

## **Presidential Influence: The Success of Vetoes and Veto Overrides\***

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Paper prepared for delivery at the Annual Meeting of the American Political Science Association, Atlanta, GA, 1999.

The power of the President has been described as the “power to persuade” (Neustadt 1960). Defining and quantifying presidential influence is, however, a difficult task. Scholars have variably focused on floor success rates in Congress, individual and aggregate party support, or agenda success (Edwards 1980; Edwards 1989; Peterson 1990; Bond and Fleisher 1990; Jones 1994).

Recently attention has been paid to the growing use of the presidential veto and the chief executive’s attempts to persuade members of Congress to “switch” to support his position during override attempts (Krehbiel 1998). While the frequency of presidential vetoes and congressional override attempts may constitute indicators of presidential and congressional power, there are subtleties in the veto/override game that have gone unexamined, particularly the difference between vetoes and override attempts of various types.

The general presumption in the literature about vetoes and overrides is that the actors involved are always focused on achieving legislative outcomes. That is, it is assumed that all actors have as their primary goal the realization or the blockage of some legislative proposal and that loss is costly (in terms of public and/or political prestige). As a result success is measured in terms of legislative outcomes and the number of legislators who are convinced to switch their allegiance from one side to the other measures influence and power. We argue in this paper that this is an oversimplification of the true strategies and goals involved. Traditional assumptions conflict with the actual empirical evidence on veto and override attempts we bring to bear from 1969-98.

Voting behavior in the Congress, particularly on contentious issues, is one of the few real world examples of near perfect complete information on the parts of all the

actors. The vote breakdown on the final conference report is public information. In addition both parties and the White House have staff members whose job it is to investigate and predict how members will vote once they receive pressure from either or both sides. While not perfect, both the party leaders and the President have a very good idea of the potential success of a veto long before the veto is attempted. The same is true for an override attempt. Yet the president's ability to sustain vetoes and congressional leaders' attempts to trump the president's vetoes are vary significantly in terms of success. We suggest that most unsuccessful attempts were not miscalculations or failures. Instead these failed vetoes and override attempts were a kind of position-taking aimed at informing the public rather than affecting legislative outcomes.

For this type of veto/override there is little incentive to attempt to persuade Members of Congress to switch their vote from one side to the other. Whenever the President or the opposition majority in Congress act to change the voting behavior of a Member political capital is expended. It would not be logical to expend that capital in what was known ahead of time to be a losing battle. By the same token, in those votes where victory is assured it is equally unlikely that there will be a great deal of effort expended in attempting to sway the votes of additional (unnecessary) Members. This means that current measurements of presidential power and influence severely underestimate the actual ability of the President to affect change. By assuming that this is always his goal they have ignored the subtleties of the veto tool and exaggerated the need for the President to sway Members of Congress.

In this paper we outline and discuss what we perceive to be three different types of vetoes (and override attempts): 1) partisan vetoes where the original conference report vote was

clearly partisan and an override attempt would fail (Type I); 2) legislative vetoes on contentious issues where the outcome based on the final conference vote is unsure (Type II); and, 3) position taking vetoes where the original legislation was passed by a broad super-majority coalition and would succeed without campaigning by the president (Type III).

This paper unfolds in four stages. In the first section we present a brief review of the current literature on presidential power and vetoes and overrides in particular. In the second section we explain formally why the empirical evidence does not support the previous assumptions of universal legislative goals for all vetoes and override attempts. In the third section we offer an alternative explanation of vetoes and override attempts based on the typology given above. We discuss the significance of this new typology of vetoes in terms of measuring presidential power through an analysis of “switchers” in the fourth section. The concluding section is a summary of our findings and some suggestion for future research.

### I. Perspectives on the Veto/Override Process

Andrew Jackson’s presidency marked an historical turning point in the use of the presidential veto. Breaking with his predecessors, Jackson was the first president to veto legislation on policy grounds—not on constitutional objections. His actions established an important precedent that would guide the evolution of the veto power through the nineteenth century (cf. Spitzer 1988, 33-70).

Jackson’s legacy surely continues in terms of presidents’ decisions to veto legislation. Rarely do presidents cite constitutional objections in their veto messages. But

more importantly, most scholarly studies of modern (post-War) presidents' use of the veto have assumed the primacy of *legislative goals* in presidents' calculations—that the president normally expects his position to prevail. With this frame of reference in mind, the incidence of vetoes has been tied to a number of factors. Lee (1975) found that divided government contributes to the use of the veto, and Congress is more likely to override presidents who lack a strong electoral showing. Copeland's (1983) study also emphasizes the importance of split-party control of the presidency and Congress, and finds that veto use increases as the president moves through his term. Watson's (1993) analysis dovetails with the latter finding, as veto use appears to increase in proportion to the president's loss of congressional support over time, presumably as his political capital (Light 1982) declines. In sum, presidential vetoes are the product both of conflicts over institutional prerogative and policy concerns, with variation explained largely by electoral forces and partisan configurations between institutions (cf. Ringelstein 1985; Woolley, 1991).

What prompts congressional leaders to pursue overrides, and do they similarly expect to prevail in most cases? There is, interestingly, little scholarly literature on congressional override attempts, but most also assume implicitly legislative/policy goals as the primary motivation. Rohde and Simon (1985) show that the policy area of the veto does not seem to affect whether an override is successful, but congressional leaders are more apt to bring about attempts to override on bills that concern social welfare and economic policy. Disaggregating override attempts by chamber and extending his analysis back to the late 19th century, Hoff (1992) discovers that partisan support for the president is most important in conditioning the first chamber's success in overriding a veto. Most

interesting is Hoff's finding that a certain momentum builds after successful passage by the first chamber, limiting the impact of presidential resources to halt the override at that point.

We take a somewhat different approach to the veto/override process. We are interested in understanding the multiple motives behind the players' objectives. We posit that legislative goals may not always be the driving force behind presidential vetoes or congressional override attempts. As we explain in the following sections, vetoes and overrides may sometimes constitute an extreme form of "going public" (Kernell 1993). Players in the veto/override game anticipate losing, but have incentives to embark on the course of action for symbolic reasons, such as to distinguish between the parties' policy positions when control of the presidency and Congress is divided and seek to derive electoral benefit among their supporting constituencies.

## II: Our Perspective: Miscalculation or "Going Public?"

If, as is asserted both implicitly and explicitly in the literature, vetoes are a tool in a game with primarily legislative goals in the short term then the empirical evidence suggests that the players are not particularly savvy. Between 1969 and 1998, there were 80 attempts to override the president's veto in the House of Representative, yet only 41 (51.3%) were successful. The odds of a successful override are about the same in the Senate: of 63 attempts during the same time period, 34 (54%) have been successful. The bicameral nature of the override process would seem to work to the president's advantage. Only 30 times from 1969-98 have both chambers of Congress overridden presidential vetoes. Presidential success in sustaining vetoes is rather variable. President

Ford was overridden 12 times in 28 attempts in both chambers. President Reagan batted .500 as congressional leaders overrode 9 of his 18 vetoes. And Presidents Bush and Clinton (1995-98) were overridden only a single time despite numerous override attempts. Which factors account for the fairly large diversity in both presidential success in sustaining vetoes and congressional leaders' success on overrides? Given that information is very close to perfect and all actors have access at the very least to the final vote on the legislation, why have there been so many "failures" in the veto and override game?

Our answer is simply that there is more than one game being played. The standard and familiar "legislative" veto game is certainly an important and very frequent occurrence. At the same time, what we will call the "position taking" veto/override game also exists and should be examined independently of the legislative veto/override game. The goals of the actors are very different in each case and as a result so are their strategies and actions. It is incorrect to assume the same goals for both games and even both actors (discussed further below). In fact, these assumptions have led to misinterpretations of presidential power and influence.

In a simplified world with only one chamber, or a unified majority that behaved as if it were one chamber—and assuming complete information—the veto game can be interpreted as the game tree in Figure 1. Here we have "nature" or the electorate deciding the partisan breakdown of Congress and the presidency. In the first round of action a "majority" in the chamber must attempt to pass legislation. This can have three results. The least interesting from our point of view is that it fails and no legislation is passed, at which point the game ends (A1A2). The two more interesting options are that the legislation passes, either by a strictly "partisan" vote (however defined) or by a broad (or

at least large) super majority coalition of at least 67% of the votes cast. Note that this is already enough to guarantee that a presidential veto can be overridden if the coalition holds. Because the final vote on a conference report is public there is no information set.

[Figure 1]

At the next stage in the game the President must decide to veto the bill or not. In the vast majority of cases the president does not veto legislation (B1B2 and C1C2), either because he and the majority largely agree on the proposal or because he knows that he cannot win a veto and no benefit will be derived from a lost veto. We are primarily interested, however, in those cases where a veto is issued. We note that there are two very different situations in which this can occur; 1) a bill which was supported by a partisan majority; and, 2) a bill supported by a supermajority, which is (necessarily) at least partially bipartisan. The veto of a partisan bill is substantially less likely to be overridden given that at least one party supported the President in his opposition to the original bill and no single party has controlled two-thirds of both chambers in the post war era. On the other hand, a presidential veto of a supermajority passed bill is very likely to be overridden given that the bill has already demonstrated its attractiveness to members of both parties in substantial numbers.

At the final stage of the game the majority must decide whether to attempt to override (D1D2, F1F2) the presidential veto or not (E1E2, G1G2). Once again we have two very different probable outcomes depending on the original majority which passed the legislation. If the proposal was initially partisan and supported by significantly less than the qualified majority needed to override a veto it is unlikely that the override attempt will

succeed (D1D2). On the other hand if the original majority was above the required override threshold the likelihood of a successful override increases significantly (F1F2).

If we rely on the current understandings of the veto/override process as a primarily short term legislative game we should expect the following strategies or preference orderings by the President and the majority, *assuming a disagreement between the President and the Majority in Congress.*

Legislative Game:

- 1)                                      President ( $A_2 > E_2 \geq D_2 \geq G_2 > C_2 > \mathbf{F}_2 > B_2$ )  
    Majority ( $C_1 \geq B_1 \geq F_1 > A_1 > E_1 > \mathbf{D}_1 > G_1$ )

If these preference orderings are correct then we should never (or rarely) arrive at the out of equilibrium outcomes of D1D2 (the majority unsuccessfully attempts an override) and F1F2 (the President has his veto overridden). These represent the least favored outcomes of the actors excepting “mistakes” (B1B2, G1G2).<sup>1</sup> Through backward induction (possible because of complete information) each of the actors would foresee the outcomes of each possible action and select the one that they most prefer. Since each is capable of preventing the occurrence of their least preferred outcome (minus mistakes) neither D1D2 nor F1F2 should ever occur, yet they both do.

Given the significant amount of information available to the actors the perfect information assumption is not that much of stretch from reality. In each of the above cases the likely outcome would be clear to all actors. If the president vetoes a proposal that has already received the support of at least 67% of the legislators it is likely that he will be overridden. In fact, 27 of 29 (93%) of the successful overrides from 1969-98 were gleaned on legislation originally passed by supermajorities.<sup>2</sup> By the same token, when the

majority chooses to attempt an override when it clearly lacked the votes to win previously, it is almost certain to lose. Not a single Type 1 veto was overridden from 1969-98. More problematic are the assumptions that (1) The goal of all actors is the immediate short term legislative outcome of the game and (2) there are necessarily costs (and no benefits) associated with attempting and losing either a veto or an override attempt. These assumptions are expressed as the expected utility equation:

$$2) \quad EU(\text{Veto, Override}) = P(W) * B(W) - P(L) * C(L),$$

where the expected utility of a veto or override is a function of the probability (P) of winning (W) multiplied by the benefits (B) of winning minus the probability of losing (L) multiplied by the costs of losing. When the expected utility of the veto or override is less than zero no action should be taken. Likewise, when the expected utility is greater than zero we should expect the actors to veto the proposal or attempt an override.

The probability of winning or losing is comparatively easy to calculate using the empirical evidence. What cannot be so easily accounted for are the associated costs and benefits. Since these cannot be readily quantified the equation cannot be solved. But, given the likelihood of loss in the cases of D1D2 (47.5% in the House, 47.6% in the Senate) and F1F2 (30.9% in the House, 52% in the Senate, 29.9% that the president will be overridden in both chambers) we have to assume that either the potential benefits of winning in these cases was so high as to be worth the risk, or more likely, that the costs of losing were negligible, or even nonexistent. If these assumptions were true we should expect to arrive at D1D2 or F1F2 only rarely, when actually these outcomes are realized quite often empirically. In fact, given the empirical frequency of these outcomes it seems



All that changes are the preferences of the actors in the subgames where they are likely to lose. For the President this is the supermajority passage subgame, and for the majority it is the partisan passage sub-game. For each actor their preference is now to risk the veto or override attempt knowing that they will probably lose because they prefer to make the public statement then do nothing at all.

This changes significantly our anticipated outcomes such that we now expect to arrive at D1D2 when the majority wants to make a public statement or at F1F2 when the President wants to make a public statement. Note that the majority can play the position taking game only when the original proposal was passed by a partisan majority and they are unlikely to be able to muster the requisite override majority. Similarly the President can only play the position taking game when a broad super majority passed the original legislation and an override is more likely to occur and be successful. In other words, only the probable loser can play the position taking game while the winner is still playing a legislative game.

Understanding that there are likely to be goals other than the immediate legislative outcome in a veto/override game is a fundamental first step to being able to gain a better understanding of this part of the legislative process in America, but it is not enough. Since the president's success at maintaining his vetoes is only one measurement of presidential power it is not enough to point out that he may not always expect to win or have that as his goal. More recently the success of the President in convincing members to "switch" their allegiance to his side has been used as an additional measurement of presidential influence and power (Krehbiel, 1998). This assumes that the president not only always wants to win a veto (which we have just demonstrated is probably false) but also that he

always is trying to convince members to switch. This is also an over simplification of the process since as we shall see in the next section, the president may not need switchers (in cases when strong intra-party cohesion prevails on the original legislation) and therefore would not expend precious political capital on attempting to gain them.

### III: Understanding the Typology

The decision to issue a veto or attempt an override is clearly more complex than is generally admitted in the literature. Since it is clear that there exists more than one potential goal in calling a veto or attempting an override it is also likely that the strategies pursued once this has been done will vary as well. Moreover, from 1961-68, Presidents Kennedy and Johnson never faced a single override, and President Clinton did not veto a single measure from 1993-94. Multiple goals and the greater frequency of vetoes and override attempts during periods of divided government make suggest that examining “switchers” as a measure of partisan strength or presidential influence questionable (Krehbiel, 1998). If, as was demonstrated above, the goal is not always to win a veto or an override attempt then clearly the assumption that either side would actively work to obtain converts does not always hold true. In fact, given the possible scenarios is only makes sense to attempt to gain converts in a small set of very explicit circumstances.

We have divided the set of all vetoes (and override attempts) into three distinct categories. Two of these types (I and III) are drawn from the previous section. Unlike the last section in which we presented a simplified unicameral model, here we will try to present a more realistic model by incorporating both chambers into the discussion. For

simplicity's sake, however, we will look only at vetoes, although the same arguments hold in the reverse for override attempts.

The first type of veto is the "partisan vote" veto (Type I). In this case the president is vetoing legislation which divided the congress along party lines in at least one chamber. Most of his party has supported his position already (in one or both chambers) by voting against the original proposal.<sup>3</sup> There is little or no chance of a successful override given this type of partisan support.

The second type of veto is what we call the "contested veto" (Type II). In this case the vote is neither clearly partisan nor is it clearly bipartisan in at least one chamber with the other chamber being either contested or supermajority (Type III below).<sup>4</sup> We have set the support interval on the original legislation between 60%-74% for bills originally passed via recorded roll-calls, but this is a subjective decision and other intervals could easily be argued for. We have selected this interval because it nicely borders the required 67% threshold for a successful override and includes probable number of potential switchers. In the House it would be necessary to gain at least 30-35 votes, assuming 100% participation. Since on average participation in both chambers falls short of the 100% mark the actual number of switchers required will be somewhat different. For the period 1969-98, on average the president is able to convert just over 23 of his co-partisans in the House who had voted for the original legislation, and just over 6 members of the opposition party. The Type II veto is clearly quite contentious and as a result the probable winner of any veto or subsequent override attempt is unclear at the outset of the game.

The third and final type of veto is what we have called above the “supermajority veto” (Type III). In this case a very large majority passed the original proposal in both chambers. We have set this at 75%+ for the reasons given above, but again this is somewhat arbitrary and other boundaries could be arguably inserted. In this case a substantial number of the Members from the President’s party have already voted for the legislation, and therefore against him. The number of defectors is higher than what we should normally expect that the president could hope to convince to return to his side (switch). This is the type of veto that we have described as a position taking veto in that we believe the goals of the President in this case are not to impact the legislative game, but the public relations game.

We now have a typology of three different kinds of presidential vetoes that we believe should be understood to be very different in terms of presidential strategy. The literature has suggested that we measure partisan strength and presidential influence by examining the ability of the President to convince Members of Congress (and particularly those in his own party) to switch their votes and oppose a potential override. We agree that this is an interesting and potentially informative approach to understanding presidential influence, but we must not continue to assume that all vetoes are created equal.

In fact, not only is it likely that the goals of vetoes vary (legislative vs. position-taking), but also that the strategies employed by the President vary depending on the type of veto we are discussing. Vetoes of Type I where the President already has the support of the bulk of his party and is very unlikely to suffer a successful override are very unlikely to lead to any attempt to win vote switchers. Clearly, convincing a Member of Congress

to switch her position on a piece of legislation is difficult since this reversal will necessarily be public. This means the President must expend a fair amount of political capital in the attempt. Why would he do this if he did not need to? In addition, if most of his party and those who would be most likely to switch have already voted with him, whom would he try to convince? While it is true that the President is able to get switchers from the opposition party, this is more difficult, and probably more costly (Krehbiel, 1998). Thus it seems unlikely that in this situation were an override attempted that the President would expend much effort to obtain switchers simply because he would not need to, his position being relatively assured.

This leaves us with presidential strategy on Type II and Type III vetoes. Let us examine Type II vetoes first, as it is this set of vetoes for which we expect the active cultivation and lobbying of members has the potential make a difference in the eventual outcome. When the original vote on the legislation was in the 60%-74% range it is unclear which side will be successful in an eventual veto and override battle. In this case everything will be decided by the ability of both sides to retain their previous support while at the same time lobbying potential switchers. In this case the President is most likely to bring all of the resources he has to bear in an attempt to prevent a successful override.

Type III vetoes present a more complex set of scenarios. Here we expect to find a mix of position-taking and legislative goals. Recall that here we are considering proposals which were originally passed by a supermajority in both chambers greater than 74%. When presidents are simply position taking, they expect to lose on the override attempt and will consequently not invest time and political capital in a losing cause. But an override attempt following a 75% passage majority on the original legislation may be more

or less likely to succeed depending on the relative strength of the president's partisan base in Congress and the resources he can marshal (popularity, media attention, etc.) to persuade members to change positions. The more members of his own party he can target, the more likely he is to be able to counter the constituency cross-pressures members of his own party are likely to confront relative to popular legislative programs. A forceful veto message or public campaign against the legislation may persuade enough co-partisans members to foil the override. Or, finally, the president may adopt a more complex bicameral strategy. He may attempt to reduce the passage coalition on the override attempt relative to the original legislation in the first chamber (most often the House) to slow the momentum and halt a successful override in the second chamber (most often the Senate). Conley (1999) recently discovered from archival material at the Gerald Ford Library in Ann Arbor, Michigan that this was a frequent strategy of the Ford White House given the dearth of Republicans in the House after the 1974 election.

In the next section, we examine vetoes and override attempts from the theoretical vantage point elaborated up to this point. Our goal is to use the typology developed thus far to compare the legislative efficacy and political influence of different presidents and analyze the role of party and partisanship in the veto/override process.

#### IV. Types of Vetoes and Overrides, 1969-98

With what frequency do presidents cast different types of vetoes? Table 1 partitions presidential vetoes from 1969-98 into the three categories discussed earlier. Several trends are immediately evident. First, the vast majority of vetoes from Presidents Nixon through Reagan were on Type III bills—legislation passed by 75%+ of both

chambers (or voice vote/unanimous consent combinations). Here we find preliminary evidence that presidents are undeterred from vetoing legislation that may result in a successful override, accentuating that more than legislative goals may be at play in their calculus. Second, Type II vetoes, or legislation passed by a supermajority in one chamber but not the other, represent an intermediate category. Just less than a quarter of all vetoes for the period were of the Type II variety. Third, and quite importantly, Bush's presidency would seem to mark an important turning point in the nature of legislation subject to vetoes. The trend becomes more pronounced under Clinton. A fifth of the vetoes cast by Bush, and fully half of those cast by Clinton from 1995-98, were on legislation passed by partisan majorities. The implications are particularly important in considering attempts by the congressional majority to override different types of vetoes.

[Table 1]

Examining the frequency of override attempts on the three veto types tells us much about the nature of presidential-congressional relations under divided government as party cohesion in Congress has heightened over the past decade (Tables 2a/2b/2c). Presidents' "staying power" on vetoes is greater. And they presumably need to do little arm-twisting of co-partisans to thwart overrides. On Type 1 vetoes, congressional leaders bring override attempts to the floor for position-taking or symbolic reasons. Not a single override attempt on Type 1 vetoes was successful in either chamber, though this has not dissuaded leaders of the opposition majority in the House or Senate from bringing attempts to the floor with greater frequency during the Bush and Clinton presidencies.

[Tables 2a/2b/2c]

Override attempts in the Bush and Clinton presidencies are instructive.<sup>5</sup> Bush faced two House attempts and three Senate attempts on Type I vetoes. The subjects of the bills clearly were among the most contentious of Bush's term, including increasing the minimum wage, taxes, civil rights, campaign spending, and "motor voter." Democratic leaders knew in advance that the overrides would fail, but pushed forth anyway to publicly demonstrate their resolve. Override attempts on taxes, campaign spending, and "motor voter" were aimed at symbolically blaming the president for apparent gridlock. On the minimum wage and civil rights bills, a compromise was eventually reached on subsequent legislation that won Bush's signature, largely because the president doubted he could sustain his vetoes upon a second round of override attempts.

Clinton's bout with House Republicans on Type I vetoes is a more straightforward case of the majority opposition in Congress attempting to paint the president as the obstructionist in the court of public opinion. Four of the 5 override attempts on Type I vetoes in the 104th Congress were on budget legislation (the other was product liability reform). The Republican spending bills, which had been passed along party line votes, took aim at cutting a variety of domestic and foreign policy programs in conjunction with the goals outlined in the *Contract with America*. From the outset, Speaker Gingrich and Republican leaders in the House knew the overrides had little hope of passing: But success was not the point. Gingrich hoped to call the president's bluff on the government shutdown and turn public opinion against Clinton. The budget brinkmanship backfired. What Gingrich and his team of leaders apparently did not realize was that the vast media resources of the presidency gave Clinton a decided edge to shift the tide of public opinion to his benefit. Moreover, public opinion of Congress tends to dip when Congress

challenges the president on vetoes (Durr, Gilmour, and Wolbrecht 1997). As a result, it was the Republican leadership that was held to blame for the shutdown and was forced to compromise on spending levels to the preference of Clinton.

Tables 2b and 2c suggest that the bicameral process of veto overrides variably works to the president's advantage. Recalling that Type II vetoes are bills that passed by a supermajority in one chamber but not the other, the total number of vetoes overridden is quite small relative to the number attempted. If congressional leaders can muster the requisite votes to override in the chamber that originally passed the legislation along strong bipartisan lines, the second chamber override attempt most often fails in the absence of prior consensus among legislators in that chamber. Again, we are left with the probability that congressional leaders suspect that the override will likely fail in the other chamber, but go forth with an override attempt to make a public statement. A cursory review of Type II vetoes, from Reagan's vetoes of industry protections from foreign competition to Bush's vetoes of family leave and abortion counseling, suggests that this is generally the case. There is, however, more uncertainty about the outcome of Type II overrides. A separate question addressed momentarily in an analysis of vote switching is how effective presidents are in converting enough members to either stop the override altogether or slow the momentum to override when the legislation originally passed one chamber with strong bipartisan support.

Presidents most often see their vetoes trumped on Type III vetoes, or those bills originally passed by supermajorities in both chambers. Ford has the poorest record of all 6 presidents, no doubt in large part because of the sheer deficit of Republican strength in the House and Senate following the 1974 elections that brought the Democratic "Watergate

babies” to Capitol Hill in the wake of Nixon’s resignation. Though Reagan’s early legislative victories in 1981 are often the focus of analysis, he has the second poorest record on Type III vetoes, having been overridden a total of 9 times. Why did Ford and Reagan apparently veto so much legislation they surely anticipated would be overridden? For both presidents, the common thread was often a desire to make a public statement about allegedly wasteful spending by the Democratic majority. Ford vetoed a wide variety of spending legislation (health programs, public works, school lunches, etc.) on the principle that deficit spending was inflationary and would prove deleterious to an already teetering economy. The short-term costs of austerity, Ford believed, would be far outweighed by the long-term benefits of lowering inflation and unemployment. But the popular programs nevertheless resonated with members’ constituents, and with only a third of the House controlled by Republicans, the Democratic majority frequently overrode the president’s vetoes.

In similar fashion to Ford, Reagan took issue with allegedly excessive congressional spending. Reagan vetoed the Water Quality Act in 1987, calling the bill “loaded with waste and larded with pork.” He appealed to Congress to reduce outlays by two-thirds, but legislators instead easily overrode the veto with an eye to various pet constituency projects. In similar fashion Reagan objected to the Surface Transportation Act of 1987, which he regarded as wasteful spending for congressional pork barrel projects with some \$88 billion for 120 special “demonstration” projects. But the president’s political capital had waned to such a degree that not even a personal plea to the Senate could forestall the override.

Reagan also took rather uncompromising and confrontational stances toward an opposition Congress that, while symbolic of conservative cause he championed, nevertheless

cost him a variety of losses—some of which were rather spectacular, including the Grove City civil rights legislation and South Africa sanctions. The South Africa sanctions veto override was perhaps the most symbolic and damaging. When Congress passed legislation to impose a host of restrictions on the pro-apartheid government of South Africa, Reagan vetoed the bill on the grounds that the sanctions would only add to the despair of the black population. But many in Congress argued that Reagan was out of touch with public opinion, and Democrats rounded up a substantial number of Republicans in both chambers to easily override the veto. Congressional Quarterly called the override, the first on a foreign policy issue since passage of the War Powers Resolution over Nixon's veto in 1973, "The most serious defeat Reagan had suffered on a foreign issue and one of the most stunning blows of his presidency" (Congressional Quarterly Almanac 1986, 359).

Table 2c shows that there is also more going on than meets the eye. Examining Type III vetoes in the past decade, there is some evidence that electoral and institutional changes that have boosted party unity voting in Congress have indeed altered veto/override dynamics beginning with Bush's term (cf. Rohde 1992; 1991; Sinclair 1992; Bond and Fleisher 1996). What is striking is how few overrides were successful on Type III vetoes for Bush and Clinton. Despite a sizable number of bills passed by broad coalitions and vetoed (Table 1), only twice since 1989 has the president been overridden in both chambers. Bush was overridden only on cable television re-regulation; Clinton was overridden only on shareholder lawsuits, in a veto that puzzled Democratic leaders who thought they had worked out technical issues to the president's favor (cf. Congressional Quarterly Almanac 1995, 2: 92). This finding begs the question of whether stronger parties in Congress make the president's task of persuading members to back his vetoes

when challenged easier—even on legislation originally passed with a strong bipartisan spirit. A brief analysis of vote switching casts light on this and other questions raised by Tables 1-2.

Examining congressional vote switching between the passage of legislation and an override attempt is a preliminary means to assess presidential legislative influence. In the following analysis, we compare vote switching by type of veto, according to the nature of the passage coalition of the original legislation. The number of override attempts in the vote switching analysis (Tables 3a/3b/3c) is fewer by type than the number reported in Tables 2a/2b/2c for two reasons.<sup>6</sup> First, we limit the analysis to those bills for which a recorded roll-call vote was available on the original legislation. Bills that originally passed by voice votes and unanimous consent agreements were excluded from the analysis. Second, we confine our analysis to override attempts first begun in the House of Representatives. We expect that the success or failure of second chamber override attempts is heavily conditioned by the margin by which the first chamber overrode the president, and for our purposes here, does not constitute the best test of presidential influence. We lose very few cases following this methodology because most override attempts begin in the House of Representatives, which is more beholden to constituency pressures and popular politics (Hoff 1992, 176). From 1969-98, 69 of the 97 (71.1%) override attempts started in the House. We make only one small change to the “type” of veto override: we consider Type II those overrides which passed with a margin of between 60%-74% *in the House*, and exclude consideration of the passage coalition in the Senate.

[Tables 3a/3b/3c]

Consistent with our expectations, far less vote switching occurs on Type I vetoes compared to the other types—a fact that casts doubt upon the utility of measuring presidential power with the inclusion of this distinct type of veto override. With a strong base of support on the original legislation, presidents need to do very little when faced with the override attempt. Few partisans defect, and few partisans are available to convert. On average, only about 8 members of the president's party convert to the president's position for the entire period ( $\sigma = 9.74$ ). Members of the opposition party who originally voted against the legislation, however, do apparently fall under leadership and/or constituency pressure to back away from supporting the president on the override attempt. But their numbers are too few to make any substantive difference in the final outcome. The only exception was Jimmy Carter's 1980 veto of a bill to raise the public debt limit, which evidenced a widespread number of defections from Democrats and Republicans alike.

Much more vote switching occurs on Type II and Type III veto overrides. Presidents' ability to convert and retain support is more volatile on this set of vetoes, as the high standard deviations for virtually all cases suggest. But there is a stronger partisan effect on Type II vetoes. If presidents are successful in halting the override attempt in the House, it is because of their ability to convert wayward co-partisans. On the subset of vetoes begun in the House for which the original legislation passed by a margin of 67% or more, presidents managed to halt the override 8 times out of 11 (72.7%). Nixon tops the 6 presidents for the average conversion of partisans, followed by Reagan, Ford, Bush, and Clinton. In few cases were any of the presidents able to convert substantial numbers of the opposition in Congress. Hence, whatever effort presidents must expend to stop veto

overrides on Type II legislation seems particularly worthwhile in terms of building in-party support.

As Table 1 showed, presidents are less successful overall in halting Type III veto overrides, and this set of votes presents somewhat of a paradox on vote switching. It is for this set of legislation originally passed by bipartisan supermajorities (75%+) that *the partisan effect of conversions* appears the greatest. Nixon again tops the list, converting on average 60 of his co-partisans in the House. The other five presidents (excluding Clinton) have lower scores between 28 and 38 partisan conversions, and occasionally pick up a few votes from the opposition.

Of what use are the conversion of partisans on Type III vetoes? Do presidents really expect to prevail? The answer is mixed from the vote switching analysis. Nixon, for example, had the highest partisan conversion rate. In two of the five cases the conversion of enough partisans crushed the override in the House: rural water/sewer projects and supplemental appropriations. But the partisan conversions on the other three bills were insufficient to halt the override in the House, and apparently did not slow the momentum in the Senate, as he was ultimately overridden (Railroad Retirement act, hospital construction/public works, education appropriations). And despite converting an average of 34 partisans, Reagan was ultimately overridden on all of the Type III vetoes begun in the House. But there is still more than meets the eye. There may be an advantage to rendering the override attempt more partisan in the House, even if the president loses in that chamber. While we do not present data on the Senate here, it is worth noting that while Bush was overridden in the House on four of the five Type III vetoes, the Senate later failed override. In similar fashion, in 4 of 12 cases Ford was

overridden in the House but not the Senate. In sum, this indirect evidence implies that House conversions may help to erode the appearance of consensus on the legislation and improve the possibility that the president can sustain the veto in the Senate.

The evidence nevertheless does suggest that presidents do often cast vetoes for symbolic reasons to make a public statement, with the expectation of losing on Type III vetoes. Assuming perfect information, the president has a fairly good idea about his capacity to persuade based on the nature of the original legislation. Only in rare cases are partisan conversions enough to stifle the override attempt in the House. Moreover, there is often a great disparity in the number of partisans presidents are able to convert. The high standard deviations in Table 3c tap into this phenomenon. For example, Reagan converted only 5 Republicans on the South Africa sanctions bill in 1986. On six occasions Ford managed to convert less than 10 partisans on Type III legislation. These votes correspond generally to the earlier discussion about the two presidents' economic stands, which were largely symbolic.

## V. Reprise and Further Research

The central goal of this research has been to show that typical characterizations of the reasons for presidential vetoes and congressional leaders' decisions to attempt veto overrides masks important dynamics. Presidents do not always veto bills with legislative goals in mind. In a similar vein, congressional leaders may attempt veto overrides to make public statements. In both cases, the players in the veto/override game seek to derive ancillary electoral benefits for themselves or their party, and/or gain greater bargaining leverage vis-à-vis the other branch.

The typology of vetoes and overrides we develop captures more of the complexity of inter-institutional dynamics and carries important implications for future research on presidential veto power. First, the analysis casts doubt on the usefulness of using vote switching on Type I vetoes as a means of assessing presidential power since there are so very few vote switchers. Second, our unicameral analysis of vote switching on Type II vetoes shows that presidents are generally adept at marshaling enough partisan support to halt overrides that begin in the House with supermajority status on the original legislation. Further confirming evidence with data on the Senate might support our claim that presidents are most likely to lobby more actively on Type II vetoes. Finally, Type III vetoes/overrides challenge us to better define when presidents have legislative versus symbolic goals in mind. Here again, analysis of vote switching is not consistently a particularly good measure of presidential power. At a very minimum, future vote switching analyses of overrides must sort out whether the president vetoes the legislation for symbolic reasons with the expectation of losing. Whether he undertakes an extensive lobbying effort to stop the override in the first chamber considering the override (most often the House), or whether he adopts a more subtle, bicameral approach in an attempt to reduce consensus in the first chamber and ultimately prevail in the second.

Future analysis might examine more fully the context of public opinion, presidential electoral popularity, policy areas, and characteristics of members on vote switching on the different veto overrides. With the subtleties of the different veto/override types in mind, supplementing Krehbiel's (1998) analysis of vote switching—which relies solely on ideological preferences of members—with electoral and contextual variables

holds great promise to ascertain presidential power to persuade and convert members on  
override attempts is the greatest, and why.

## Notes

<sup>1</sup> These “mistakes” are outcomes where the President or the majority is taking actions that lead to a lesser-preferred outcome (again assuming a disagreement between the two). These are unlikely outcomes but must be included because of the possibility of a “trembling hand” which causes mistakes despite the best intentions of the actors (cite\*\*\*). These outcomes do occur empirically, though they are rare and probably have to do with the perceived costs of opposing popular legislation (B1B2) or a popular President (G1G2). These may also occur if significant numbers of Members have let it be known that they will switch their votes, changing the probable outcome. Vote switching will be discussed further in section 3 and 4.

<sup>2</sup> We include here legislation adopted by voice vote or unanimous consent agreements, in addition to legislation originally passed by a roll-call vote with 67% or more of the chamber voting in favor of the measure. By their very nature, voice votes and unanimous consent agreements evince broad agreement and lack of controversy.

<sup>3</sup> Clearly this is most likely to occur during periods of divided government. Since these have been the norm for most of the post-war period this is not a serious limitation. It would be enough for the proposal to have been passed by a partisan majority in one chamber to make a veto comparatively safe.

<sup>4</sup> Our interval is very close to the 4th “pivotal” interval described by Krehbiel, which is between 60%-80% of the vote. We believe this is a bit too large for reasons that will be discussed in the text.

<sup>5</sup> Nixon’s veto of 10511, the Urban Mass Transportation Act, and his veto of S. 3418, the Public Health Service Act, are not considered in the veto and override analyses, though the two vetoes are often listed successful overrides. The vetoes were the subject of a court case in which the courts decided that the president’s pocket veto of the two bills was unconstitutional. Consequently, there was consequently no override attempt and the law was promulgated according to the original vote.

<sup>6</sup> We do not include Clinton’s line-item vetoes in the analysis. Clinton vetoed certain items in HR 2014, a military construction appropriations bill in the 105th Congress. He was “overridden” on the line-item veto via HR 2624, a bill of disapproval, which required only a simple majority vote, not a supermajority. The courts of course, later ruled the line-item veto unconstitutional.

Table 1  
 Presidential Vetoes of Public Bills by Type, Nixon - Clinton (1969-98)

President	# of vetoes	Type 1	Type 2	Type 3
Nixon	24	1 (4.1%)	6 (25.0%)	17 (70.8%)
Ford	47	5 (10.6%)	6 (12.8%)	36 (76.6%)
Carter	13	0 (0.0%)	3 (23.0%)	10 (76.9%)
Reagan	36	2 (5.5%)	6 (16.7%)	28 (77.8%)
Bush	29	6 (20.7%)	12 (41.3%)	11 (37.9%)
Clinton	24	12 (50.0%)	6 (25.0%)	6 (25.0%)
<i>Column Totals</i>	<i>173</i>	<i>26 (15.0%)</i>	<i>39 (22.5%)</i>	<i>108 (62.4%)</i>

Table 2a  
 Override Attempts on Type 1 Vetoes, Nixon - Clinton (1969-98)

President	House Attempts	House Successes	Senate Attempts	Senate Successes	Total Overridden
Nixon	1	0	0	0	0
Ford	1	0	0	0	0
Carter	0	0	0	0	0
Reagan	1	0	0	0	0
Bush	2	0	3	0	0
Clinton	5	0	0	0	0

Table 2b  
Override Attempts on Type 2 Vetoes, Nixon - Clinton (1969-98)

President	House Attempts	House Successes	Senate Attempts	Senate Successes	Total Overridden
Nixon	2	1	5	1	1
Ford	5	1	1	0	0
Carter	1	1	1	1	1
Reagan	2	1	2	0	0
Bush	7	1	4	1	0
Clinton	1	1	1	0	0

Table 2c  
Override Attempts on Type 3 Vetoes, Nixon - Clinton (1969-98)

President	House Attempts	House Successes	Senate Attempts	Senate Successes	Total Overridden
Nixon	10	4	10	6	4
Ford	19	15	18	13	12
Carter	3	1	1	1	1
Reagan	11	9	10	9	9
Bush	8	5	5	1	1
Clinton	2	2	2	1	1

Table 3a  
Average Number of Vote Switchers on Type I Veto Override Attempts

President	Partisan Conversions	Partisan Defections	Opposition Conversions	Opposition Defections
Nixon (n=1)	7 (0)	1 (0)	10 (0)	1 (0)
Ford (n=2)	8 (5.66)	1 (0)	7 (5.66)	10.5 (2.12)
Carter (n=1)	32 (0)	40 (0)	0 (0)	141 (0)
Reagan	—	—	—	—
Bush (n=3)	1.33 (1.53)	.33 (.58)	3.00 (2.65)	8.67 (15.01)
Clinton (n=2)	7.50 (3.54)	.50 (.71)	0 (0)	5.00 (2.83)

Standard deviations in parentheses.

Table 3b  
Average Number of Vote Switchers on Type II Veto Override Attempts

President	Partisan Conversions	Partisan Defections	Opposition Conversions	Opposition Defections
Nixon (n=3)	27.33 (28.31)	4.00 (2.00)	4.33 (.58)	6.00 (6.08)
Ford (n=5)	13.40 (12.24)	1.40 (1.67)	3.20 (3.03)	5.20 (5.36)
Carter	—	—	—	—
Reagan (n=3)	20.33 (24.09)	2.33 (2.31)	3.33 (4.93)	9.67 (6.43)
Bush (n=5)	9.20 (15.58)	3.00 (2.92)	2.60 (.55)	3.00 (1.58)
Clinton (n=5)	7.20 (8.04)	1.00 (1.22)	.20 (.45)	2.00 (2.45)

Standard deviations in parentheses.

Table 3c  
Average Number of Vote Switchers on Type III Veto Override Attempts

President	Partisan Conversions	Partisan Defections	Opposition Conversions	Opposition Defections
Nixon (n=5)	60.00 (28.18)	1.00 (2.24)	11.00 (9.43)	.80 (.84)
Ford (n=11)	29.73 (28.64)	1.55 (2.07)	10.55 (12.74)	3.00 (3.66)
Carter (n=2)	38.00 (48.08)	1.50 (2.12)	19.00 (26.87)	.00 (.00)
Reagan (n=7)	34.29 (23.08)	3.71 (8.96)	1.86 (2.34)	11.71 (27.55)
Bush (n=6)	28.17 (29.51)	1.67 (1.37)	15.17 (21.94)	2.67 (2.42)
Clinton (n=1)	4 (0)	5 (0)	0 (0)	0 (0)

Standard deviations in parentheses.

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