Democratic majority was able to override only a single veto of the forty-six that Bush cast—cable television re-regulation in 1992. Democrats’ inability to successfully challenge Bush’s vetoes provided ample incentive to leaders to reach accommodation with the president, especially in light of the volume of veto threats Bush issued against the Democratic agenda over his term.<sup>5</sup> Much of the foundation for Bush’s veto threat strategy, then, rested in his notable ability to make his vetoes “stick.”

If Democratic leaders had grounds to reach quiet accommodation with the president because of the difficulties in attempting to override his vetoes, Bush also had important incentives to prefer a private veto threat strategy and avoid publicizing veto threats. While his predecessor, Ronald Reagan, was a master of political rhetoric (see Sloan 1996; Bodnick 1990) Bush’s presidency has been dubbed “antirhetorical” (Rozell 1998). Bush was uncomfortable in the camera eye and he suffered a major defeat on at least one occasion when he “went public.” His televised speech on the 1990 budget accord had the reverse effect of rallying public opinion *against* the agreement (Sinclair 1991). The fallout from his reversal on the “no-new-taxes” pledge in the budget debacle, in which he was forced to accept either tax increases or automatic program cuts, moderated his willingness to embark on similar public statements in the future. Issuing private veto threats afforded an opportunity to negotiate with the opposition majority while potentially avoiding public imbroglios with Congress. Finally, negative press

coverage, and accusations of “rule by veto,” threatened to tarnish his reelection effort in 1992 as his falling public approval coincided with the downturn in the economy. Bush needed to find a mechanism to influence legislative outcomes without making public commitments, galvanizing media attention, or engaging in high-profile conflict.

### **Data and Method**

Archival research at the Bush Presidential Library uncovered eighty-two highly detailed, private veto threats issued by Bush and his senior advisors in the 102nd Congress (1991-92).<sup>6</sup> The veto threats were coordinated by Nicholas Calio, Assistant to the President for Legislative Affairs. Most often the threats were issued via letters from senior Administration advisors to Democratic committee chairs or through Statements of Administration Policy (SAP) sent to committee chairs. The letters addressed to committee chairs followed a fairly consistent format. They outlined in some detail the provisions of legislation to which the Administration objected and requested that the committee chair incorporate new language or delete provisions of legislation before reporting the bill out of committee. Copies of the letters were typically distributed to the ranking Republican on the committee, and occasionally other Democratic and Republican leaders. In some cases the White House directed veto threats at the House Rules Committee in the bid to either foreclose proposed amendments to bills that contained provisions to which the Administration objected or to persuade Democrats to allow Republican amendments. In other cases the Administration issued veto threats to Democratic chairs in the Senate after the bill passed the House.

[Table 1]

Table 1 shows the committees with jurisdiction over legislation that were most often the lightning rod for veto signals. The House of Representatives was clearly the central focus of the Administration’s concern over pending legislation. Eighty-two percent of the threatened bills began their legislative journey in the House. A plurality of those threatened bills in the House were in the

purview of the Committee on Ways and Means, and most of those bills dealt with taxation. Veto threats were issued on an eclectic set of other legislative matters, with House committees of origin spanning Appropriations to Science, Space, and Technology.

[Table 2]

Table 2 presents preliminary data on the effects of veto threats on the final disposition of bills in the 102nd Congress. The data accentuate that just over 79 percent of all the bills that were subject to private veto threats did *not* pass, but Bush rarely wielded his veto pen. Of those sixty-five bills that began in the House, fifty-three (74 percent) ultimately failed. This figure compares to a “death rate” of 89 percent for all pending House legislation in the 102nd Congress not subject to a private veto threat ( $n = 9,878$ ).<sup>7</sup> The difference in proportions is significant at  $p < .05$  and indicates that threatened legislation actually had a somewhat *better* chance of passing compared to all other bills. While this may seem counterintuitive, there are two key reasons for this finding. First, consistent with the assumptions of the signaling model, the data imply that the subset of threatened bills were “more passable” compared to all other bills, which undoubtedly contained amendments and proposals that were not prioritized by the congressional majority. Second, there is some evidence that private veto threats were a factor in obtaining inter-branch compromise that set the stage for bipartisan legislative support, which was rare in the 102nd Congress. Of the seventeen threatened bills that became public laws, fourteen bills passed via roll-calls in the House and/or Senate with a majority of Democrats and Republicans supporting the legislation.

Committees are the burial ground for most legislation, and the lion’s share of threatened bills expired in committee without a full vote in both chambers. Fifty percent of all the bills died in committee in either the House or Senate. Another 12 percent of the bills were reported out of committee in the House or Senate, but received no further action. There is a strong bicameral effect in Table 2. A plurality of the threatened bills (38 percent) passed the House and were referred to the

Senate, where they received no further attention. This proportion of failed legislation, however, is not statistically significant ( $p < .05$ ) from the 44 percent of all other legislation ( $n = 1313$ ) that passed the House but not the Senate in the 102nd Congress. Private veto threats were clearly not the sole factor in the failure of legislation between the chambers, but they do appear to have had a reinforcing effect in sounding the death knell for bills as they wound through the bicameral committee process.

A more thorough exploration of those bills that became public laws or were the subject of vetoes and/or overrides is required to evaluate the relative success of Bush's veto threats and test the merits of the reputational-structural framework. The analysis in the next section arranges the legislative outcomes for the eighty-two bills in Table 2 according to the decision tree in Figure 1. For bills that passed or were the subject of vetoes, the provisions of the legislation to which the Administration objected were compared with the final provisions to determine whether Congress capitulated, compromised, or stood firm on the provisions of the bill (outcomes C1, C2, C3). A strict standard was employed to determine capitulation (P0) and compromise (C2, P2). All of the objectionable provisions had to be modified or deleted to qualify as a capitulation. If one or more objectionable provisions remained in the bill, despite other changes that were made consistent with the president's wishes, the outcome was ranked as a compromise. The benchmark for the relative success of Bush's veto threats, then, is the criteria set by the Administration itself.

### **Analysis: Judging the Effect and Efficacy of Bush's Veto Threats**

Figure 2 arrays the full range of outcomes for the eighty-two threatened bills, with the x-axis representing the president's preference order. Overall, Bush's veto threat strategy was quite successful. Ninety percent of the outcomes fall within the president's top three preferred outcomes. The caveat is that Bush's veto threats were far more successful in halting legislation than persuading congressional leaders to capitulate to this demands. Seventy-two percent of the bills expired in committee or failed passage in the House or Senate (P1). Yet thirteen of the fifteen bills (87%) that became public laws

represented accommodation between the branches, with Congress ceding some ground and the president accepting some level of compromise (P2). Congress yielded fully to Bush's demands on two of the bills (P0), while Bush ceded to Congress on only one bill, the Unemployment Compensation Amendments of 1992 (P4).

[Figure 2]

On the subset of bills that became public laws, presidential engagement aided in the crafting legislation acceptable both to the Administration and Republicans in Congress. Bush's ability to win compromise from Democrats resulted in bills Republicans were more likely to support. Bush was most successful in excising abortion language from several bills. Bush also wielded the threat of vetoes on a host of appropriations bills to strictly enforce pay-as-you-go (PAYGO) requirements of the Budget Enforcement Act, halt deficit spending, and keep outlays consistent with his budget. A closer examination of several of the bills that passed variably highlights how Bush's policy reputation, prior vetoes, and bicameral strategy—along with his willingness to compromise—enabled the Administration to exact concessions from Democrats on a number of fronts and shape more satisfactory bills.

### ***Veto Threats and Bills That Became Law***

The two bills on which Congress capitulated did not originally elicit a long list of objections by the Administration. According to the criteria set forth in the veto threats, Congress complied with Bush's concerns on HR 5368 (foreign operations appropriations) and HR 4990 (Jobs Through Export Act of 1992, passed in lieu of S. 2403). On the former bill, Bush was successful in excising language that would have overturned the "Mexico City policy" of withholding Agency for International Development (AID) funds to organizations that support abortion as part of family planning overseas. In addition, the Administration was successful in the bid to retain tougher language on linking aid to Russia with that country's foreign arms sale practices (Kieffer, October 1, 1992). On HR 4990, the Administration directed a veto threat to Dante Fascell, Chairman of the House Committee on Foreign

Affairs (Calio, May 27, 1992). The Administration opposed a Senate amendment to Title V of the rescission bill that would have placed restrictions on the president's ability to direct foreign aid. The amendment was deleted from consideration in the final bill. Democrats' concessions to the president's demands, and Republicans' pressure on appropriators to reduce spending, paved the way for bipartisan passage of the bills in both the House and Senate (Congressional Quarterly Almanac 1992, 587-88).

Thirteen of the bills that passed were the result of inter-branch accommodation. The Administration laid out far more provisos on appropriations bills, not only concerning overall spending levels but also substantive programmatic provisions. A closer examination of these bills shows that while Bush's record on persuading Congress to reshuffle spending according to his priorities was mixed, Democratic leaders typically ceded substantial ground to the president on the central issues that drew veto threats. Bush's greatest victories rested in concessions by Democrats on abortion language. His commitment to maintaining the anti-abortion policies of the Reagan years was consistent and demonstrable in vetoes cast earlier in the 102nd Congress and in prior years (Congressional Quarterly Almanac 1992, 387-97), bolstering the credibility of his veto threats.

On the FY 1993 defense bill the Administration issued veto threats both to the House Rules Committee (HR 5504) and to the House Appropriations Committee on the authorizing legislation (HR 5006). The initial threat targeted an amendment to liberalize abortions on military facilities. The veto threat also outlined a number of defense projects funded at levels below what the president had requested, as well as other projects opposed by the Administration (Calio, June 3, 1992). The abortion language was dropped, and the president compromised on funding for the Strategic Defense Initiative and several other programs (Congressional Quarterly Almanac 1992, 483). The president's advisors later urged House Appropriations Chair Jamie Whitten to "avoid a protracted debate with the Administration" over the issue of abortions at military facilities in the spending bill as the committee considered re-inserting new abortion language (Calio, June 30, 1992). The Administration stood on

firm and consistent ground: the prior year's defense appropriations bill had drawn a similar veto threat. The provision was ultimately dropped, and the final bill passed both chambers on a bipartisan basis.

The disaster relief bill (HR 5620) began as a supplemental defense appropriations bill and ultimately became embroiled in abortion controversy. The legislation was transformed into an aid bill following a typhoon in Guam and hurricanes in Hawaii and the southeastern United States. In a Statement of Administration Policy the president's advisors clarified opposition to a section of the bill added by the Senate that permitted Title X funds to be used for abortion counseling—in effect, a repeal of the “gag rule.” The Administration also objected to regulations on contractors for federally-funded projects and the deletion of funds for the re-building of Homestead Air Force Base in south Florida (Calio, September 15, 1992). The president was successful in excising the abortion language from the bill and the labor regulations were also deleted in conference (Congressional Quarterly Almanac 1992, 583). Congressional Democrats met Bush half-way, and the Administration settled for a compromise on funding for Homestead Air Force Base and several other defense programs. The approaching elections compelled Congress and the Administration to complete work on the bill quickly, and it passed by voice votes in both chambers without further controversy.

Labor, HHS, and Education appropriations (HR 5677) drew Administration protest on issues of abortion, the removal of budget “firewalls,” and overall spending levels. The veto threat issued to Robert Byrd, Chairman of the Senate Appropriations Committee, emphasized the president's commitment to veto domestic or defense spending bills that exceeded his FY 1993 budget proposal and offered “suggestions that would lead to the development of a bill that the President could sign” (Kieffer, September 8, 1992). The Administration was most concerned with potential amendments to the House bill that would expand federal funding of abortion programs and shift \$3.8 billion in defense funds to domestic programs in the bill. The latter provision would have violated budget “firewalls” that prohibited the transfer of defense funds to discretionary domestic programs. The letter urged the

Senate Appropriations Committee to shift spending to the president's priority programs. The abortion provisions were dropped and congressional leaders reduced the cost of the bill to meet Bush's budget targets (Congressional Quarterly Almanac 1992, 651). The tradeoff was that language championed by the Administration on the Low Income Home Energy Assistance Program (LIHEAP), Medicare, and education initiatives was not re-tooled to the president's satisfaction. The legislation passed nonetheless on a bipartisan basis in House, and by voice vote in Senate. Presidential intervention on the abortion issue and spending levels again helped produce a bill with which conservative Republicans were more comfortable.<sup>8</sup>

Similar dynamics of compromise were evident on the host of other threatened appropriations bills. Timing worked to the president's advantage. Veto threats combined with members' urgency to return to their districts to campaign in 1992 to hamper Democrats' desire to confront the president and force a delay in adjournment (Calio, September 18, 1992; September 27, 1992). Inter-branch accommodation was evident on transportation (HR 5518), military construction (HR 5428), treasury and postal (HR 5488), and education (S 1150) appropriations.

On this subset of legislation Bush gained concessions from Democrats on major issues of concern to the Administration and yielded on other provisions. On the transportation bill Bush's veto threat persuaded the House Rules Committee to avoid any breach in budget firewalls between foreign and domestic programs, but the White House conceded on several local "demonstration projects" (Calio, July 8, 1992). On HR 5428 the Administration won concessions from House Appropriations Chair Whitten to restore funds for military base closures in conference and pare down other spending in the bill to the president's request of \$8.3 billion, but compromised on his request for NATO infrastructure funds (Calio, September 4, 1992). A bicameral strategy was evident on the treasury and postal appropriations bill as the Administration successfully lobbied the Senate to drop a House provision prohibiting funds to be used for the Quayle Council on Competitiveness and reduce the bill by

some \$200 million to comply with the president's budget (Kieffer, September 8, 1992). The caveat was that Bush yielded on restrictions placed on political activities of the director of the Office of National Drug Control Policy, the "drug czar." Finally, Bush's veto threat persuaded Democrats to reduce spending on Pell Grants in the education bill, but the president compromised on a provision for direct loans (Calio, March 18, 1992). Despite his continuing reservations Bush faced rather strong pressure by his GOP co-partisans to sign the bill, which had passed along bipartisan lines in both chambers (Congressional Quarterly Almanac 1992, 440).

Two of the threatened bills in the "compromise" category narrowly avoided a showdown between the branches. On supplemental urban aid appropriations (HR 5132) Bush issued a veto threat on the size of the bill, which was aimed at flood-stricken Chicago and riot-torn Los Angeles (Kieffer, June 2, 1992). He had pocket vetoed an earlier and more costly package. Again, a bicameral strategy is evident. Bush's signal to House Appropriations Chair Whitten was successful in cutting a considerable number of "add-ons" by the Senate but not on specific definitions of emergency requirements for the use of funds. Some Democrats wanted to shirk compromise and challenge Bush to a veto with the objective of making him look insensitive in an election year. A week after the initial signal, OMB Director Richard Darman and chief of staff Samuel Skinner went public about the size of the bill. Democrats ultimately yielded because they wanted to get funds to affected urban areas and did not want to risk a delay by provoking a veto. Leon Panetta, Chairman of House Budget Committee, remarked that "This is one where it's better to work out a compromise with the administration" (Congressional Quarterly Almanac 1992, 582).

The Democratic majority also launched a challenge to Bush's authority as commander-in-chief on energy and water appropriations (HR 5373). The Administration had not originally engaged the House Democratic leadership and therefore turned attention to the Senate on the issues of super collider research and a ban on nuclear testing (Kieffer, July 30, 1992). The Administration commended Senate

Appropriations Committee Chair Robert Byrd for reinstating funding for the super collider, which the House had dropped. However, the House provision for a one-year complete ban on nuclear testing, following unilateral decisions by France and Russia to halt testing, drew a stringent objection from the Administration. Louisiana Senator Bennett Johnston worked out details of compromise wording of the bill with the Administration (Congressional Quarterly Almanac 1992, 659-68). While the moratorium on testing remained, provisions were included for the president to authorize new tests if he deemed them in the national interest, notwithstanding a joint resolution of disapproval once he notified Congress of his intent to resume testing.

The single bill on which Bush capitulated after a veto threat was the unemployment benefits extension of 1992 (HR 5260). Bush had blocked two prior bills in 1991, and there had been a veto threat on HR 4727 in 1992, a predecessor to the bill eventually adopted (Howard, June 2, 1992). Bush's prior veto stances, however, conflicted with electoral pressures in 1992. Although the Administration argued to the House Rules Committee that HR 5260 violated PAYGO rules and undertook permanent changes to the unemployment compensation without sufficient review (Howard, June 2, 1992), the Administration was particularly loathe to engage in a public battle with Congress. Secretary of Labor Lynn Martin, who appeared before the Senate Finance Committee, "repeatedly frustrated lawmakers by offering to negotiate an unemployment bill behind closed doors rather than describing the administration's position in public" (Congressional Quarterly Almanac 1992, 348). As new unemployment figures continued to paint a bleak portrait of the economy, Bush was in a vulnerable position—and Democrats knew it. Bush ultimately decided that a veto of the popular measure was untenable in an election year.

### ***Measures Threatened and Halted***

Of the fifty-nine measures that were threatened and failed, nearly half passed the House but were never taken up in the Senate. Technical issues and partisan conflict contributed to the failure of this set

of bills. Nineteen of the thirty-one bills were special tax measures that had been passed by a voice vote under suspension of the rules in the House (see Congressional Record, July 27, 1992). Some of the measures were rolled into a catch-all bill (HR 2735) by Ways and Means Chairman Dan Rostenkowski that again passed by voice vote in the House (Congressional Quarterly Almanac 1992, 150). The special interest measures drew veto threats from the Administration on policy grounds either because they did not meet PAYGO scoring requirements, which mandated offsetting budget cuts for new spending or tax exemptions, or because provisions were judged to be too administratively complex (Calio, August 3, 1992). The Senate decided not take up the measures at the end of the legislative session.

Other bills that passed in one chamber and died in the other elicited far more controversy in Congress. Inter-party conflict bolstered the credibility of Bush's veto threats. Child welfare legislation (HR 3603) and legal services reauthorization (HR 2039) are representative of the dynamics on several other bills.<sup>9</sup> The Administration issued veto threats to the Rules Committee in the bid to persuade the Democratic leadership to allow favorable GOP amendments (Calio, August 3, 1992). The legal services bill drew fire for language concerning redistricting and the failure to place limits on abortion litigation (Calio, March 31, 1992). The Administration's objection to tax increases were front and center in the veto threat on the child welfare bill. Republicans were unsuccessful in amending either bill and consequently brought up motions to recommit (kill) the two measures that failed. Subsequent adoption of the bills was along party lines and the measures were reported to the Senate, where they received no further action. Although the evidence is indirect, these bills demonstrated strong "veto strength" which arguably weighed on Senate consideration of the bills. With a low probability of reconciling partisan differences on the legislation in Congress or between Congress and the president, the Senate moved on to other business.

### ***Failed Veto Threats***

Veto threats did not yield the president's most preferred outcome on only a small subset of legislation. Two vetoed bills went unchallenged by the majority (outcome C4). The Revenue Act of 1992 (HR 11) had passed along partisan lines in the House primarily because spending for urban renewal in the bill spiraled (see Congressional Quarterly Almanac 1992, 140-150). Bush's veto of appropriations for the District of Columbia (HR 5517) was a qualified victory. The White House won concessions on outlays, but the legislation contained an easing of abortion restrictions, drew a partisan vote in the House, and Bush vetoed the bill. The measure was later reincarnated as HR 6056 and passed without the objectionable abortion language.

On four other bills Democrats ceded no ground to the president. Bush stood firm and wielded his veto pen, and the majority failed to override (outcome C10). In three cases the Democratic majority had incentives to play the "public game" and challenge the president despite Bush's vetoes of prior legislation and party line votes on the legislation in one or both chambers. Passage of the legislation over the president's objections was not the goal. Instead, Democrats provoked a veto for electoral gain and sought to cast the spotlight on Bush's stance on China, fetal tissue research, and "motor voter."

Bush's earlier 1992 veto of a House bill restricting most-favored nation (MFN) status for China, and an unsuccessful override of that bill, did not deter Democrats from drafting a second bill, HR 5318, to protest the Administration's policies. Republican leaders contended the China bill was "a political gesture aimed more at embarrassing Bush than pressuring the Chinese government" on human rights issues (Congressional Quarterly Almanac 1992, 160). The Administration issued a veto threat to the Senate, arguing that renewing MFN status was "based on the principle that engagement with China offers the best hope for Democratic reform" (Calio, August 6, 1992). The veto threat did not dissuade either chamber from approving the bill. The House voted to override Bush's veto by a large margin, but consistent with dynamics on the earlier bill the Senate sustained by a substantial margin.

Democratic leaders also pressed the issue of fetal tissue research in the face of Bush's veto threat on the National Institutes of Health reauthorization bill (HR 2507). Their objective was to compel Bush to veto a popular measure. Democrat Henry Waxman, the bill's sponsor, contended that the president would have to tell Americans with life-threatening diseases that "research will be stopped that will hold promise for them" (Congressional Quarterly Almanac 1992, 395). The conference report on the bill had passed along partisan lines in the House, and the override in that chamber failed by a wide margin.

The national voter registration bill or "motor voter" (S 250) drew a veto threat on the basis of the cost of the bill, concerns about fraud, and procedural issues (Calio, June 10, 1992). The Administration favored block grants to the states, but Republican alternatives to that effect were defeated in the House and Senate. The legislation was adopted by partisan votes in both chambers, and Bush's veto came as no surprise. The Senate vote to override was well nigh of necessary votes, but provided ammunition to Democratic presidential candidate Bill Clinton. Clinton signaled that he would have signed the legislation and called Bush's veto "nothing less than a slap in the face to American democracy" (Congressional Quarterly Almanac 1992, 77).

The override attempt of the Economic Growth Acceleration Act of 1992 (HR 4210) represents a highly unique case in which the Republican minority sought to play the public game and turn Bush's veto into political advantage. Republicans forced an override vote in order to denounce the Democratic bill in what amounted to high-stakes politics. After Democrats rejected the Administration's stimulus proposal, the majority's bill drew a veto threat for provisions exempting outlays from PAYGO requirements and imposing permanent tax increases on upper income families. The Administration urged the House Rules Committee to "allow Republicans a fair and equal opportunity to amend and debate the bill on the House floor" (Calio, February 24, 1992). The Republican alternative was defeated in committee and Rules failed to accede to Republican amendments. Democrats "hoped to

force Bush to choose between denying the middle class a tax break or raising taxes on the well-to-do – something he vowed not repeat after signing a tax increase in 1990” (Congressional Quarterly Almanac 1992, 133). The final legislation was adopted along strict party lines in the House, with only a single Republican voting in favor. Republicans pressed for an override vote to embarrass the Democratic leadership, and they succeeded. Enough Democrats defected from their original support for the measure that the override vote did not even muster a majority.

It is ironic that the only successful congressional override of Bush’s forty-six vetoes was particularly damaging, coming as it did on the eve of the presidential election. Bush’s veto threat of legislation pitched by Democrats as a consumer-protection bill fell on deaf ears. Bush vetoed the Senate-inspired bill to re-regulate the cable television industry in October 1992, lambasting it as “special interest” legislation that would damage both consumers and investment in the telecommunications industry. Yet the president’s political capital had waned to such a degree by 1992 as the economy sunk further into recession that he could not persuade enough Republicans to stick by his position. Democrats stressed the bipartisan nature of the bill, which drew the support of GOP leadership support and passed with the support of majorities of both parties in both the House and Senate. By large margins both chambers subsequently overrode the veto. As James A. Thurber noted after the vote, “On this particular bill (Bush) had very little to trade with, other than loyalty to the party and loyalty to him. And he didn’t get it” (Congressional Quarterly Almanac 1992, 171). The failure of the threat on the cable television bill and the dynamics of the successful override, however, were the clear exception—and not the rule—during Bush’s term.

## **Conclusions**

This analysis of the Bush Administration’s veto threat strategy emphasizes the value of archival research to elucidate features of executive-legislative bargaining and accommodation that are frequently beyond public view. The data brought to bear show how “private” veto threats were a central tool

employed by the Bush Administration to obtain compromise or halt legislation. The analysis stresses how basic assumptions of several formal models of veto threats misapprehend the basis for the Administration's generally successful signaling strategy and the actual process surrounding inter-branch coordination and bargaining. The success of the veto threats issued by Bush and his senior advisors was not typically contingent on a rhetorical strategy by the White House or congressional uncertainty about the Administration's policy stances. The alternative framework developed in this article accentuates the interplay of Bush's policy reputation and structural conditions in Congress for presidential-congressional interactions within a high information setting.

The analysis casts light on the multiple difficulties that inhere in a reliance on public veto threat data. Many veto threats not only go unregistered by media sources, but journalistic records of threats that are made public can also fail to adequately reflect the full scope of the president's objections. Limited accounts of veto threats complicate scholars' efforts to judge whether legislative outcomes represent capitulation by Congress, compromise between the branches, or congressional rebuff of the president's concerns.

Most critically, the data uncovered for the 102nd Congress suggest that public conflict on veto threats did *not* reflect "normal politics" between the branches on most issues. Surely the viability of any president's private veto threat strategy is limited by electoral incentives that may occasionally push Congress (or the White House) to engage in the politics of public brinkmanship. Yet at either end of Pennsylvania Avenue "going public" on much legislative business transacted between the branches is neither feasible nor potentially desirable. Bush's "flip" on taxes in 1990 and Democrats' failed override of Bush's veto of the stimulus bill in 1992 are illustrative. These failures speak to the incentives the White House and the majority on Capitol Hill may have to exchange public strategies in favor of face-saving, mutual accommodation.

Bush's veto threat strategy was appropriate in light of both his policy focus on maintaining the status quo and partisan voting alignments in Congress. In the majority of cases veto threats contributed to the failure of legislation. But veto threats were also a key mechanism for the Administration to shape bills along the journey to passage. One surprising ancillary benefit is that bills that did pass after veto threats most frequently earned *bipartisan* support on floor outcomes—rare events in the 102nd Congress if presidential position votes are the point of reference. The president's proactive intervention in reaching inter-branch compromise was an important signal to his co-partisans, the end result of which was frequently to forge greater policy consensus *within* Congress once compromise between the White House and the opposition majority had been reached.

This research accentuates the pressing need for scholars to reconceptualize definitions of presidential "success" in the legislative arena. McKay (1994, 449) notes that "as an instrument of command rather than bargaining frequent use of the veto is difficult to reconcile with the Neustadtian imperative to govern by persuasion." However, *implied* use of the veto need not be stigmatized as a reactive or negative force in the legislative process. Quiet veto threats fit very comfortably with those elements of Neustadt's (1960) argument that stress the linkage between persuasion, bargaining, and presidential reputation. From this vantage point, George Bush's legislative presidency evinced far more persuasion and influence over legislative outcomes than traditional measures of roll-call victories or individual legislative support suggest (see Bond and Fleisher 1992; Joslyn 1995). If Bush's legislative presidency deviates from Neustadt's model it is more on the basis of policy substance: the ends of the president's insider strategy were biased in favor of maintaining the status quo and lowering public expectations instead of pursuing an activist policy agenda (Kenski 1992).

There is a hidden world of executive veto behavior that scholars have only now begun to tap with the benefit of archival research. Bush is not alone in his usage of private veto threats. Arnold and Deen (1999) find evidence of such a strategy in Ford Administration records. The reputational-

structural framework of strategic signaling and veto threat success developed in this article may be applied to other individual presidencies, or in a comparative fashion, to enhance our understanding of this unique mode of presidential influence that is linked to the condition of divided government. Several promising avenues of inquiry are possible. One is to evaluate the usage of private veto threats in the pre-reform and post-reform congressional periods to ascertain how changes in congressional process and voting alignments have affected presidential success. Another is to compare the success of private and public veto threats (assuming adequate and available information). Such inquiries would bring us closer to grasping the elusive politics of implied vetoes and their variable effects on legislative outcomes.

## Notes

<sup>1</sup> This problem pervades Congressional Quarterly's account of legislative histories. The Fiscal 1993 appropriations bill for Labor, Health and Human Services, and Education (HR 5677) is illustrative. Congressional Quarterly reported only select elements of provisions subject to veto threats. With only Congressional Quarterly's reporting, final outcome of the bill would appear to reflect congressional capitulation, when in fact the outcome represented substantial compromise between the branches. Moreover, Congressional Quarterly "missed" veto threats on a host of bills, including military construction appropriations (HR 5428), treasury/postal appropriations (HR 5488), and unemployment compensation (HR 4210).

<sup>2</sup> McCarty's model builds upon Matthew's (1989) and assumes incomplete information.

<sup>3</sup> These figures were calculated by the author using annual, single-issue roll-call votes on which no more than 90 percent of House members voted yea or nay.

<sup>4</sup> In his analysis of key votes in the 101st Congress, Frederick McClure, Bush's Capitol Hill liaison, noted that the president's position prevailed outright on only 17 of 44 bills prioritized by the Administration. But McClure pointed out to Bush that in this pool of bills all 7 override attempts failed in either the House or Senate and the passage coalitions of 13 other bills subject to senior advisors' veto threats all demonstrated "veto strength" (McClure, August 23, 1990).

<sup>5</sup> Sinclair (2000) finds that Bush threatened to veto 52 percent of major legislation in the 101st Congress.

<sup>6</sup> LE-Files, Boxes 17-21.

<sup>7</sup> Calculated by author from <http://thomas.loc.gov>.

<sup>8</sup> Interestingly, Bush opposed the bill's passage in the House, presumably to register his continuing protest to spending.

<sup>9</sup> The Shipbuilding Trade Reform Act (HR 2056) and Miscellaneous Tariff Act (HR 4318) followed similar paths; controversy also swirled around the Federal Housing Enterprises Regulatory Reform Act (S 2733) in the Senate, where the measure was passed only after two failed cloture votes on controversial amendments.

Figure 1

Veto Threat Signals and Legislative Outcomes

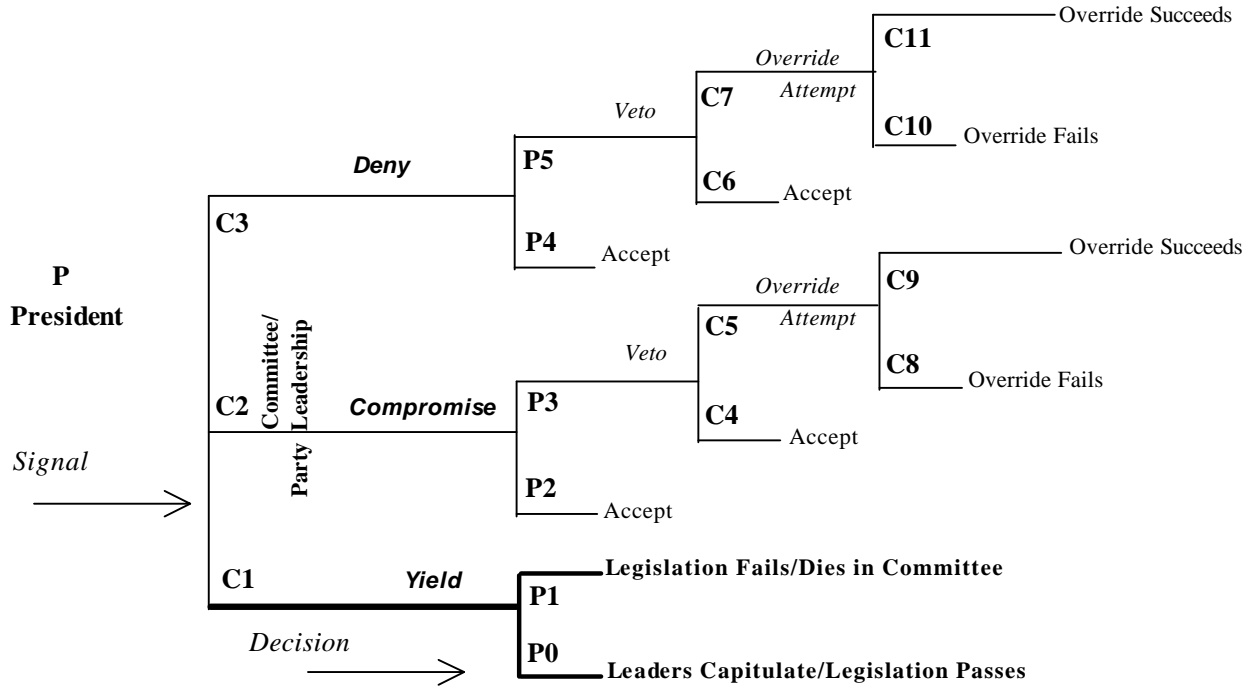


Figure 2

Private Veto Threats and Legislative Outcomes

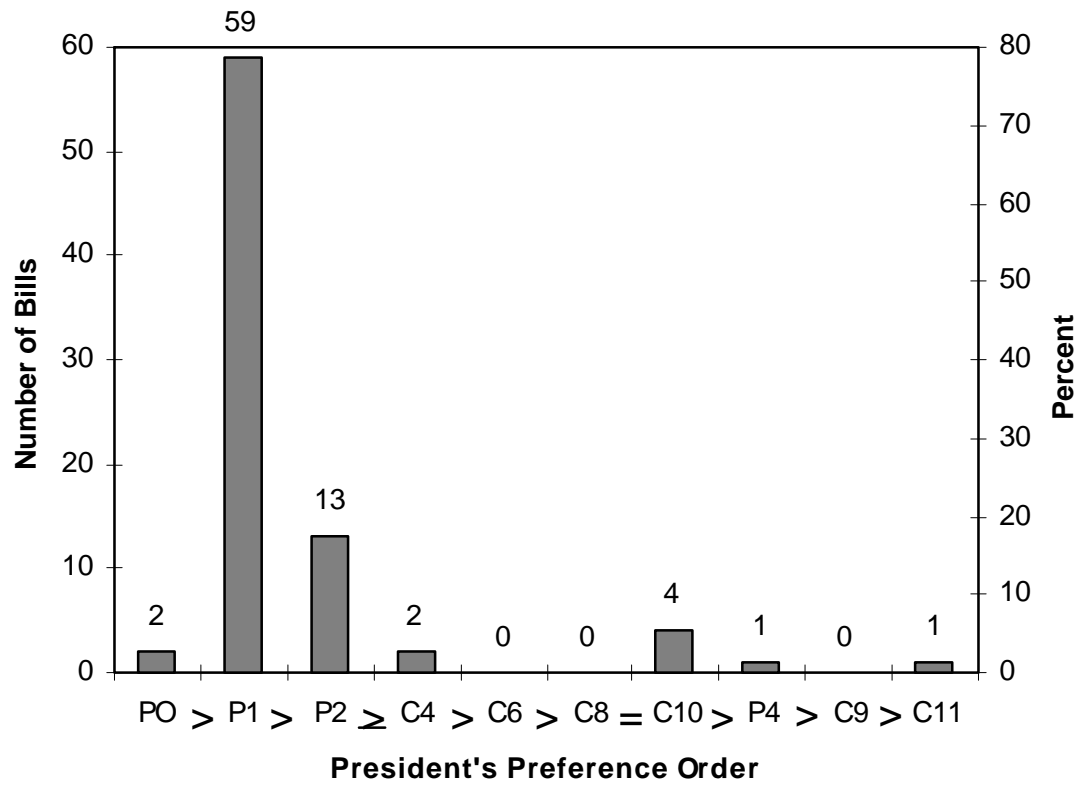


Table 1

Veto Threats in the 102nd Congress: Bills Grouped by Committees of Origin

Committee	N of Bills
House Ways & Means / Senate Finance	31 (37.8%)*
House / Senate Appropriations	11 (13.4%)**
House Rules	10 (12.2%)
House Government Operations / Senate Governmental Affairs	5 (6.1%***)
House Energy & Commerce	5 (6.1%)
House / Senate Judiciary	4 (4.8%****)
Other Specialized Committees	16 (19.4%)
<i>Total</i>	<i>82 (100%)</i>

\* 2/31 bills originated in the Senate

\*\* 2/11 bills originated in the Senate

\*\*\* 3/5 bills originated in the Senate

\*\*\*\*2/4 bills originated in the Senate

Table 2

Final Disposition of Bills Subject to Veto Threats in the 102nd Congress

Bill Status	N of Bills
Passed House, Died in Senate Committee	31 (37.8%)*
Passed into Law	17 (20.7%)**
Died in Committee	10 (12.2%)
Reported Out of House Committee, No Further Action Taken	6 (7.3%)
Reported Out of Senate Committee, No Further Action Taken	4 (4.9%)
Vetoed/Override Attempted (Failed)	4 (4.9%)
Failed House Floor Vote	3 (3.7%)
Passed Senate, Died in House	3 (3.7%)
Vetoed/Pocket Vetoed, No Further Action Taken	2 (2.4%)
Other	2 (2.4%***)
<i>Total</i>	<i>82 (100%)</i>

\* includes 2 failed cloture attempts in the Senate

\*\* includes 1 successful override

\*\*\* text inserted into other bills; House/Senate versions never reconciled

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