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VETO RHETORIC

The probabilities of [presidential] power do not derive from the literary theory of the Constitution.

(Neustadt 1960, 33)

President Clinton's veto of several appropriations bills late in 1995 triggered preparations for an imminent shutdown of nonessential federal agencies. The consensus among Washingtonians was that the public would hold the president responsible, eventually forcing him to accept Republicans' spending preferences. Republicans gleefully predicted this outcome when they repassed essentially the same bills, which Clinton promptly vetoed. Pundits forecast that the longer the showdown dragged on, the deeper the hole the president would dig for himself. In the end, he would have to accept the legislation and then quickly summon up some other Republican outrage as he tried to repair his public standing before the 1996 November election.

But the outcome was different. By February, the public and politicians alike appeared worn down by the on again, off again partial government closures. With public opinion running against Republicans' intransigence, Congress restored significant funds to Clinton's priorities, while preserving the conservative drift in appropriations. Clinton promptly signed the legislation and declared victory.

Unlike his predecessor's "read my lips" fiasco, Clinton had remained resolute, publicly defending his veto threats and his vetoes. It appears to have bought him the public's forbearance. In a Gallup poll after his first veto, Clinton's job performance rating registered 53 percent approving. When matched in a hypothetical presidential contest against Senate Majority Leader Bob Dole, the frontrunner and eventual Republican nominee, Clinton led, 53 to 43 percent. By the end of the shutdown crisis, the president's job performance rating was unchanged, but his lead over Dole in a presidential preference survey surged to 16 percentage points (56 to 40 percent). Despite an enthusiastic and highly telegenic convention, Dole failed to register the traditional bump in postconvention polls. In fact, voters did not budge throughout the campaign, and Clinton handily won reelection. Even with a government shutdown looming, veto threats and vetoes need not defeat a president who has secured the public's backing.¹

Might presidents' singular access to the public offer them an escape hatch from the Constitution's ultimatum game? Clinton's success suggests that it can make a difference. He followed a classic strategy of going public. Throughout, he engaged in forceful veto rhetoric. After formally notifying Congress of his objections and releasing

his statement to the news media, he and various administration officials continued to make their case in public statements, op-ed articles, television interviews, and press releases. After his first veto, Clinton went on national, prime-time television to defend his action and hold Republicans responsible. From all indications in the polls and his easy 1996 reelection, it was the Republicans who fell into the hole widely assumed to have been reserved for the president.

VETO RHETORIC AS FOCAL COORDINATION

With the Constitution's presentment clause confining the veto to an up-or-down, endgame choice and with its embedded prisoner's dilemma forcing cautious legislators to discount presidents' threats as cheap talk, one must look elsewhere for clues as to how presidents might deliver credible threats and do so sufficiently early in deliberations to influence the outcome. In this vein, Ingberman and Yao (1991a, 1991b) identify presidents' public commitments as key ingredients in successful veto rhetoric. Below, we extend their logic to cover the much larger class of policies—specifically, those containing divisible goods. I then identify a second, extraconstitutional resource available to presidents—superior information about the preferences of those politicians who will decide a bill's fate. This information allows presidents to configure effective veto rhetoric that compels lawmakers on both sides of the aisle to take the administration's views seriously.

Focal coordination is a term that will reappear throughout the book. It will be useful to define it at the outset. Thomas Schelling (1960, 57) introduced focal coordination as occurring when, in the absence of direct communication between two or more actors, each forms an “expectation of what the other expects him to be expected to do.” Admittedly, this phrasing reads a little like Abbott and Costello's “Who's on First?,” the famous comedy routine in which a person's name is mistaken for a question. Let's unpack it. Consider the coordination problem faced by the president's copartisans who are dispersed across the executive branch, the House of Representatives, and the Senate. Dozens of alternative policies may be circulating among them. Each knows that the party's chances of success would be much improved if they unite behind one of them. And while each may have his or her own sound ideas about the best policy, they all know that any number of the possible responses will be preferable to the opposition majority's bill. They also know they will likely be stuck with it unless they coordinate their efforts.

But how do they settle on a common strategy? It's not as easy as it might appear. Consider Minozzi and Volden's description of the difficulty copartisans in a single chamber face in trying to figure out their correct vote:

Given the number of votes cast, the complexity of issues, and the many pressures to which members of Congress must respond, lawmakers are unsure

about just how to vote on many issues. When the party leadership determines that a particular position would be valuable to the party as a whole—to develop a brand name on a specific issue, to advance a broader agenda . . . a call is sent out to party members to vote together in the best interests of the party. (2013, 789)

Now, extend uncertainty to copartisans in the other chamber and on to the departments and agencies. This conundrum creates the opportunity for presidential leadership via focal coordination. With a single brush stroke, veto rhetoric can inform the efforts of these dispersed politicians. If the White House has done its job well in devising a response that is congenial with copartisans' policy preferences, it should find them ready to contribute to the party's collective success. In large part they do so, simply because focal signals inform them that their allies and copartisans in the other chamber and in the administration are moving in the same direction.

Focal coordination is a wholesale leadership strategy that fits the communication problems posed by America's separated institutions. It matches presidents' extraconstitutional ability to go public and their special information to appeal broadly to others in Washington's policy market.

Public Commitment

Public commitment as the route to credibility should appeal to presidents, since they achieve this easily, even inadvertently. For legislative leaders, by contrast, the ability to commit is contingent on the compliance of others. Compare Obama's ability to commit his office's authority to a course of action with the predicament of his chief adversary in the House of Representatives, Republican Speaker John Boehner. Boehner complains in his memoirs (2021) that during these years, he was never sure where his party's fractured caucus was headed until it got there. Democratic Speaker Nancy Pelosi similarly lacked the capacity to commit the chamber. In 2021, she promised a contingent of moderate Democrats that if they first voted to pass and send to the Senate the administration's social welfare legislation, she would quickly bring the bipartisan infrastructure bill to a final vote. The moderates grouched but dutifully voted for the legislation. But at the last moment, Pelosi had to cancel the floor vote when the party's progressive wing balked at sending the infrastructure bill to the White House without the social welfare bill accompanying it (Weisman and Cochrane 2021).

Over in the Senate, where sixty votes are normally required to pass a bill, leaders face an even more serious coordination problem. Senate leaders commit most easily to inaction. In 2019, Republican Majority Leader Mitch McConnell reportedly bottled up 275 bills sent over from the Democratic House (Mayer 2020). Pundits cited these numbers as an abuse of authority, but it was most likely a convenience for his party's majority that had other priorities and did not want to vote these bills down and risk

creating issues for the Democrats in the next election. Yet, even when the chamber's leaders are inclined to act, the filibuster mandates a supermajority; their apparent dedication to inaction reflects the absence of sufficient support to pass the bill. On being told by staff that a senator had just changed his mind on an upcoming vote and that he wanted to talk to him, an exasperated Majority Leader George Mitchell ruefully mused, "Very early, I figured out that this fabulous position, running the United States Senate, was simply a license to kiss every senator's ass every day" (Gephardt and O'Donnell 2010).

Presidents commit while congressional leaders can only coax and cope. It is ironic that charges of cheap talk would land on the president's desk, the one office whose occupant should find commitment easier than any other politician in Washington.² Evidence of presidents successfully employing veto rhetoric to induce accommodation abounds throughout the book in its statistics and stories.

Information

With their chief executive responsibilities and authority placing them at the center of Washington's policy marketplace, presidents routinely converse with a wide array of politicians—other elected officeholders, organized constituencies, and government executives—sounding out their views and seeking each other's help. And, of course, serving others' requests will give presidents an opportunity to invite them to reciprocate. These daily exchanges inform presidents as to what these other politicians want, must have, and are willing to tolerate.³ Such information allows presidents to respond to opposition proposals with the best available counterbid. It may also identify weaknesses in the legislation as well as among the coalition assembling to pass it. Veto rhetoric can hammer these chinks in the opposition's armor.

Veto rhetoric informs the efforts of everyone invested in their political party's collective success. Consider how veto rhetoric makes focal coordination a viable strategy:

- I. Veto rhetoric informs copartisans everywhere that everyone else, whose efforts are required, has received the same message. Even those lawmakers who find that the president's threat preferences are misaligned with their own views or those of their constituency may feel compelled to get aboard the party train. Two strategic considerations promote subordination of one's current policy preferences to the party's collective interest.
 - a. It may be the only viable alternative to the opposition's proposal.
 - b. With everyone receiving the same call to action, shirking may become conspicuous and discourage members from the temptation to do so (Calvert 1992).
- II. Public commitment is credible because it is costly. Its upfront costs, as well as the recognized downside risks as the issue plays out, convey resoluteness

to followers.⁴ Moreover, an early veto threat provides political cover for copartisans to close ranks behind the president's stance.

- III. The office's central market position equips presidents to configure veto threats that will unify the party, by recognizing and accommodating the party's different interests as much as possible.

In sum, the office's comparative informational advantage and the capacity to go public (Kernell 2006; Lee 2016) give presidents a clear advantage over other would-be focal coordinators.

Reconciling Resoluteness and Flexibility

Ingberman and Yao (1991a) state that when presidents commit, they must win Congress's capitulation or they must veto. But this is not viable when the only realistic success would involve a compromise. Their pessimistic conclusion stems from the assumptions the authors insert into their model. Aside from the familiar technical assumptions (single-dimensioned policy, fixed preferences, common knowledge, and stationarity) required to perform the formal analysis, Ingberman and Yao also stipulate that voters will penalize a president who fails to make Congress capitulate. But why? Can't a president who persuades the opposition to moderate its policies—especially when bringing them more into line with public opinion—garner credit for a partial accomplishment? It is not that compromise exposes their pusillanimity.

Although presidents may enjoy advantages in mobilizing their partisan allies behind a veto threat, doing so runs the risk that those who sign on to their veto commitment will have difficulty unwinding their position with their interested constituencies. The real constraint on presidents' flexibility lies in the range of compromise outcomes they can sell to their party caucuses.

Presidents can anticipate these downside risks and buy some flexibility by framing the threat signal to include some wiggle room. In addition, they may proffer a threat that is really a series of options or contingency outcomes: "Add this amendment . . ."; "Add ESL as a second language . . ."; "Drop references to the Delta water project . . ."; etc. If Congress sends the bill that squares with their request on some items, presidents can point to them as victories. Unlike Ingberman and Yao, veto threat bargaining allows presidents to look good as well as bad from the outcome of the threat.

Finally, the ease with which presidents can go public gives them a chance to make a case with voters that they won and should be rewarded. As Clinton demonstrated in the 1995 showdown with which I opened this chapter, the president's ability to go public allowed him to transfer his success in Congress to success at the polls nine months later.

In sum, presidents must be able to back off their initial demands in negotiations and in the compromises they are intended to produce. When confronted with a school

construction appropriations bill that comes in 10 percent above the preferred ceiling, they must be able to sign these bills without incurring serious political penalty. *If veto rhetoric is to be a readily available, practical mechanism for influencing a broad range of legislation, it must both generate commitment and permit compromise.*

Success lies in finding a well-tempered threat that pairs with the leverage required to extract the desired policy. On some occasions, they may “go nuclear.” On other occasions, a mildly worded threat sent to Congress without fanfare might suffice. As presidents and their legislative staffs shop for a suitable signal, we’ll find they have a lot of options to choose from.

FASHIONING A THREAT SIGNAL

In the real world, incomplete information blankets everyone’s strategic calculations. Miscalculations are normal and may prevent the two sides from reaching agreement despite the presence of a mutually attractive policy waiting to be discovered. When presidents make a public commitment and then agree to something less, they increase their risk of failure. Consequently, presidents’ decisions to threaten a bill trigger a number of considerations: Which provisions should be targeted? How much force should be attached to each threat? Should the president include alternative policies or modified provisions? From the numerous memoranda that White House legislative staffs send to each other and to their boss—many of which are reproduced throughout the book—we find that these choices can involve various, dicey considerations that require research probing the preferences of both copartisan and opposition lawmakers.

Research may begin by mapping legislators’ likely votes on a bill according to their past record of roll call voting. But the real work begins as White House strategists consider how the opposition might alter the legislation to make it more broadly attractive and mitigate the effects of a veto threat, or even a veto. Must presidents hone their opposition to target only the most objectionable provisions that ensure they can maintain copartisans’ support? What counteroffers might the administration make to ward off amendments designed to peel off the president’s backers? These are just two of the myriad hypothetical policy and political questions that arise as presidents strategically formulate their veto rhetoric. Peterson (1990, 267) sums up the matter nicely: legislative success requires presidents “to know how to craft one’s ambitions to fit the opportunities of the day.” It’s a simple-sounding task, but in a bicameral legislature containing 535 professional politicians, it can require extensive research into the nuanced preferences of opposition and copartisan legislators alike.

Consider the veto threat as a kind of investment decision. Presidents initially pay a fixed price for a threat. The upfront costs are twofold: transaction and opportunity. The former involves the effort expended to formulate, promulgate, and, subsequently, defend the administration’s position; the latter is the reduced opportunity to pursue other legislation. These costs are fixed and estimable. They vary according

to the choice of instrument, and hence reflect the president's level of commitment. The hour-long State of the Union speech imposes a severe opportunity cost while a Statement of Administration Policy (SAP) does not.

Veto rhetoric is costly and presumably its use rationed. Chief among the rationing decisions presidents must weigh is how frequently they can ask their copartisans to subordinate constituent interest to support their party's collective action. After grouching over H. W. Bush's numerous veto threats, fellow Republican and Senate Majority Leader Trent Lott ruminated on the necessity of party loyalty: "On FS-X, I thought he was wrong; on China students, I thought he was wrong; then comes the Hatch Act. . . . I don't want to embarrass him, but there's a limit to where'll you bite that bullet." Nonetheless, on each of these vetoes, Lott switched from support of the bill to support of his president on the Senate's override vote. He reasoned, "If he loses that leverage, we [congressional Republicans] lose that leverage" (Sinclair 2014).

At the backend, another cost looms, one potentially even steeper but at the time of the signal, unknown. It is the damage presidents inflict on themselves and their party's brand if they fail to live up to their commitment. Caving to congressional demands after a public threat will prove more costly than had the president threatened privately. (Of course, it's the risk of being exposed bluffing that makes the threat credible.) When informed that W. Bush had threatened to veto a seaports bill, fellow Republican Senator Charles Grassley flicked aside the memorandum, observing that the president "had probably issued 100 veto threats. When you don't follow up on any of them, no one takes you seriously" (Nather 2006).⁵ When I asked the head of Clinton's White House legislative affairs office what I needed to know about veto threats, he replied, "The president had one rule: No bluffing, never threaten a bill he wasn't ready to veto" (Clinton's aide, personal interview 2016).⁶

This dictum is not so straightforward or easily implemented as it appears. The enrolled bill sitting on the president's desk will frequently be quite different from the initial proposal that elicited the threat. The intervening legislative process gives opposition legislators an opportunity to modify the legislation to allay some or all of the president's misgivings. It also gives them a chance to fashion a *quid pro quo* across policies occupying different dimensions. Both responses can put the White House in a serious bind: should a flawed bill that partially addresses the president's objections be signed or vetoed? During the 1995 showdown, Republican House Leader Dick Armey griped to reporters that fear of a Clinton veto was overblown: "Can you imagine vetoing 100 percent of what you want because someone got 10 percent of what they want. . . . That would be a foolish choice" (Pomper 1998). Signing it, on the other hand, risks notifying the other side that the president can be pushed around, the veto rhetoric ignored.

Complex Legislation, Complex Signals

Most bills are inherently multidimensional, reflecting the complexity of the problems and policies required to deal with them. They may also reflect political

reality—specifically, the need to attach unrelated policies to legislation to attract majority support. Large, complex bills beget complex threat signals. Some target a dozen or more provisions with vetoes and may vary in the intensity of the president's objections across provisions. Legislators parse signals carefully to spot opportunities for compromise or exchange. To appreciate the problem legislators confront in digesting and responding to multifaceted veto threats, consider the following hypothetical threat signal: the president threatens four of a bill's eight provisions. Congress could pass the nonthreatened provisions, although it might make for a poor policy. Or Congress could capitulate, but it rarely does. Or Congress could send the White House a bill conceding to the president's preferences on one or more provisions. This last scenario is the one that normally plays out. Offering partial accommodation over multiple-dimensional issues introduces a serious likelihood of miscalculation and unnecessary vetoes.

About a third of the enrolled authorization bills threatened in SAPs contained a single threatened provision. Other issues interfering with easy resolution, such as "opposing" statements, may have been present, but the single threat greatly facilitated the opposition's choices in deciding if and how to satisfy the president. As the number of threatened provisions increases, so too exponentially does the number of possible combinations of concessions. Over a quarter of the initially threatened, eventually enrolled authorization bills threatened six or more provisions. This required negotiations to wade through well over one hundred possible combinations of provisions that could comprise the final bundle sent to the president.⁷

To push back against the opposition majority's program, presidents recruit aides, about two dozen men and women, to stay in constant contact with legislators (Collier 1997). Most of these aides previously worked on the Hill as staff and are well acquainted with its members and procedures. One of their tasks is to identify and lobby copartisan legislators who resist committing to the president's position. With 535 members of Congress representing different constituencies, finding a policy that both unites the party and offers feasible deals to the opposition can stump even those professionals who specialize in solving such puzzles.

Worried that the spending levels in the Republican highway construction bill would drain funds earmarked for staunching Social Security's hemorrhaging finances, Clinton's aides wrote the president a memo summarizing their views. Their research culminated in the memo to the president excerpted in Exhibit 2.1. One may reasonably ask if the president learned anything from their collective advice. Should he threaten to veto this popular bill appropriating more money for highways to conserve dollars in case the Social Security program needed an infusion of cash? Pitted against each other are two highly popular programs, occupying different policy dimensions. For Democrats, protecting Social Security would normally take priority, but on this occasion, Democrats in both chambers were clamoring for highway construction funds.

Would enough copartisans who originally voted for the popular bill be willing to reverse course and back the president in a veto override attempt? And if they didn't answer his call, how would the public judge the president's failure? With even copartisans reluctant to reveal their upcoming vote, if indeed these conflicted solons yet knew how they would vote, the president's staff could not agree on a recommendation. Despite extensive canvassing, these White House aides were unable to offer Clinton meaningful advice. Their indecision sent its own message: the president was entering a minefield without a map.⁸

EXHIBIT 2.1 ADVISERS OFFER PRESIDENT UNCERTAIN ADVICE

Memorandum for the President

Date: April 20, 1998

From: Larry Stein, Gene Sperling

[Preceding the review of the president's options below, the authors extensively review the program's financing and explain in detail how this long-neglected and highly popular highway construction spending bill would destabilize social security's fiscal stability.]

Three veto formulations include:

- 1) **Veto and Sustain** – If we were able to muster a veto sustaining margin in one house, it would give us powerful leverage over the final product. Such a course would have the virtue of putting Democrats on the side of fiscal responsibility and the Republicans on the side of spending tax dollars for pork. The problem is that, given the overwhelming votes, we are unlikely to lock in with certainty an override-proof margin.
- 2) **Uncertain Veto** – We could veto in absence of having a certain sustaining coalition. This would be risky and, if we lost, the issue of diminished effectiveness would likely be raised.
- 3) **Symbolic Veto** – Your advisors have discussed, and are split, on the wisdom of a symbolic veto — a veto in which you say you are taking a principled stand for fiscal discipline, while saying that you know you will not prevail. . . . Some of your advisors believe that any time a President loses on a veto the President is harmed. Others believe that a principled stand would be positively received as . . . standing up for fiscal discipline and responsibility.

Source: William Jefferson Clinton Presidential Library, 1998, Subject Files, Scan ID: 260704SS.

Calibrating a Threat's Commitment

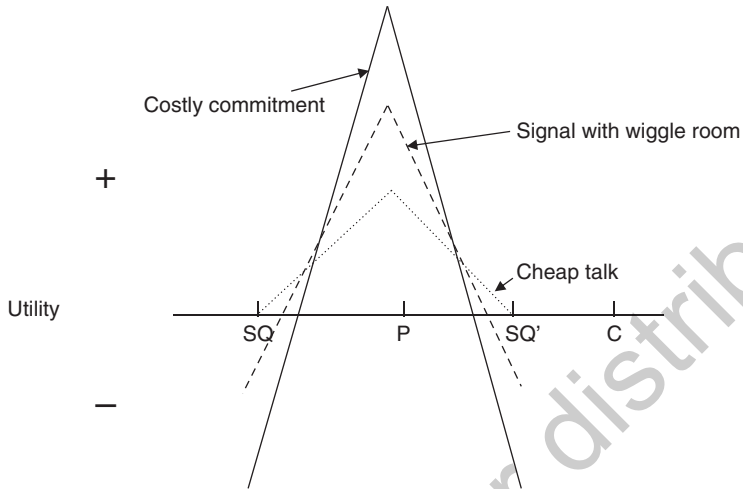
Some messages are inherently more credible than others. Presidents will have an easier time selling their threats as credible when they maintain a long-held policy position. A Democratic president will never oppose increases in minimum wage laws; a Republican, conversely, will never oppose reducing the capital gains tax. Beyond consistency, there are two ingredients in threat signals that establish their commitment. These are wiggle room and visibility.

Wiggle room. Legislators parse the language of threat messages searching for information on the president's flexibility. Reagan's emphatic "I have my veto pen drawn and ready. . . . Go ahead—make my day" threat stymied congressional Democrats' plans for a tax increase. Compare its implications to the more prosaic warning that an unnamed "cabinet secretary would recommend a veto." Both are public; both use the *v* word; yet they are quite different in the flexibility they afford the president. Messages carving out wiggle room are cheaper than those that tie their hands. They also give presidents the latitude to negotiate a compromise without being saddled with a disapproving public. We'll return to the choice of threat language when we examine Statements of Administration Policy in Chapter 3.

Visibility. Presidents shop for the cheapest signal that will establish their commitment while giving them the flexibility to negotiate a compromise bill that accepts provisions they had sworn to veto. On some issues, credibility will not be much of a problem. Quietly promising to veto any bill that prevents federal financing of all abortions should suffice to prompt negotiators to remove these familiar riders from Republican appropriations bills. Conversely, Republican presidents enjoy a surfeit of credibility whenever they threaten tax bills that increase the inheritance tax. This doesn't necessarily mean that presidents will enlist only inexpensive cheap talk signals in these cases. Both are so popular with their respective core constituencies that presidents may make highly visible, righteous stands against the Huns in Congress. Presidents may reinforce their initial signal with other forms of rhetoric: speeches, press releases, and fielding questions from the press. And they assign others in the executive branch to mobilize their constituent groups.

Pairing message with venue, presidents have numerous options for delivering veto rhetoric. They will weigh the expected efficacy of different signals against their cost and risk and enlist those that offer the best return on investment. The choice will reflect the extent of the president's disagreement with the proposed policy, its distance from current policy, the public support for the proposal as well as its salience, and conditions on Capitol Hill with respect to both party control and consensus within party caucuses.⁹

In Figure 2.1, I have plotted several types of threats according to their cost configurations. Cheapest, represented by a dotted line, is the baseline cheap talk signal. The payoff occurs exclusively on policy, since the president has not bought a costly signal

FIGURE 2.1 ■ Combined Policy and Political Utility of Veto Rhetoric

Note: For clarity, signal payouts are plotted on a single policy dimension.

that would add a political component to the utility payoff. At the weakest commitment level, we can catch only occasional glimpses of presidents hinting at a possible veto. Instead of the nationally televised Republican National Convention, what if H. W. Bush had instead pulled aside Democratic House Speaker Tom Foley and whispered, “Read my lips, Tom, no new taxes”? How would Foley have reacted? Perhaps bemused by bark stronger than bite, Foley might have responded, “Mr. President, when you are ready to commit, let’s talk.” Of course, we know that Bush opted for the strongest possible commitment, was forced to back down, and lost reelection.

The other utility plots portray the payout for two different levels of threat commitment. Both are fully public, but the stronger commitment may entail more public exposure to the president’s position and spurn any hedging. Note that both provide net negative utility for accepting a bill distant from the president’s preferences. The steeper of the two examples of veto rhetoric, “Costly Commitment,” represents full commitment in which the president declares a certain veto if Congress fails to converge toward the president’s position.

Finally, when their threats succeed in generating acceptable proposals, voters give presidents a bonus for their success over their adversaries in Washington. The greater the commitment, the larger the bonus. Of course, the downside of renegeing is greater for costly commitments, as well. Were they to accept a bill at their point of indifference with the opposition’s proposal, SQ, presidents would suffer politically for having retracted a commitment.

VETO RHETORIC'S THREE AUDIENCES

On some controversial bills, presidents will issue simple, declarative statements that they won't sign a bill; they may even say—as Reagan did on environmental policy—that they won't sign any legislation on the issue. On other policies, however, the White House staff and Office of Management and Budget (OMB) may spend weeks considering alternative positions on a bill and then devote comparable time crafting a veto threat message. They are prudent to do so.

The same message will be read by three different audiences—opposition legislators in the House and Senate, administration copartisans in these chambers, and voters. Each may have a different stake in the outcome prompting them to read the message from a different vantage. As Neustadt (1960, 187) reminds us, “Bargaining ‘within the family’ has a rather different quality than bargaining with members of the rival clan.” The two partisan teams in Congress will generally disagree on major policies—especially those that attract a veto threat. Beyond the Beltway, there is another constituency that while inattentive to haggling politicians in Washington is keenly interested in the legislation's effects on their welfare.

Opposition Majority

Opposition legislators will tend to regard dealings with the president as a zero-sum game. The president wins, they lose, vice versa. As Republican Senate Majority Leader Mitch McConnell famously quipped after President Obama's election: “The single most important thing we want to achieve is for President Obama to be a one-term president” (Kessler 2012). McConnell's brusque honesty excited Democrats and the press, but winning the next election is always a foremost concern of all party leaders.

Opposition partisans parse veto rhetoric to identify those provisions that would most likely trigger a veto and to determine whether the administration's message contains an avenue for compromise. They also check out the administration party's capabilities and its members' enthusiasm for their president's stance. If they suspect that too few presidents' copartisans support the threat to successfully block an override (or cloture) vote, veto threats become hollow rhetoric.

Copartisans

In principle, presidents should have an easy time coordinating the actions of their congressional copartisans. Congressional research has long observed that administration copartisans behave as if they have a personal stake in the president's success (Aldrich and Rohde 2000a; Baumgartner and Jones 1993, 241; Fett 1994; Smith 2007). “Regardless of their views on the policy merits of a presidential initiative,” concludes Lee (2008, 914), legislators know that “how they handle a president's priorities will affect his party's collective reputation. Presidential successes create credit-claiming opportunities for the

president's party." A recent review of research summed up presidential–congressional relations: "The President's influence on her party's brand name may be in the role as her party's chief bargaining agent in negotiations with the legislature. . . . The President typically represents the public face of her party on matters of public policy" (Grynaviski 2010, 220). And Jacobson's analysis of public attitudes toward presidents (2019, 52) adds an important point: "The public's assessments of the minority party's performance key less on congressional productivity than on the president's performance."

Most administration copartisans in the House and Senate will need not make a major adjustment to square their position with that contained in their president's threatening SAP. But for those copartisans who find the president's position seriously misaligned with their district or state's interest, the threat signal importunes them to accept the cost of embracing their party's collective posture. As Clinton's senior aide, Bruce Reed (1998), advised in a strategy memo to the president, veto threats represent "excellent opportunities to highlight your agenda and contrast it favorably with Republican proposals . . . [and] *unite Democrats*" (emphasis added).

Veto rhetoric also offers the means for mobilizing opposition to a bill. President Clinton's legislative affairs chief, Charles Brain, recounted, "When I came to the White House—again, this is in the House, certainly Republican control—David Bonior, as the whip, impressed on me very directly and vividly that when you say the veto word, we take it very seriously. So don't throw that word around lightly, because when you say it, we're going to move heaven and hell to protect you on that" (2004, 79).

Finally, on top of (or in lieu of) tendering a counterproposal, a president may simply exhort copartisan legislators to "win one for the Gipper," even when doing so imposes uncompensated costs on these politicians. Left unsaid, because it is clear to all, failure to do so could imperil the party in the next election. Incorporating copartisans' preferences into the chambers' collective decisions transforms the game from a contest of distant branches to a contest between competing party teams, each controlling one or two of the three veto institutions.

Voters

Washingtonians and voters use different criteria to judge presidents. Where the former study the president's performance to learn what to expect and how to approach their dealings with the administration (Neustadt 1960), the latter tend to focus on the outcome of the president's policies. Statistical analyses of public support for the president tend to show voters paying closer attention to the economy, international crises, and social conflict than to the transactions in Washington or the details of the policies (Kernell 1978; Kinder and Kiewiet 1981; Ostrom and Simon 1985). This helps explain why, historically, some presidents have enjoyed stellar professional reputations and lousy public regard, while for others, the opinions of politicians and the public were reversed. Harry S. Truman exemplified the former, while his successor, Ike, the latter.

That said, the introduction of publicly issued veto threats in SAPs occurred as other developments, such as the growth of cable news, were making Washington's day-to-day political news more accessible. By the mid-1990s, cable had virtually saturated its market. Not all veto rhetoric garners national attention, of course, but since any could do so, presidents must act on the expectation that their threat commitments are just that. (In Chapter 4, we measure and confirm ample news coverage of veto rhetoric.)

When presidents find themselves on the popular side of an issue, they may buttress their veto rhetoric with other public appeals for support, such as publicly reminding voters of their stand. This may involve travel and speaking engagements to special constituencies. White House staffs will plant cabinet secretaries' and other officials' opinion essays in news publications extolling the president's forthright actions. When supplemented with a public relations campaign, veto rhetoric becomes a form of "going public," for which modern presidents singularly excel.

THE BICAMERAL SETTING

Among the Constitution's features that are vital for modern presidents' success during divided government is the bicameral Congress. Past research on veto threats has concentrated on competition between the executive and legislative branches. But a second critical design feature that promotes effective veto rhetoric is Congress's coequal chambers. It essentially doubles the number of pivotal votes available to the minority party administrations to block the opposition's agenda. This is consequential, since the Framers largely succeeded in introducing heterogeneous preferences across the chambers by setting up different terms of service and different legislative districts (Buchanan and Tullock 1962; Grofman, Brunell, and Feld 2012).

Moreover, the historical evolution of Congress as an organization has pushed the chambers in opposite directions so that the modern House of Representatives enshrines majoritarian preferences while the Senate with its filibuster places the minority party's preferences in play. All of this points to the Senate as the chamber where presidents can make their threats stand up. Presidents won 54 percent of the Senate roll calls on which they had declared a position, compared to 39 percent in the House (Bond, Fleisher, and Cohen 2015).

The House of Representatives

The opposition majority's dominance in the House begins with the composition of the chamber's standing committees. They are stacked with members who report out more extreme policies than those preferred by the median floor member (Gailmard and Hammond 2011). Their preferences systematically "tend to move counter to those of the President" (Epstein and O'Halloran 1999, 171). This may serve the strategic purpose of generating bargaining chips for extracting concessions from the Senate

and White House. As bills reach the floor, party leaders will not bring those to a vote that they cannot win (Cox and McCubbins 2005). And when the bills do come to a vote, they typically arrive with a closed or restrictive rule attached to prevent the president's partisans from introducing objectionable amendments (Monroe and Robinson 2008).¹⁰

In recent decades, the House of Representatives has made a pronounced shift toward majority party rule. Former Clinton aide John Hilley explained: “A loss of control in the House is catastrophic. Everything changes . . . the majority runs the place, and the minority watches, remonstrates, objects, holds press conferences, rallies the troops, questions, and delays. But that is all done from the outside, with no access to the true instruments of power—the ability to set rules, pass legislation, control committees, and conduct investigations. That is why political fights in the House are so intense, the tone so severe, the campaigns so tough and bitter. It is ‘winner-take-all’ politics” (Hilley 2008, 24).

The Senate

In the Senate, the situation is different. The Senate majority leader requires members’ “unanimous consent” to conduct floor business with the same latitude House leaders take for granted. Members’ easy access to the floor and relaxed germaneness rules have evolved during the modern era into the filibuster, an effective minority party instrument for blocking legislation. With sixty votes required to close debate, it becomes a formidable barrier to passing the opposition majority’s legislative agenda.

THE GAME

Within the framework developed thus far, many different sequences of decisions are available that would move a bill from threatened to enacted. Yet the preceding discussion suggests a path that many—perhaps even most—of those bills that are successful begin inauspiciously under the cloud of a veto threat end up enacted. When they do, the confrontations end up looking a lot like haggling. I’m referring to the normal back-and-forth exchanges that one associates with the word. Both sides make extreme bids in order to prepare for the likelihood of concessions. From here follows a steady convergence, culminating in an agreement.

Move 1: An extreme bill proposed.

To take the most common case, the House majority whose policy preferences are the most distant and hence most dissatisfied with current policy introduces a proposal.¹¹ With House members consistently registering more ideological preferences in roll call voting research, this chamber’s proposals will normally be more “extreme” than those offered their colleagues in the Senate or by presidents. Others have observed

that, unlike the Senate, ideologues in the House of Representatives disproportionately author the chamber's initial proposals (Taylor 2007). Krehbiel (1998) also detects ideologically skewed initial proposals, but with his pivotal politics model squarely placing control of the chamber's collective decisions in the hands of its median member, pivotal politics cannot explain this regularity. Krehbiel speculates that initiating legislators may be floating a trial balloon, but his model's complete information assumption would appear to obviate the usefulness of this maneuver. He also suggests that an extreme proposal may "mobilize support among more ideological legislators" (Krehbiel 1998, 32), but this too is unnecessary since extreme legislators are captive, supporting whatever policies their copartisans serve up. Extreme proposals do not have a place in Krehbiel's pivotal politics model. Nor does the separation of powers model give us any reason to expect them. Veto threat bargaining, on the other hand, anticipates and incorporates extreme bids as legislators test each other's tolerances and lay the groundwork for subsequent negotiations.¹²

Move 2: The veto threat.

The president issues a veto threatening SAP after the legislation is reported to the floor but before it is voted on. The president may reject the bill categorically or counter it with an alternative policy incorporated into the veto threat. Here, too, the opening volley may express the president's ideal policy, a policy that the chief executive has little reason to expect to be enacted. It accomplishes a couple of valuable things that will put the administration in good stead later in negotiations. For one, it reassures copartisans that the president shares their aspirations. Also, it sets the stage for haggling.

When I asked former aides and OMB officials why presidents came out of the chute with a veto threat so quickly after a bill was reported to the floor, I received a flurry of good reasons. One OMB official explained that "they are eager to get their veto threats on the table to give everyone plenty of time to work out an agreement."¹³ Informants from White House legislative affairs offices offered a more politically nuanced reason. Many early threats are directed more at the president's copartisans than at the opposition. They point copartisans toward the party's best collective approach for parrying the opposition and passing an acceptable bill. With numerous alternative policy ideas circulating around Capitol Hill, an early response gives presidents a chance to influence copartisans before they commit to a differently configured bill (Barrett and Eshbaugh-Soha 2007). Labor Secretary Elaine Chao persuaded President W. Bush to issue a threat against a Democratic amendment favorable for unions' efforts to organize workers by arguing that "a strong, early message to the moderate Republicans" was necessary to offset the pressure that could be so great copartisans "would begin to peel off one by one. If they began to do that, we would lose this issue" (Chao 2019).

When presidents mobilize copartisans in the initiating chamber, they do so without much expectation of winning the roll call, especially if the initiating chamber is the House. (The president's party is, after all, in the minority.) Presidents know (or

should know) that they will lose these roll calls. During the 106th Congress, President Clinton, for example, won on only two of the forty-one House roll calls on bills he had threatened.¹⁴

Finally, “When it comes to initial passage by one house,” explained a Clinton legislative aide, “you’re sending signals to the other body of what you want, as much as indicating what you would eventually do, knowing that there’s a conference coming” (Brain 2004). Mobilizing the troops is one of the chief purposes of early veto rhetoric.

Move 3: The initiating chamber passes its bill.

At this juncture, our expectations separate according to the chamber that initiated the proposal. If the House initiates the proposal, it will likely pass the original proposal with few or no modifications in response to the president’s objections. The House majority ignores presidents’ objections because it can. Control over agenda prevents alternative legislation from reaching the floor. Moreover, with uncertainty about how the second chamber will respond to the president, the House majority husbands expendable provisions for subsequent negotiations as the House and Senate reconcile differing versions of the bill. When the Senate originates the bill, the minority party’s filibuster privilege should cause the chamber to get started with a compromise, although even here, convergence need not occur until reconciliation.¹⁵

Move 4: The second chamber acts.

The second chamber modifies the bill by adding and subtracting provisions that bring it closer to the president’s preferences. As we test for convergence, Move 4 becomes critical. Unlike conventional haggling scenarios, here the actors change midstream. This second set of legislators may not be as enthralled with the initiating chamber’s extreme proposal, and hence, more inclined to broker a deal with the White House. Of course, if as argued above, the House initially tends to stonewall the president. The Senate will have more threatened provisions to clear than will the House when it moves second. We allow the initiating chamber to take up the reworked bill or try to restore provisions at the reconciliation stage.

Move 5: Reconciliation of the several veto actors’ preferences.

The above moves are discrete but connected. Choices made at one stage can by design influence choices that follow. Because this is so, politicians act strategically to anticipate and influence the choices of others. Such a strategy is most apparent at Move 3, when presidents mobilize their party for a vote they know they will lose but succeed in taking the override option off the table. But strategic concerns show up in legislators’ and presidents’ actions throughout the game—in extreme initial proposals, in presidents’ quick responses, and when the initiating institution retains threatened provisions for future barter.

Presidents take a losing stand to rally their copartisans to oppose the bill and disabuse the opposition from expecting they can win via the override route. Facing a Democratic

Congress bent on legislating, H. W. Bush continuously used veto rhetoric to bring congressional Democrats to the bargaining table. As his head of legislative affairs explained:

As historians look at the legislative . . . process . . . it's important that they . . . add to it whether or not there was this threat of a veto going, because we used it rather effectively. You look at a vote and the vote looks like it may be a loss for the President, but it's 34 votes for and 66 votes against it. And I got 34, which means I can sustain a veto. Then the thing comes back through, the offending piece of legislation has been mysteriously removed from the document, and it's passed 90 to 10. Oh, my God. What happened? Well, we were able to shape legislation by using the President's veto power. (McClure 2001)

The Strategic Calculations: The Coverdell IRA Proposal

The legislative process presented in the five game moves above is deceptively straightforward and linear. Even in allowing each politician to behave strategically—that is, deciding their choices based in large part on how they assess how others are likely to respond—the game proceeds from one stage to the next in an orderly fashion. Except in the real world, it frequently doesn't work out this way. In testing hypotheses of veto rhetoric's impact in Chapters 5 and 6, we trace the outcomes of each threatened bill's (and threatened provision's) move through Congress. But in doing so, we may miss or shed the messy calculations and complexity of choices that arise as presidents and legislators look down the game tree at uncertain outcomes.

To convey just how complex and uncertain these moves can be even for the best-informed politicians in Washington, consider Clinton's conundrum in trying to figure out his options in opposing a popular Republican initiative to create an individual retirement account (an IRA) to help families save and invest tax-free for their children's education. Laudatory, right? But for Clinton, most Democrats, and all the teachers' unions, Republican Senator Paul Coverdell's plan amounted to a tax subsidy for upper- and middle-income constituents to send their kids to private schools. Opposing it, all agreed, would involve taking a hit with voters. After all, who doesn't want to pay lower taxes?

Two other considerations sent the president into a quandary over how he should respond. Should he continue to stonewall Republicans with another vigorous veto threat, or should he try to parlay some gains with a *quid pro quo* proposal? When the bill was voted on the previous year, it had passed the House narrowly and was successfully filibustered in the Senate. When Senate Republicans resurrected the measure in the fall of 1998, they adopted a new approach focused on coopting key, mostly Democratic members of the Senate Finance Committee who had been cool to it in the past. This committee agreed to a number of Democratic senators' pet projects for education. Senator Daniel Patrick Moynihan, for example, won favorable tax treatment for employers who offer educational assistance. Senator Carol Moseley Braun, who had opposed the bill previously, indicated that an amendment funding public school construction to the tune of \$3 billion could switch her vote. These early Republican moves prompted Senate Minority

Leader Thomas Daschle to warn the White House that he might not be able to muster support to sustain a filibuster when the bill came to the floor.

This introduced the second consideration. Looking down the decision tree, Clinton was confident that House Democrats could thwart an override attempt if it came to that. But still, a failed filibuster would require that he veto the popular bill that Republicans would condemn with newsworthy fanfare. Instead, if the administration could squeeze something it wanted into the bill, a log roll might be the way to go. Perhaps Moseley Braun had the right idea. The administration had separately proposed a new \$5 billion grant program to subsidize school construction. If Republicans agreed to bump the senator's construction bid by a couple billion dollars, perhaps this would be the best they could do.

The president put his legislative affairs staff to work to learn what it could about the extent to which opposition in the Senate was crumbling; whether school construction funding would soften unions' adamant opposition to Coverdell; and whether Senator Lott, who opposed federal funding for such projects, would accept it. In Exhibit 2.2, they tell the president: stay the course, try to keep senators on board, and on the notion that "you can't defeat something with nothing, be prepared to package Democrats' shopping list into an alternative bill when Coverdell comes to the floor."

EXHIBIT 2.2 ADVISERS TO PRESIDENT: STICK WITH VETO THREAT

Date: February 7, 1998

From: Gene Sperling, Bruce Reed, Larry Stein

Re: Strategy on Coverdell Education IRA Proposal

... In our meeting, we discussed the following strategy options: (1) stick to our very strong veto threat. (2) Continue the veto threat but encourage Democrats to add school construction and other items for a possible ultimate deal.

Option 1: Under this strategy option, we would stick very strongly to our veto threat with the full intention of vetoing any bill that includes the Coverdell proposal, just as we have done to date. We would not encourage Democrats, to the extent possible, from adding proposals that we support.

Pros:

- Consistent with the position you took in your letter to the Congressional leadership during the Balanced Budget Agreement negotiations.
- Satisfies public school advocates concerned about vouchers.
- Appears sustainable at least in House (though possibly not in the Senate). There are apparently 8–12 wavering Senate Democrats. Both the House and Senate dynamic could possibly change to the extent something very attractive gets added, such as a robust school construction provision.
- Can reassess later if dynamics change, or if veto-proof majority begins to emerge.

Cons:

- Minority Leader Daschle and other Democrats have signaled that they may not stick with their position last year opposing Coverdell. The bill could come out of Finance with an overwhelming vote.
- Lose opportunity for possible progress on school construction.
- Republicans continue to have a popular issue to criticize us on.

Option 2: Under this strategy, we would stick to our veto threat, but we would encourage Democrats to add provisions that we support, such as school construction. Depending on how much success Democrats have, down the road we would either engage in negotiations to add more of our proposals or we would stick to our veto threat.

Pros:

- An opportunity to achieve a success on school construction. Robs Republicans of an issue, while forcing them to cave in on school construction.

Cons:

- Would be portrayed as a flip-flop, perhaps affecting credibility of future veto threats.
- May contribute to “slippery slope” on school vouchers, as public school advocates fear.
- Would be strongly criticized by public education supporters, even if it includes a substantial school construction investment.

Recommendation: All of your advisors agree that Coverdell is bad public policy. Proponents of Coverdell intend for this to be a first step toward vouchers. Moreover, the tax benefits disproportionately benefit high income people.

Some of your advisors believe that switching will be seen as moving away from a principled position. Others, however, point out the potential for an education bill moving through Congress with possible strong momentum and including several attractive components, including pre-paid tuition plan provisions, enhanced employer provided education benefits, and perhaps school construction. It would be difficult to make an effective public case against such a bill. An IRA does not strike people as a voucher, plus people understand IRAs and they like them. The public case against a bill becomes that much harder to the extent provisions are included that help public schools, such as school construction.

While some of your advisors believe that we will need to continue to re-assess our position as events unfold, and some felt we should never move off our current position, it is the consensus view of your advisors that there is nothing to be gained from moving off of your strong veto threat now. It is also agreed that we should not, at least for now, encourage Democrats to try to load up the bill with attractive items, while recognizing that Finance Committee Democrats will do some of this on their own. Rather, we can encourage Democrats to offer a proposal as a substitute for Coverdell when the bill goes to the Senate floor.

_____ Recommended Option	_____ Option 2
_____ Discuss	
Strong Veto Threat	Strong Veto Threat
Encourage Democratic	Encourage Democrats
Substitutes	To Add to Coverdell

Note: Text has been reformatted to improve readability.
Source: William Jefferson Clinton Presidential Library, 1998.

POLITICIANS SOLICIT VETO THREATS

Presidents do not hurl veto threats as bolts from Mount Olympus. As one legislative aide explained (personal interview 2015), “Presidents coordinate with their party leaders all the time as they weigh if and how to fashion veto threats.” The needs and expectations of legislators—including opposition legislators—condition presidents’ rhetoric. At times, more than the message may be involved. Others will expect reciprocity to advance their goals.

The president’s services are in great demand. Everyone needs the president’s help from time to time. As Neustadt cautioned, this guarantees only that presidents will be busy clerks. Whether they can convert their responsibilities and authority into influence depends on their “skill and will” as politicians. If veto threats deliver results, we can expect that others will seek to enlist them to serve their own goals.

In researching at the archives presidents’ considerations that led them to issue a veto threat, I was struck by the frequency with which others request or even insist that presidents issue veto threats. Clearly, beyond the White House, other Washingtonians appreciate the ability of this rhetoric to deflate legislation. Below, I offer a few typical examples to illustrate the various interests that solicit threats.

Managing Intramural Demands

The president’s copartisans are probably the most active supplicants for veto rhetoric. When they want to block unattractive policies from advancing in Congress, nothing works better than a presidential commitment to veto the bill. Late in 2021, President Joe Biden found himself whipsawed between his own party’s progressives in Congress and the Republicans as his administration tried to usher through Congress major social and infrastructure policies, carrying trillion-dollar price tags. Having split off traditional infrastructure construction from an antipoverty program to secure Republican support, he upset his progressive Democrats who wanted to keep the policies together to make the policy payoffs as broadly attractive as possible. Biden’s promise to bring the social programs to a vote later in the session did not mollify this wing of his party. Then, he announced he would not sign the infrastructure bill until the second bill greatly expanding social services also passed (Peterson, Duehren, and Parti 2021). Suddenly, Republicans (and, one suspects, moderate Democrats) were up in arms over this apparent veto threat intended to appease progressives. Republicans reacted immediately. For them, Biden’s comments were a deal breaker. “No deal by extortion,” tweeted Republican Senator Lindsey Graham. The president immediately backtracked, saying that his earlier announcement may have “created the impression that I was issuing a veto threat, which was certainly not my intent” (Thomas and Duehren 2021).¹⁶ The president retracted the threat just in time to save the bill.

Congressional allies similarly lobbied H. W. Bush to issue a veto threat—this time against a bill to which he initially appeared indifferent. In 1992, the cable and motion

picture industry pressed Bush to threaten a cable deregulation bill. Fellow Senate Republicans backed the industry, assuring Bush they could block a veto override if it came to that. Consequently, Bush issued the veto threat. This would prove to be yet another veto threat he would rue. The original bill sailed through both chambers, and Bush, confident he had the votes, promptly vetoed it. With uncustomary dispatch, however, Congress overrode his veto by a single vote in the Senate. According to one White House aide, “Everyone in the White House was tee’d off” (interview with staff, 2015).

Organized Interests Lobby for a Threat

Bush’s situation does not appear to have been unusual. Organized interests vigilantly monitor legislative action and are quick to lobby presidents to help them fend off unwelcomed legislation. In 1997, organized labor came to the Clinton White House with a target on its back. Republicans were looking for a bill to which to attach a provision, locally known for its sponsor as the Beck amendment, that would prevent unions from using compulsory dues to finance political activities. After several meetings and exchanges of proposals, Clinton’s advisers urged the president in Exhibit 2.3 to avoid complying with labor’s request. A full-throated veto threat against any legislation containing this provision was too risky. It invited the opposition to place the president in a bind by attaching it to a popular bill. Clinton followed his aides’ advice. Instead, he sent a memorandum condemning the anti-union proposal. He used strong language, but to labor’s consternation, he refrained from the *v* word. The fact that many disparate provisions can be bundled in a single bill introduces trade-offs of both policy and politics. It forces presidents and legislators at times to look several moves ahead, as if they were in a chess game.¹⁷

Veto Threat as Barter

Earlier, we found the Clinton administration staving off the Coverdell IRA for educational savings despite crumbling support among Democratic senators. This Republican policy came up earlier in the summer as the last issue hanging up the historic budget agreement between the two parties. Clinton said he would not sign a bill with Coverdell. Anxious to get the coveted tax cuts enacted, House Speaker Newt Gingrich replied he would need the president to issue a formal veto threat against this popular policy in order to dissuade the Republican caucus from requiring the amendment as a condition of its support (Hilley 2008). Clinton might have preferred to keep his opposition off the record, but in the end, he sent Gingrich the threatening memorandum he wanted. Extracting a threatening SAP helped the Speaker in a couple of ways. It gave him credibility for removing the popular policy from the bill, and it also provided his party an issue with which to hammer Democrats in the fall elections.

EXHIBIT 2.3 THE PRESIDENT CHOOSES A WEAK THREAT: THE BECK PROVISION

Memorandum for the President and the Vice President

Date: February 13, 1997

From: Gene B. Sperling, Kathleen Wallman

Subject: Possible Policy Announcements Related to Labor Issues

... The Republicans in Congress have made clear that they will try to attach a “Beck provision” to some piece of legislation that you want to sign. This provision (named after a Supreme Court case) would prevent a union from using compulsory dues for political purposes unless a union member specifically authorizes such use. It goes much further than current law, which allows a union to use dues for political activity except when a union member specifically objects and demands reimbursement. Unions correctly believe that the Republican Beck provision (there may be a Democratic version that simply codifies current law) would gravely interfere with their political activity. They would like the President to threaten a veto of such legislation.

Option 1: State that you will veto Beck legislation if it is attached to campaign finance legislation. None of your advisers advocated this approach because it puts you in the unattractive position of announcing early on an item that would cause you to veto campaign finance legislation, which you have identified as one of your priorities.

Option 2: State strong opposition to Beck legislation, no matter what it is attached to, but refrain from making a veto threat. There seemed to be unanimity that this was the better approach. It will make clear your vehement opposition to this legislation and will fortify Congressional Democrats in trying to defeat it. It will not, however, back you into a corner in the event Republicans succeed in attaching the Beck provision to some essential bill — whether the campaign finance bill or otherwise.

Source: William Jefferson Clinton Presidential Library, 1998.

Republicans Lay a Trap

An analogous situation occurred as Republicans proposed to stringently tighten welfare eligibility. Labor, civil rights, and other Democratic-leaning groups urged Clinton to intervene with a “make my day” veto threat. But Clinton’s advisers warned against it. Instead, they saw Republicans trying to entrap the president, by forcing him to commit to an unpopular veto. Clinton’s aides (Rasco et al. 1993) warned that the Republican Congress was itching to force a veto but was waiting for the president to reveal his strongest objections to show them how.

Republicans on the Hill may well prefer to see the President veto a welfare reform bill and would like a road map about how to ensure one. Specific veto threats might make it less likely the legislation improves, and we could also receive criticism from more friendly sources should we choose to draw the veto line in a place different from where they would like. If the decision is that a veto threat would be a useful tactic, we would still need to discuss . . . which provisions are named as unacceptable and what changes could . . . render them acceptable.

With Republicans waiting to bait the president, the memo hints at a defense, albeit without much enthusiasm. Latch onto a more palatable alternative policy to ward off the opposition's proposal, even though congressional Democrats appeared perfectly content with current welfare policy. Eventually, Clinton took this course and embraced a reform policy that many in his party privately opposed and some openly resisted.

CONCLUSION

Veto rhetoric transforms presidential–congressional relations from a game between the legislative and the executive branches to a game between the political parties. With veto rhetoric, presidents seek to mobilize copartisans to resist the opposition's legislative program. Whether they seek to defeat the proposal outright or find some mutually acceptable compromise, presidents are uniquely well suited for this task. Their central position in the Washington community and their special access to the American public afford them the opportunity to define their party's response, whether it take the form of adamant opposition or a compromise. It might already be apparent to the president's copartisans that they should oppose a bill. Each may find different reasons for doing so, making it easy for the party caucus to unite in opposition. But focal coordination offers presidents and their party the prospect of accomplishing more. When they describe a potential compromise that both sides might prefer to current policy, focal coordination offers presidents the chance to reset the agenda and bring both sides to the bargaining table. In later chapters, we'll find that with few exceptions, those veto-threatened bills that are eventually enacted contain a presidentially induced compromise.