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## Communicating as Chief Legislator: Four Case Studies from the State of the Union

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## **Communicating as Chief Legislator: Four Case Studies from the State of the Union**

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While the Constitution stipulates in Article II, Sec. 3 that presidents can recommend necessary and expedient measures to Congress, it is up to Congress to act. The primary place presidents engage in the activity of recommending legislation is the State of the Union Address (SUA). We examine SUAs from 1965-2002 and identify the legislative requests that presidents make of Congress. The SUA is a unique presidential speech that allows assessment and comparison between presidents of whether Congress follows where the president leads. Are presidents successful in getting Congress to enact the policies they ask for in the SUA? Furthermore, the policy making environment is complex and in order to assess the nature and role of the chief legislator's communications with Congress in the SUA, we utilize case studies to determine what role the SUA played in the outcome of four cases. Each case was chosen based on its outcome. One is an unsuccessful request (constitutional amendment for four-year house terms), one is fully successful (authorization and funding of a manned space station), one is partially successful (civil service reform), and one is a repeat request from multiple presidents that was eventually successful (line-item veto). We find that when a president uses the SUA to request action of Congress, he typically receives about two in five of his requests, either in full or in part, during the following congressional session. In each of our four cases, the SUA played an integral role in the outcome, although this did not always mean the president was successful in getting his request enacted, or that the SUA was the most important factor. The SUA is an excellent tool of political communication for the chief legislator, but it is not without its limitations. The chief legislator's position in the political system makes it much more likely Congress will give consideration to his requests, but it does not guarantee the president will receive a substantial amount of his requests. The chief legislator's increase in rhetorical powers represented in the SUA did give him an advantage over regular legislators, but it did not unduly increase his power over the legislature. The chief legislator is not an ordinary legislator, but neither is he empowered with a rhetorical arsenal with which he can assault Congress. The system of shared legislative powers continues to check the president despite an increase in the president's rhetorical power. The SUA is a tool the chief legislator can utilize to facilitate congressional leadership, but it is not a weapon with which he can cudgel Congress into accepting his leadership.

## **Communicating as Chief Legislator: Four Case Studies from the State of the Union**

Near the beginning of a congressional session, the president will present key pieces of his legislative agenda to Congress, the American public, and the world in the State of the Union Address (SUA). The SUA has become a tool that contemporary presidents utilize in their role as chief legislator. Acting in this role, the president couches his legislative requests in a way that seeks to persuade his audiences he has the legislative solution to a problem he details. This policy making rhetoric is characteristic of the SUA.<sup>1</sup> The speech is structured to facilitate presidential leadership of Congress.

Presidents may recommend legislation, but it is up to Congress to act. Contemporary presidents are expected, by both Congress and the public, to lead on policy issues. One measure used in assessing the success or failure of a president's tenure is whether he was able to get Congress to enact his legislative goals. For example, Clinton will always be noted for his failure to achieve major health care reform, while Reagan is remembered for his success with his 1981 tax cut. A key aspect of a president's legislative leadership is how well he communicates, not just with the Congress, but also with the public which may intervene by pressuring Congress to pass publicly popular proposals.<sup>2</sup> Convincing Congress to enact the policies he requests is paramount for the president as he pursues three goals he has as chief legislator: making public policy, securing re-election in his first term, and procuring a positive legacy.<sup>3</sup> The SUA is a unique presidential speech that allows us to assess and compare whether or not Congress follows where the president leads. Are presidents successful in getting Congress to enact the policies they ask for in the SUA? What role does the SUA play in the outcome?

We identify the legislative requests presidents made of Congress in their SUAs from 1965-2002. After identifying presidential requests for congressional action, we track the requests and calculate yearly success rates of presidents. Whether a president gets his policy proposals accepted, however, is contingent upon many factors beyond just highlighting it in a SUA. Using case studies, we examine four presidential requests for legislative action in SUAs. Each case details the particular request, traces its outcome, and assesses the role the SUA played in the outcome. The first case, Johnson's request for Congress to propose a constitutional amendment that would increase House terms to four years, offers an example of a chief legislator being successful in convincing Congress to advance a languishing issue, but ultimately failing in terms of seeing the policy come to fruition. The second case, Reagan's success in convincing Congress to fund the manned space station, illustrates how interest from the president and attention in the SUA can add the needed element for a request to be successful. A third case, Carter's civil service reform, illustrates nicely a presidential initiative from the SUA on which the president had to persistently lobby and compromise in order to get most, but not everything, he wanted. The final case examines how multiple presidents in multiple SUAs asked Congress for the line-item veto. Eventually, Congress complied.

In each case, the SUA played an integral role in the varying outcomes of the request. These case studies allow a look at the complex policy making environment and offer a way to assess the role the SUA played in the outcome of the president's request, as well as what the president's chief motivations likely were for the request as he acted as chief legislator. By examining these cases we shed light on the nature of presidential-congressional communications that surround presidential requests for congressional action, giving us a unique insight into a

president's rhetorical leadership of Congress.

### **Legislative Success with SUA Requests**

The legislative requests in the SUA indicate the highlights of the president's legislative agenda at the beginning of each congressional session. Once we identified the legislative requests presidents made in SUAs, we determined whether the president's policy-making rhetoric was successful in the congressional session in which the president gave his address; that is, did he get what he wanted, some version of what he wanted, or was his request unsuccessful. Beginning with every SUA and new congressional session, we start anew with requests and the actions (or inactions) that follow in that session. This time frame is justified for two reasons. One, SUAs are annual events. While policy proposals may take more than one congressional session, or even more than one congress to be enacted, we are interested in the speech as political communication, what the president says in the speech, and to what extent he gets his requests fulfilled. Often, presidents made repeat requests from one SUA to the next, indicating that previously unsuccessful requests were continuing priorities for them. Sometimes, requests that were not successful in the previous session were absent in the next year's speech, indicating waning priority. Since these previous requests were not re-emphasized in the next SUA, they do not carry over in our analysis. In addition, presidents will often request actions in the SUA that pertain to the federal budget. The SUA typically precedes the deadline for the president's budget submission to Congress by a few weeks, the beginning of a yearly process that is to be completed within the session.<sup>4</sup> It is not unusual for the president to address specific items from his upcoming budget and urge congressional action. For the session following the SUA, we determine success by using the relevant year of the *Congressional Quarterly Almanac*.<sup>5</sup>

How do presidents fare with their legislative requests from SUAs? Previous research on presidential agendas found that 42% of presidents' legislative initiatives once on the agenda were enacted in the period 1953-1996.<sup>6</sup> While we are not studying the whole of the president's agenda, only what the president chooses to rhetorically highlighted in SUAs, this finding can guide our expectations. We expect, however, that legislative requests in SUAs would garner higher success than presidential initiatives, since the requests in SUAs represent policy items which were chosen to be publicly highlighted. In addition, legislative requests in SUAs are not limited to just presidential initiatives, but also include instances where presidents took positions on congressional initiatives. This may entail the president jumping on the congressional bandwagon, taking a position on legislation that is already headed for passage. Finally, a legislative request can also involve presidents urging Congress not to act, a prospect generally easier than getting Congress to act.

(Table 1 here)

When presidents ask for congressional action in their SUAs, do they receive it? Table 1 shows a summary of individual presidents' successes, as well as presidents overall. Requests are deemed fully successful if the president was granted his request by Congress; if the president received some version of his request, then it was deemed partially successful. The most comprehensive way to view presidential success is by combining requests that were either fully or partially enacted by Congress. Legislative requests that failed to be enacted during the session are deemed unsuccessful. There is substantial variation among presidents with the successfulness of their SUA requests. Ford's legislative requests are the least successful with

Congress; a median of almost 72% of Ford's requests fail. Johnson's are the most successful with a median of 57.5% of his requests being fully or partially successful. He is the only president who obtains a median success rate that is above 50%. Were contemporary presidents successful in getting Congress to act on the legislative requests they laid out in their SUAs, enabling them to fulfill their goal of making public policy? On the whole, the median success rate for all presidents is 43.3%, not substantially different from previous research on the success of presidential initiatives, which found a 42% success rate.<sup>7</sup> Whereas we had expected presidents to be somewhat more successful given our focus on SUA requests rather than just presidential initiatives, presidents had similar levels of success with their SUA requests. Being chief legislator does not mean getting everything one wants out of Congress. SUA requests do not have high levels of enactment.

(Table 2 here)

The last four columns of Table 2 show the results of our analysis by year. There is tremendous variability in the number of successes and failures presidents have during their time in office. Reagan has one of the best success rates in 1981, getting 70% of his SUA requests either fully or partially enacted; six years later, he has the worst year of any president, failing to get congressional enactment on 95% of his SUA requests. Every president has good years and bad. Only Johnson has more "good" years, in which he achieves a majority of his requests being fully or partially enacted by Congress, than "bad" ones, having a majority be unsuccessful; Nixon, Ford, and G.H.W. Bush have more "bad" years than "good." Nixon does obtain the highest level of success, however, receiving 70.6% of his SUA requests in full or part in 1970. In 19 of the 35 SUAs we examine, the president was unsuccessful with a majority of his requests for congressional action. In only three years did presidents succeed in getting more than half of their full requests enacted, Johnson in 1965, Nixon in 1970, and Clinton in 1996. Johnson was successful in getting almost 67% of his SUA requests fully enacted in 1965 following his landslide election victory in 1964. Nixon, in 1970, had considerable success with his requests, the bulk of which were environmental and crime policy. With the urban riots of the late 1960s and growing awareness of the environmental movement, fueled by such things as Rachel Carson's 1962 publication of *Silent Spring*, and the Cuyahoga River catching fire in 1969, Nixon chose to focus his SUA requests in these policy areas, requests to which a Democratic Congress was receptive. Clinton in 1996, after he gains some leverage with Congress as a result of the government shut-down of 1995-96, also had a majority of his requests be fully enacted. Reagan, on the other hand, got none of the 19 requests he made in 1987 fully enacted. In November of 1986, elections returned the Senate to Democratic party control and the Iran-Contra revelations came to light that were damaging to the administration's standing with Congress.

While the president is no ordinary legislator and has the extraordinary platform of the SUA, this does not entail he will always get his legislative requests. It does not entail he will receive even a bare majority of the things for which he asks. Generally, about two in five requests will have some level of success with Congress. While the president can utilize the SUA as a tool of political communication, its power is limited by the system of government in which it functions, where legislative power is shared. Simply looking at success rates for SUA requests, however, does not illuminate what role the SUA played in the eventual result of a president's

legislative request. We turn now to four case studies, each with differing outcomes, to examine the role the SUA played in the outcome of each legislative request.

#### **Four Legislative Requests from State of the Union addresses**

Teddy Roosevelt once remarked, “Oh, if only I could be President and Congress too for just ten minutes.”<sup>8</sup> All presidents have surely had the same sentiment. In a system where governmental functions are divided and powers are shared, in Neustadt’s classic formulation of “separated institutions sharing powers,”<sup>9</sup> if anything is to be accomplished legislatively, a president needs Congress, and Congress needs the president. How presidents go about dealing with Congress will vary. The experience and skill they bring to this relationship will differ. One must always keep in mind that “the highly personalized nature of the modern presidency makes the strengths and weaknesses of the White House incumbent of the utmost importance. It places a premium on the ability of chief executives to get the most out of their strong points and compensate for their limitations.”<sup>10</sup> The political context in which the president governs will affect the relationship, as well as his standing with the public. While the president uses the SUA as a tool of political communication, its power is limited. Simply asking does not ensure a request will be fulfilled, but asking is generally a prerequisite for a desired action. As has been shown, presidents, despite being a chief legislator, are not particularly successful in getting Congress to accept his SUA requests for legislative action. Yet, presidents do have successes; Congress typically enacts two of every five requests they make. Some presidents are more successful than others, and a whole host of factors affect their success. We turn now to examining the role the SUA played in four cases from our data. Each case has a different outcome. In each, we discuss what role the president’s SUA communication played in the outcome of each case, as well as the primary goal(s) that appear to have motivated the president’s SUA request.

The four cases we discuss represent four different outcomes: an unsuccessful request, a request that was fully successful, a request that was partially successful, and a request that multiple presidents made that was eventually successful. The first case is an example where the most successful president in the period we study, Lyndon Johnson, is unable to get Congress to propose a constitutional amendment providing for four-year terms for House members. However, the SUA plays a key role in advancing a debate that had been stalled on Capitol Hill, even though the debate would not be a successful one for the president. The second case examines Ronald Reagan’s request for a new space initiative in 1984, a permanently manned space station. This request was made in an election year and at a time when rising budget deficits were putting a severe strain on new spending. Even though many within the administration were opposed to the initiative, Reagan forged ahead and succeeded in getting his request. The SUA was a vital part of this process. The third case examines Carter’s push for civil service reform in 1978, typically not an issue on which the public clamors for action absent a presidential assassination.<sup>11</sup> Yet, Carter used the SUA to discuss why he thought civil service reform was a necessity. He would be successful in not only getting reform on the agenda, but also obtaining most of what he wanted in the way of civil service reform. The example of the line-item veto is our final case. Every president from Reagan to Clinton asked for this power in their SUAs at least twice. During the Clinton administration, the reform finally succeeded,

although the Supreme Court would later invalidate it. Multiple presidents' use of the SUA to talk about the line-item veto kept the issue in front of Congress and the public. The effect of rising budget deficits and growing awareness of this reform eventually moved Congress to expand the president's fiscal power.

### **It Seemed Like a Good Idea at the Time: Johnson's Request for Four-Year House Terms**

On January 12, 1966, Lyndon Johnson gave his third SUA. In his introductory remarks, he summarized the various recommendations he would be discussing which included a call for a constitutional amendment to extend the term of House members to four years.

I will ask you to make it possible for Members of the House of Representatives to work more effectively in the service of the Nation through a constitutional amendment extending the term of a Congressman to 4 years, concurrent with that of the President.<sup>12</sup>

In the body of the SUA, Johnson would include more detail and explanation of why he believed the reform was necessary.

To strengthen the work of Congress, I strongly urge an amendment to provide a 4-year term for Members of the House of Representatives - which should not begin before 1972.

The present 2-year term requires most Members of Congress to divert enormous energies to an almost constant process of campaigning - depriving this Nation of the fullest measure of both their skill and their wisdom. Today, too, the work of government is far more complex than in our early years, requiring more time to learn and more time to master the technical tasks of legislating. And a longer term will serve to attract more men of the highest quality to political life. The Nation, the principle of democracy, and I think, each congressional district, will all be better served by a 4-year term for Members of the House. And I urge your swift action.<sup>13</sup>

The Constitution stipulates that "The House of Representatives shall be composed of Members chosen every second Year. . ."<sup>14</sup> Johnson's request, therefore, would take a constitutional amendment and the typical way amendments are proposed is by a two-thirds vote in each chamber of Congress.<sup>15</sup> The president plays no formal role in the amendment process, but in this instance, Johnson used his SUA as an occasion to urge Congress to act. He refers to the changed nature of modern elections and governing, necessitating longer terms. Reflecting Johnson's role as chief legislator, the reform is couched in terms of the national interest. Too frequent elections deprive the nation of representatives' attention, as well as serving to detract some qualified individuals who otherwise might run if they could serve a four-year term.

In the next day's *New York Times*, there was an entire article devoted to the president's "surprise proposal."<sup>16</sup> It was noted that it "was greeted by prolonged applause and cheers. Then as the applause died down, many members of Congress turned in their seats and whispered excitedly."<sup>17</sup> The 1966 SUA marked the first time the president had ever publicly weighed in on this particular issue.<sup>18</sup>

The length of House terms was a subject of debate at the Constitutional Convention in Philadelphia in 1787. In Federalist 52 and 53, Madison gave justification for biennial elections for members of the House. One year was too short to induce people to serve and more than two

years would not provide sufficient responsiveness. House terms again became a subject of debate in the twentieth century. In 1950, the American Political Science Association's Committee on Political Parties issued "Toward a More Responsible Two-Party System," a lengthy report that gave specific policy recommendations for the American political system.<sup>19</sup> One of the reforms suggested was lengthening House terms to four years. "The present term is so short that a freshman member is involved in a campaign for renomination before he knows his job or has had much opportunity to prove his worth to his constituents or his party."<sup>20</sup> A few years later, President Eisenhower voiced support for four-year terms in 1955.<sup>21</sup> At the time of Johnson's SUA in 1966 there were resolutions pending in both the House and the Senate to move House members to four-year terms, but no hearings had been held in the first session of the 89th Congress (1965).<sup>22</sup> A Gallup Poll, conducted in December 1965, reported that 61% of the public favored extending House terms to 4 years, 24% opposed, and 15% had no opinion.<sup>23</sup> Therefore, prior to announcing his desire to amend the Constitution to allow 4-year House terms, there was support emanating from both the Hill, as well as from the public. Jones speculated in his book *Every Second Year*, that this support may have been why Johnson included this request in his 1966 SUA as "it seemed at that moment that the necessary conditions existed for an important change in the House of Representatives."<sup>24</sup>

The attention Johnson brought to this issue by devoting a portion of his 1966 SUA to it provided the necessary impetus for action in Congress. After the speech, Senator Birch Bayh (D-IN), chair of the Senate Judiciary's Subcommittee on Constitutional Amendments, stated that "every effort will be made" to hold hearings soon.<sup>25</sup> This would be in line with Johnson's call for "swift action." Johnson followed up his SUA with a written message to Congress on January 20.<sup>26</sup> This message was devoted entirely to two Constitutional reforms Johnson was seeking. The first was the change to four-year terms for House members Johnson had advocated in his 1966 SUA, and the other was a reform of the electoral college system.<sup>27</sup> The bulk of this message was devoted to explaining Johnson's proposal for House terms and it was accompanied by the administration's text for the proposed resolution.

On January 20, Senator Bayh introduced a resolution that proposed amending the Constitution consistent with the president's recommendation.<sup>28</sup> Days later, Representative Frank Chelf (D-KY) followed suit in the House.<sup>29</sup> Chelf had introduced a resolution in 1965, on which action was still pending, that would have extended the length of terms, but set the elections in mid-term years, not coinciding with presidential elections as the president wanted.<sup>30</sup> Thus, Chelf had two resolutions before the House Judiciary committee, both extended House terms, but one set the elections to coincide with presidential elections and the other put them in mid-term election years. The House Judiciary committee began hearings on February 8, 1966 on the administration's and related proposals.<sup>31</sup> It was clear very quickly, however, that support for the measure was not as strong as initially surmised. The first day of hearings, Emanuel Celler (D-NY), the committee's chair, gave his support to two-year terms.<sup>32</sup> Celler professed that "it is campaigning that keeps a member alive to the issues . . . It keeps members of the House where they belong - on their toes."<sup>33</sup> Celler noted that "two House members went insane while in office and would have been immune from removal by the voters for two extra years under the amendment."<sup>34</sup> To this, Robert T. Ashmore (D-SC) responded "maybe they were driven insane worrying about the next election."<sup>35</sup> When Attorney General Nicholas Katzenbach testified

before the committee on February 15, he encountered opposition to the president's proposal. One of the arguments Katzenbach gave was that having members of the House elected at the same time as the president "would produce executive-legislative solidarity."<sup>36</sup> This immediately caused Richard Poff (R-VA) to declare, "I can't imagine a better argument against the proposal than that."<sup>37</sup> The New York Times reported, "When President Johnson first made the proposal in his State of the Union Message last month, the committee was believed to favor it by a big majority. As its hearings have progressed, however, enthusiasm has waned."<sup>38</sup> The House Judiciary Committee would conclude hearings on March 1.<sup>39</sup> The Senate Judiciary Committee's Subcommittee on Constitutional Amendments would subsequently hold hearings on the president's proposal, but they, too, would not act further.<sup>40</sup> The resolution stalled and it never saw floor action.

Johnson's attention would be fleeting to this issue. After the special message sent January 20, 1966, he would devote no further communications to the issue. It became clear very quickly the proposal did not have the requisite support on the committees which held hearings, let alone the support necessary to secure the favorable vote of two-thirds of each chamber needed to advance the proposal to the states for ratification. Johnson's attention was increasingly occupied by Vietnam in 1966 and the issue became a dead letter for the administration.

As is the case with most of the policy making rhetoric in the SUA, when the president details the situation and gives his recommendation, he does not seriously discuss the cons to his proposals. In the case of Johnson's touting of four-year terms, he mentions reasons for changing the tenure of Representatives, but does not mention any drawbacks, not even to explain why they should be dismissed. This exemplifies the one-sided nature of the president's policy making rhetoric. The initial reaction to the president's proposal was viewed as positive. Quickly, however, as Congress began to do what it is supposed to do, i.e., deliberate, it became evident that the drawbacks to the president's request were serious ones. While it seemed like a desirable reform that House terms should be changed when Johnson spoke of them in his SUA, once deliberation began, the congressional tide turned against the president's request. Johnson did not exert any more leadership on the issue and it subsequently died.

In 1966, Johnson got a majority of his SUA requests. A constitutional amendment to extend House terms, however, would not be one of them. The SUA played a very important role concerning this particular issue. While the request was not a successful one for Johnson, his mention of it in the SUA prompted congressional hearings. Once they took place, however, it was clear that support for the president's proposal was not substantial enough. The issue was not a new one; debate over the length of House terms extended back to the earliest days of the Republic. Even in the twentieth century, the idea had been discussed as a possible reform since the 1950s. Johnson believed that the time was right and that he had sufficient political capital to move the issue. What role did the SUA play in the outcome of this request? It sufficiently advanced an issue that had been languishing on Capitol Hill. Hearings were held in both chambers. That, however, was not sufficient to move the issue any further. Importantly, Johnson did not devote time or attention to the issue once it became clear that there was significant opposition. The time and attention of the president are scarce resources, and Johnson quickly realized the momentum was not significant enough for an amendment to be proposed. Johnson, who went into the 1966 SUA with high levels of political capital, saw the potential to advance an

issue that seemed ripe and one that he had not indicated a preference on previously. The Democratic Congress followed the president to a point, but not blindly. They held hearings on his request, something that likely would not have occurred absent presidential attention, but his request lacked the momentum to get it to the floor of either chamber.

In advocating a constitutional amendment on House terms, Johnson's primary goal was to make public policy, specifically a reform he believed would make government work better. As a former member of the House, Johnson understood the way elections impacted the House and in the interest of "good government" he advocated a change. Johnson supported tying four year terms to presidential elections, strengthening the connection presidents would potentially have to House members. This reform was not likely to be a re-election issue for the president. While public opinion polls showed support for this reform, procedural issues rarely excite the public. One difficulty with polls is that they do not measure the intensity of public support for an issue. In advocating a change to House terms, the president undoubtedly considered his legacy; getting Congress to act on a constitutional amendment is no small feat, although the legacy goal was secondary, at best, to the goal of making public policy.

### **Reagan's Quest to Fund a Manned Space Station**

In his 1984 SUA, Ronald Reagan requested the development of a permanently manned space station. If his request was to be successful, Congress would need to authorize and appropriate the funds for this program. While the National Aeronautics and Space Administration (NASA) had been developing plans for such an endeavor for some time, there had been significant opposition to the plan from within the administration. Budget deficits were spiraling upwards, constraining the ability of the Administration to offer new initiatives. Furthermore, Reagan had not weighed in on the matter. That would change on January 25, 1984 when Reagan would devote a substantial amount of the SUA to the space station.

Our second great goal is to build on America's pioneer spirit -- [laughter] -  
- I said something funny? [Laughter] I said America's next frontier -- and that's to develop that frontier. A sparkling economy spurs initiatives, sunrise industries, and makes older ones more competitive.

Nowhere is this more important than our next frontier: space. Nowhere do we so effectively demonstrate our technological leadership and ability to make life better on Earth. The Space Age is barely a quarter of a century old. But already we've pushed civilization forward with our advances in science and technology. Opportunities and jobs will multiply as we cross new thresholds of knowledge and reach deeper into the unknown.

Our progress in space -- taking giant steps for all mankind -- is a tribute to American teamwork and excellence. Our finest minds in government, industry, and academia have all pulled together. And we can be proud to say: We are first; we are the best; and we are so because we're free.

America has always been greatest when we dared to be great. We can reach for greatness again. We can follow our dreams to distant stars, living and working in space for peaceful, economic, and scientific gain. Tonight, I am directing NASA to develop a permanently manned space station and to do it within a decade.

A space station will permit quantum leaps in our research in science, communications, in metals, and in lifesaving medicines which could be manufactured only in space. We want our friends to help us meet these challenges and share in their benefits. NASA will invite other countries to participate so we can strengthen peace, build prosperity, and expand freedom for all who share our goals.

Just as the oceans opened up a new world for clipper ships and Yankee traders, space holds enormous potential for commerce today. The market for space transportation could surpass our capacity to develop it. Companies interested in putting payloads into space must have ready access to private sector launch services. The Department of Transportation will help an expendable launch services industry to get off the ground. We'll soon implement a number of executive initiatives, develop proposals to ease regulatory constraints, and, with NASA's help, promote private sector investment in space.<sup>41</sup>

The symbolic language presidents use in SUAs often portrays specific policy requests as embodying common, shared experiences and values. Requests will be addressed in such a manner that reinforces the common ideals and history Americans share. If legislative requests can be painted as being consonant with commonly agreed upon values, ideals, and shared experiences, as opposed to merely partisan proposals, they stand a better chance of acceptance.

Policy making rhetoric often looks backwards, and the theme of Americans' pioneering, frontier spirit is frequently used by presidents to set the stage for their recommendations. This was certainly the case in 1984 when Ronald Reagan used the SUA to promote a permanent, and continually manned space station orbiting the earth, a request that Congress would have to authorize and fund. Reagan refers to the "clipper ships and Yankee traders" of America's past; space represents the "next frontier" for conquering. Reagan also evokes Kennedy with his call to build a space station "within a decade," echoing Kennedy's 1961 challenge to put a man on the moon "before this decade is out."<sup>42</sup> In addition, the space race with the Soviets is conjured when Reagan says, "And we can be proud to say: We are first; we are the best; and we are so because we're free." This legislative request is perfectly in line with Reagan's larger mission of restoring the U.S.'s preeminence; the space station is another way to "reach for greatness again" and beat the Soviets.

The political context is key in understanding this particular case, Reagan's inclusion of this request in the SUA, and the request's success with Congress. In the 1960s, the race to the moon captured the attention and broadened the imagination of a nation. By 1984, fifteen years had passed since Neil Armstrong landed on the moon and the age of space exploration reached its peak. The development of the space shuttle in the 1970s and 1980s did not hold as much appeal with the American public. Getting to the moon, and getting there first, was a significant and inspiring goal. The space shuttles did not have a comparable one; they were orbiters. Furthermore, by 1984 shuttle flights were becoming a bit routine. Being the first country to actually have people living in space for extended periods of time in a permanent structure, however, potentially held more appeal as a goal.

In January 1984, the month Reagan would give his SUA, he was preparing for a re-

election campaign. The time was right for Reagan to advocate new initiatives, especially ones that would exemplify Reagan as a visionary leader. Attention was also being drawn to space. Senator John Glenn (D-OH), the former astronaut who was the first American to orbit the earth, was vying for the Democratic nomination for president and had voiced support for a space station.<sup>43</sup> Just days before the 1984 SUA, Glenn reiterated his strong support for the project during a campaign appearance, and he also stressed that one of his opponents for the nomination, Walter Mondale, had been against the space shuttle in the 1970s.<sup>44</sup> In addition, the Soviets had long signaled their intent for a space station that would be permanently manned.<sup>45</sup> Therefore, an element of the 1950s and 60s space race was also part of the mix.

Within the Reagan administration, however, there was significant opposition to a space station. The Department of Defense (DOD) did not support the NASA project, which it viewed as having no military value, especially in the 1980s budget environment where “every dollar spent on a space station would be one dollar less for their space budget.”<sup>46</sup> The Office of Management and Budget (OMB) was against spending money for a space station, as was the president’s science advisor, who preferred NASA’s attention be focused on the shuttle program.<sup>47</sup> The Central Intelligence Agency (CIA) was not in favor of the project either, for basically the same reasons as the DOD.<sup>48</sup> Rounding out the opposition, the National Academy of Sciences issued a report in the Fall of 1983 which said it saw no scientific need for a permanent space station.<sup>49</sup> How is it, then, that Reagan would include a legislative request for the development of a space station in his SUA and be successful in getting Congress to approve funds for the project?

What seems to have captured Reagan’s attention was a meeting on space commercialization and the space station that was arranged by Craig L. Fuller, Assistant to the President for Cabinet Affairs, in August 1983.<sup>50</sup> After this meeting, it was clear to participants that “Reagan was enthralled.”<sup>51</sup> Reagan did not, however, use the opportunity of an address on NASA’s twenty-five year anniversary in October 1983 to call for funds for the NASA initiative, even though agency officials had predicted he would.<sup>52</sup> In December, NASA provided the president with a briefing specifically on the space station. “Afterward, OMB director David Stockman talked about deficits. Reagan mentioned Ferdinand, Isabella, and Columbus.”<sup>53</sup> Clearly, a permanently manned space station appealed to the visionary in Reagan, but did it have enough appeal for Reagan to successfully request funds for it in a time of rising deficits?

On December 14, the *New York Times* carried a front page article entitled, “President Seems Near Commitment on Space Station.” Administration officials dropped hints that a new initiative would be proposed soon.<sup>54</sup> Given the environment, what better platform from which to announce a new initiative than the upcoming election year SUA? Reagan took advantage of this opportunity the SUA provided and discussed his proposal at some length.

The day following the SUA, another front page *New York Times* headline proclaimed, “President Backs U.S. Space Station as Next Key Goal.”<sup>55</sup> Emphasizing the importance of this new program, Reagan continued to press the issue as he sought to convince Congress to appropriate funds in the midst of rising budget deficits and increased military spending. On January 28, three days after the SUA, Reagan devoted his Saturday radio address to the proposed new space program. In the address, Reagan provided more information on the initiative. He explained that a permanently manned space station would be built within ten years, science and

industry would both benefit from the station, and it would be a “stepping stone for further goals.”<sup>56</sup> The one thing Reagan did not share with the public in either the SUA, or the radio address, was the expected cost of the program.

With the president setting the stage with his request, NASA presented the plans for the manned space station to the public the day after the SUA. The new station would be constructed in parts and would cost approximately \$8 billion over 10 years.<sup>57</sup> Despite the cost and the opposition within the Administration, in the end Reagan endorsed the idea, according to one official because “[he] loves it. You don’t have to look much farther than that.”<sup>58</sup> That explains why Reagan made the request of Congress, but how did Reagan get Congress to accept his request, and what role did the SUA play?

In the president’s budget sent to Congress in February, the request for funds in NASA’s budget devoted to the development of the space station was \$150 million. This represented 2% of NASA’s proposed budget of \$7.5 billion for fiscal year 1985. The initial outlay of \$150 million for the \$8 billion, ten year project was slight, less than 2% of the total estimated cost of development.<sup>59</sup> The space station development, however, captured headlines and attention because of the president’s SUA.

The initial congressional reaction to Reagan’s space station request was positive.<sup>60</sup> The first hurdle for funding was cleared when the House’s Science and Technology Subcommittee on Space Science and Applications approved the amount requested by Reagan in the FY1985 authorization bill for NASA.<sup>61</sup> The remainder of the authorization process would present no problems for Reagan’s request for a manned space station in either the House, or Senate.<sup>62</sup> Reagan would sign the bill authorizing \$150 million for NASA to begin the development of the space station on July 16, 1984.<sup>63</sup> The appropriations process also moved relatively smoothly. The House Appropriations subcommittee with jurisdiction over NASA, however, did earmark \$15 million of the \$150 million be devoted to research for an unmanned station, a slight alteration of Reagan’s request.<sup>64</sup> Representative Bill Green (R-NY), the ranking Republican on the subcommittee, wanted NASA to explore options that were not specifically for a manned station. His rationale was that in a survey of scientists he had conducted, many feared a large amount of funds devoted to the space station might “put the squeeze on other vital scientific programs.”<sup>65</sup> When the appropriations bill moved to the floor of the House, there was an attempt to remove this particular requirement, but it was defeated.<sup>66</sup> The Senate Appropriations Committee, however, dropped the earmark the House had inserted and approved the full \$150 million for manned space station development.<sup>67</sup> Earmarking \$15 million of the \$150 million was not a provision included in the conference committee report at the end of June.<sup>68</sup>

As the authorization and appropriations for the space station were working their way through Congress, Reagan continued to press for the space station during various public appearances, including his commencement address on May 30, 1984, at the Air Force Academy.

Your generation stands on the verge of greater advances than humankind has ever known. America’s future will be determined by your dreams and your vision. This past January, in my State of the Union Address, I challenged our nation to develop a permanently manned space station and to do so within a decade. And now we are moving forward with a strategy that will chart the future course of the U.S. space program.<sup>69</sup>

It was clear by this time that Congress was going to give its blessing to Reagan's proposal and it had encountered very little resistance. When Reagan signed the appropriations bill that funded NASA for the coming fiscal year, he got exactly what he had required from Congress for the development of a manned space station: authorization and funding.

As Reagan began to make campaign appearances in the Fall, he often mentioned the space station and his success, echoing the language he had used in the SUA. "That's why I directed NASA to develop a permanently manned space station, and to do it in a decade"<sup>70</sup> Furthermore, he frequently tied space station support references to criticisms of his Democratic opponent, Walter Mondale.

But my opponent, in the Senate, led the fight against the entire shuttle program and called it a horrible waste. Well, we support the space shuttle, and we've committed America to meet a great challenge - to build a permanently manned space station and to do so within a decade.<sup>71</sup>

Reagan's quest for the development of a permanently manned space station began with the 1984 SUA. NASA was successful in getting the president behind a project they had wanted to develop for some time, primarily because it appealed to Reagan-the-visionary. Space station development could also serve several other purposes for Reagan, by being an outlet for American "greatness" and ingenuity, giving the U.S. a leg up on the Soviet's space program, and providing a potential achievement on which Reagan could campaign. Not only did the president get on board, but he also used a significant portion of his SUA to discuss this initiative and why it should be pursued. This attention was necessary to propel the issue onto the front pages. Getting Congress to fund the proposal at the level Reagan requested in his budget did not prove to be too difficult, even in a time of rising budget deficits. The acceptance of Reagan's budget request was aided by the fact it was a fraction of the total cost of the 10-year development. Nevertheless, Reagan's attention to this issue, as well as the way he framed it in the SUA as being one more stage of exploration in America's pioneering history, was vital to the program's acceptance. Furthermore, its presence in an election year SUA was also important. Once his request was successful, Reagan could tout his success as further proof that "America is back," a component of Reagan's re-election campaign.

Reagan's request for the development of a manned space station served all three goals chief legislators have. Reagan lent his support to the issue because of his desire to make public policy, particularly this policy which would exemplify so many of the characteristics and values of Americans Reagan admired. At the same time, backing a manned space station would give Reagan a new initiative as he was entering his re-election campaign, a campaign in which space exploration was an issue. If Glenn was his opponent, Reagan's support would neutralize Glenn's support for a space station as an issue. If Mondale was his opponent, Reagan could use his support for space exploration and contrast it with Mondale's past stance on killing the space shuttle program. Concerns about his legacy were certainly a factor; if successful Reagan would be remembered as the president who started the country on the next stage of space exploration, but the legacy goal was secondary to the others.

### **Battling Entrenched Interests and Courting Congress: Carter and Civil Service Reform**

Jimmy Carter became president, in part, because he was a Washington outsider and campaigned on that very fact. In the mid-1970s, his message of bringing a different ethic to

Washington resonated with voters dissatisfied with the culture of Washington as it had been displayed in recent events such as Vietnam and Watergate. Once elected, however, an assertive Congress (controlled by his own party) was not all that amenable to Carter's leadership. In his campaign, Carter had vowed to improve the workings of the federal government. He echoed this theme in his inaugural address.

Let our recent mistakes bring a resurgent commitment to the basic principles of our Nation, for we know that if we despise our own government, we have no future. We recall in special times when we have stood briefly, but magnificently, united. In those times no prize was beyond our grasp.

But we cannot dwell upon remembered glory. We cannot afford to drift. We reject the prospect of failure or mediocrity or an inferior quality of life for any person. Our Government must at the same time be both competent and compassionate.<sup>72</sup>

In seeking to make government "competent," Carter picked an ambitious goal. The federal bureaucracy had not seen major reform in the almost 100 years since the Pendleton Act was adopted to insert merit principles into the civil service. Carter clearly thought the time was right for reform of the civil service, but it would not prove an easy task. In his first SUA in 1978, Carter would call for government reform. In the end, Carter was successful in getting Congress to adopt most of his civil service reform proposal, but it was a particularly arduous task.

The groundwork for Carter's proposal was laid in his first year in office. A task force was formed in 1977 composed of about 100 civil servants, academics, and business experts to study changes in the civil service.<sup>73</sup> The Carter Administration, in recognizing the difficulty of reform in this area, sought to forestall opposition to any plan by involving all the various parties that would be affected or have a role in the reform, including employees' unions and Congress, in the development of their proposal.<sup>74</sup>

On January 19, Carter delivered his 1978 SUA and emphasized government reform in general.

During these past years, Americans have seen our Government grow far from us. For some citizens, the Government has almost become like a foreign country, so strange and distant that we've often had to deal with it through trained ambassadors who have sometimes become too powerful and too influential, lawyers, accountants, and lobbyists. This cannot go on. We must have what Abraham Lincoln wanted, a government for the people.<sup>75</sup>

Significantly, Carter does not identify himself as part of government with his rhetoric, but as one of the American people. Even after being president for one-year, Carter puts himself in the role of outside reformer. From the pantheon of great American presidents, Carter reminds audiences of Lincoln; civil service reform can restore the ideal of government for the people.

After detailing things already accomplished in the area of government reform, such as various reorganizations, the elimination of some commissions and boards, paperwork reduction, putting federal regulations into plain English, and the creation of the Department of Energy, Carter arrives at a discussion of his proposal for the civil service.

But even the best organized Government will only be as effective as the people who carry out its policies. For this reason, I consider civil service reform

to be absolutely vital. Worked out with the civil servants themselves, this reorganization plan will restore the merit principle to a system which has grown into a bureaucratic maze. It will provide greater management flexibility and better rewards for better performance without compromising job security.

Then and only then can we have a government that is efficient, open, and truly worthy of our people's understanding and respect. I have promised that we will have such a government, and I intend to keep that promise.<sup>76</sup>

With his rhetoric, Carter places himself as part of the government, using "our people's understanding," only after reform is complete. Despite Carter's belief in the "absolutely vital" nature of civil service reform, it is not the type of issue likely to resonate with the public, even in a era of dissatisfaction with government. Headlines the day after Carter's speech did not hail, nor even mention, this Carter priority.

On the day of the SUA, Carter also sent a more detailed written message to Congress on the state of the Union that further indicated civil service reform was a major goal of the president.

The Civil Service System is too often a bureaucratic maze which stifles the initiative of our dedicated Government employees while inadequately protecting their rights. Our 2.8 million civil servants are governed by outdated rules and institutions that keep them from being as efficient as they would like to be. No one is more frustrated by this system than hard-working public servants.

Therefore, one of my major priorities in 1978 will be to ensure passage of the first comprehensive reform of the system since its creation nearly a century ago—reforms developed with the direct involvement of civil servants.<sup>77</sup>

While the written message did provide a bit more detail regarding the reform than the oral address, it would take the Carter Administration another six weeks to actually get their civil service reform proposal to Congress. On March 2, Carter announced at the National Press Club that he was sending his proposal to Congress that day and outlined his plan for civil service reform. Carter explained the rationale behind his proposal.

The simple concept of a merit system has grown into a tangled web of complicated rules and regulations. Managers are weakened in their ability to reward the best and most talented people and to fire those few who are unwilling to work.

The sad fact is that it is easier to promote and to transfer incompetent employees than it is to get rid of them. It may take as long as 3 years merely to fire someone for a just cause, and at the same time the protection of legitimate rights is costly and time-consuming for the employee.<sup>78</sup>

Improving the merit system under which bureaucrats were hired and promoted was the major goal. The main components of the Civil Service Reform Bill would construct a Senior Executive Service for the highest levels of the bureaucracy, offer incentive pay and pay for performance for mid-level grades, as well as eliminate automatic raises linked to length of service. Furthermore, Carter proposed to make modifications to hiring preferences for non-disabled military veterans, reducing a lifetime preference to 10 years.<sup>79</sup> With this proposal, Carter potentially faced opposition from federal employee unions, Veterans' groups, and members of Congress who had

large numbers of federal employees in their districts and states.

Support for Carter's reform in Congress was generally favorable in the beginning, although some members expressed doubts about a change in veteran preferences, and the American Legion quickly came out against the reform.<sup>80</sup> The largest federal employee's union, the American Federation of Government Employees (AFGE) and affiliated with the AFL-CIO, supported the reform initially, although some other unions were expected to oppose the plan.<sup>81</sup> To get his plan enacted, Carter would have to exercise some significant legislative leadership, something he had not excelled at in the past.<sup>82</sup>

Unfortunately for Carter, some of the initial support for his proposal dissipated rather quickly. In April 1978 due to continuing inflationary pressure, Carter announced he would propose capping federal pay raises at 5.5%.<sup>83</sup> This caused AFGE to back away from their previous support of Carter's civil service reform.<sup>84</sup>

Faced with growing opposition from affected groups and the indifference of much of the public, Carter attempted to mobilize his resources. He started by hosting his top aides and all of his Cabinet at Camp David, during which time the president castigated them for the way they were mishandling key elements of his agenda. "[Participants] agreed that it was an extraordinary performance from a man who normally is loathe to show emotion or criticize his subordinates."<sup>85</sup> A few days later, Carter gave a press conference in which his opening statement dealt entirely with civil service reform. He began his remarks by saying,

Before I became President I realized and was warned that dealing with the Federal bureaucracy would be one of the worst problems I would have to face. It's been even worse than I had anticipated. Of all the steps that we can take to make government more efficient and effective, reforming the civil service system is the most important of all.<sup>86</sup>

Carter was frustrated with the opposition his reform legislation was encountering on Capitol Hill. In May, the *New York Times* reported, "The entire Cabinet has been enlisted to lobby for the Civil Service bill with the Congressmen they deal with on substantive issues."<sup>87</sup> In addition, Carter took the issue to the public. At a press conference held in Oregon, Carter's opening statement is, again, entirely devoted to the issue of civil service reform. Before taking questions, Carter stated,

I think the American people in the West and all across the country are going to be watching how the Congress handles this very difficult but very important assignment to reform the bureaucracy of our Government, the keystone of which is to make the civil service work better.<sup>88</sup>

The problem with this strategy was that civil service reform, even though Carter framed it as a way to restore government for the people, never really resonated with the public, something Carter's Chairman of the Civil Service Commission, Alan Campbell acknowledged.<sup>89</sup> Campbell also indicated the proposal faced a difficult path through Congress.<sup>90</sup>

The piece of Carter's reform that was the most problematic was the change in veteran hiring preferences. In June, the Governmental Affairs Committee in the Senate accepted the major tenets of Carter's reforms, except for the change in veterans' preferences.<sup>91</sup> About the same time as the Senate committee was defeating the provision, Carter sent a letter to Robert Nix (D-PA), Chair of the House Post Office and Civil Service Committee, whose committee would

soon take up the civil service reform bill. The letter's purpose was solely to reiterate Carter's strong support for the change in veterans' preferences. He stressed the reasons why he wanted this change.

We owe veterans our deep gratitude for serving their country, and they more than deserve special treatment from our government. However, veterans preference as it presently operates severely interferes with employment opportunities for women and other minorities, discriminates against younger veterans who are outnumbered by veterans who served before, and greatly hampers managerial flexibility.<sup>92</sup>

But Carter also signaled the components of the change in veterans' preferences on which he was willing to compromise.<sup>93</sup> This package of compromises had specifically been rejected by the Senate Governmental Affairs Committee. In the House committee, however, the Administration backed compromises on veterans' hiring preferences were accepted.<sup>94</sup> The committee altered a few other aspects of Carter's original proposal and added several amendments, but Carter issued a statement after the committee voted saying, "The bill reported from committee carries forward the major thrust of my civil service reform proposal, though there were some amendments added by the committee that I opposed."<sup>95</sup>

Carter continued to heavily push for civil service reform and continued to remind anyone who would listen that civil service reform was, as he put it in a July 20th news conference, "a burning issue in the minds of the American people, to finally do something about waste and control of the federal bureaucracy."<sup>96</sup> In an interview he gave to editors and news directors at the end of July, Carter discussed civil service reform first as he opened the interview.<sup>97</sup> A few days later, Carter held a roundtable discussion in Virginia with civil servants focused entirely on his reform and reorganization proposals, which was carried live on television. The bill was reaching a critical juncture in Congress and Carter continued to try and build public support. As he opened the roundtable, he asserted, "I spent 2 years campaigning for the office that I hold, and one of the most intense desires of the American people is to have a government, a bureaucracy, that's effective and efficient, and which serves them well."<sup>98</sup> Carter identified the cynicism and dissatisfaction he had encountered while on the campaign trail as the rationale behind his civil service reform.

Carter also continued to press members of Congress to advance his reform. "Like the suitor of a reluctant maiden, Jimmy Carter has been pursuing Congress in recent weeks with everything from flattery to invitations to the White House."<sup>99</sup> Carter, whose first year in office had been marked by poor congressional relations, was learning from his previous mistakes. As he would comment in an interview conducted the day before he was to sign the Civil Service Reform Act in October, "We had an overly optimistic impression that I could present a bill to the Congress which to me seemed patently in the best interests of our country and that the Congress would take it and pretty well pass it. I have been disabused of that expectation."<sup>100</sup> With civil service reform, the White House not only lobbied members of Congress, but was also willing to compromise, something for which Carter had previously shown distaste.

In the Senate, compromises had to be made to bring the bill to the floor. The White House accepted the compromises as the price of getting reform, which Carter desperately wanted. On August 24, the Senate approved the measure with an 87-1 vote. While several amendments were accepted, the basic aspects of the bill were in line with what the Administration had

proposed, except for the change in hiring preferences for veterans Carter had sought, which was not included in the Senate reform bill.<sup>101</sup> The House, however, was mired in procedural delays brought by two Democrats, who wanted some expanded union provisions. The tactics used to cause delay included a call for the 261 page bill to be read aloud before continuing debate.<sup>102</sup> Carter was able to aid getting the bill to a vote in the House by writing a letter to one of the delaying congressmen in which Carter signaled his support of another bill<sup>103</sup> Finally, on September 13, after a barrage of attempts to amend, the House passed the civil service reform by a vote of 385-10. The compromise provision Carter had backed on veteran preferences in committee was stripped out of the bill on the House floor. While the bill would go to conference committee to hammer out House and Senate differences without this aspect of Carter's proposal, there were no other major changes to Carter's proposal.

The conference reached agreement after Senator Ted Stevens (R-AK) threatened to scuttle things over "a minor provision to assure some military reserve officers that they could get high-paying civil service jobs and still draw full military retirement pay."<sup>104</sup> Conference chair Mo Udall (D-AZ) recommended the conference give in to Stevens's demands and "Udall finally got to bang his gavel."<sup>105</sup> After the Senate passed the conference report by voice vote and the House voted 365-8, Carter signed the Civil Service Reform Act of 1978 on October 13.<sup>106</sup>

Civil service reform would end up being one of the significant domestic achievements of Carter's presidency. In his first SUA, he signaled to audiences that it was a very important issue for him. He saw it as a way to respond to public disaffection with government and whenever speaking about the issue always framed it as such. In acting as chief legislator and pushing this particular issue, Carter's main goal was not re-election, as this rather arcane issue was not likely to win him lots of votes with the public, nor was it likely to be an issue upon which to construct a great legacy, rather Carter truly desired to make public policy he thought was in the best interest of the nation. Civil service reform was not an issue Congress would take up on its own; a chief legislator would have to spur congressional action. Carter was able to do this with the attention he brought to the issue and the SUA was a part of that strategy. While his devotion of a portion of the SUA to this topic did not make much of a media splash following the SUA, Congress did take the issue up once Carter sent his proposal. Carter continued to press for his reforms and was a much more effective chief legislator than he had been previously; he talked to the public about the issue, lobbied members of Congress, and was willing to compromise. Eight months from the time the administration submitted its proposal to Congress, Carter got most of what he wanted out of Congress with his civil service reform initiative.

### **The Long, Strange Trip of the Line-Item Veto**

Multiple presidents have used the policy making rhetoric of the SUA to ask Congress for a line-item veto that would enable them to cancel individual spending items, or "lines," in annual appropriations bills, while accepting other items. In the 1980s and 1990s as budget deficits spiraled ever upward, presidents advocated this reform giving them expanded power over appropriations as a way of reigning in wasteful, i.e. pork barrel, spending. Members of Congress want to "bring home the bacon," so to speak, to their states and districts. Individual members will frequently advocate, and often get, money appropriated to their pet projects in their individual states or districts. One person's pork, however, is another's vital economic development or research program. There is little incentive for Congress to rein in this type of

spending; an individual member of Congress supports another's pet project with the expectation of reciprocity. Chief legislators have often argued, however, that they would effectively be able to correct wasteful spending if they had an item veto.

Presidents have long exercised power to impound funds, refusing to spend monies appropriated by Congress. In the nineteenth century, Jackson, Tyler, Buchanan, Grant, and Cleveland were all presidents who impounded funds associated with public works projects.<sup>107</sup> Military programs were the target of impoundments by Franklin Roosevelt, Truman, Eisenhower, and Kennedy. Johnson continued this practice and extended it to domestic programs until the states and Congress raised objections.<sup>108</sup> In 1974, as a result of Nixon's impoundments which "set a precedent in terms of magnitude, severity, and belligerence," Congress passed the Impoundment and Control Act of 1974 in order to limit a president's ability to impound funds and to allow Congress the opportunity to either accept or reject the president's request.<sup>109</sup> The Act allows presidents to use both deferrals and rescissions. A deferral merely delays the spending of appropriated funds, whereas a rescission is a permanent cancellation. Rescissions are proposed to Congress by the president and unless both chambers act to approve the rescission, money is released after 45 days.<sup>110</sup> Since the passage of the Impoundment Control Act of 1974, most of the action taken in Congress regarding line-item veto powers has centered on expanding rescission authority. The Line-Item Veto Act of 1996, despite the name, was not a pure line-item veto, which would take a constitutional amendment, but a statutory means of giving the president an item veto by enhancing his rescission powers. Under the Impoundment and Control Act, Congress needed to accept the rescissions made by the president; no action on the part of Congress meant the rescissions did not take effect. With the Line-Item Veto Act, however, and the enhanced rescission authority it gave to the president, Congress would have to pass legislation in 30 days to overturn a rescission, which could be vetoed by the president; no action on the part of Congress meant the president's rescission took effect.<sup>111</sup>

Discussions in the last two decades of the twentieth century over whether the line-item veto should be adopted were specifically linked to balancing the budget. Those who argued in favor of the line-item veto saw it as something that would allow the president to exercise fiscal discipline where Congress cannot. Those who argued against the reform believed that Congress would be giving power to the president in violation of the Constitution, which requires a president to accept or reject bills in whole, not selectively. From 1984 to 1996, all three presidents asked for the line-item veto in multiple SUAs. The line-item veto was finally passed by the 104th Congress, twelve years after Reagan first asked for it in a SUA. In every SUA from 1984 to 1988, Reagan requested the line-item veto power be given to him. George H.W. Bush asked for the power in his 1989 and 1992 SUAs, and Clinton asked for the power in both 1995 and 1996. Clinton's request was successful in 1996, and the 104th Congress approved the Line Item Veto Act. The law took effect January 1, 1997. Clinton was the only president to ever exercise this power, however, as the Supreme Court would rule the act unconstitutional in 1998.

The path the line-item veto took in becoming law was a long one. Reagan would advocate most forcefully for the power, repeating in SUA after SUA that it was a power he needed. Bush and Clinton were more selective in the way they used their SUAs to request action from Congress. It would take a combination of presidential, congressional, and public support, as well as rising deficits over 12 years for the power to become a reality.

As Ronald Reagan was gearing up for re-election in 1984, the budget deficit was looming as an issue that threatened Reagan's re-election prospects. The first policy topic Reagan discussed in his 1984 SUA was budget deficits. One of the things he advocated was a constitutional amendment to provide the president with the line-item veto. He reminded his audiences that he had the power as Governor of California and that many other governors also wielded this power. "As Governor, I found this line-item veto was a powerful tool against wasteful or extravagant spending. It works in 43 states. Let's put it to work in Washington for all the people."<sup>112</sup>

Early in his presidency, Reagan had occasionally voiced his support for a line-item veto in his public appearances, but he had never done so in a SUA, or any other major speech.<sup>113</sup> After the January 1984 SUA, Reagan would mention the line-item veto an average of 5 times each month until the election.<sup>114</sup> A few months later, in April, the Senate Judiciary Committee's Subcommittee on the Constitution held hearings on two proposals to amend the Constitution to give the president the line-item veto, but the proposals did not advance.<sup>115</sup> In May 1984, the Republican controlled Senate rejected a proposal to give the president, through legislation, an item-veto.<sup>116</sup> In September, the issue would return again to the Senate in a slightly different form,<sup>117</sup> but the end result was the same. Reagan's attention, however, increased the level of awareness on the issue. Before raising it in the 1984 SUA, there had been scant attention paid to the issue in Congress.<sup>118</sup> The day of his re-election, Reagan signaled getting the line-item veto would be a top priority in his second term.<sup>119</sup>

In the two years following his re-election, Reagan would mention the item veto less frequently in his public appearances than in 1984, but he would include the request in every subsequent SUA. In 1985's SUA, Reagan expressed hope that Congress would make his request a reality when he told his audiences that "Senator Mattingly has introduced a bill permitting a 2-year trial run of the line-item veto. I hope you'll pass and send that legislation to my desk."<sup>120</sup> Unfortunately for Reagan, in July 1985 the Senate could not end a week long filibuster on the bill.<sup>121</sup>

In the 1986 SUA, Reagan said,  
 And tonight I ask you to give me what 43 Governors have: Give me a line-item veto this year. Give me the authority to veto waste, and I'll take the responsibility, I'll make the cuts, I'll take the heat. This authority would not give me any monopoly power, but simply prevent spending measures from sneaking through that could not pass on their own merit. And you can sustain or override my veto; that's the way the system should work.<sup>122</sup>

He made very similar requests in the 1987 and 1988 SUAs, but from 1985 to the end of Reagan's term, the line-item veto would be virtually dropped in the halls of Congress.<sup>123</sup>

Reagan's SUA requests on the line-item veto were initially successful in 1984 and 1985 in propelling the issue onto Congress's agenda. The Senate did consider both a constitutional amendment and a statutory means of giving the president this power, but these attempts were unsuccessful. By 1987, Iran-Contra was occupying Washington and the Senate was once again in Democratic hands. Even though budget deficits continued to climb, Congress would not follow Reagan by giving him this power he very much wanted; the official debate over the item veto largely ceased.

When George H. W. Bush took office in 1989, the budgetary situation was not improving. In his first joint address to the Congress in February 1989, Bush began by addressing budgetary matters and one of the first legislative requests he had was for the line-item veto. Bush, however, did not devote very much of his rhetoric to this particular issue and used the same general phrasing as Reagan had done. “Forty-three Governors have the line-item veto. Presidents should have it, too. And at the very least, when a President proposes to rescind Federal spending, the Congress should be required to vote on that proposal instead of killing it by inaction.”<sup>124</sup> Bush signaled that he preferred a constitutional amendment giving him this power, but that he would settle for “expedited rescission” authority given through legislation, a weaker alternative than even the “enhanced rescission” approach.<sup>125</sup> In 1989, the Senate Judiciary Committee’s Subcommittee on the Constitution held hearings on a line item veto amendment, and reported two resolutions regarding the matter to the full committee.<sup>126</sup> There was also an attempt to add a line-item veto through legislative means as an amendment to a bill in the Senate, but the attempt was unsuccessful.<sup>127</sup> Finally, the Bush Administration contemplated testing the president’s veto power by exercising a line-item veto on the claim that the president has veto power and could define how he wields it.<sup>128</sup> In other words, he would claim it as an existing part of the veto power; it could then be tested in the courts. The administration did not carry through on this action, however.

Bush would not mention the line-item veto in his 1990 SUA, but there was some action in Congress. In the second session of the 101st Congress, there was another attempt to add the line item veto through legislative means as an amendment to bills in the Senate.<sup>129</sup> The Senate Judiciary committee took up the two measures approved the year before by the subcommittee, and reported them favorably to the Senate.<sup>130</sup> The Senate would not take up the issue, however, and no other action was taken in the 101st Congress.

The 1991 SUA also did not contain mention of the line-item veto and there was virtually no action in Congress on the matter. As the election neared in 1992, the federal budget deficit continued to loom as an issue, threatening Bush and his re-election. Bush would again request the line-item veto in his 1992 SUA and his remarks were much more explanatory than they had been in 1989.

You know, it’s time we rediscovered a home truth the American people have never forgotten: This Government is too big and spends too much. And I call upon Congress to adopt a measure that will help put an end to the annual ritual of filling the budget with pork barrel appropriations. Every year, the press has a field day making fun of outrageous examples: a Lawrence Welk museum, research grants for Belgian endive. We all know how these things get into the budget, and maybe you need someone to help you say no. I know how to say it, and I know what I need to make it stick. Give me the same thing 43 Governors have, the line-item veto, and let me help you control spending.<sup>131</sup>

Following Bush’s address, he advocated the line-item veto at numerous campaign appearances; mention of it became standard in his stump speech. In October 1992 alone, Bush mentioned the issue at 36 separate campaign appearances. Congress returned to the issue of the line-item veto, as well, and for the first time, the House considered it. The House had success on the issue and on October 3, 1992, passed an expedited rescissions bill by a vote of 312-97.<sup>132</sup> The bill would

not have a chance, however, in the Senate, largely because of the adamant opposition of Senator Robert Byrd (D-WV), who had been behind the 1985 filibuster of a similar measure.

Thus, Bush left the presidency in 1993 and the line-item veto had not advanced much in the four years he had been president. Bush's rhetoric in the 1992 SUA was much more forceful, it became an election issue, and Congress chose to consider it, whereas they had not in 1991 when Bush had not included a request in the SUA.

As governor of Arkansas, Bill Clinton had the line-item veto and as president he supported an enhanced rescission measure that would require two-thirds majorities in Congress to override.<sup>133</sup> After the election, both Clinton and Speaker of the House Tom Foley (D-WA) indicated they believed the line-item veto should be addressed. Senator Bill Bradley (D-NJ) had recently written a prominent editorial in the Wall Street Journal in which he explained why he had reversed his previous opposition to the line-item veto.<sup>134</sup> Senate Majority Leader George Mitchell (D-ME), however, as well as long-time opponent Senator Byrd, did not lend their support.<sup>135</sup> Democrats were divided on the issue. While Clinton had talked about the line-item veto in the campaign, he did not include mention of it in his first joint address to Congress as president in 1993, nor would he discuss it in his 1994 SUA. While the Democrats controlled the Congress in 1993-94, the House would pass an expedited rescissions measure twice, but there would be little action in the Senate. There was one unsuccessful attempt to attach an enhanced rescissions measure to the Motor Voter bill in the Senate, but that was the extent of the action.<sup>136</sup>

In the Fall of 1994, Republicans in the House of Representatives, were embarking on a fierce public relations campaign that sought to vault their party to victory in the November elections. Dubbed the "Contract with America," this document was a pledge by Republicans to bring certain items up for votes in the first 100 days should they be elected to the majority. At the top of the list was a call for legislation on a presidential line-item veto.<sup>137</sup>

After the Republican take over of Congress in the 1994 elections, the new House majority was eager to get to work on their "Contract." Even though there was some debate about giving a Democratic president the line-item veto, Republicans in the House pressed the issue. A Gallup Poll taken in December 1994 after the Republican victory and specifically focused on points in the Contract found that 77% supported the line-item veto.<sup>138</sup>

President Clinton suffered a major setback to his presidency when Republicans captured control of both the House and the Senate in the 1994 elections. He opened his 1995 SUA by saying,

Again we are here in the sanctuary of democracy, and once again our democracy has spoken. So let me begin by congratulating all of you here in the 104th Congress and congratulating you, Mr. Speaker. If we agree on nothing else tonight, we must agree that the American people certainly voted for change in 1992 and 1994. And as I look out at you, I know how some of you must have felt in 1992.<sup>139</sup>

Clinton supported the line-item veto, but had refrained from pushing the issue too much in the 103rd Congress because Democrats were divided and he had other major priorities. For the first time, Clinton requested a line-item veto in his 1995 SUA.

For years, Congress concealed in the budget scores of pet spending projects. Last year was no different. There was a \$1 million to study stress in plants and \$12

million for a tick removal program that didn't work. It's hard to remove ticks. Those of us who have had them know. But I'll tell you something, if you'll give me line-item veto, I'll remove some of that unnecessary spending.<sup>140</sup>

Clinton took the opportunity to voice his support for the line-item veto knowing full well that it was a plank in the Republican Contract. Clinton's support did not deter Republicans, at least initially, and in early 1995, House Republicans passed a bill 294-134 to give the president enhanced rescission power. In a symbolic gesture, the House acted on February 6, Ronald Reagan's 84th birthday.<sup>141</sup>

Clinton supported the House bill, but the Senate was still a potential roadblock for this particular measure. At the time, Republican control of the Senate was 54-46 and Senator Byrd was threatening a filibuster. Republicans did not know if they would be able to muster the necessary 60 votes to invoke cloture, but they promised to blame the Democrats if the bill failed. Public support for the line-item veto was strong and Majority Whip Trent Lott (R-MS) said, "it's up to the President" to secure Democratic support for the legislation.<sup>142</sup> Senate Majority Leader Robert Dole (R-KS) continued to set the stage for blaming the Democrats if the bill was defeated by a filibuster. He urged Clinton to voice his support and added, "I guess [if] it's a choice between passing something he always supported or denying Republicans a legislative victory, then the line-item veto will probably be sacrificed on the altar of politics."<sup>143</sup> On March 20, Clinton would issue a statement on the line-item veto.

The Senate is now debating the line-item veto legislation which passed last month in the House. I urge the Senate to pass the strongest possible line-item veto and to make it effective immediately. If the Members of Congress from both parties are serious about cutting the deficit, give me this line-item veto, and I will get started right away. This is one area where both parties can and should come together.<sup>144</sup>

Clinton needed to persuade enough Democratic Senators to join the Republicans in order to reach the 60 votes needed to invoke cloture if a filibuster occurred. Dole promised to be able to make sure all 54 Republicans would vote together, leaving Clinton to find 6 Democrats to vote with them. Even though Clinton wanted the line-item veto, he avoided specifically stating exactly what type of power he wanted, his statement urged "the strongest possible" measure. Each party produced different versions. As much as he wanted a strong item-veto he knew that many Democrats would not support the Republican version because many felt it gave too much authority to the president. Senator McCain (R-AZ), however, voiced that the president's statement "left no doubt" which version he favored; "give me a break . . . if the Democratic version is the strongest possible version, then fish fly."<sup>145</sup> On March 23, the Senate passed a version of the line-item veto that was different from the House version by a vote of 69-29. Instead of taking the enhanced rescission path, the Senate passed a version that broke up appropriations bills, new entitlements, or targeted tax breaks after passage into individually enrolled measures that the president could then selectively veto.<sup>146</sup> Senator Byrd, ever the opponent, claimed this approach created a "logistical nightmare" where there would be "hundreds of little orphan bills" each requiring the president's signature. Senator McCain reassured Byrd that with modern technology and computers this would not be a problem.<sup>147</sup> The version passed by the House and the one passed by the Senate were quite far apart. Representative Cardiss Collins (D-IL) summed up the two versions by calling the House version

“unconstitutional” and the Senate version “patently absurd.”<sup>148</sup> A conference committee would need to iron out the differences.

After Senate passage, Clinton had issued another statement in support of the line-item veto, but still urged the “strongest possible bill” rather than taking a stand on one or the other versions.<sup>149</sup> Two days later in his weekly radio address, Clinton specifically asked “members of both parties to resolve their differences” so that “the line-item veto can put people ahead of pork.”<sup>150</sup> Clinton would continue to press for further congressional action, but weeks turned into months and a conference committee was not scheduled.

Clinton continued his public statements. In April he addressed the American Society of Newspaper Editors.

Let's talk about the line-item veto. As I said before, that was in the Republican contract, and I campaigned for President on it in 1992. I appeal to Congress to pass it in its strongest form. I appeal to members of my own party who have reservations about it to support it as well. The line-item veto has now passed both the Senate and the House.

If you look at how it passed the Senate, that's an example of how we can make this system work. I strongly supported it. I campaigned to Democratic Senators and asked them to support it. They worked out their differences, and it passed overwhelmingly in the Senate.

The President and the Congress both need the power to cut spending. If you doubt it—if you doubt it—look at the bill that Congress recently passed to restore to 3.2 million self-employed Americans, farmers, small businesspeople, professionals and all their family members, the 25 percent deduction for the cost of their health insurance.

That was a part of my health care plan. I desperately want to do that. We ought to do more. They ought to be treated just like corporations. It is imperative to sign it. But hidden in that bill was a special tax break for people who did not need it. If I had the Senate version of the line-item veto, I could sign the bill and help the people who are entitled to it, and veto the special break. This is the kind of thing that's been hidden in bills of Congress forever. We can now do something about it, and we ought to do it.<sup>151</sup>

By June there was still no conference scheduled on the line-item measure. In a Rose Garden ceremony Clinton stated,

I have now seen two separate news reports in which the majority in Congress, according to some of their members, say that they have decided not to pass the line-item veto after all, after campaigning on it for a dozen years now. This line-item veto is a tool that would permit the President to single out special pork projects, veto them, send them back to Congress, and Congress would be able to override the veto. But they would have to vote on these projects separately instead of burying them in big bills that a President cannot in good conscience veto.

Now, that line-item veto was part of their Contract With America and a part that I embraced. President Reagan was for it. President Bush was for it. The

House passed it on President Reagan's birthday. They talked about what an urgent thing it was. Now they say they don't think they ought to give it to me this year because I might use it.<sup>152</sup>

The same day, Clinton sent a letter to congressional leaders which conveyed his concerns about the status of the line-item veto and reminded Republicans of their pledge to cut the deficit and reduce spending.<sup>153</sup> Many Republican lawmakers did not want to give a Democratic president the line-item veto power. Even though both houses passed versions of the line-item veto with strong support, there was no indication when a conference committee would convene to work out the differences. On June 20, 1995 the Senate named their conferees, but the House would not follow until September 7; the first meeting of the conference would take place September 27.<sup>154</sup> One other meeting was held in November, the only other meeting for the year.<sup>155</sup>

Clinton would again be able to take the stage during the SUA in 1996 and press once again for action on the line-item veto. In the 1996 SUA, however, Clinton's legislative request was limited to one sentence. He said, "I also appeal to Congress to pass the line-item veto."<sup>156</sup> As Clinton began to make campaign appearances after the 1996 SUA, he frequently mentioned the line-item veto and chastised the Republican Congress for not delivering. The conference committee did finally agree to an enhanced rescissions version of the line-item veto in March 1996. The Senate agreed to the conference report on March 27 and the House followed the next day. President Clinton signed the Line-Item Veto Act of 1996 into law on April 9. With this new law that took affect January 1, 1997, the president could rescind appropriations, new entitlement spending, and some targeted tax breaks. Congress would have 30 days to pass a disapproval bill if they disagreed with the president's actions, which could in turn be vetoed by the president.<sup>157</sup>

The line-item veto is a power many presidents have called for, but that the Congress had been reluctant to give to presidents. Even with divided government and in an election year, a Democratic president and a Republican Congress passed a piece of legislation that seemed, at times, very unlikely to find its way out of the congressional policy-making labyrinth. Through the combination of presidential leadership, favorable public opinion, pressure from budget deficits, and congressional support the Line Item Veto Act emerged. Upon signing the bill into law, Clinton reminded the public,

This new law shows what we can achieve when we put our partisan differences aside and work together for the Nation. Members of both parties have fought for this legislation because they believed that no matter which party has control of the White House or the Congress, the line item veto would be good for the country.<sup>158</sup>

The Supreme Court, however, would not agree that the Line-Item Veto Act was good for the country. In June 1998, the Act was ruled as a violation of the presentment clause in Article I, section 7 of the Constitution.<sup>159</sup>

Presidents Reagan, Bush, and Clinton kept the line-item veto issue alive for 12 years as it slowly gained support. Asking Congress for this power in multiple SUAs kept the issue in front of the public and Congress. The presidents' vocal support for the line-item veto was a significant factor. The way each president framed the line-item issue in their SUAs was virtually identical. Reagan highlighted the "boondoggles" of cranberry, blueberry, and crawfish research in his 1988 SUA, Bush pointed to a Welk museum, and Clinton to a tick removal program; all things that

received federal funds. The public tends to have a visceral reaction against pork and the presidents used examples to tap into this public feeling. Each president also stressed that they could be responsible when Congress could not bring itself to be. Reagan said, “I’ll take the heat,” Bush said, I’ll “help you say no,” and Clinton pledged “I’ll remove” waste. The use of the SUA by these presidents in regard to the line-item veto was instrumental in keeping the issue alive until conditions were favorable for action. Rising budget deficits were also an important factor. What finally tipped the balance in favor of the line-item veto was the election of a Republican Congress. Every recent president, regardless of party, has wanted the line-item veto. Democratic Congresses in the 1970s and 1980s were unwilling to bestow it on the president. The right combination of factors occurred in the mid-1990s.

This particular case also exemplifies the mutually reinforcing nature of the chief legislator’s goals. Presidents advocated the line-item veto because they had a desire to make public policy, and in this case it was a policy that would give the chief legislator enhanced power, uniting presidents of different parties, styles, and ideologies behind the same policy for institutional reasons. Re-election goals were also important. Both Reagan and Bush gave attention to the line-item veto in their 1984 and 1992 SUAs and it became a re-election issue for each. At the time of the 1996 SUA, the measure was in conference and Clinton only devoted one sentence to the line-item in the SUA. But, in the handful of election events, and even official events Clinton had before passage in March, he reminded audiences of Republican stalling on the issue. Had the measure not passed it would have been a large issue for the president to hold over the heads of congressional Republicans, and particularly his opponent Senator Dole, for lack of follow through. Finally, legacy considerations were also important for these presidents as they requested action on the line-item veto. As Clinton noted in his signing statement, presidents going back to Grant had wanted this power.<sup>160</sup> That it was approved under his leadership, and that he would be the first (and only) to exercise the power potentially carried significance for his legacy, just as the inability of Reagan and Bush to secure the power was also of significance.

### **Conclusion**

Does Congress follow where the president seeks to lead in his SUA? Congress generally does not enact most of the SUA requests in a given year following the SUA. When a president uses a SUA to ask Congress for enactment of his policy priorities in the coming year, he typically receives about two in five of his requests, either in full or in part. Success rates, however, vary from president to president; presidents also have varying levels of success within their presidencies.

Case studies allowed us to examine what role the SUA played in the outcome of four different legislative requests. In all of the cases, the SUA played an integral role, although this did not always mean the president was successful in getting his request enacted, or that the SUA was the most important factor. In addition, these four requests, to varying degrees, were included in the SUA to further the mutually reinforcing goals presidents have as chief legislator.

Johnson has been described as “one of the most gifted practitioners in American history of the art of coaxing decisions out of a political system that makes it easier to block initiatives than bring them to fruition.”<sup>161</sup> Johnson is the most successful with his SUA requests of all our presidents. Being both a former member of the House and a very effective Senate Majority

Leader, Johnson understood like few chief legislators what it took to lead Congress. Even so, Johnson was unable to get Congress to propose a constitutional amendment for four-year terms for House members. Johnson's SUA request, however, was largely responsible for getting Congress to hold hearings on the matter, although the action would go no further and Johnson's attention to the issue would be brief. The primary goal Johnson was pursuing with this request was the goal of making public policy.

As Reagan entered his re-election year, he pushed a new space initiative, building a permanently manned space station. NASA was successful in getting the president's support because the project appealed to Reagan's vision of the greatness and inventiveness of America. Reagan, in turn, was successful in convincing Congress. They would need to fund this project and Reagan was successful in convincing them to authorize and appropriate the exact amount he requested, despite the opposition of many within his own administration, and rising budget deficits. Reagan was no doubt aided by the relatively small amount he requested for the first year of this ten year project, but that should not diminish his accomplishment. The way Reagan discussed this initiative in his SUA was instrumental in getting his request. It became front page news and a part of his re-election campaign. For Reagan the chief legislator, this request served primarily the goals of making public policy and re-election, although legacy considerations were also a factor.

Jimmy Carter's relationship with his Democratic Congress was often strained, but he was able to correct some of his past mistakes in his dealings with them and achieve significant civil service reform, getting the bulk of what he requested from Congress. He made government reform a key theme of his campaign and as president, he viewed civil service reform as vital in addressing the public's dissatisfaction with Washington. In his SUA he framed the issue as one of restoring the government to its people. His attention to the issue in the SUA and with subsequent actions placed it on Congress's agenda. Absent Carter's attention, Congress was not likely to take up the issue on its own. It was not easy for Carter to get his request. Many federal employee unions were against aspects of it, as were veterans' groups. Carter compromised and lobbied Congress to get what he wanted, two things he had been reluctant to do in his first year. The main goal Carter was pursuing with this SUA request was to make public policy. Civil service reform, despite Carter's belief to the contrary, was not a "burning issue" with the public, but Carter pursued it because he believed it was in the best interest of the nation and would help restore citizens' faith in government. It did not significantly contribute to his goal for re-election. While civil service reform is one of the significant domestic achievements of Carter's presidency, his legacy is generally overshadowed by his foreign policy successes and failures.

Finally, we considered multiple presidents' requests in multiple SUAs for the line-item veto. Each president discussed the need for the line-item veto in a similar fashion. All conveyed it was the president who was situated to be fiscally responsible and eliminate wasteful spending whereas Congress was not positioned to do so. Each president also drew from examples of pork to incite public reaction against such "wastefulness." The steady stream of requests for this initiative over twelve years was eventually successful. SUAs played an important part in continually signaling this request. Combined with increased attention to rising deficits, and a change in the partisan composition of Congress, President Clinton received what he and other presidents had long desired. All three goals of the chief legislator, making public policy, re-

election, and legacy goals were factors in why presidents made this particular request.

Thus, the SUA played an important role in the outcome of each of the four cases we examined. In the case, of extending House terms, the development of a space station, and civil service reform, the president's attention to the issue in the SUA placed the request on Congress's agenda. Getting on the agenda, however, does not mean the president's request will ultimately be successful, but it is a prerequisite for the request to be fulfilled. With the line-item veto, a presidential mention did not always get the issue on the agenda. Despite asking for a line-item veto in every year from 1984 to the end of his presidency, Reagan was successful only in 1984 and 1985 of getting much consideration in Congress on the issue. Eventually, continual presidential attention to the issue, rising deficits, and a change in the partisan composition of Congress did mean success for the presidential request.

The SUA is a marvelous tool of political communication for the chief legislator. With it, he can further the goals of making public policy, re-election, and securing a positive legacy. The policy making rhetoric of the SUA, however, is one-sided and incorporates symbolic and emotional appeals, making it a perfect forum for a demagogue. The attention given to the chief legislator as he delivers this speech encourages a view of a president-centered political system. The public hones in on the president and the setting in which the SUA is delivered promotes this view. These impressions, however, are misleading. The speech is not without its limitations. An examination of the legislative requests in SUAs shows that presidents do not get Congressional enactment on a substantial number of the policies they highlight in the year following the speech. The chief legislator's increase in rhetorical powers represented in the SUA did give him an advantage over regular legislators, but it did not unduly increase his power over the legislature. The system of shared legislative powers continues to check the president. Presidents have power to recommend measures and regularly do so with their SUAs. Their position in the political system as chief legislator makes it much more likely Congress will give consideration to their requests, but it does not guarantee they will receive a substantial amount of their requests. The evidence from SUAs does not depict contemporary chief legislators as "superepresentators" who, "empowered by popular support . . . reign over the people's representatives in Congress."<sup>162</sup> The chief legislator is not an ordinary legislator, but neither is he empowered with an arsenal with which he can assault Congress. The SUA is a tool the chief legislator can utilize to facilitate congressional leadership, but it is not a weapon.

### Notes

1. Campbell and Jamieson, in their study of presidential rhetoric, examine the entire corpus of SUAs and emphasize the continuity in the form and functions they found in the documents. They specifically refer to the type of rhetoric in the SUA as “deliberative or policy related,” characterized by the president detailing a problem and then providing a solution. “. . . [T]he overall structure of [State of the Union] addresses is problem-solution, the hallmark of deliberative, policy-making rhetoric.” Karlyn Kohrs Campbell and Kathleen Hall Jamieson, *Deeds Done in Words: Presidential Rhetoric and the Genres of Governance*, Chicago: University of Chicago Press, 1990), 6, 74.
2. Samuel Kernell, *Going Public: New Strategies of Presidential Leadership*, 3<sup>rd</sup> ed., (Washington, D.C.: CQ Press, 1997).
3. These goals are similar to the goals Fenno ascribed to legislators. Richard F. Fenno, Jr., *Congressmen in Committees*, (Boston: Little, Brown and Company, 1973), 1, 139.
4. If Congress and the president did not complete the budget process in that session, any relevant legislative requests from the president’s SUA are unsuccessful.
5. In most cases, the *Almanac* provided sufficient information. In instances where it did not, other more specialized sources were used, typically *Congressional Quarterly Weekly Reports* and/or appropriations acts.
6. George C. Edwards, III, and Andrew Barrett, “Presidential Agenda Setting in Congress,” in *Polarized Politics: Congress and the President in a Partisan Era*, eds. Jon R. Bond and Richard Fleisher, (Washington, D.C.: CQ Press, 2000), 109-133.
7. Edwards and Barrett.
8. Quoted in Robert E. DiClerico, *The American President*, 5<sup>th</sup> ed., (New Jersey: Prentice Hall, 2000), 67.
9. Emphasis original, Richard E. Neustadt, *Presidential Power and the Modern Presidents*, rev. ed., (New York: Free Press, 1990), 29.
10. Fred Greenstein, *The Presidential Difference: Leadership Style from FDR to Clinton*, (New York: Free Press, 2000), 189.
11. The last time significant civil service reform took place was after President Garfield was assassinated by a man who is invariably referred to as “a disaffected job seeker” which produced the Pendleton Act of 1883.
12. Lyndon Johnson, “Address Before a Joint Session of the Congress on the State of the Union,” *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1966*, vol. 1

(Washington, D.C.: GPO, 1967), 7.

13. Ibid.

14. U.S. Constitution, Art. I, Sec. 2.

15. While the Constitution also allows for amendments to be proposed by a convention requested by two-thirds of the state legislatures, this method of proposal has never been used.

16. Marjorie Hunter, "President Calls for 4-Year Terms in the House," *New York Times*, 13 January 1966, A15.

17. Ibid.

18. "LBJ Election Law Proposals Surprise, Delight Reformers," *Congressional Quarterly Weekly Report*, 21 January 1966, 246.

19. "Toward a More Responsible Two-Party System: A Report of the Committee on Political Parties, American Political Science Association," *American Political Science Review*, Supplement, 44 (Sept. 1950).

20. Ibid., 75.

21. Dwight D. Eisenhower, "The President's News Conference of March 2, 1955," *Public Papers, 1955*, 1: 313.

22. "LBJ Election Law Proposals Surprise, Delight Reformers," 247.

23. Charles O. Jones, *Every Second Year: Congressional Behavior and the Two-Year Term*, (Washington, D.C.: Brookings Institution, 1967), 23.

24. Ibid., 24.

25. Quoted in Marjorie Hunter, "President Calls for 4-year Terms in the House," *New York Times*, 13 January 1966, A15.

26. Johnson, "Special Message to the Congress Proposing Constitutional Amendments Relating to Terms for House Members and the Electoral College System," *Public Papers, 1966*, 36-40.

27. Johnson had mentioned this reform in his 1965 SUA, but it was not repeated in the 1966 SUA.

28. "Committee Roundup: Four-Year House Term," *Congressional Quarterly Weekly Report*, 18 February 1966, 429.

29. Ibid., 428.

30. "LBJ Election Law Proposals Surprise, Delight Reformers," 247.
31. "Committee Roundup: Four-Year House Term," 428.
32. *Ibid.*, 429.
33. Quoted in "Celler and Some Republicans Oppose 4-Year Terms in House," *New York Times*, 9 February 1966, A25.
34. *Ibid.*
35. *Ibid.*
36. Quoted in "Katzenbach Challenged on 4-Year House Terms," *New York Times*, 16 February 1966, A18
37. *Ibid.*
38. *Ibid.*
39. "Committee Roundup: Four-Year House Term," *Congressional Quarterly Weekly Report*, 4 March 1966, 495.
40. "Election Reforms," *Congressional Quarterly Weekly Report*, 15 April 1966, 782.
41. Ronald W. Reagan, "Address Before a Joint Session of the Congress on the State of the Union," *Public Papers of the Presidents of the United States: Ronald W. Reagan, 1984*, vol. 1 (Washington, D.C.: GPO, 1985), 90.
42. John F. Kennedy, "Special Message to the Congress on Urgent National Needs," *Public Papers of the Presidents of the United States: John F. Kennedy, 1961*, vol. 1 (Washington, D.C.: GPO, 1963), 404.
43. John Noble Wilford, "Political Aides Urge Reagan to Back Space Station," *New York Times*, 21 September 1983, D26.
44. David Shribman, "Glenn Urges Commitment to 'Permanent Presence in Space,'" *New York Times*, 19 January 1984, A21.
45. John Noble Wilford, "Satellite linked to Space Station as Russians Aim for larger Craft," *New York Times*, 11 March 1983, A12.
46. M. Mitchell Waldrop, "The Selling of the Space Station," *Science*, 24 February 1984, 793.
47. *Ibid.* George A. Keyworth, II, the president's science advisor would eventually get behind the space shuttle project. See "A Station in Space Predicted," *New York Times*, 19 July 1983,

C3.

48. Wilford, "Political Aides Urge Reagan to Back Space Station," D26.

49. Philip J. Hilts, "The Federal Report: The Science Agencies," *Washington Post*, 26 December 1983, A19.

50. Waldrop, 794.

51. Ibid.

52. "Reagan Hails NASA but Does not Offer Space Station Funds," *New York Times*, 20 October 1983, B11.

53. Waldrop, 794.

54. Philip M. Boffey, "President Seems Near Commitment on Space Station," *New York Times*, 14 December 1983, A1.

55. Philip M. Boffey, "President Backs U.S. Space Station as Next Key Goal," *New York Times*, 26 January 1984, A1.

56. Reagan, "Radio Address to the Nation on the Space Program," *Public Papers, 1984*, 1:108.

57. Philip M. Boffey, "Many Voices Oppose Space Station but White House Listens to NASA," *New York Times*, 29 January 1984, D2.

58. Quoted in Boffey, "Many Voices," D2.

59. Robert Rothman, "1985 Budget: \$8 Billion Total Cost Expected: Planning Funds Requested for Manned Space Station," *Congressional Quarterly Weekly Report*, 4 February 1984, 192.

60. Ibid.

61. Robert Rothman, "NASA Authorization Approved: Manned Space Station Wins House Panel's Endorsement," *Congressional Quarterly Weekly Report*, 17 March 1984, 614.

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83. Carter, "Anti-Inflation Policy Remarks to Members of the American Society of Newspaper Editors Announcing the Administration's Policy," *Public Papers, 1978*, 1: 724.
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85. Terence Smith, "Capt. Carter Tells Crew to Tighten Their Lips," *New York Times*, 23 April 1978, E4.
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99. Terence Smith, "Carter Striving to East Strains with Congress," *New York Times*, 4 August 1978, A1.
100. "Transcript of Carter Remarks in an Interview on his Presidency and the Nation," *New York Times*, 6 November 1978, 38.
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104. Cooper, "Enactment of Civil Service Reform Nears," *Congressional Quarterly Weekly Report*, 7 October 1978, 2736.
105. Ibid.
106. Cooper, "Congress Approves Civil Service Reforms," *Congressional Quarterly Weekly Report*, 14 October 1978, 2945.
107. Louis Fisher, *Constitutional Conflicts Between the President and Congress*, (Lawrence: University of Kansas Press, 1991), 128-29.
108. Ibid., 129.
109. Ibid., 196.
110. The 45 days are 45 days of "continuous session," not counting recesses of more than 3 days, in practice generally 60-75 calendar days. Virginia McMurtry, "Item Veto and Expanded Impoundment Proposals," (Congressional Research Service, Issue Brief IB89148, 2001). Deferrals have caused both controversy and confusion over the years as a deferral is approved unless one chamber disallows it. Legislative vetoes of this sort were declared unconstitutional in *INS v. Chadha* (1983). Fisher, 197; Christopher Wlezien, "The Politics of Impoundment," *Political Research Quarterly*, 42 (March 1994): 61.
111. The Line-Item Veto Act gave presidents the ability to cancel appropriations items, as well as new entitlements, and narrowly targeted tax cuts. Andrew Taylor, "Line-Item Veto Bill Becomes Law," *Congressional Quarterly Weekly Report*, 13 April 1996, 984.

112. Reagan, "Address Before a Joint Session of Congress on the State of the Union," *Public Papers, 1984*, 1: 89.
113. See for example, Reagan, "Remarks and a Question-and-Answer Session at a Working Lunch with Out-of-Town Editors," *Public Papers, 1981*, 1: 947-60; "Interview with Jeremiah O'Leary of the *Washington Times* on Federal Tax and Budget Reconciliation Legislation," *Public Papers, 1982*, 2:1044-48. Reagan did, however, bring up the line-item veto frequently in meetings with Members of Congress. Martin Tolchin, "Line-Item Veto: A Surrender, or Deficit Remedy?," *Washington Post*, 3 January 1984, A16.
114. Reagan, *Public Papers, 1984*.
115. "Legislative History of P.L. 104-130," available from: LexisNexis Congressional [Online], (Bethesda, MD: Congressional Information Service, 1996).
116. Helen Dewar, "Senate Rejects Line-Item Veto Idea," *Washington Post*, 5 May 1984, A1.
117. Dewar, "51 Senators Press Measure For Trial of Line-Item Veto," *Washington Post*, 27 September 1984, A6.
118. The Republican Senate had voted on a constitutional amendment to give the president the line-item veto in 1983, but it did not obtain the necessary two-thirds vote. Dewar, "Senate Marks Time as Debt Deadline Nears," *Washington Post*, 30 October 1983, A4.
119. Lou Cannon, "Reagan Predicts Serious Talks On Arms Curbs in Next Term; Balanced Budget, Line-Item Veto To Be Pushed," *Washington Post*, 7 November 1984, A1.
120. Reagan, "Address to a Joint Session of Congress on the State of the Union," *Public Papers, 1985*, 1: 132.
121. Dewar, "Line-Item Veto Falters in Senate," *Washington Post*, 24 July 1985, A5.
122. Reagan, "Address to a Joint Session of Congress on the State of the Union," *Public Papers, 1986*, 1: 127.
123. There were three attempts in the Senate to provide the president with the line item veto through amendments to other legislation in 1986 and 1987, but no congressional hearings were held in 1986, 1987, or 1988. "Legislative History of P.L. 104-130."
124. George H.W. Bush, "Address on Administration Goals Before a Joint Session of the Congress," *Public Papers, 1989*, 1: 75.
125. "Expedited rescissions" refer to measures that "supplement rather than supplant the existing framework for rescissions. Under expedited rescission, congressional approval would still be necessary to cancel the funding. However, by expediting an up-or-down vote on the President's

message, it likely would become more difficult to ignore proposed rescissions and hence to reject them by inaction. . . On the other hand, enhanced rescission proposals typically seek to reverse the "burden of action" regarding rescissions and thereby create a presumption favoring the President. Such proposals usually stipulate that budget authority identified in a rescission message from the President is to be permanently canceled unless Congress acts to disapprove the request within a prescribed period." McMurtry; See also Mary Jacoby, "White House, Democratic Leaders Support Rep. Stenholms' "Expedited Rescission" Idea," *Roll Call*, 11 March 1993.

126. McMurtry.

127. "Legislative History of P.L. 104-130," "Section Notes: Senate Action Stalled on Transportation Bill," *Congressional Quarterly Weekly Report*, 11 November 1989, 3054.

128. Mark Mashek, "White House Retreats on Line-Item Veto," *Boston Globe*, 25 October 1989, 24; Alyson Pytte, "Fairness Doctrine, Dial-a-Porn Coupled on House Measure," *Congressional Quarterly Weekly Report*, 7 October 1989, 2629.

129. "Legislative History of P.L. 104-130."

130. McMurtry.

131. George H.W. Bush, "Address before a Joint Session of the Congress on the State of the Union," *Public Papers*, 1992, 1: 162.

132. George Hager, "Carper's Compromise," *Congressional Quarterly Weekly Report*, 10 October 1992, 3136.

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135. Jerry Gray, "Bradley Would Give Clinton Line-Item Veto," *Washington Post*, 14 January 1993, B5.

136. "Fight Flares over Line-Item Veto," *Congressional Quarterly Weekly Report*, 13 March 1993, 590.

137. Andrew Taylor, "Judge Voids Line-Item Veto Law; Backers Look to High Court," *Congressional Quarterly Weekly Report*, 12 April 1997, 833-834.

138. Charles E. Cook, "With Right Message, Republicans Succeed Even if Contract Fails," *Roll Call*, 8 December 1994.

139. Clinton, "Address Before a Joint Session of the Congress on the State of the Union," *Public Papers, 1995*, 1: 75.
140. *Ibid.*, 1: 78.
141. Taylor, 834.
142. Quoted in Helen Dewar, "Senate Republican Agree on Strategy for Line-Item Veto," *Washington Post*, 17 March, 1995, A7.
143. Quoted in Dewar, "Dole Pressures Clinton on Line-Item Veto Bill," *Washington Post*, 18 March 1995.
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145. Dewar, "President Urges Passage of Strong Line-Item Veto," *Washington Post*, 21 March 1995.
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147. Edwin Chen, "Senate Votes to Give President Line-Item Veto," *Los Angeles Times*, 24 March 1995, A1.
148. Dewar, "Line-Item Veto Strategy," *Washington Post*, 28 September 1995, A14.
149. Clinton, "Statement on Action in the Senate on the Line-Item Veto," *Public Papers, 1995*, 1: 374.
150. Clinton, "The President's Radio Address, March 25, 1995," *Public Papers, 1995*, 1: 396.
151. Clinton, "Remarks and a Question-and-Answer Session With the American Society of Newspaper Editors in Dallas, Texas," *Public Papers, 1995*, 1: 478.
152. Clinton, "Remarks at the Safe and Drug-Free Schools Recognition Program," *Public Papers, 1995*, 1: 826-27.
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158. Clinton, "Statement on the Signing of the Line-Item Veto Act," *Public Papers, 1996*, 1:559.
159. McMurtry; Andrew Taylor, "Few in Congress Grieve as Justices Give Line-Item Veto the Ax," *Congressional Quarterly Weekly Report*, 27 June 1998, 1747.
160. Clinton, "Statement on the Signing of the Line-Item Veto Act," 559.
161. Greenstein, 76.
162. Patricia Lee Sykes, "The President as Legislator: A 'Superepresenator'." *Presidential Studies Quarterly*, 19 (1989): 313.

**Table 1: Summary of Presidential Requests for Congressional Action in State of the Union Addresses**

| President            | Median Number<br>Requests per SUA | Median Percent of Requests per SUA |                   |
|----------------------|-----------------------------------|------------------------------------|-------------------|
|                      |                                   | Fully/partially<br>Successful      | Not<br>Successful |
| Johnson (1965-68)    | 36.0                              | 57.5                               | 42.5              |
| Nixon                | 18.0                              | 37.7                               | 62.4              |
| Ford                 | 31.5                              | 28.5                               | 71.5              |
| Carter               | 18                                | 50.0                               | 50.0              |
| Reagan               | 21                                | 44.9                               | 55.2              |
| Bush, G. H. W.       | 33.5                              | 38.8                               | 61.2              |
| Clinton              | 50.5                              | 49.6                               | 50.5              |
| Bush, G.W. (2001-02) | 31.5                              | 48.9                               | 51.1              |
| Overall              | 31                                | 43.3                               | 56.7              |

**Table 2: Presidential Requests for Congressional Action in State of the Union Addresses**

| <b>President</b> | <b>Year</b> | <b>Number of requests</b> | <b>Percent of Requests</b> |                             |                                   |                       |
|------------------|-------------|---------------------------|----------------------------|-----------------------------|-----------------------------------|-----------------------|
|                  |             |                           | <b>Fully Successful</b>    | <b>Partially Successful</b> | <b>Fully/partially Successful</b> | <b>Not Successful</b> |
| Johnson          |             |                           |                            |                             |                                   |                       |
|                  | 1965        | 36                        | 66.7                       | 2.8                         | 69.4                              | 30.6                  |
|                  | 1966        | 36                        | 50.0                       | 2.8                         | 52.8                              | 47.2                  |
|                  | 1967        | 36                        | 19.4                       | 5.6                         | 25.0                              | 75.0                  |
|                  | 1968        | 45                        | 44.4                       | 17.8                        | 62.2                              | 37.8                  |
| Nixon            |             |                           |                            |                             |                                   |                       |
|                  | 1970        | 17                        | 58.8                       | 11.8                        | 70.6                              | 29.4                  |
|                  | 1971        | 21                        | 19.0                       | 0.0                         | 19.0                              | 81.0                  |
|                  | 1972        | 19                        | 21.1                       | 15.8                        | 36.8                              | 63.2                  |
|                  | 1974        | 13                        | 23.1                       | 15.4                        | 38.5                              | 61.5                  |
| Ford             |             |                           |                            |                             |                                   |                       |
|                  | 1975        | 29                        | 24.1                       | 3.4                         | 27.6                              | 72.4                  |
|                  | 1976        | 34                        | 20.6                       | 8.8                         | 29.4                              | 70.6                  |
| Carter           |             |                           |                            |                             |                                   |                       |
|                  | 1978        | 18                        | 33.3                       | 16.7                        | 50.0                              | 50.0                  |
|                  | 1979        | 20                        | 15.0                       | 10.0                        | 25.0                              | 75.0                  |
|                  | 1980        | 9                         | 33.3                       | 22.2                        | 55.6                              | 44.4                  |
| Reagan           |             |                           |                            |                             |                                   |                       |
|                  | 1981        | 27                        | 37.0                       | 33.3                        | 70.4                              | 29.6                  |
|                  | 1982        | 22                        | 9.1                        | 22.7                        | 31.8                              | 68.2                  |
|                  | 1983        | 31                        | 12.9                       | 12.9                        | 25.8                              | 74.2                  |
|                  | 1984        | 19                        | 21.1                       | 36.8                        | 57.9                              | 42.1                  |
|                  | 1985        | 35                        | 8.6                        | 11.4                        | 20.0                              | 80.0                  |
|                  | 1986        | 20                        | 50.0                       | 10.0                        | 60.0                              | 40.0                  |
|                  | 1987        | 19                        | 0.0                        | 5.3                         | 5.3                               | 94.7                  |
|                  | 1988        | 18                        | 44.4                       | 16.7                        | 61.1                              | 38.9                  |
| Bush, G.H.W.     |             |                           |                            |                             |                                   |                       |
|                  | 1989        | 43                        | 16.3                       | 23.3                        | 39.5                              | 60.5                  |
|                  | 1990        | 29                        | 17.2                       | 41.1                        | 58.6                              | 41.4                  |
|                  | 1991        | 21                        | 9.5                        | 28.6                        | 38.1                              | 61.9                  |
|                  | 1992        | 38                        | 13.2                       | 13.2                        | 26.3                              | 73.7                  |

Table 2 Con't

| <b>President</b> |                           | <b>Percent of Requests</b> |                             |                                   |                       |
|------------------|---------------------------|----------------------------|-----------------------------|-----------------------------------|-----------------------|
| <b>Year</b>      | <b>Number of requests</b> | <b>Fully Successful</b>    | <b>Partially Successful</b> | <b>Fully/partially Successful</b> | <b>Not Successful</b> |
| Clinton          |                           |                            |                             |                                   |                       |
| 1993             | 49                        | 34.7                       | 16.3                        | 51.0                              | 49.0                  |
| 1994             | 47                        | 38.3                       | 14.9                        | 53.2                              | 46.8                  |
| 1995             | 44                        | 25.0                       | 5.0                         | 29.5                              | 70.5                  |
| 1996             | 42                        | 54.8                       | 9.5                         | 64.3                              | 35.7                  |
| 1997             | 57                        | 33.3                       | 24.6                        | 57.9                              | 42.1                  |
| 1998             | 52                        | 30.8                       | 17.3                        | 48.1                              | 51.9                  |
| 1999             | 77                        | 22.1                       | 13.0                        | 35.1                              | 64.9                  |
| 2000             | 87                        | 11.5                       | 19.5                        | 31.0                              | 69.0                  |
| Bush, G.W.       |                           |                            |                             |                                   |                       |
| 2001             | 33                        | 30.3                       | 24.2                        | 54.5                              | 45.5                  |
| 2002             | 30                        | 36.7                       | 6.7                         | 43.3                              | 56.7                  |
| Total (N)        | 1173                      | 28.0 (328)                 | 15.3 (179)                  | 43.2 (507)                        | 56.8 (666)            |