“President Clinton and the Republican Congress, 1995-2000: Vetoes, Veto Threats, and Legislative Strategy”

Richard S. Conley
Assistant Professor
Department of Political Science
University of Florida
234 Anderson Hall
P.O. Box 117325
Gainesville, FL 32611
(352) 392-0262 x 297
rconley@polisci.ufl.edu

Bill Clinton’s attempt to coordinate bold domestic initiatives with a Democratic majority in Congress during the first two years of his presidency was as arduous as unified government was short-lived. When Republicans captured both chambers of Congress in 1994 the direction of the policy agenda on Capitol Hill shifted dramatically to the right, necessitating a fundamental reorganization of his legislative strategy. The GOP’s *Contract with America*, and the breakneck speed with which House Speaker Newt Gingrich sought to pass the policy program, eclipsed the president’s modest legislative successes in the 103rd Congress (Gimpel 1996). Clinton quickly found his continuing domestic agenda relegated to the sidelines of congressional and media attention.

Halfway through the “100 days” of the Republican legislative onslaught of 1995 the besieged president was confronted by a reporter curious about his prospective strategy for fending off deep cuts in domestic programs outlined in the *Contract*. The “Comeback Kid” responded lightheartedly yet poignantly as he struggled to remind the press, and the new Republican majority in Congress, of his enduring importance to the legislative process:

> Well, near as I can tell, ma’am, we’ve been here fifty days under this new regime, and they’ve only sent me one bill…I mean, congressional committees can vote whatever they want; the House can pass whatever it wants. Unless I missed my guess, a bill doesn’t become law unless I sign it or it passes over my veto. [Laughter] Now, last time I checked the Constitution, that was the rule (Public Papers of the President 1995, 265).

The significance of Clinton’s allusion to the power of Article I, Section 7 of the Constitution—the presidential veto—became quite clear over the course of his six year legislative match with the GOP majority. After having cast not a single veto in the 103rd Congress he vetoed thirty-five bills (excluding pocket vetoes and line-item vetoes) from 1995-2000 to head off the Republicans’ agenda. Republican leaders challenged eleven of the thirty-five vetoes in one or the other chamber but managed to override the president only once. Further, Clinton successfully relied on *implied* use of the veto—veto threats—on over 140 bills to preempt the Republican agenda, stifle it, or wrest policy concessions from the opposition leadership.
The president’s skillful exploitation of public rhetoric and the veto power in conjunction with prevailing voting alignments in Congress enabled him to play a pivotal role in legislative outcomes as his governing context changed from unified to divided government. The story of Clinton’s experience under divided government is one of intense policy conflict and “strategic disagreement” (Gilmour 1995) between the branches in the 104th Congress followed by substantial learning on the part of the GOP majority. In the aftermath of two government shutdowns in 1995-96 that turned the tide of public sentiment to the president’s advantage, the script of executive-legislative accommodation during Clinton’s second term was written primarily under the imposing threat of his veto pen.

The objective of this chapter is to assess the impact of Clinton’s public veto threats on legislative outcomes in the 104th-106th Congresses (1995-2000). The analysis gives particular attention to the basis for the president’s successful veto strategy during the budget showdown with the Republican majority in late 1995 and early 1996 and the aftereffects of that strategy across his second term. The chapter is organized in four parts. The first section places Clinton’s legislative presidency into comparative context with other presidents who have faced divided government in the post-War era. This analysis accentuates the distinguishing features of executive-legislative relations in the last decade that laid the foundation for Clinton’s reliance on veto threats. The second section sets out a framework for evaluating Clinton’s weapon of choice in tempering the GOP agenda. The framework builds on the “coordination” bargaining model of veto threats to examine legislation that passed and failed and the effect of “blame-game” politics between the branches. The third section details the contours of the public veto threat data culled from Congressional Quarterly and other sources and presents a systematic analysis of the impact of veto threats on legislative outcomes.
Clinton, Divided Government, and Legislative Strategy: Coalition-Building versus Veto Threats

Split-party control of Congress and the presidency has been a common occurrence in the last half-century. Divided government prevailed seven out of every ten years between 1945-2000, with the typical partisan configuration comprising a Republican president facing a Democratic Congress. Bill Clinton and Harry Truman share the dubious distinction of being the only Democratic presidents to confront a Republican Congress in the modern era. Despite divided government “in reverse,” exactly how unique was Clinton’s experience under divided government compared to his predecessors?

Situating Clinton’s bout with an opposition majority in Congress within a comparative perspective accentuates the degree to which his strategic position differed from Truman as well as Republican presidents in earlier decades. The preemptive and defensive form of legislative leadership Clinton was able to exercise, with a heavy reliance on veto threats, was unique to the context of executive-legislative relations in the 1990s. The rise of party-unity voting and changed internal dynamics in Congress over the past several decades recast the type of legislative leadership Clinton could exercise under divided government.

The stability of voting coalitions in Congress in the 104th-106th Congresses and the Republican leadership’s tight grip on floor proceedings dashed the president’s hope of any considerable advances of his preferred agenda carrying over from the 103rd Congress. Party-unity voting and a more centralized setting in Congress robbed Clinton of opportunities to build the type of cross-party coalitions that were frequent in the “pre-reform” era (pre-1972) for Republican presidents like Eisenhower and Nixon. Unable to forge bipartisan alliances against the GOP agenda,
Clinton suffered a comparatively low floor success rate. But he was able to marshal strong Democratic support for his positions and capitalize on narrow party margins to force the assertive opposition leadership to make considerable policy concessions or face the near-certainty of vetoes that could not be overridden.

This type of legislative success—defensively warding off the most exceptionable elements of the majority’s agenda and placing boundaries on the range of acceptable outcomes—may be defined as veto leverage. Clinton turned to vetoes and veto threats to halt the GOP agenda or redefine the available solutions to bring policy outcomes closer to his own preferences. The strategic circumstances of Clinton’s situation under divided government entailed a reactionary and sometimes preemptive form of legislative leadership based on the veto power that stands in contrast to presidents in earlier periods of split-party control.

The institutional context in Congress from 1995-2000 precluded Republicans from trampling Clinton’s vetoes and threats in the way that was possible during Truman’s brief encounter with divided government in the 80th Congress (1947-48) (Conley 2000). Truman, like Clinton, faced a confident Republican majority following mid-term elections that reversed partisan control of Congress and were widely viewed as discrediting the president’s policies. However, the singular and ephemeral incidence of veto-proof policy majorities in Congress comprised of Republicans and southern Democrats (the conservative coalition) placed Truman in an exceedingly weak position to wield the veto or veto threats with force in the 80th Congress. Although Truman labeled the 80th a “do-nothing” Congress and mounted a successful presidential reelection campaign on that theme, the GOP majority overrode a number of his vetoes of significant bills and left a policy legacy that he found difficult to undo in his second term on issues spanning labor (Taft-Hartley) to Social Security (Aaron 1958).
The internal configuration in Congress Clinton inherited also diverged significantly from other presidents who faced divided government in the early post-War period. Fluidity in voting alignments and a decentralized setting in Congress in the early post-War period through the late 1970s enabled Republican Presidents like Eisenhower, and even Nixon, to fashion cross-party support for their legislative stands when they chose to engage in the legislative realm (Conley 2000a). Congressional leaders often looked to the president for policy leadership rather than attempt to advance a partisan agenda of their own (Moe 1993). Moderates in both parties frequently held the balance of power over legislative outcomes (Bond and Fleisher 1990; 2000).¹ The internal configuration on Capitol Hill allowed these presidents to profit from shifting policy coalitions, prevail frequently on floor outcomes, and avoid extensive reliance on vetoes and veto threats.

Several measures of congressional support for Clinton place his strategic circumstances under divided government into sharper comparative perspective. The steady diminution of opposition party support for presidents’ policy positions, which reached a low point under Clinton’s watch, has been most detrimental to their ability to cobble together winning legislative coalitions in Congress in recent years. Figure 1 shows a significant decline in the ability of presidents to attract the support of the opposition party across time ($r = -.76$). The trend reached a nadir in 1995 when Republicans supported Clinton’s legislative stands, on average, only 22 percent of the time. That year 107 of Clinton’s 133 legislative stands (80.4%) were party-unity votes that pitted a majority of Republicans against a majority of Democrats. In the 104th Congress Clinton opposed two-thirds of the bills that reached the floor and had little to trade on with Republicans who had campaigned on the themes outlined in the Contract with America.

[Figure 1]
Scholars have identified many factors that explicate deteriorating opposition support for Clinton and his immediate predecessors, Bush and Reagan. Two key dynamics deserve special mention. First, the electoral realignment of the South, and the vanishing number of moderate legislators—whether in terms of southern Democrats replaced by Republicans or the shrinking contingent of liberal “Gypsy Moth” Republicans from the Northeast—have impeded recent presidents’ ability to fashion cross-party support under divided government. Weak institutional parties slowly gave way to more internally homogenous parties and stable voting coalitions in Congress by the 1980s and 1990s (see Rohde 1991). Presidents find far less ideological commonality with sub-groups of the opposition party in Congress. Partisan control of Congress is now the chief determinant of presidential support and floor success.

Second, organizational reforms in Congress have further hampered presidents’ influence over floor outcomes and congressional attention to their preferred agenda. Democrats first undertook internal party reforms to combat the aggressive tactics of Richard Nixon and reassert control over the legislative agenda (Dodd 1979). They reinvigorated efforts to expand the whip system, invest authority in party leaders, and minimize the influence of party conservatives in the early 1980s following Ronald Reagan’s stunning, early policy successes (Sinclair 1992; Herrnson and Patterson 1995). These reforms, which gave the Speaker more control over floor proceedings, centralized strategic decisionmaking in party leaders, and sought to ensure greater party cohesion, were bolstered in the period of Republican control of the House beginning in the 104th Congress (Sinclair 1996). The sum of these reforms, as Barbara Sinclair (2000, 143) posits, has enabled party leaders to forcefully challenge presidential policy leadership:

As party polarization increased in the late 1980s and 1990s, so did party leaders’ agenda-setting. Furthermore, during the latter years the congressional majority party’s agenda became even more clearly a direct challenge to the president’s agenda. The Republican agenda in the 104th Congress is the best known example…but the Democratic agenda in the 100th Congress [Reagan] also consisted mostly of items the president opposed, as did the Republicans’ agenda in the 105th Congress.
In this partisan age the most obvious casualty of presidents’ loss of vital cross-party support and control over the legislative agenda in Congress has been their floor success rate under divided government (Oppenheimer 1996; Bond and Fleisher 1996; 2000). Figure 2 shows that on position votes Clinton suffered one of the lowest victory ratios of presidents who have faced divided government in the post-War era according to Congressional Quarterly’s yearly tabulations. Clinton’s yearly success rate fell consistently below the post-War average of 53 percent for presidents under divided government. His mean yearly success rate of 40 percent from 1995-2000 parallels the lower victory ratios of Bush and Reagan, who also faced opposition majorities in an era of growing inter-party divisions in Congress. Since 1980 presidents’ positions have rarely prevailed more than half the time, averaging just 43 percent. Clinton’s meager floor success rate contrasts sharply to “pre-reform” (pre-1973) presidents who were typically more able to manipulate shifting voting coalitions in Congress to their advantage. The floor success rates of Eisenhower and Nixon were typically well above the 50 percent threshold. These presidents could “fish on both sides of the stream,” as Bond and Fleisher (2000a) put it, to build cross-party support for their legislative stands in a way that Clinton could not.

[Figure 2]

Presidents like Clinton have therefore been compelled to seek alternative means to influence policy outcomes. Their weapon of choice has been veto threats. This mode of influence must be understood as a strategic response to the particular context of divided government in the last decade. Clinton turned the same factors that plummeted his success rate to his advantage. “Often the purpose of a veto threat,” Sinclair (2000, 145) notes, “is not to kill the legislation, but to extract concessions from an opposition majority that has major policy differences with the president but lacks the strength to override his vetoes.” The application of veto leverage to legislative politics by
presidents during the most recent periods of divided government constitutes chief executives’
adaptation to the new landscape of institutional politics in Congress.

Figure 3 extends Sinclair’s (2000) cataloguing of vetoes and veto threats on major legislation
(as defined by Congressional Quarterly) for select periods of divided government dating to the
1950s. Dovetailing with trends of out-party support and floor success rates (Figures 1 and 2), the
data suggest that presidents in earlier periods of divided government had less cause to rely heavily on
veto politics because they could often fashion cross-party alliances for, and prevail on, their
legislative stands. Weaker leadership coordination among the opposition majority and intra-party
divisions yielded an environment in which members and leaders were far more amenable to
presidential persuasion across issue areas. Eisenhower rarely issued public veto threats on major
legislation, and Nixon and Reagan employed veto threats sparingly.

What distinguishes the Clinton (and Bush) experience under divided government is the
remarkable increase in the president’s reliance on veto threats as a general legislative strategy.
Bush threatened vetoes on over half of major legislation under consideration in his first two years in
office. Clinton used veto threats on three-fifths and over two-thirds of legislation in the 104th and
105th Congresses, respectively. With far fewer opportunities to craft supporting coalitions for his
policy stands, Clinton turned to a defensive strategy to combat the opposition’s legislative agenda.
He depended on veto threats as an alternative mode of influence to win concessions from
intransigent opposition leaders, temper the opposition majority’s agenda, and occasionally re-frame
the public debate by placing boundaries on the range of acceptable outcomes.
Modeling Veto Threats and Evaluating Presidential Success

Structural factors in Congress indubitably provided the underlying rationale for Clinton’s veto threat strategy. But several important theoretical and empirical issues require attention before proceeding to a more detailed analysis of the impact of those threats on legislative outcomes. How do public veto threats convince opposition leaders in Congress that the president is not bluffing and will actually carry out his threats? Under what conditions might congressional leaders deny the president’s objections, ignore the likelihood of an unsuccessful override, and challenge the president’s veto? And finally, how is it possible to evaluate the relative success of veto threats on the range of potential legislative outcomes? This section takes up each of these questions in turn.

Scholars have posited two competing frameworks to account for veto threats’ force of influence: the “commitment” and “coordination” models. The commitment model suggests that the effectiveness of veto threats turns on the president’s public pledges. “The effect of political rhetoric,” Charles Cameron (2000, 196) posits, “is to constrain the speaker so he can’t retreat from his position without paying a steep price.” Reneging on a promise might entail electoral retaliation, sully the president’s reputation in Congress, or cost him in the court of public opinion. George Bush’s 1990 volte-face on his “read my lips, no new taxes” promise of the 1988 campaign, and conservatives’ ire in Congress and in the electorate, places into sharp relief the dangers of backtracking on a public veto commitment (see Eastland 1992).

Ingberman and Yao (1991) contend that going public with a commitment to veto legislation also gives presidents some level of proposal power by indicating to Congress which provisions a bill must or must not contain to earn his approval. Bill Clinton utilized just such a type of threat on his health care reform proposal during his 1994 State of the Union Address by pledging to veto any bill that did not guarantee universal coverage (Weekly Compilation of Presidential Documents, 1/25/94,
Presidents may also turn to a bluffing strategy and threaten to veto bills they might otherwise accept to gain a strategic edge over Congress and bring outcomes closer to their preferences (see McCarty 1997).

Despite appealing intuitive elements, the commitment model suffers from several empirical difficulties. The formal model forecasts that presidents will make good on their veto threat unless Congress yields completely to their demands. However, more than half of the threatened bills that passed according to Cameron’s (2000) cataloguing of public threats were not vetoed when Congress failed to comply fully. Clearly, presidents do not veto all legislation when Congress concedes to some, but not all, of their stipulations. The model also predicts that Congress will successfully override the president’s veto, but Congress actually fails to do so fourth-fifths of the time (Cameron 2000, 197).

The coordination model is an alternative approach for understanding the impact of public veto threats on inter-branch bargaining. The model was developed by Matthews (1989) with the central premise that Congress has incomplete information on which bills the president may prefer to the status quo. Cameron (2000, 181-82) emphasizes that “if the president’s veto threat is to have any effect on the legislature, Congress must be somewhat unsure about what policies the president will accept.” The supposition is that Congress does not know whether the president is an accommodator, who will accept the majority’s ideal point, or whether he is a compromiser with whom the majority must negotiate. If Congress knows that the president will ultimately accept the policies it passes, veto threats have no basis for influence and are simply “cheap talk.”

If, however, Congress is uncertain about what the president will accept, legislators will meet the president’s demands as far as they deem necessary to circumvent a veto. The key to the power of the president’s veto is his “policy reputation” in Congress, which bolsters the sincerity of the
threat. Matthews and Cameron argue that the president’s rhetoric gives legislators an estimation of his position as an accommodator or a compromiser. In other words the president’s public statements indicate to members of Congress how extensively they must revise legislation to meet his approval. The president may choose to object publicly to many more legislative provisions than he actually opposes in order to maximize potential concessions. Alternatively, he may emphatically object to only select language in bills, as Clinton did repeatedly on abortion issues from 1995-2000. The idea is that the president’s rhetoric signals important, if imperfect, information to legislative leaders who will in turn offer the most favorable compromise to accommodate the president’s demands and get priority legislation passed.

The advantage of the coordination model, as Cameron (2000) shows, is that it explains frequent executive-legislative compromise better than the commitment model. The model provides a basis for understanding why presidents are typically not compelled to actually apply vetoes to threatened legislation. In addition, the structure of voting coalitions emphasized in the last section works in tandem with the assumptions of the coordination model in terms of the president’s policy reputation. Intra-party cohesion and narrow party-margins in Congress bolster the president’s ability both to make good on veto threats if Congress does not comply at least partially with his demands and thwart override attempts. Finally, the model also explains why some veto threats appear ineffectual. Because presidents’ public threats naturally convey their preferences with some ambiguity, sometimes legislative leaders underestimate the president’s minimal acceptance point and unintentionally provoke a veto.

**Veto Threats and Blame-Game Politics**

It is nevertheless possible that the congressional majority intentionally sets out to trigger a presidential veto and call attention to inter-branch conflict. The coordination model encounters some
difficulty with such “blame-game” politics (Groseclose and McCarty 2001). The majority’s denial of the president’s objections as articulated through a veto threat is neither a misreading of his policy position nor a loss of credibility in his policy reputation. Rather, in this “position-taking game” the majority perceives some electoral or constituency benefits inhering in provoking a veto and attempting an override that outweighs the potential cost of a probable loss (Conley and Kreppel, forthcoming). Indeed, under conditions similar to those of the 104th-106th Congresses an examination of passage coalitions on legislation would inform majority leaders that an override following a vote along strict party lines would, in all likelihood, fail. Yet they risk the override anyway because their goal is not to change the legislative outcome, but to blame the president for obstruction of their agenda, garner public sympathy, and posture for the next round of inter-branch negotiations.

Such an extreme form of “going public” (Kernell 1997) turns out to be quite important for setting the tone for executive-legislative bargaining over the course of Clinton’s second term. The special nature of spending bills gave the Republican majority in the 104th Congress a particular incentive to pursue what Gilmour (1995) calls “strategic disagreement” with the president. Unlike discretionary domestic policies, appropriations bills comprise a “must-pass” category to keep the executive branch in operation. And constitutionally, spending bills must originate in the House of Representatives, where congressional leaders are far more able to control legislative outcomes with restrictive rules compared to their Senate counterparts. In the 104th Congress GOP leaders purposefully provoked vetoes and attempted overrides they knew had no chance of success based on the structure of the bills’ original passage coalition. They hoped to call the president’s bluff by forcing a government shutdown and forging a public backlash against him in order to prevail on the next round of negotiations.
The centrality of blame game politics in Clinton’s early experience under divided government emphasizes the importance of a multifaceted approach in the evaluation of presidential “success” on veto threats. In the coordination game, presidents attempt to get the majority to capitulate to their policy demands, or at a minimum, gain some level of compromise. Otherwise, presidents would typically prefer to see the legislation tabled (killed) than to veto the bill and face an override attempt—most particularly if the outcome is uncertain. Alternatively, the majority may engage in blame-game politics and choose to bring conflict to a head in the public arena by provoking a veto and attempting an override. In this case the politics of brinkmanship may trump the president’s normal preference for policy compromise, especially if the override outcome appears certain to fail and the president is confident he can win the public relations game.

[Figure 4]

Figure 4 presents a decision-tree on potential legislative outcomes following a veto threat. In the coordination game, the order of the president’s preferences may be expressed as follows: P0>P1≥P2≥C4>C6>C8=C10>P4>C9>C11. The primary objective of the veto threat is to get Congress to capitulate, kill the bill, or obtain substantial concessions. Clearly, the president would prefer that the majority acquiesce entirely to his demands (P0). Having the bill tabled in committee, killed by a floor vote, or passed in one chamber but never taken up in the other chamber (P1) is potentially equivalent to a compromise (P2), depending on the scope of the concessions the president must make in the compromise. Although the president may be successful in halting the bill based on his particular objections, provisions he might otherwise support also do not pass.

In such a “legislative game,” congressional capitulation, failure of the bill, or inter-branch compromise following veto threats are all favorable to the exercise of the veto. However, failed override attempts following compromise that does not go far enough to satisfy the president’s
demands (C4) or the majority’s outright denial of the president’s objections (C8) are nonetheless preferable to accepting the bill (P4). Obviously, any successful override following a compromise shunned by the president (C9) or the majority’s decision to reject any recognition of the president’s concerns (C11) is the least preferable outcome.

The president’s preference order may take quite a different shape if he recognizes the majority’s “blame-game” tactics. The alternative order may be expressed as follows: C10 ≥ C6 ≥ C8 ≥ C4 > P0 > P1 > P2 > P4 > C9 = C11. Under circumstances of intense inter-branch policy disagreement, intentionally provoked vetoes and/or failed override attempts that bring inter-branch policy disputes into the media spotlight may be favorable to unchallenged vetoes, congressional capitulation, or even compromise for the president’s policy reputation and negotiating position. A skillful president can use the power of the bully pulpit and his veto message to lay out for the public his rationale for returning legislation to Congress and portray himself as a conciliator. When the congressional majority triggers a veto or attempts an override to marshal public sympathy and build electoral support, the burden shifts to leaders on Capitol Hill who must explain their logic for denying the president’s objections. There is some evidence that public esteem for Congress falls when leaders challenge the president (Durr, Gilmour, Wolbrecht 1997). They may find themselves at a relative disadvantage because they do not command the same level of media attention or resources to make their case to the public.

A failed override on legislation for which the majority has either denied the president’s objections or compromised too little and provoked a veto can vindicate the president’s policy position in the public arena and disarm the congressional majority’s maneuvers to blame him for gridlock. Blame-game override attempts can also shore up the president’s partisan base in Congress and in the electorate. If the majority’s strategy backfires, as it did in 1995/96 on appropriations bills,
the president may win not only in the court of public opinion and strengthen his strategic position on the next round of negotiations but also convince opposition majority leaders of the need to obviate blame-game tactics and reach compromise following future veto threats.

**Data and Analysis**

Public veto threats issued by Clinton during the 104th-106th Congresses were catalogued using the searchable, on-line archives of *Congressional Quarterly Weekly Reports*. This search yielded a total of 141 veto threats from 1995-2000: forty-one for the 104th Congress, forty-four for the 105th Congress, and fifty-six for the 106th Congress. For bills that passed or were subject to vetoes, the provisions to which Clinton objected were ascertained using *Congressional Quarterly*, *Washington Post*, and *New York Times* reports on bill histories, and then compared against those provisions contained in the final legislation. This methodology enabled the arrangement of specific outcomes in Figure 4 by broad area: congressional capitulation to the presidents’ objections or tabling of the bill (C1), inter-branch compromise (C2), or congressional denial of the president’s objections (C3).

The empirical analysis that follows arrays legislative outcomes according to Clinton’s preferences under blame-game conditions in the 104th Congress and the coordination game in the 105th and 106th Congresses. Some general patterns emerge from the analysis and throw light on the pivotal effect of veto threats from 1995-2000. First, across the three congressional periods veto threats halted a good deal of legislation in its tracks. Typically four of ten threatened bills failed in committee or on the floor, or were passed by one chamber and never taken up in the other. Second, in the 104th Congress the Republican majority chose high-profile conflict over cooperation. House leaders engaged in strategic disagreement with the president by intentionally provoking vetoes and undertaking symbolic override attempts in an abortive attempt to blame Clinton for policy deadlock.
The failed GOP strategy ultimately strengthened Clinton’s policy reputation and public support. Speaker Newt Gingrich, and his successor Dennis Hastert, sought to avoid the politics of brinkmanship in the president’s second term and find policy compromise following veto threats. Though intense inter-branch policy conflict remained in the 105th-106th Congresses, Clinton was most successful in thwarting Republican “policy riders” with which he disagreed in appropriations and other substantive bills. Of the threatened legislation that passed during his second term, a plurality to nearly two-thirds of the bills represented some level of executive-legislative compromise. The congressional majority became more savvy at pinpointing what Clinton would accept and grew unwilling to challenge the president in a public forum. The next sub-section examines more closely the risky politics of the public blame-game in the 104th Congress and the longer-term consequences for presidential-congressional relations in Clinton’s second term.

**Round One: Veto Threats in the 104th Congress and the Politics of Public Posturing**

The federal budget dominated presidential-congressional attention from 1995-96 and the GOP’s *Contract with America* became the focal point of inter-branch conflict. The congressional majority sought to curb governmental spending, cut or eliminate a host of domestic and foreign programs, and reduce regulatory burdens on the private sector. In the public contest between the branches Clinton deftly outmaneuvered the majority, making good on his veto pledges and staging a coordinated effort with congressional Democrats to variably beat back and moderate the GOP agenda.

Budget issues pitted the White House and the majority on Capitol Hill against one another in an acute public relations battle. In the relatively rare cases in which inter-branch compromise emerged (P4) or the majority capitulated to the president’s objections (P0), it was typically on spending issues with less symbolism attached to them and other minor elements of the GOP agenda.\(^5\)
Only once was the Republican-led Congress able to override Clinton’s veto in six years (C9). The successful override on the issue of shareholder lawsuits turned out to be quite atypical, as Clinton vetoed the bipartisan bill on technical issues that Democrats believed they had resolved to the president’s satisfaction.6

[Figure 5]

Much more common was the inter-branch blame game on spending issues. Figure 5 shows that Clinton carried through on his veto threats a quarter of the time. Five of the eleven bills Clinton sent back to Congress contained “veto bait” provisions (C6). Rather than yield to the president’s objections, the GOP majority was content to stand firm on policy positions and use the high-profile vetoes as defining issues for the upcoming 1996 elections. On another five bills, and as part of their effort to blame the White House for gridlock, Republican leaders attempted overrides that were doomed to fail because the legislation had originally passed along near-party line votes in the House (C10). These provoked vetoes and ill-fated override attempts were aimed at embarrassing the president and casting blame for the government shutdown on the White House. But when Republicans threw down the gauntlet, Clinton and the Democratic minority in Congress stood ready to joust in the court of public opinion.

As early as late Spring 1995, when authorizing and appropriations committees in Congress started work on spending bills, Clinton began issuing veto threats to sway GOP leaders to drop objectionable provisions, retain certain programs, or restore funding to others. As battles between the president and Congress over budgetary and programmatic priorities loomed, House leaders demonstrated an unwavering commitment to the objectives in the Contract with America. Clinton’s implicit, early message to Republicans seemed to be “go ahead, make my day” and defy me to wield the veto (Schneider 1995). He used the threat of vetoes and worked in tandem with congressional
Democrats’ opposition to the *Contract* to portray the majority’s domestic program cuts as “extreme” in the public eye. The GOP majority came to understand too late how the structure of internal politics in Congress played to Clinton’s hand: “Clinton had little incentive to sign onto their agenda and they did not have the votes to override his veto. In the end, Republicans were unable to reconcile sentiment in their conference that abhors compromise, with the need to attain compromise with the White House to enact the GOP agenda” (Cloud and Koszczuk 1995).

The harbinger of public confrontation between Clinton and Speaker Gingrich that would shut down portions of the executive branch in late 1995 and early 1996 came only six months into the 104th Congress. In June 1995 Republicans crafted a supplemental appropriations/recissions bill (HR 1158). The GOP majority set a trap for the president. Part of the bill provided financial assistance to flood-stricken states and earthquake-damaged California. But House leaders used the recissions portion of the bill to take direct aim at some of Clinton’s most cherished domestic programs and legislative accomplishments during his first two years in office, including national service (Americorps) and Goals 2000 (education) (Taylor 1995). Republicans as well as Democrats believed a veto of the disaster relief bill, which also contained aid for Oklahoma City subsequent to the bombing of the Mura Federal Building, could prove “dicey,” as Democratic Senator Dale Bumpers put it (Healey 1995). Clinton successfully won back some $835 million in rescinded funds in the Senate version of the bill, but House-Senate conferees ignored the compromise and pushed forth with a $16.4 billion package of cuts that the Administration called unacceptable (Morgan and Devroy 1995).

HR 1158 marked Clinton’s first attempt to re-frame the public debate over the GOP agenda through the veto power. To some observers, the president’s threat to nix the bill appeared contrived. Clinton accused the majority of forsaking critical domestic programs in favor of pet constituency
projects, even though he had favored some of those very projects in the past (Schneider 1995). He forcefully opposed the measure and publicly criticized GOP leaders, forewarning that “I believe a bill that cuts education to put in pork is the wrong way to balance the budget, and I will veto it” (Devroy and Morgan 1995). While Speaker Gingrich and the Republicans tried to convince the nation they were making good on their electoral promise of smaller government, Clinton and Democrats endeavored to use the supplemental appropriations legislation as an exemplar for other bills they similarly hoped to denounce as fiscally “reckless” or socially “irresponsible.”

The dynamics of Clinton’s eventual veto of HR 1158—the first veto of his presidency—reflected a basic pattern for other vetoed budgetary legislation in a number of ways. First, Clinton bolstered his policy reputation in Congress by carrying through on the veto threat when the majority called his bluff. The veto of HR 1158 settled the question of the president’s “relevance” in the legislative process vis-à-vis the GOP agenda (Mitchell 1995). And he proved he could “make it stick by commanding enough votes not to be overridden by Congress.” (Cloud 1995). Republicans faced an overwhelming deficit of votes for a successful override. Second, the GOP majority invoked electoral promises linked to the Contract as a justification for ignoring the president’s objections. House leaders wagered that the public would view their resolve in favorable terms and reprove Clinton for adhering to the status quo and holding up their agenda. The president, however, carefully crafted his veto message to garner public sympathy. He sought to publicly portray himself as a centrist willing to negotiate with a congressional majority that had shunned compromise. In the case of the supplemental appropriations bill, he emphasized disagreement “over priorities” and not over the basic goal of reduction of the budget deficit. He then outlined changes suggested by the Administration to win his signature (Public Papers of the President, 6/7/95: 828-29).
The legislative appropriations bill, HR 1854, brought inter-branch conflict over the budget closer to a climax as the president postured to gain as much leverage as possible over upcoming spending bills. In this singular case, the bill had not been passed along party-lines, and the president’s objection to the measure was not due to specific provisions. Clinton did not oppose the nearly 9 percent reduction in congressional outlays. Instead he sought to portray the Republicans as irresponsible for prioritizing congressional appropriations over other pending domestic appropriations bills. He also wanted to convince GOP leaders that he would not be “blackmailed” over the federal budget in the wake of his decision to sign a continuing resolution. That temporary spending measure, enacted in late September, warded off furloughs of government employees and bought time for him and Speaker Gingrich to reconcile policy differences over the budget (Harris and Yang 1995).

Clinton counseled Congress to complete work on the other eleven pending appropriations bills before passing its own spending measure. White House Press Secretary Michael McCurry framed the veto threat this way: “There are, you know, 11 other appropriations bills that represent efforts very central and important to the American people that are now left hanging, so the president might just have to leave Congress hanging, too” (Salant 1995). Democrats embarked on a last-ditch effort to recommit the bill with instructions that it not be considered further until the other appropriations bills had been passed. The majority soundly rejected the move, believing that cutting congressional outlays first was symbolically important before turning attention elsewhere. Nonetheless, to mark their support of Clinton’s threat, all but ten Democrats supported the recommittal motion. The impact was to reverse the appearance of bipartisanship upon initial passage of the bill and thereby guaranteed that an override attempt by the GOP leadership would fail.
Clinton’s decision to veto the legislative branch appropriations bill on October 3, 1995 ignited a growing war of words with GOP leaders. Tony Blankley, Speaker Gingrich’s spokesman, found the veto disingenuous: “It may be the first time in history a president has vetoed legislation with which he agrees” (Devroy 1995). GOP congressional leaders lambasted the president’s action and attempted to paint the veto as illustrative of Clinton’s preference for “big government.” Appropriations Chair Bob Livingston cried foul, arguing that “The president can’t have it both ways. He can’t lecture the Congress on political reform while vetoing the first real effort in 40 years to reform the Congress.” Senator Connie Mack of Florida, Chair of the upper chamber’s Legislative Appropriations Committee, chimed in and contended that “With this veto, candidate Clinton’s rhetoric for spending cuts doesn’t match the reality that President Clinton is still for more spending and more government” (Salant 1995a). In reality, the veto of HR 1854 was not about spending levels or internal reforms in Congress. The significance of the veto was far more symbolic than substantive, as Congress was expected to re-pass the bill in the same form after completing work on the other appropriations bills. Clinton’s strategy was to wage a rhetorical campaign against the GOP agenda and to strengthen his strategic position on pending budget negotiations.

Blame-game politics between the branches intensified by December 1995 as Congress was pressed to adopt yet another temporary funding bill to keep portions of the government in operation. Disagreement between the White House and Capitol Hill over the federal budget pivoted on the reconciliation bill (HR 2491). Clinton objected to a panoply of provisions, from dramatic reductions in Medicare and Medicaid and education spending to the scope of tax cuts and environmental issues. Democrats, as minority whip David Bonior of Michigan emphasized, wanted Clinton to “stand firm” in his opposition to the Republican agenda and his veto threat emboldened their resolve to take issue publicly with proposed cuts to programs dear to traditional Democratic constituencies (Hager 1995).
Indeed, the reconciliation measure comprised many elements at the heart of the GOP’s *Contract* agenda from which the majority was loathe to back away, including components of welfare reform, trimming the regulatory scope of the federal government, and a balanced budget within seven years (Pear 1995; Kamen 1995). For months Speaker Gingrich insisted that he would hold other spending bills hostage to the president’s acceptance of a balanced budget (Pianin and Harris 1995). By framing the debate in these terms, Gingrich, Clinton, and congressional Democrats all but assured a confrontation between the branches.

In the days leading up the veto of the reconciliation bill on December 6, 1995 it appeared, albeit for a fleeting moment, that the White House and the GOP majority were not far from reaching an accord. The Republicans offered to restore $4 billion in spending, Clinton insisted on $8 billion, and the two sides were drawing closer to a mid-point both might accept. However, White House leaks of a “deal” to separate out the reconciliation bill from other pending appropriations measures may have killed a compromise. Gingrich emphatically denied that the reconciliation and other spending bills could be divorced, dismissed such rumors as “spin,” and reaffirmed his opposition to signing on to any further temporary spending measures to keep elements of the government in operation, the president’s acceptance of a balanced budget notwithstanding (Hager 1995a).

Clinton’s veto of HR 2491 became embroiled in the politics of high rhetoric and symbolism on both ends of Pennsylvania Avenue. For his part, the president accented that the veto was consistent with his long-standing threats the majority chose to ignore (Purdum 1995). The White House, over the period of several months, publicly registered the view that “The Republican budget plan fails to protect Medicare, Medicaid, education, the environment and tax fairness,” and pledged a veto (Gray 1995). In returning the bill to Congress, Clinton symbolically used the same pen to veto the measure as Lyndon Johnson used to sign bills that created the Medicare and Medicaid programs.
And his offensive rhetorical attack on the GOP agenda became harsher. Clinton’s veto message placed the blame for policy deadlock squarely on the Republican majority, contending the bill would “make extreme cuts and other unacceptable changes in Medicare and Medicaid, and…raise taxes on millions of working Americans” (Public Papers of the President, 12/6/97, 1853). Clinton went on to detail his plan for arriving at a balanced budget without putatively draconian cuts. The president clearly maneuvered to present himself as a centrist defender of principles and responsible governance, not of outdated government programs. As one observer noted:

Mr. Clinton framed his disagreements with the Republicans as a battle over fundamental American ‘values,’ using that word an even dozen times in his brief speech and accusing the Republicans of seeking to ‘undermine’ or ‘violate our values,’ while vowing to ‘elevate,’ ‘protect’ and ‘honor’ them himself. At the same time, the White House took pains to describe Mr. Clinton’s proposal as a gesture of good faith to the Republicans, one that will take the sketchy 10-year plan for balancing the budget that the President had offered earlier and condense it, with more detail, into the time frame the Republicans demanded. (Purdum 1995).

With the veto pen in mind, Speaker Gingrich accused the president of “campaign gimmickry” and tried to cast Clinton as a defender of the status quo uninterested in a balanced budget. He inveighed that “the president needs to recognize that Lyndon Johnson’s Great Society has failed. The people know that a Washington-based, Washington-spending, Washington bureaucracy, Washington red-tape Great Society isn’t the answer” (Devroy and Pianin 1995).

The resulting budget impasse between the White House and Capitol Hill gripped the federal establishment and forced shutdowns of portions of the executive branch in December 1995 and into the new year. In this interim period the Republican majority sent four appropriations bills to Clinton that he had long threatened to veto. The president made good on his threats, and Republicans brought three of the four bills to the House floor for overrides that were bound to fail: the Commerce, State, and Justice (HR 2076), Defense (HR 1530), and Interior (HR 1977) bills had passed via party-unity votes. Few Democrats were willing to break ranks to support the overrides.
The overrides represented symbolic maneuvers to assign blame to Clinton and the Democrats for the furloughs of government workers and the budget deadlock. The comments of Bob Livingston (R-LA), Chairman of the House Appropriations Committee, before the attempted override of the Interior bill typified the GOP’s argument: “The Congress did its job. We sent the President three major funding bills that would have enabled Federal employees to return to work, but the President vetoed them. We are here once again attempting to send these people back to work” (Gray 1996). Republicans complained that the Administration had been unwilling to negotiate compromises, yet they had retained the most objectionable provisions Clinton cited in his public threats. For example, the president took particular issue with Republican plans to replace his “cops-on-the-beat” program with a block grant in the Commerce, State, Justice bill (Idelson 1995). Similarly, on the defense measure the GOP kept restrictions on the president’s authority to deploy troops for peacekeeping missions and retained plans for an anti-ballistic missile system that Clinton argued would violate the 1972 Anti-Ballistic Missile Treaty with Russia. Republicans used the override attempt to contend that the president vetoed the measure “because he wants neither the missile defense nor an adequate defense authorization bill” (Washington Post 1996).

The high-stakes tactics employed by Gingrich and GOP House leaders with provoked vetoes and abortive override attempts backfired with the unanticipated loss of public support. By early January 1996 it became clear that the public was beginning to ascribe far greater blame to the Congress than to the president for the policy confrontation and stalemate. The warning signs of the thin ice on which the GOP was treading in the public realm were evident at the time of the initial showdown over the reconciliation bill in October of 1995. A NBC/New York Times national poll found that 10 percent more respondents opposed the Republican agenda than supported it (Clymer 1995). The downward trend in public esteem for the GOP deepened as the budget confrontation
unfolded. A CBS News survey released in early January 1996 discovered that 44 percent of the public blamed Republicans for the government shutdown, while only 33 held President Clinton responsible (Clymer 1996). And throughout the budget imbroglio and beyond, Clinton’s favorability rating typically led Gingrich’s by twenty points or more. Despite the objections of GOP stalwarts like Susan Molinari (R-NY) who argued that “This is not our Government shutdown, this is his Government shutdown” (quoted in Rich, 1996; my emphasis), Clinton’s deft manipulation of the budget impasse took a severe toll on Speaker Gingrich and others in the GOP leadership who had gambled that the public would view the president—and not them—as the chief obstructionist in light of his many threatened and applied vetoes.

Several factors account for Clinton’s ability to prevail over congressional Republicans at the rhetorical game. First, the Republican leadership had overestimated support for the Contract following the 1994 elections, in which only about a third of eligible voters actually turned out to cast ballots (see Hames 1995). Polls did show that a plurality of respondents supported the GOP agenda in early 1995. But by the time of the government shutdown the public’s trust of Congress and the president to handle pressing problems was nearly at parity (McAneny 1997; Newport 1998). While Republicans concentrated on the implicit and explicit anti-government message contained in the Contract that resonated with their core of conservative constituents, Clinton adroitly maneuvered to fight the Contract by vying for the support of the “vital center” of the electorate while rallying traditional Democratic constituencies threatened by the Republican policy program. The president transformed the budget showdown into a forum to portray the GOP agenda as “extreme” and reinvent himself as a centrist whose goal was to “save” Social Security and Medicare.

The GOP leadership had also underestimated the potential effect of negative press coverage of the government shutdown and the inherent media advantages possessed by the White House. As
the budget impasse affected routine governmental services that voters generally take for granted—from access to national parks to the receipt of social security payments—a growing public backlash, well-documented by the television and print media, left the GOP in a quagmire. The Republican leadership also faced another dilemma. If the public views congressional challenges to the president with some skepticism (Durr, Gilmour, and Wolbrecht 1997), the “public speakership” and a fragmented congressional leadership necessarily have a difficult time competing with the vast resources of the “public presidency.” As the focal point of media attention the presidency commands far more attention than the Speaker of the House or majority leaders. These factors combined to strengthen Clinton’s strategic position in the public arena.

The coup de grâce to the Republicans’ strategic standoff with Clinton arguably came with the president’s veto of welfare reform (HR 4) in early January 1996. The majority sent Clinton yet another measure that he had long threatened to veto, and in doing so in the midst of the budget crisis, provided the president with a critical opportunity to make the rhetorical case that the Republicans were again promoting “irresponsible policies.” Like the vetoed spending measures, the welfare reform bill was passed along party lines with no chance of a successful override. Republicans accused Clinton of reneging on his 1992 campaign promise to “end welfare as we know it” and tried to make an issue of the president’s veto of the legislation late in the evening. Senate majority leader Bob Dole contended that “The president may have tried to hide this ‘stealth veto’ by doing it late at night, but he can not hide the message he is sending to the American people….He will stand in the way of fundamental change and, instead, will fight for the status quo” (Havemann and Dewar 1996).

As early as his 1995 State of the Union Address Clinton tried to preempt the Republican welfare agenda by indicating in general terms that he would take a stand against any reform proposal
that would “punish poverty” (Katz 1995). Clinton did hedge on the specifics of what he would and would not accept in a welfare reform package to avoid enabling the Republicans to craft a bill that he would be forced to veto (Cloud 1995). But the partisan nature of the eventual passage of HR 4 provided the president with substantial political cover. A veto decision was a foregone conclusion after a House-Senate conference on the bill, dominated by conservative Republicans, won not a single Democratic signature (Pear 1995a). Clinton attempted to avoid the recriminations of Dole and Gingrich that he had reneged on his 1992 campaign pledge by emphasizing the need to fashion a bipartisan approach to welfare reform, even if he was short on specifics. The president took his case to the public, claiming that the Republican bill would be “tough on children,” and would do “too little to move people from welfare to work” (see Pear 1996). Once again, Clinton wielded the veto and earlier veto threats to position himself in the center and re-frame the debate for the next round of negotiations.

Congressional Republicans provoked two more vetoes following threats issued by Clinton after the government shutdown, but it became clear that the budget imbroglio of late 1995/early 1996 had tempered the leadership’s willingness to engage in the politics of brinkmanship as the 1996 elections neared. The vetoes and override attempts of product liability and partial-birth abortion legislation were on discretionary domestic issues, which, unlike appropriations, did not face a “must pass” situation. Inter-branch conflict was aimed at shoring up support in the conservative base of the GOP for the 1996 elections rather than provoking another crisis (Harris 1996). On the abortion issue, for example, conservative Republicans were unwilling to compromise with Clinton over the wording of legislation. They managed to garner enough support in the House to override the president, but failed in the Senate. Conservatives took a longer term view that Clinton’s veto would prove unpopular and wanted to public momentum against the procedure to build (Goodstein 1996).
Clinton was ultimately able to earn compromise on the budget, beat back important elements of the GOP agenda, and push the Republicans further to his own ideal point because he recognized early the type of legislative game in which the congressional majority was engaged from 1995-96. In the 104th Congress executive-legislative relations did not take resemble the typical bargaining situation proposed by the coordination model. Rather, inter-branch relations became a poker match with public support or condemnation for the government shutdown the product of a winning hand. Clinton’s had several “aces in the hole” that the congressional majority did not anticipate. Strong Democratic support enabled the president to make good on his policy commitments when necessary and stave off overrides when Republicans attempted to call his bluff on veto threats. His trump card turned out to be the ability to use the rhetorical presidency to garner public sympathy, reassign blame to the GOP majority for uncompromising policy positions, and recapture important elements of the terms of debate, even if the Republican agenda supplanted his own carryover agenda of the 103rd Congress. Clinton’s willingness to make good on his veto threats solidified his policy reputation in Congress and convinced GOP leaders to reassess how they would respond to his veto threats in his second term.

**Round Two: Veto Threats as “Normal Politics” in Clinton’s Second Term**

At the outset of the budget crisis in 1995 White House Press Secretary Michael McCurry admitted that “There are big differences between the president and the Congress, and I suspect that those kinds of issues will have to be settled in November of 1996” (Hager 1995a). But despite a modest seat gain for Democrats in Congress that left Republicans in control of both chambers, Clinton’s reelection seemed only to reaffirm the status quo. The institutional setting assured that veto threats would remain a powerful tool for the president in the 105th and 106th Congresses.

Policy compromise was, however, more forthcoming over the period 1997-2000.
Presidential-congressional bargaining frequently reflected the assumptions of the coordination model. Republicans carefully selected elements of their agenda on which to challenge the president publicly and were eager to avoid a budgetary crisis. Both the president and the Republican majority showed more willingness to reach common ground on spending levels, and a federal revenue windfall undoubtedly facilitated reconciling Clinton’s spending proposals with Republicans’ tax cuts. On other bills, the majority attempted to attach “policy riders” or amendments to bills that the president could otherwise support. Clinton was generally successful in persuading GOP leaders to drop the most exceptionable riders through veto threats or made good on his threats to force re-negotiation.

[Figure 6]

Clinton issued 100 veto threats across his second term. As in the 104th Congress, a plurality of threatened bills—about one in four threatened bills—failed in one or the other chamber. Many of these bills concerned elements of the GOP agenda that stirred considerable controversy in Congress and passed the House along party-line votes, never to be taken up by the more moderate Senate. Similarly, neither Clinton nor the GOP majority capitulated frequently on policy positions. What changed was that inter-branch compromise edged toward the central tendency on threatened legislation. The evidence that the experiences of the 104th Congress had transformed the legislative game is most visible in Figures 6 and 7 in terms of the ratio of compromise bills (P2) to vetoed bills with no override attempt (C6). Compromise outpaced provoked vetoes by more than two-to-one from 1997-2000. Moreover, only once did the Republican majority attempt an override of a vetoed bill—the storage of nuclear waste in Nevada—which was neither a central agenda item to the GOP nor a burning election year issue in 2000. Figures 6 and 7 show that the overwhelming share of outcomes in Clinton’s second term reflected his top three outcome preferences according to the coordination game.
Perhaps the greatest compromise between the branches embedded in Figures 6 and 7 was the reconciliation bill, HR 2015, which comprised an agreement between Clinton and the Republican majority to balance the federal budget by 2002. In the short term the budget agreement set the stage for smoother relations between the branches on government spending. Several factors compelled the president and Republicans to work together. The split decision of the 1996 elections confirmed that neither the president nor the GOP leadership had prevailed outright in the policy battles of the preceding two years and had succeeded largely in reinforcing support among their core constituents. Both the White House and the Republican majority had reason to set their sights on credit-claiming opportunities rather than on assigning blame for gridlock. As a second-term president Clinton had his policy legacy to contemplate. Republicans, on the other hand, needed to prove their capacity to govern responsibly and claim credit for policy accomplishments in the hope retaining and expanding electoral support. With a strengthened economy and tax coffers growing with an anticipated revenue surplus, a unique but narrow window of opportunity opened for Clinton and the GOP to come to terms with some of the most intractable issues that had dogged them in the prior two years.

The commitment to balance the budget in the 105th Congress was the quintessential example of brokerage politics between the president and Congress that had been absent in the preceding two years. The May 2, 1997 agreement between Clinton and GOP leaders provided a framework for good-faith negotiations. Republicans had learned that the administration did not issue veto threats casually and began to take them seriously. The experiences of the 104th Congress had not necessarily eased tense relations between the president and Republican appropriators, but they had “produced a solid sense of each other’s parameters” that facilitated compromise (Taylor 1997). Both sides attempted to negotiate the budget by evaluating whether provisions were consistent with the letter or spirit of the accord. For example, the Republican proposal to cut Social Security
benefits for legal immigrants in HR 2015, the reconciliation bill, was dropped following a veto threat. Clinton and fellow Democrats argued that the provision violated the budget agreement, and Republicans conceded as they eyed the potential for tax reductions (Congressional Quarterly Weekly Report, 12/6/97).

Passage of HR 2015 enabled both sides to claim victory. Clinton cited the achievement as a “balanced budget with balanced values,” while Republicans garnered tax cuts in several categories. The strong performance of the economy allowed for the accommodation of seemingly opposing goals. Clinton yielded some $58 billion for domestic programs but won funding for his priorities (Stevenson 1997). As the Washington Post noted, “With the new-found funds, there was more than enough for negotiators to pay for $34 billion of Clinton's proposals for expanded health care coverage for impoverished children, partial restoration of welfare and disability benefits for legal immigrants that were cut out in last year's welfare reform legislation, and educational tax credits and deductions (Pianin and Harris 1997).

The 1997 budget accord tempered conflict on appropriations measures during the 105th Congress. From 1997-98 Clinton threatened to veto well over half of all spending measures but only vetoed one bill because Republican typically yielded enough ground. In 1997, for example, the GOP majority restored funds for the National Endowment for the Arts (HR 2107), compromised over Clinton’s spending proposals for education (HR 2264), and finessed language concerning a deadline for removing troops in Bosnia (HR 2266) to win the president’s approval. In other cases Speaker Gingrich found himself wrangling with members of his own conference, like Bud Shuster of Pennsylvania, Chair of the House Transportation Committee, to enforce the budget agreement on spending levels in the highway bill (HR 2400).
Compromise on threatened budget legislation was also common in the 106th Congress, save for a flare up in vetoes on threatened appropriations measures in 1999. If Clinton had preempted the GOP on reaching a balanced budget by 2002, Republicans sought to regain control of the debate by balancing the FY 2000 budget and making good on their pledge not to utilize Social Security Trust Funds in that effort (Taylor 1999). But Hill Republicans stopped well short of brinkmanship. Speaker Dennis Hastert oversaw the relatively timely progress on appropriations measures that militated against another government shutdown. The completion of the measures enabled him to rally the Republican conference around his promise to “stop the decades-long practice of using Social Security surpluses to underwrite other federal spending (Taylor 1999a).

Using Social Security funds as political cover, Hastert and Republican leaders engaged in a more subtle budgetary blame-game. Instead of taking uncompromising stands following veto threats, as Gingrich had, Hastert sought to portray the majority as the conciliator seeking bipartisan solutions and Clinton as irresponsible for opposing across-the-board spending cuts necessary to avoid “raiding” Social Security funds. In stark contrast to Gingrich’s tactics of the 104th Congress, Hastert and GOP leaders went out of their way to point out publicly just how far they had compromised with the president to accommodate his spending demands and then threatened to “revert to our own priorities” if Clinton vetoed legislation (Foerstel 1999).

Ironically, the appropriations measure for the District of Columbia—the smallest spending bill—was thrust in the spotlight. Clinton vetoed the first rendition of the bill (HR 2587) on the basis of conservative policy riders that restricted everything from needle-exchange programs to abortion. Clinton then vetoed the second bill (HR 3064) because of a rider implementing a nearly 1 percent reduction in across-the-board spending. The Republicans attempted to use this veto and several others as an opportunity to gain leverage over Clinton to force additional spending cuts (Pomper
1999). While the strategy met with mixed results in the re-negotiation of vetoed bills, both sides eagerly avoided talk of a government shutdown. One effect of the GOP strategy may have been to raise public awareness of the issue. Whether to sequester Social Security funds in a “lock box” became a central issue in the presidential campaigns of George W. Bush and Al Gore in 2000.

The majority of threatened bills on which the Republican majority chose not to compromise and challenge the president was distinguishable by the measures’ typically discretionary character, unlike “must pass” appropriations bills that had been the center of controversy in the 104th Congress. Most of the provoked vetoes furnished opportunities for the majority to make policy statements without immediate ramifications in an attempt to build electoral support or offset compromises made in appropriations bills. For example, Republicans were forced to yield to the president on several occasions on education funding levels. They responded to polls showing voter concern over education by touting school choice and education savings accounts to the middle class. By provoking vetoes they sought to distinguish their position from Clinton and the Democrats, who argued that federal subventions should focus solely on public schools and that education savings accounts would benefit only the wealthy. Similarly, in several bills dating to the 104th Congress Republicans had dropped abortion provisions to which the president objected. Republicans used a bill to reorganize foreign affairs (HR 1757) agencies in the 105th Congress to tie payments to the United Nations (UN) to the president’s acceptance of restrictions on international family planning. The bill languished for months following Clinton’s veto threat as Republicans, including Senate Foreign Relations Chair Jesse Helms, tried to sway the president. Clinton vetoed the bill and key provisions in the State Department authorization were appended to an omnibus bill. Withholding the UN payment did not produce a major crisis, but Republicans made their symbolic point and stood poised to re-negotiate the bill in the 106th Congress (Congressional Quarterly Weekly Report 1998).
Conclusions

The transformation of Bill Clinton’s legislative strategy from unified to divided government underscores the remarkable resilience and adaptability of the presidency as an institution. Veto leverage against the Republican agenda, conditioned by partisan voting alignments in Congress and the opposition party’s tight grip on the legislative calendar, replaced the toilsome coalition-building in which Clinton had engaged in the 103rd Congress for his preferred agenda (see Rieselbach 1996). If there is a central lesson about executive-legislative relations from 1995-2000, it is that a skilled president who works in concert with his congressional co-partisans and is adept at the politics of rhetoric can turn policy deadlock to his advantage. Clinton understood early what Republicans leaders learned perhaps too late: As one White House aide put it, “…the day the president vetoes their bill, their ‘Contract with America’ is dead” because Democrats refused to break ranks to support overrides (Harris 1995). Indeed, the minority Democrats’ greatest victories were typically linked to Clinton’s implied and applied vetoes.

In the government shutdown of 1995-96 Clinton recognized the legislative blame-game the congressional majority was playing and succeeded in manipulating the media levers of the White House to prevail in the contest for public support. This early experience proved critical in shaping executive-legislative relations across his second term. The president had bolstered his policy reputation with the majority, and inter-branch accommodation more closely resembled the coordination game of bargaining under the weight of veto threats that the majority took most seriously on “must-pass” budget legislation. The president did not “steal” the Republican agenda as much as he moderated it, preempted it, and re-tooled it through veto leverage. Ironically, some scholars have suggested that Clinton was more successful in his manipulation of institutional and
electoral politics under divided government than he was in pushing forth an expansive agenda two years earlier when Democrats controlled Congress (see Edwards 2000).

Divided government dramatically changed the type of legislative leadership Clinton was able to exercise over the last six years of his presidency. The form of legislative success he garnered contrasts markedly to his first two years—and to other presidents in earlier periods of divided government who were not compelled to rely so heavily on veto leverage. From more structured organizational arrangements in Congress to stability in voting alliances, the circumstances of divided government in the partisan 1990s were far less conducive to presidential agenda leadership and independent policy success. Split-party control changed Clinton’s focus from proactive agenda-setting—or to use Edwards’ (1989) terms, director or facilitator of change—to defensive obstructer, or perhaps gatekeeper, in his bid to re-frame policy debates and bring policy outcomes closer to his preferences. In few cases was the agenda with which the president had to contend intuitive to his preferences. Clinton’s experience surely challenges assertions that the concept of divided government is not an important “analytical category” (Frymer 1994, 310) and fits rather uncomfortably with the traditional expectation that “the president proposes and the Congress disposes.”

Risks inhere to both elective branches of the national government in the politics of brinkmanship and public confrontation. The GOP majority attempted to precipitate crises twice as a means of publicly discrediting the president. In both cases Republicans satisfied core electoral constituencies but failed to expand their reach of supporters, if the nominal seat losses in 1996 and 1998 are any indication. The government shutdown backfired in large measure due to Clinton’s public campaign against the GOP agenda. The impeachment ordeal from 1998-99 also failed to topple the president. Institutional partisanship surrounding the House impeachment and Senate trial
and Clinton’s strong public approval, which paralleled robust economic growth, enabled the
president to weather a self-inflicted storm over an illicit sexual encounter with a young intern that the
Republican majority attempted to transform into a Watergate-like crisis. The Republican majority
did, however, change the direction of policy discourse in Washington from governmental expansion
to retrenchment. Hill Republicans were most successful when leaders like Speaker Dennis Hastert
came to recognize that compromise and some amount of sharing of the terms of debate with the
White House were necessary to attain policy accomplishments.

Nothing guaranteed that Clinton would prevail at the public blame-game. The extreme
conflict between the branches placed a premium on the president’s rhetorical skills and dependence
on his standing with the public. The president had to make the case to voters that he ameliorated
legislation derived far less from his own set of policy objectives than from the opposition majority’s
agenda. And he faced significant pressures among his own partisans for compromising too much on
several occasions. The sharp critiques of the compromise welfare reform bill Clinton ultimately
accepted point to a certain irony of divided government. Presidents need to maintain unity among
their co-partisans to retain veto leverage as a means of negotiating with the opposition majority. But
intense conflict in Congress can also make it more difficult for presidents to find a middle-ground and
strike compromises acceptable to their loyal partisans.

The late 1990s were notable for the volatility of institutional politics between the president
and Congress. A narrowly divided Congress mirrors a narrowly divided electorate. What seems
likely is that periods of uneasy accommodation between the branches and veto politics will take
center stage when split-party control predominates. It remains to be seen whether Clinton’s template
for managing the condition of divided government will extend to George W. Bush, now that the
Senate is marginally in Democratic hands and Democrats eye re-capturing the House in the 2002
elections. Much may depend on the intensity of policy disagreement spanning the mile and a half between the White House and Capitol Hill and incentives to engage in, or avoid, blame-game politics.
Notes

1 Bond and Fleisher (1990) identify moderate, “cross-pressured” members as those legislators whose ideological positions are closer to the median of other party than to their own.


3 Cameron (2000) does not consider the impact of veto threats on the probability of a bills’ failure. There are grounds to suspect that veto threats are one of many factors that may enhance the probability of the failure of legislation, especially between the House and Senate. For example, a veto threat following passage of legislation in the House along party lines may dissuade Senate leaders from bringing up the bill.

4 Of course, these preference orderings are not absolutes. The decision tree in Figure 4 is a heuristic. The preference continuums are meant to cast light on the relative success Clinton garnered under different assumptions about the legislative game in which the majority was engaged.

5 For example, congressional Republicans capitulated on the toughest provisions of HR 927 (Cuba sanctions) and HR 2202 (immigration reform)—in the latter case so they could return to their districts to campaign in 1996.

6 The issue of shareholder lawsuits was not central to the GOP agenda. Democratic Senator Chrisopher Dodd believed that he had worked out a compromise on details of the legislation that were acceptable to the president. Democrats overwhelmingly voted to override the president’s veto. While the president’s co-partisans were careful to note that their actions were not meant as an affront to the president, “Privately…many were angered at the way Clinton handled the matter, directing his veto at issues that the Administration had not previously emphasized and embarrassing Dodd, a Clinton loyalist” (Congressional Quarterly Almanac 1995, 2:92).

7 Clinton vetoed HR 2646, a proposal for education savings accounts, as well as S 1502, a bill that would have provided a pilot voucher program for the District of Columbia.
Figure 1
Aggregate Party Support for the President’s Positions, 1953-2000

Figure 2
Divided Government and Presidential Roll-Call Success
Figure 3
Veto Threats and Vetoes Cast on Major Legislation, Selected Periods of Divided Government

<table>
<thead>
<tr>
<th>Congress</th>
<th>President</th>
<th>Veto Threats</th>
<th>Vetoes*</th>
</tr>
</thead>
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<td>0</td>
</tr>
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<td>3</td>
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<td>Eisenhower</td>
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<td>5</td>
</tr>
<tr>
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<td>Nixon</td>
<td>1%</td>
<td>4</td>
</tr>
<tr>
<td>93rd (1973-74)</td>
<td>Nixon/Ford</td>
<td>21%</td>
<td>4</td>
</tr>
<tr>
<td>94th (1975-76)</td>
<td>Ford</td>
<td>1%</td>
<td>8</td>
</tr>
<tr>
<td>97th (1981-82)</td>
<td>Reagan</td>
<td>23%</td>
<td>4</td>
</tr>
<tr>
<td>99th (1985-86)</td>
<td>Reagan</td>
<td>&lt;1%</td>
<td>2</td>
</tr>
<tr>
<td>101st (1989-90)</td>
<td>Bush</td>
<td>52%</td>
<td>9</td>
</tr>
<tr>
<td>104th (1995-96)</td>
<td>Clinton</td>
<td>60%</td>
<td>10</td>
</tr>
<tr>
<td>105th (1997-98)</td>
<td>Clinton</td>
<td>69%</td>
<td>5</td>
</tr>
</tbody>
</table>

* pocket vetoes excluded

Source: data for the 91st, 97th, 101st, 104th, and 105th Congresses are from Sinclair (2000); data for all other years were researched by author using Congressional Quarterly bill histories.
Figure 4
Veto Threat Signals and Legislative Outcomes

P
President

Veto Threat

Committee/Leadership

Compromise

Party

Yield

C1

Legislation Fails (committee/floor/inter-cameral)

Decision

C0

Leaders Capitulate/Legislation Passes

C1

 overridden

C5

 OVERRIDE

C4

Accept

C7

 OVERRIDE

C6

Accept

C3

Deny

P5

C

Override Fails

P1


C11

Override Succeeds

C10

Override Fails

C11

Override Succeeds

C10

Override Fails

C8

Override Fails

C9

Override Succeeds

C4

Accept

C5

Override Attempt

C6

Accept

C7

Override Attempt

C3

P4

Accept

P2

Accept

P0

Leaders Capitulate/Legislation Passes

C2

Veto

P3

Accept

C1

P1

Yield
Figure 5
Veto Threats and Legislative Outcomes in the 104th Congress: Blame-Game Politics

President’s Preference Order

Number of Bills

Percent

C10 > C6 > C8 > C4 > P0 > P1 = P2 > P4 > C9 > C11

0 0 4 15 7 4 1 0 5 10 15 20 25 30 35 40

0 2 4 6 8 10 12 14 16
Figure 6
Veto Threats and Legislative Outcomes in the 105th-106th Congresses: The Coordination Game
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Newport, Frank. 1998. “Gingrich An Unpopular Figure During His Tenure As Speaker.” Gallup Organization, Poll Analyses, November 11. Http://www.gallup.com/poll/releases/pr981114.asp.


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