

THE VETO

The Veto Power

The Constitution says that "Every Bill" and "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President."¹³

Remember, the Constitution presents the President with four options when he receives a measure passed by Congress. First, he may sign the bill, making it law. Or he can veto it, and the measure must then be returned to Congress. Of course, Congress can override a presidential veto by a two-thirds vote in each of its two chambers—but it seldom does.

As a third option, the President may allow the bill to become law by not acting on it, neither signing nor vetoing it, within 10 days (not counting Sundays). This rarely happens.

The fourth option, the pocket veto, can be used only at the end of a congressional session. If Congress adjourns within 10 days of sending a bill to the President and the chief executive does not act on it, the measure dies. Most Presidents have used the pocket veto with some frequency, because Congress regularly passes a large number of measures in the closing days of its annual sessions.

The fact that Congress is seldom able to muster the two-thirds majority needed to overturn a presidential veto makes the veto a significant weapon in the Chief Executive's dealings with the legislative branch. The weight that this power has in the executive-legislative

relationship is underscored by this important point: The mere threat of a veto is often enough to defeat a bill or to prompt changes in its provisions as it moves through the legislative process. The record of presidential vetoes over the years, and the fact that they are not often overturned, can be seen in the table below.

The Line-Item Veto

If the President decides to veto a bill, he must reject the *entire* measure. He cannot veto only a portion of it.

Since Ulysses S. Grant's day, most Presidents have favored the expansion of the veto power to include a **line-item veto**. That is, they have urged that the President be given the power to cancel specific dollar amounts (line items) in spending bills enacted by Congress. Those Presidents, and the many who have supported their position, have argued over the years that the line-item veto would be a potent weapon against wasteful and unnecessary federal spending.

Over time, opponents of the line-item veto—and there have been many of them—have said that to grant the President such authority would bring a massive and dangerous shift of power to

the executive branch. To this point, efforts to persuade Congress to propose a line-item veto amendment to the Constitution have failed.

In 1996, however, Congress did pass the Line Item Veto Act. That law gave the President the power to reject individual items in spending bills, and to eliminate any provision of a tax bill that benefited fewer than 100 people. President Clinton hailed the statute as a major step against "special interest boondoggles, tax loopholes, and pure pork."

Opponents of the measure challenged it in the courts, and they won their case in *Clinton v. New York City*, 1998. There, the Supreme Court struck down the law. By a 6-3 vote, it held that Congress lacked the authority to give the President a line-item veto by statute. If the President is to have such power, said the Court, it must come via an amendment to the Constitution.

Read the Veto Reading on my website, then answer the following questions:

1. List and describe the 4 options the president has when a bill is sent to him from Congress.

2a. Explain how a President can use the mere threat of a veto to influence legislation.

b. Why is this so effective?

3a. What was the Line-item Veto?

b. What happened to it? Explain why.