

The Bait and Switch: The Politics of Clinton's Veto Threats

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Abstract:

The veto is one of the few formal powers accorded to the president of the United States and it plays a central role in many theories of the executive branch. In particular, rational choice theorists have found it to be a rich topic of inquiry, as it presents great opportunities to study the "second face of power." As such, the threat of a veto is actually crucial. Most scholars have chosen to focus on the ideological positioning of a president vis-à-vis that of Congress. Previous work has shown that the president's credibility also plays a role. However, most models of vetoes have an underlying assumption: that both sides desire to pass legislation that somehow furthers their policy agenda. What if Congress and/or the president prefer having an issue to a law?

This paper explores two aspects of the politics of veto threats by looking at the presidency of Bill Clinton. It develops existing scholarship on the role of the credibility of veto threats, and also furthers our empirical understanding of 'blame game' vetoes (Groseclose and McCarty, 2001), where one or both sides prefer an issue to a law. The politics of blame played a significant role in shaping the outcomes of Clinton's veto threats.

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How does a president's reputation affect relations between Congress and the president?

Most of the scholarly attention on this question has focused on the effect of presidential popularity on presidential success in Congress. Very little research to date has focused on how the reputation of the president affects veto politics. This paper¹ follows on earlier work that shows that a president's credibility affects how Congress responds to their veto threats. Jarvis (2002) argues that, after one of Eisenhower's veto threats was not executed, Congress challenged him much more until he reestablished his willingness to veto. This paper continues this line of thinking by examining Clinton's veto threats and adding an additional wrinkle: what if Congress actually prefers a veto to passing a law?

Previous Findings

Veto threats have been understudied empirically, but they play a central role in many theories. In this instance, we are interested particularly in the threat to veto, per se. Many theories deal with the concept of an actor with negative bargaining power (an actor who can only reject agreements, but can do so unilaterally). These theories, while interesting, do not always map well to the American situation. There still are a great number of theories that involve the veto power of the president in the U.S. (Cameron, 2000) Very few of these ever attempt to deal with the role of political rhetoric. This is quite strange, particularly in the face of the many rational choice theoretic models wherein vetoes can only occur due to misperceptions of the president's position

¹ This paper is an updated version of an earlier draft on this same topic, however, it has now grown into a book project. I ask the reader's forgiveness; this chapter will be preceded by chapters laying out the theory and extant literature in more detail. The setup that you find in this paper is pasted in to help readers of this paper get situated, but it is standing in for an entire chapter in the book laying out the methodology and theory.

by Congress.² In these models, vetoes are Pareto-inferior to any ‘middle ground’ that both the president and Congress prefer to the status quo. However, one must ask why few models of veto politics have included political rhetoric, if the ‘problem’ of vetoes is simply one of miscommunication.

Veto threats have been the central subject of a few theorists.³ Formal theories of veto threats are all, in a sense, indebted to the work of Romer and Rosenthal (1978).⁴ While threats were not part of the Romer-Rosenthal model, they are generally added as a move that occurs prior to the ‘normal’ first move in the game, which is a one round game with perfect information. One player proposes a division of resources, and the other player chooses to accept or reject this proposal. Two models of veto threats will be discussed here. First, Matthews’ (1989) model is a “coordination” model. When the president issues a veto threat, it is, in a sense, a communication about where the president’s ideal point lies on an ideological continuum. Knowing where the president’s ideal point is, and where the status quo is, Congress can calculate what bills the president will or will not accept. Costs of vetoing (to both parties) can be added to the model without much difficulty. Naturally, different ‘types’ (ideal points) of presidents tend to ‘pool’ on equilibrium strategies of threats or not; if a president could possibly get his ideal policy by bluffing a threat, one would expect that even accommodating presidents would bluff a veto threat in order to get a ‘better’ policy.

The second type of model is the “commitment” model. Ingberman and Yao’s (1991) model is the salient one of this type. They assume that the president will suffer somehow from

² This is the commonly referred to as the “Hicks paradox.” For more on this type of rational choice problem, see Keenan 1986.

³ Most of the work on vetoes and veto threats has been done by formal modelers in recent years. I pay more attention to their models here for this reason and the fact that the hypotheses they present are clear.

⁴ In fact, the generic model that theorists tweak and improve upon is called the “Romer-Rosenthal model.”

backing off from a veto threat. The most notable example is George Bush's 1988 "no new taxes" pledge. Backing down (despite the fact that it was more or less forced on him by his own party in Congress and the Democratic leadership) is often thought to have been a major contributing factor to his reelection defeat (both by disappointing his base and alienating some of the middle). In this model, veto threats do not serve to communicate a position (complete information is assumed), but rather to raise the stakes. As such, this model has a lot in common with some of the interesting work of Thomas Schelling (1960) concerning commitment to threats and brinkmanship, where he argues that while the execution of the threat may be unrealistic, brinkmanship does make sense in a world in which the likelihood of the threat being carried out increases. Ingberman and Yao's model does not involve increasing risks of damage to the president, but rather an assumption that broken promises are electorally damaging, à la the conventional wisdom on George Bush and "read my lips." This does not seem like a reasonable assumption of how a president can suffer for making empty threats, an issue discussed below.

Cameron, Lapinski and Riemann (2000) test both of these models. The Matthews model is closer to the model of 'veto bargaining' of Cameron (2000) and they find that the data support that model more than the Ingberman and Yao model. While neither model is perfect, they find that many of the faulty predictions of the Matthews model seem related to the "blame-game" vetoes of Groseclose and McCarty (2001). While the commitment model is appealing for its apparent descriptive accuracy of some notable veto threats, some predictions that come out of the model are not borne out by their data. Thus, while both models have obvious theoretical appeal, Cameron, Lapinski and Riemann find that only the coordination model fits their data well.

Neustadt (1990) convincingly argues that one of the president's most precious resources is his "professional reputation." This is modeled tangentially by the commitment model (if we

assume that damage to reputation is one of the costs of backing down), but ignored completely by the cooperation model. Cameron, Lapinski and Riemann (2000) state that beliefs about the president's preferences "constitute the president's policy reputation in the Washington community," and go on to argue that since the coordination model is about the determination of these preferences, the model formalizes some of Neustadt's insights (p. 191). This claim is incorrect. The president's reputation is not whether or not he is conservative or liberal, but depends on Washington being "convinced in their own minds that he has skill and will enough to use his advantages." (Neustadt, 1990, p. 50) That vetoes can play a role in the determination of this reputation is clear:

"The President of the United States can rarely make a choice with nothing more in mind than his professional reputation. Franklin Roosevelt sometimes asked his aides for 'something I can veto' as a lesson and a reminder to congressmen. But chances for decision in these terms alone will not often come to a President." (Neustadt, 1990, p. 50)

Roosevelt searched for bills to veto in order to cement his reputation as a vetoer. Dwight Eisenhower, normally very guarded in his public statements, and particularly so on vetoes, let slip his famous "one-third plus one" statement on vetoes in 1960 so as to remind Congress of the existence of his veto pen.⁵ Clinton also—repeatedly—sought to convince Congress that his commitment to veto was real. After the Republicans took control of Congress in 1995, Clinton made numerous references to his role (including his capacity to veto) in the legislative process.

⁵ Eisenhower, who was normally very guarded in front of reporters, was heard to utter this phrase to the Senate Minority Leader in 1960. At the time (late April/early May), a large number of contentious bills were being dealt with in Congress, most notably a housing bill that Eisenhower was known to oppose. This story is detailed in Jarvis, 2010.

Eisenhower wasn't moving to the right; neither were Roosevelt or Clinton moving to the left. They were all declaring their willingness to veto, which is different than a position on the bill. For example, by some counts, George W. Bush had issued some 140 veto threats, yet not vetoed a single bill through mid-2006. The Republican Congress had killed many of the provisions (or whole bills) that drew these threats, but not all of them. In fact, his unwillingness to use the veto had left his threats much weaker; so weak in fact, that some in Congress said as early as 2002 that they "hear the veto threats, but they just don't mean anything anymore. You can only take so many threats seriously before you just tune them out." (Curl, 2002) Presidential credibility matters as much (or even more) than presidential preferences on legislation when it comes to veto threats.

My previous work (Jarvis, 2010) explored the role of credibility in Eisenhower's veto threats. I found that Eisenhower's credibility on his threats was generally high. However, after he failed to carry out one of his threats in 1958, it took a number of vetoes to convince Congress that his veto threats were still serious. Old issues that veto threats had killed were brought up again and Eisenhower's input was less crucial on new issues. Only after he had issued a number of vetoes did Congress come to respect his veto pen again.

This paper seeks to extend notions advanced in that paper, as well as to pick up on themes addressed in two other works that have not been sufficiently explored. Groseclose and McCarty (2001) explore the nature of playing 'blame game' politics with vetoes. They develop a formal model that predicts that, to make the president appear extreme, Congress might actually seek to provoke vetoes. When vetoes do occur, presidential approval tends to go down slightly, indicating that voters possibly do believe that a president is extreme. Gilmour's (1995, 2002) work also points to one or both parties sometimes seeking a veto. However, he also seeks to

demonstrate that different Congresses pass more or less ‘objectionable’ legislation, and that presidents vary in their propensity to veto. This paper takes both of these points as given, and seeks to understand the interactions between credibility of veto threats and the preferences of both the president and Congress over vetoes versus passing laws.

Data

This paper will simply proceed through the Clinton presidency in rough chronological order. Collecting information on veto threats is no mean task. There is no central list of all veto threats. Numerous sources are available. Scholars might choose to use the “public papers of the president” series. A distinct advantage to studying Clinton versus any earlier president is that the public papers for his presidency are online and searchable. Another possible resource is statements of the administration’s positions on legislation, put out by the Office of Management and the Budget.⁶ Some scholars (myself included) have preferred to use newspaper articles to find veto threats. As Spitzer (1988) notes, “much effort is expended by both Congress and the media to discern the president’s opinion on important legislation...It is thus reasonable to assume that most serious veto threats would wind up being reported.”(p. 101) Advantages of using newspaper articles to find these veto threats include that they can include detailed information on where the president is (thought to be) likely to compromise or stand firm, and that they can better elucidate the nature of threats for complex, often linked legislation. For example, in the many budget fights during Clinton’s presidency, Clinton would threaten to veto the legislative appropriations bill as leverage on a different spending bill. Furthermore, the sheer frequency with which the final appropriations bills were combined into omnibus (and “mini-omnibus”) measures—combining uncontroversial with controversial bills—recommends a

⁶ This is the approach that has been taken by Sam Kernell and his students in recent years.

strategy of collecting data on the issues, rather than the bills themselves. This paper proceeds by using The New York Times (NYT) as the primary data source to discover veto threats. The issues and bills involved were researched using both the NYT and CQ Almanacs and CQ Weekly Reports. In addition, the public papers of the president were searched for the word “veto.” The data collected are not complete, but I believe that these methods have allowed me to discover the overwhelming majority of threats and come to a very good understanding of the politics around most of those.

A particular quirk of studying veto threats deserves mention here. Presidents use the word ‘veto’ to indicate their displeasure with bills and their inclination to veto them with a high amount of variation. For example, Eisenhower never used the words “I will veto” with respect to any piece of legislation. However, the “one-third plus one” statement noted above was clearly a veto threat. Clinton may represent the other extreme: a president willing to mention vetoes, or even explicitly say he will veto a bill, when he actually does not have that intention. The fact that Clinton’s threats might have been less ‘real’ is an important part of the Clinton story. However, there can be little *a priori* reason for not treating every serious mention of vetoing (outside the line-item veto context) as a threat. Clinton was more willing to issue explicit veto threats, but they were veto threats. Differences like these recommend a president-by-president strategy for evaluating veto threats.

Aggregate Patterns

On average, what happened when Clinton threatened a veto? This paper will utilize a combination of typologies that have been used by previous scholars (Spitzer, 1988; Cameron, Lapinski and Riemann, 2000; Cameron, 2000). This increased complexity is not an indictment of

their methods in any way; rather, it is an attempt to add richness to the data to help understand Clinton's veto threats. Spitzer's measure groups outcomes into 4 possibilities: Congressional capitulation, a compromise, a presidential capitulation (i.e., Congress passes the bill without making a significant compromise and the president fails to execute on his threat; what I have called 'empty threats'), and a presidential veto. Cameron changes this measure by making congressional compromise a separate variable, ranging from none to total.⁷ Given the highly political (as opposed to policy) nature of the Clinton vetoes, this paper adopts this looser framework, allowing for the possibility that Congress might make compromises, or even capitulate totally on a bill, yet Clinton might still have vetoed the bill. Conley and Kreppel (2001) argue for the usage of three types of veto overrides: partisan vetoes (where the override has little chance of succeeding), contested vetoes (where a veto may or may not be overridden), and position-taking vetoes (where an override would almost certainly succeed). Their typology is limited to override attempts, however, so their terms will not be applied here, though the spirit of their logic will.⁸ In a very real sense, the categorization that follows is an amalgamation of Spitzer's basic typology and Cameron's refinement on compromises. The analysis of these basic outcomes is informed by Conley and Kreppel's insight on the prospects for success and the spirit of Gilmour (1995) and Groseclose and McCarty (2001): Vetoes and the bills that they come on can be either about policy, about politics, or both.⁹

⁷ Cameron's categories are slightly different from these.

⁸ Veto threats can be thought of as being similar to veto overrides, in the sense that some vetoes are clearly going to happen, whereas some vetoes might be headed off with a compromise. The underlying logic still applies and has use here.

⁹ One wrinkle which will be engaged more in future work is on sequential veto bargaining. The categories used here are going to assume, essentially, a 1 round game. While the analysis that follows includes studying bargaining after vetoes, the categorizations of vetoes here does not include distinctions based on what happens after the veto.

For the purposes of explaining the types of veto threat outcomes, Table 1 presents the possible decisions that could be made after a veto threat has been issued. Following Spitzer’s terminology, Congress may choose one of three responses to a veto threat: Congress could capitulate, either killing the bill entirely or fixing the specific provision that draws the veto threat; Congress could compromise, taking some sort of middle position; or Congress could stand firm, passing the bill without substantially modifying the bill in response to the threat. Once presented with a bill (which may or may not occur if Congress capitulates, depending on the nature of the bill and the veto threat), the president could veto or not veto it. Each cell in the table has a name to reflect the outcome; in many cases that will be discussed, this name does not exactly fit what happened, but is used as shorthand.

Table 1 **Terms for Possible Outcomes of Veto Threats**

		President	
		Veto	Sign
Congress	Capitulate	Moving Goalposts	Successful Threat
	Compromise	Firm Threat	Middle Ground
	Stand Firm	Veto Bait	Empty Threat

What were the outcomes of Clinton’s veto threats? The answer to this question is complicated by the high frequency of threats that ended in vetoes on “must pass” legislation. A very common scenario in the Clinton presidency was for Congress to pass something knowing full well a veto was coming, only to bargain over the legislation after the veto. We can discuss the initial outcomes of the threats, as well as the final outcomes after vetoes. Table 2 summarizes

the initial outcomes. These data are only on threats that came to completion. A number of bills died in Congress, but not because of the veto threat (health care in 1994 would be the most famous example), and these bills are not included here.

Table 2 **Initial Outcomes of Veto Threats**

Category	Number of Bills (% of total)
Threatened bills	54
Moving Goalposts	0
Firm Threat	2 (4%)
Veto Bait	22 (41%)
Successful Threat	16 (30%)
Middle Ground	12 (22%)
Empty Threat	2 (4%)

How do these rates compare to those found by other scholars? Clinton made very few empty threats. On average, 8% of presidential veto threats are ‘empty’. However, comparing Clinton to the ‘average’ president is disingenuous, as there has been a lot of variation across presidents. For example, Carter caved on 2 of 12 threats (17%), but Kennedy, Johnson, Nixon and Ford never failed to execute a threatened veto. Eisenhower issued only one empty threat. (Jarvis, 2010) Thus, Clinton seems fairly average in his empty threat behavior, despite his reputation.

Clinton and Congress compromised on only 22% of his veto threats, compared with 32% on average for other modern presidents. While some presidents, such as Nixon and Ford, never

reached any compromises with Congresses, this rate of compromise is still low. And, somewhat surprisingly, Congress gave in to Clinton's threat some 30% of the time. This is double the rate that Spitzer finds (15%). This seems odd, given the motivating perspective of this paper that Congress substantially fought with Clinton and ignored his threats. However, the explanation for this rate will become clear upon further investigation.

Spitzer (1988) finds that 41% of the veto threats in his data ended up getting vetoed (59% under divided government).¹⁰ This is identical to the 41% under Clinton; however Clinton's only threat under unified government was the 1994 health care threat, which was never tested because Congress could not get together to pass any legislation. In comparison to other presidents who faced divided government, Clinton actually ended up vetoing less frequently. But what happened after these vetoes?

In 8 of the 10 cases where Congress pursued legislation after a veto, they reached a compromise with Clinton. They capitulated to his demands on the other 2.¹¹ In the other 14 cases, Congress did not pursue further (similar) legislation. These cases will be important in understanding the veto politics of the Clinton presidency.

The Natural History of Clinton's Veto Threats

The two veto threat stories that the book opened with serve to introduce us to our first additional wrinkles to the simple model that worked so well for the Eisenhower years. As a refresher, recall that in the first story (the 1995 fight over the budget), Clinton's threats weren't

¹⁰ The data used for comparison here, except where noted, come from Spitzer (1988).

¹¹ These numbers seem low due to the large number of vetoed budget bills. Where the budget was one large fight, the bills have been lumped into one for the purposes of counting. Again, these are simple descriptives of the data, and the analysis that follows treats each veto threat as rich data.

treated seriously. Why weren't they? That fight is instructive, because it sheds light on two extensions of the simple theory.

In order for any threat to work, two things must be true. First, the targets of the threat must think there is a high enough chance that it will be carried out. Second, they must consider the costs of that to be dire enough to deter them from the threatened action. The Eisenhower presidency shows us that a president's own past behavior is useful information for Congress to judge future veto threats; veto fights yesterday give Congress information on the likelihood that today's threat is credible.

Clinton's presidency gives us insight into two very useful extensions. First, is there variation in how Congress views presidents as they enter office? What "past behavior" does Congress rely on without a veto threat record? Second, as noted above, the entire logic of veto threats (and the dominant perspective in the literature on vetoes and veto threats) presumes that Congress wants to produce legislation. What happens if Congress prefers an issue to a law? This chapter will tug on these two threads and see where they lead.

Clinton's Early Reputation

"Bill Clinton shares with the hummingbird the incredible ability to turn 180 degrees in a split second." --Haley Barbour

Bill Clinton entered the presidency with a reputation, one quite different from Eisenhower's. A common nickname for Clinton (bestowed upon him by an Arkansas small-town newspaper columnist) was "Slick Willie." In fact, this nickname appears in over 450 newspaper

articles from 1991-1992.¹² To this day, there are those who insist (including the original bestower of the moniker, Paul Greenberg) that the nickname was earned, not given. This, of course, contrasts rather nicely with the exemplar case for the “textbook Congress” years in Eisenhower. Clinton’s first public fight—over homosexuals in the military—only cemented that reputation.

When Clinton ran for President, he had called for an end to the ban on homosexuals serving in the military, which had been noticed in coverage of his campaign, but only barely so. While reports indicate that Clinton had frequently repeated his pledge to end the ban during his campaign, such a pledge did not seem to drive coverage of Clinton. Indeed, only one editorial on the subject of gays in the military¹³ (and no articles) were found in the 16 months before the 1992 election.¹⁴ And that editorial treated Clinton’s position as being quite opposed and relatively common knowledge, stating that Clinton “has already said that he will repeal the ban if he reaches the Oval Office,” and attributed a quote to Clinton having been said “repeatedly.” (King, 1992) However, Clinton’s comments on the matter on November 11 generated significant coverage,¹⁵ with Clinton still committed to ending the ban, but doing so “in consultation” with military leaders. By the time Clinton took office, this had become a “2-stage plan,” which could have, theoretically, allowed Clinton some wiggle room when the second stage approached. As resistance to ending the ban continued, Clinton vacillated in March, at one point suggesting that he was open to proposals to segregate troops by sexual orientation (or, at least, that such a proposal would be constitutional), (New York Times News Service, 1993) a position that would

¹² LexisNexis Academic search results for “Slick Willie” for the years 1991-1992.

¹³ The term “gays” was much more common in coverage than “homosexuals.”

¹⁴ LexisNexis Academic search results for “gays” within 5 words of “military” in the headline for July 1, 1991 – November 3, 1992

¹⁵ There were stories on this reiteration of Clinton’s position in USA Today, The Washington Post, The Atlanta Journal and Constitution, The St. Petersburg Times, The New York Times, and The Sydney Morning Herald, with a number of them followed by editorials, follow-up stories, or letters to the editors.

be walked back days later (Lee, 1993). By July, Clinton's acquiescence to the final "Don't Ask, Don't Tell" policy was in the cards; however, he continued to delay for a few days after receiving the final report. Finally, in the words of one report, Clinton made "a significant retreat" that gay leaders called "a capitulation." (Fletcher, 1993)

Clinton's early presidency, then, only served to reinforce the preexisting beliefs that some (most notably Clinton's opponents) had. But Clinton himself only served to cement that belief with regard to his veto threats with a very public misstep and walk-back over health care. With Congress under Democratic control, Clinton only issued one explicit veto threat in his first Congress, but it was a doozy. In his 1994 State of the Union address, Clinton made a very explicit veto threat:

"I want to make this very clear. I am open, as I have said repeatedly, to the best ideas of concerned Members of both parties. I have no special brief for any specific approach, even in our own bill, except this: If you send me legislation that does not guarantee every American private health insurance that can never be taken away, you will force me to take this pen, veto the legislation, and we'll come right back here and start all over again." (Clinton, 1994)

As Clinton's only veto threat for his first Congress, it stands to reason that the incoming Republican majority would have paid attention to Clinton's behavior on this threat. If they had, what message would they have received? Clinton, initially, stuck to his guns. Throughout the spring of 1994, Clinton was adamant. But, by the summer (and after the devastating "Harry and Louise" ads), he was backing legislation that was substantially weaker (such as the Mitchell Bill). And the consequences were serious; "Republicans emerged from the health care debate

more convinced than ever that they could profit politically by obstructing Clinton's agenda.”
(Congressional Quarterly, Inc., 1994)

While the story of veto politics in the 103rd Congress is short and not necessarily about the execution of veto threats *per se*, it does reinforce the point that, when the 104th Congress opened, Republicans had every reason to expect that challenging Clinton's veto threats would be a good strategy. Either Clinton would prove himself to be weak and sign the legislation, giving Republicans a policy victory, or he would veto the legislation, and Republicans believed the public supported many of their ideas (or, at least, did not support Clinton). It was a win-win situation. And it was these beliefs that would guide the veto politics of the 104th Congress.

1995, Outside of the Budget Fight

The Republican Revolution brought with it an agenda that was certain to draw Clinton's ire. Not all the items on the agenda were disliked by Clinton: he wanted the line-item veto and had campaigned to “end welfare as we know it.” However, even on welfare reform, Clinton found himself issuing veto threats. In fact, Clinton issued threats on 11 bills outside of the budget (the budget fight, due to its magnitude, will be dealt with in the subsequent section). And, by and large, Clinton's threats did not get Congress to cooperate.

The first threat that Clinton issued that had a chance to come to fruition was his threat to veto the supplemental appropriations (rescissions) bill. While the Senate was tied up largely over a Democratic filibuster, Clinton also issued a threat to veto the bill, which he ended up doing on June 7. What is most remarkable about the history of this threat is Congress' reaction to the threat. While Clinton's objections had been known, he makes the threats more explicit in May. In what became a recurring pattern, he supported the Senate version, but opposed the House

version, and he makes this clear after one chamber (in this case, the House) has passed their version. The conference committee represented the perfect opportunity to bring the legislation closer to Clinton's demands. On the floor, a majority could find itself, due to public or lobby pressure, unable to come to a mutually acceptable bargain. This is one of the central thrusts of Groseclose and McCarty's (2001) argument; audience costs can keep actors from coming to an agreement. However, away from the harsh spotlight of the floor, the conference committee can moderate legislation to come to a deal. They could have. In the rescissions conference, however, Republicans chose to move the legislation further from Clinton's demands. Clinton ended up vetoing the legislation on June 7th, and that action "more sharply defined a leader who [had] suffered from the perception that he [was] indecisive." (Mitchell, 1995) After this veto, the GOP came back and negotiated a true compromise with the White House.

Thus, while Republicans might have been operating under the presumption that Clinton would not veto legislation in the spring of 1995, by the early summer, they had to have at least some doubt over whether this was true. However, Clinton's threats did have a substantial moderating effect on one piece of legislation after that: the telecommunications reform bill.¹⁶ The telecommunications bill is particularly instructive. Clinton's threat again comes quite late in the game, and could easily have been dismissed. Clinton issues the threat on July 31st, mere

¹⁶ Two other bills that Clinton threatened also die in 1995, but most likely not because of Clinton's threats: an attempt to undo the assault weapons ban Clinton had just passed—which doesn't even reach the floor in 1995—and the attempt to rewrite the Clean Water Act—which is largely killed in the Senate by John Chafee, who refuses to give the bill a hearing. Finally, Clinton gets a victory on a bill to increase economic sanctions against companies doing business with Cuba. His veto threats and the threat of a filibuster combine to moderate the legislation. Clinton gets a victory on this legislation in 1995, however, the downing of 2 planes carrying anti-Cuban organizers by the Cuban Air Force in winter of 1996 makes Clinton backtrack quickly. The White House briefly sticks to their position in negotiations with Congress, but backs down quickly, and a strict law is passed and signed.

hours after the announcement of Disney/ABC merger and only a few hours before the announcement of Westinghouse's acquisition of CBS. These concerns get raised so frequently in commentary and in the daily press briefings that Al Gore ends up reissuing the threat three days later and again a month later. The House, seemingly unimpressed by the veto threat, passes the legislation unchanged (rejecting an amendment in line with the administration's desires) on August 4th. Yet, despite the apparent weakness of the threat (and the fact that Clinton still had only executed on the one veto), Congress heeded this threat; in conference, the White House got nearly everything they wanted. The bill doesn't pass until early 1996, but the conferees make these concessions well before the budget battle is joined.

Two issues take up the rest of the story of 1995: welfare reform and the fight over the budget (which subsumes a number of bills and threats). While the threats over both evolve over the course of the year, the welfare reform bill is not voted on until December 6th, in the middle of the budget fight, after many of the vetoes have occurred. Therefore, it is to the budget that we will first turn our attention.

The Budget Fight of 1995

The story of the 1995 budget fight is one that has been told in rich detail by many other scholars. The details of this fight are beyond the scope of this paper. I will only describe a number of the threats made during the fight and the highlights of the bills passed and concessions made. Early on, Clinton threatened to veto any bill that waters down his commitment to hiring 100,000 new police officers. The chosen Republican vehicle to do so was by replacing the program with block grants in the Commerce/Justice/State Appropriations bill, which Clinton vetoed on December 19. Clinton threatened to veto any bill that would require the US to field a

missile defense system that might violate the ABM treaty with Russia. Such provisions were included in the Defense Authorization bill (which passed after the Appropriations bill); Clinton vetoed it on December 28th. However, the largest veto fight was over general levels of spending on social issues. Clinton famously threatened to veto over cuts in the level of Medicare (technically over the rate of growth in Medicare payments). This, while only one of the many aspects of the appropriations bills threatened, became the central public element of the budget fight (and government shutdown). All of these issues (and many more) were in play in the fall of 1995 and early winter of 1996.

The important fact for our purposes of the 1995 government shutdown and budget are that Congress chose to ignore Clinton's threats in numerous areas and the reason why they did so. The GOP refused to give in to Clinton's veto threats for three reasons. In the first place, the large numbers of 'true believers' (particularly among House freshmen) made compromise nearly impossible. The 'Young Turks' had no desire for half-measures. Thus, for a large number of members of the Republican conference, the only bargain that could be struck would come after a veto. The second reason that Republicans refused to give in was that they simply didn't believe Clinton would veto the spending bills. While Clinton had vetoed the rescissions bill, that was a bill that cut spending. While Clinton could have been seen as bowing to some public pressure on that, he was, after all, a Democrat. Republicans believed that he wanted to spend on programs; without a budget, nothing gets funded. Finally, at the leadership level, many believed that Clinton would get blamed for any government shutdown. In essence, the appropriations bills in 1995 were truly veto bait; Republicans wanted them to get vetoed for political reasons. Groseclose and McCarty (2001), in fact, use the 1995 budget fight as an example of a 'blame game' veto.

The Welfare Fight and 1995 as a Whole

The story behind the welfare reform bill is largely the same. Despite Clinton's promise that he wanted to 'end welfare as we know it,' he issued several veto threats during the year. Like so many other bills, his ire was reserved for the House version of the bill. However, those threats were usually delivered by White House aides, or contained in OMB reports. It wasn't until December 21st, when the legislation had come out of conference, that Clinton actually threatened to veto the legislation in public. There are two possible reasons for this. First, the conference made the legislation more conservative and in line with the House version. However, the more important factor is likely that Clinton had found his footing. Objecting to the Republican budget over Medicare had worked to his advantage; on welfare reform, he chose to focus on the rescinding of the guarantee of Medicaid to welfare recipients. The end result, however, was an 11th hour veto threat. Again, the story of welfare reform is very similar to that of the budget. Despite his earlier execution of a veto threat, this threat was not believed. All throughout the year, Clinton had given the distinct impression that he was willing to sign any bill on welfare reform. Thus, as with the budget, but for different reasons, many in Congress didn't believe he would veto the bill. Also with the budget, the Republicans thought that either a signing or a veto would be politically useful. A signed bill would have eased making claims of getting popular legislation passed; a veto would have painted the president as an extremist. Thus, Clinton's veto threats over welfare (both the subtle ones over small provisions during the year and the louder one made on the eve of passage) had no effects; empty or not, Republicans believed they came out on top.

There were other, less clean, veto threats in 1995. Abortion was a constant factor for much of the year, with anti-abortion riders sprinkled throughout the Labor/HHS/Education,

Foreign Operations, District of Columbia and the Commerce/Justice/State Department appropriations bills, as well as the foreign aid authorization bill. Clinton also threatened a few bills that were killed simply by time (a partial-birth abortion bill came up too late in the session to pass in 1995, but the fight continued in 1996) or by chamber differences (such as attempts to roll back regulation and the assault weapons ban). However, in these fights, the veto threat never played a central role because the bills never had a chance to see the president's desk anyway, so I omit a fuller discussion of them.

What was the upshot of 1995? On a number of fronts (admittedly, all wrapped up somehow in the budget), Congress challenged Clinton's threats, faced vetoes, and then negotiated a compromise when it became clear that they were losing in the court of public opinion. They continued to do so throughout the year both because the large cohort of ideological freshmen wouldn't allow compromise and because they believed that doing so would help them politically. However, in one notable case, Congress capitulated to Clinton's desires. Why on that case? We must remember that different bills have different audiences. The budget and welfare fights involved issues that most politically aware and voting Americans might care about. However, telecom reform was primarily the goal of the telecommunications industry. The industry wanted a bill, not a political statement. The logic of the blame-game veto actually works in reverse on these bills. Groseclose and McCarty's (2001) formulation only allows for the president to bear the wrath of voters for vetoing a bill. What if the audience is sophisticated enough to know that a compromise was available but passed up? In that case, the veto would not be seen as the negative act; rather the passage of veto bait would be killing any chance the legislation had. Congress heeded Clinton's threat when they actually wanted a bill to be signed,

despite his apparent weakness of threat. When they thought a veto would be just as good as a bill, they largely ignored the threat.

1996: The Bifurcated Strategy

The veto threats in 1996 fit nicely into this story. Congress compromised or capitulated on four issues (two of which had led to vetoes in 1995 or the first week of 1996). The GOP passed legislation on another two threatened issues where they perceived politics favored them in the case of a veto.¹⁷ When Congress desired a bill, they compromised. When Congress preferred an issue, they passed veto bait.¹⁸

The Republican leaders were doubly sensitive to the charge of being a “do-nothing” Congress as the 1996 election approached. In the first place, they had campaigned against the Democrats in 1994 on that same charge. And while GOP defenders for years to come would take pain to note that the Contract with America only called for these issues to be voted on in the first 100 days of Congress, the clear implication had been that Republicans could and would pass legislation that the public wanted. Early in 1996, they could not make the claim that they had. Furthermore, Bob Dole was the majority leader in the Senate for most of the 104th Congress; his campaign staff was actively courting congressional Republicans to pass bills (or draw vetoes) to help his presidential bid.

The first two instances in which Congress gave in to presidential veto threats were on ballistic missile defense and welfare. Missile defense never came to a vote in either chamber.

¹⁷ Also in 1996, Clinton backs down on an earlier threat to veto harsh sanctions against companies doing business in Cuba (see fn 5). The legislation was effectively killed by Clinton’s threat in 1995 and really only gets resurrected by the downing of the planes. While Clinton backs down very quickly here, I do not believe this ‘weakness’ to have played a significant role in Republicans choosing to press their positions on those they chose to,

¹⁸ This lends substantial credence to the argument made by John Gilmour in *Strategic Disagreement*. The title of the first chapter captures the central dilemma: “A Bill or an Issue?”

Republicans knew how Clinton had won the fight over the budget and sought to keep all budget fights off the agenda in 1996, if only because the timing of the budget would have put off the real meat of these fights until September or October. Thus, “seeking to avoid a replay of [the ballistic missile defense] veto fight,” (CQ Almanac 1996) the GOP kept missile defense language (other than the uncontroversial funding for the existing programs) out of the defense bill. They attempted a separate bill, however, this bill died in the face of Clinton’s veto threat and the desire (noted above) to build a record of accomplishment.

The struggle over welfare fits both stories of veto threats. For a time, Dole’s desire to be able to make an issue out of a presidential veto carried the day. However, after the spring recess, the momentum noticeably shifted. When members went home to their districts, they discovered that their constituents did not want vetoes but policy, and welfare reform was a generally popular policy (at least in districts that might elect a Republican). After this, the GOP negotiated a compromise solution with Clinton, who adroitly kept his cards close to his chest and forces numerous concessions out of them.

The veto fight over the Kennedy-Kassebaum medical insurance bill fits the policy archetype perfectly. This is one of the issues that Dole wanted in his record of accomplishments, but one he could not steer through Congress before he left. Clinton threatens to veto the bill over the inclusion of Dick Armey’s (R-TX) pet plan to include tax-free medical savings accounts. In the summer, many other Congressmen pressure Armey to relent because they want a law. Finally, by August, Clinton and the Republicans reach an agreement and the bill gets signed. Immediately after this comes another example of the Republicans desiring policy: the immigration bill. Like welfare, Republicans were initially undecided on whether they wanted a bill or an issue. The decision to shift to a strategy of passing legislation comes around the same

time as it did on welfare. Early versions of the immigration bill had similar provisions to Proposition 187 in California. However, by September, members with immigrants in their districts had soured on the confrontational approach, and pushed the sponsors of the controversial provisions to substantially weaken them. Again, once members had decided they wanted a bill and not an issue, they quickly made concessions. What's more, Clinton kept moving the goalposts: "two days after Republicans dropped President Clinton's major objection to an immigration bill, the White House...demanded additional changes." (Schmidt, 1996) Congress chased these goalposts, and finally got a law.

So, on these issues, Republicans preferred bills to issues and compromised with Clinton, even capitulated in some cases. However, in two cases Republicans chose to make no compromises and even sought out issues. The first of the bills is particularly instructive. In 1996, Republicans made their first effort to ban "partial-birth" abortion. The effort was (nominally) supported by Clinton, except that he insisted on a provision to protect the health of the mother, in addition to the mother's life exception that was in the legislation. Republicans never gave an inch of ground on this issue. Public opinion polls showed that the partial-birth procedure was unpopular. However, the clearest signal that partial-birth abortion was simply veto bait came after the bill was vetoed on April 10th. An override was attempted—in September!

Foreign aid does not fit as neatly as do these other issues. Republicans made a concession to Clinton, but not enough to avoid a veto. The original bill would have closed three independent agencies; the modified bill allowed Clinton to choose to not close two of his choosing. However, the GOP was well aware that this concession would not be enough to get the bill signed; "Republican leaders had conceded for some time that they lacked the votes to override the president, but they wanted a chance to criticize Clinton for rejecting a bill that would have forced

the elimination of a foreign policy agency.” (Congressional Quarterly, Inc., 1996) Perhaps Republicans thought that eliminating all three agencies would have allowed Clinton to paint them as being draconian. Regardless, they sent the president veto bait because they liked the issue.

The 105th Congress

The 105th Congress continued the same type of veto politics as the 104th had.¹⁹ First, let us discuss the policy-related bargains. In the 1997 budget fight, Clinton’s veto threats got Congress to back down on many fronts—such as school vouchers in the DC appropriations bill, and national student testing in the Labor/HHS/Education appropriations bill—as Republicans were reluctant to repeat the 1995 fiasco. Bankruptcy reform, strongly desired by the credit industry, fell to a Clinton veto threat in 1998. A bill on overseas religious persecution drew a veto threat early. However, the bill was the top legislative priority of Christian conservative groups and got consistently moderated through its entire congressional life in 1998. The always-popular Head Start bill had voucher and paternity provisions in it removed at the behest of the White House in 1998. But perhaps the 1998 budget fight and 1997 Balanced Budget Act best typify congressional attempts to get policies enacted. Veto threats played only a small role in the Balanced Budget Act story, but the story is important for our purposes. While the initial discussions on the bill did not significantly involve the White House, as passage neared, significant meetings were held and both sides made compromises. The only veto threat in this process came over education savings accounts that were added late in the process, after Clinton

¹⁹ The discussion of the 105th and 106th Congresses will be shorter than the discussion of the 104th, both in the interests of space and because the story is very similar.

had vetoed a separate bill.²⁰ However, Clinton's 11th hour veto threat got them pulled from the bill quite quickly. Republicans had taken Ross Perot's push for a balanced budget and incorporated it into a failed attempt at a constitutional amendment in the heady days of the Contract with America; the increasingly rosy budgetary picture made achieving this promise—which may have delivered the election of 1994 to them—a key goal for both political and policy reasons.

To start the process, Clinton issued threats over most of the 13 appropriations bills. In the Commerce/Justice/State appropriations bill, a decision on sampling in the 2000 census was put off until the spring of 1999. A provision in the Defense appropriations bill was obviated by an inter-chamber dispute, although the threat may have played a role as well. School vouchers, a ban on needle-exchanges and on single parent adoptions all drew threats in the DC appropriations bill; Republicans gave in to Clinton on vouchers and the adoptions. The foreign operations bill contained the long-delayed payments to both the IMF and UN, but also contained the controversial "Mexico City" anti-abortion provisions. In a compromise, the UN dues and abortion provisions were dropped. The Interior bill had over two dozen anti-environmental riders and low funding levels; when it got rolled into the omnibus bill, Clinton won on a majority of the issues. His threat over low funding levels in the Labor/HHS/Ed. yielded a near total capitulation by Congress. And a labor provision in the transportation appropriations was removed to satisfy Clinton's demands. Clinton's threats yielded concessions throughout the entire 1998 budget fight. The reason was quite simple: Republicans didn't want to give Clinton any excuses to veto anything. With the Lewinsky scandal dominating the airwaves and Clinton's demonstrated

²⁰ There is more detail provided on this veto below.

ability to make vetoes pay off for him, the Republicans wanted to avoid conflict. Good politics dictated passing laws, not drawing vetoes.

What about the bills that Clinton did veto? In 1997, Republicans repeated the partial-birth abortion scenario without any real changes. They similarly sent Clinton the UN dues (with international family planning ban attached) as part of the State Department authorization bill, but only after delaying the bill for months, so that Clinton ended up vetoing the bill on October 21st. While vouchers were removed from the DC appropriations bill, they were also included in a separate bill, whose passage in April was “symbolic and designed to set up a showdown with the White House.” (Congressional Quarterly, Inc., 1998, pp. 9-24)²⁶ The education savings accounts bill that Clinton already opposed not only passed the Senate in April of 1998, but also made half of school aid into block grants and included a ban on national testing. Having been beaten over the years by Clinton on education issues, Republicans were seeking a way to get him to veto an education bill. In the 105th Congress, Republicans chose to push forward with education and anti-abortion initiatives they believed to be popular. When Clinton threatened to veto these bills, he was simply playing into their strategy.²¹

There were some veto threats in the 105th Congress that do not fit the story being told here, unfortunately. Three of them center on the same theme, but do not mesh well historically. When Clinton threatened to veto the ‘emergency’ spending bill in 1997 over controversial riders, his threat was clearly not believed. Trent Lott (R-MS) said that “sometimes you threaten things you don’t actually do. Sometimes you are bluffing.” (Congressional Quarterly, Inc., 1997, pp. 1-7) After Clinton did veto as promised, Congress quickly backed down. However, it does not

²¹ That Clinton’s vetoes might have actually been more popular is beside the point, which is that congressional Republicans believed their bills to be popular.

seem like they sought to make political hay out of the veto, nor expected it as much as the other pieces of 'veto bait' discussed earlier. In 1998, when Clinton issued veto threats over various riders, the story was much different. "This year, Congress took the veto threats seriously." (Congressional Quarterly, Inc., 1998, pp. 2-129) Clearly these two stories are related. Congress did not think his threats were credible in 1997, but did in 1998. This conclusion, however, is troublesome for two reasons. First, Clinton had already vetoed emergency spending legislation in 1995 (it was his first veto). Something would have to have convinced Republicans that he was less resolute than he used to be. Second, another of the confusing veto threat outcomes was that Clinton's threats to veto the 1998 agriculture appropriations bill were also not thought to be credible. After he threatens to veto that bill over a ban on the 'morning after' abortion pill RU-486 and funding levels, the ban is removed. Yet Clinton still threatened to veto the legislation, prompting the chairman of the appropriations subcommittee to say that he thought Clinton would sign the bill. "Shutting down Agriculture....would be insanity." (Congressional Quarterly, Inc., 1998, pp. 2-8) Thus, Clinton's threats somehow went from credible to not, back to credible and back to not. At the same time as this agriculture threat, Congress was giving in to all of his other threats. Finally, in 1998, Clinton threatened to veto a bill imposing sanctions on those supporting Iranian nuclear ambitions. Clinton was very serious on this threat, as the House attempt to compromise (including implementation of the chemical weapons treaty in the bill) was still vetoed. After this veto, Clinton negotiated a deal with the Russian government ending the practice, heading off a possible override. Perhaps the simplest explanation is best here: this was more of a fight between Congress and the president over foreign policy prerogatives, not a partisan fight.

106th Congress: It's Never Too Early to Begin a Presidential Election

In the 106th Congress, the only veto threats that don't fit into the pattern of electoral politics dictating either compromise with Clinton or sending him veto bait come to fruition after the election of 2000. These few threats will be discussed shortly; however, compromises and veto bait will be discussed first.

Congress compromised on a number of bills that drew veto threats in the 106th Congress. The first of these was the supplemental spending bill in 1999. In March, Clinton threatened to veto the bill over numerous provisions. Originally, the House was working on both a smaller bill (with many objectionable provisions) and a larger supplemental bill (which was relatively clean and found White House favor). Even after combining these measures, Congress still gave ground on a number of fronts, as the GOP truly wanted to pass the bill. In the 1999 budget debate, Republicans capitulated on the Energy-Water bill (striking a wetlands provision) and on the Interior bill (after holding tough against Clinton for a while, the conference caved almost totally), and a compromise was reached on the VA/HUD bill, with the Administration included in negotiations from early on. A bill imposing steel import quotas fell to a filibuster in the Senate in 1999, but even Democrat Jay Rockefeller (D-WV) concluded that the filibuster only succeeded because of the threat of a veto behind it (and Democrats wanting to protect Clinton from having to veto). However, the most striking compromise was on banking reform.

Banking reform would have made it out of the 105th Congress, if not for the demands of Phil Gramm (R-TX). In the 106th Congress, Gramm was again the major stumbling block. He insisted on a number of provisions that many other Senators opposed. However, the affected interest groups—regular banks, insurance companies and investment banks—had worked out

their differences outside the chamber and desperately wanted a bill. Thus, one of the base constituencies—and, notably, not a mass constituency who could be influenced with messaging, but an elite constituency that simply wanted policy produced—of the GOP was solidly behind the bill. Clinton's threats were heard in the House, where they produce a bill much in line with his concerns. Gramm, however, carried the day in the Senate in early going. In conference, fellow members were pressuring Gramm to give in to Clinton's demands. Finally, Gramm was pressured to accept a compromise that strongly favored Clinton. Again, when there were pressures to produce a bill rather than an issue, Clinton's demands were given a lot of weight.

However, when the GOP simply wanted an issue, Clinton's veto threats were ignored—or, more accurately, legislation was not moderated in response to them. In the 1999 budget, Tom DeLay (R-TX) attached a provision eliminating the earned income tax credit, something which clearly would (and did) get vetoed. The DC appropriations bill was used, again, as a vehicle for social legislation, with the same legislative riders that had drawn threats in the past attached. They remained in, the bills got vetoed, and the riders got pulled out quickly, just as in other years. The most convincing story comes from tax cut fights in 1999 and 2000, though.

As predictions of surpluses grew in 1999, Clinton and the GOP naturally came up with different plans of what to do with the newfound money. Clinton favored small tax cuts and keeping the Social Security surplus off the budget books to save up for the future. The GOP favored giving almost the entire surplus back in the form of tax cuts. Thus, in 1999, Congress (on party-line votes) sent Clinton a tax cut more than 3 times what he had said he was willing to accept. Clinton initially drew the line in the sand at \$250 billion, but indicated willingness to sign up to \$300 billion (and might have even signed the Senate Democratic plan of \$500 billion). However, the Republicans kept increasing the size of the tax cut to the limits of what could pass

the Senate—\$792 billion. The whole time, the bill “was viewed by outsiders, and even by Republicans as more of a party-defining document than a potential law.” (Congressional Quarterly, Inc., 1999, pp. 21-7) Because of both the size and the nature of the tax cuts (including eliminating the ‘marriage penalty’ and estate taxes), Clinton vetoed the bill. In 2000, the GOP tried 3 separate tax bills. Despite Clinton’s willingness to sign an estate tax cut bill that satisfied Republican rhetoric (protecting family farms and businesses, but keeping the estate tax on rich personal estates), Republicans refused to deal and sent him veto bait. “Republicans were unswerving in their push to cut taxes for married couples, but their unwillingness to negotiate the details with President Clinton or congressional Democrats meant the proposal served only as a campaign issue.” (Congressional Quarterly, Inc., 2000, pp. 18-3) Clinton even offered to sign the marriage penalty bill if Republicans would pass Medicare prescription drug coverage (a bill that the Republican Congress was willing to pass a few years later). The marriage penalty bill was passed on subsequent days in the House and Senate one week before the Republican convention. Naturally, this bill also got vetoed. Finally, in the waning hours before the election, Congress tried again to pass a package of tax cuts. However, the simple crunch of time before the election (with the extended August recess during a presidential election year) made finishing that bill by the election impossible. After the election, Republicans drop the effort (both because they have gotten what they want out of the debate and because waiting until Bush takes office made sense).

The election of 2000 explains a great deal of the veto politics of the 106th Congress. Not only were many of Clinton’s veto threats issued towards clear examples of veto bait, but Clinton also engaged in making public veto threats for electoral purposes. In 1999, Clinton retreated on ballistic missile defense, with one eye on the 2000 election: “the chief sentiment was relief at having at least partly defused what could have become a potent political issue next year.”

(Broder, 1999) In early 2000, Clinton threatened to veto a bill that would have transferred decisions on radiation safety at the proposed nuclear waste dump site under Yucca Mountain from the EPA to the NRC. Clinton vetoed this bill in April; Nevada was a battleground state in 2000. Clinton threatened to veto the Energy/Water appropriations bill in the fall of 2000 over an issue that environmentalists care about: the release of water from dams along the Missouri River. Congress ignored the threat, with many representatives openly expressing disbelief that Clinton would veto the bill because of Missouri's role in the election. Clinton was also attempting to get environmentalist turnout for Gore, which could have helped in a number of battleground states. Finally, the 2000 election affected two veto threats, but only because the election was over. Clinton's threat to veto the Labor/HHS/Ed appropriations bill over restrictions on OSHA's ability to make rules on ergonomics (and other issues) was heeded; Bush overturned these rules by executive order shortly upon taking office.²² Also, Clinton's threat to veto bankruptcy reform legislation was largely heeded throughout the year. Democrats had insisted on adding language to remove bankruptcy protection from those who go into bankruptcy to avoid paying court fines for blocking access to abortion clinics. Republicans refused to add the language, drawing Clinton's veto threat. The bill got shelved for the entire year. However, the bill was brought up again, passed, and pocket-vetoed after the election. There was no harm in doing so, because Clinton's veto was not going to be a roadblock in the future. Casting a vote in favor of the credit industry was a win-win. The policy ended up passing in the future, but members got to cast a 'free' vote in favor of the industry in the meantime.

²² The same thing happened to compromises on logging roads and snowmobiles in national parks in the Interior appropriations bill; the difference is that those concessions by the GOP were made before the election, in a conscious effort to deny Clinton an opportunity to make environmentalism an issue, again demonstrating that the GOP negotiation strategy in the 106th Congress revolved around the 2000 election.

Conclusion

This paper has analyzed Clinton's veto threats from the perspective of Congress. At the start, this paper followed the logic of the study of deterrence. In deterrence theory, a threat will only be heeded if the issuer is believed to both have the will and the capability of carrying out the threat. The capability is ensured in this context by the Constitution. Thus, the initial question guiding this investigation was: did the belief that Clinton lacked the will to veto affect veto politics in his presidency? The answer is clearly yes; Republicans simply did not believe he would veto all the bills he did in 1995. However, this approach failed to explain why Congress chose to press forward on some fronts and retreat on others. His threats were equally credible, for the most part. The cause of the variation was what Congress wanted to get out of passing legislation. The traditional framework for studying deterrence is inapplicable when Congress sought issues rather than legislation. It is as if the Soviet Union wanted to be nuked; the model simply isn't designed for it.

Analyzing Clinton's veto threats from the perspective that leaders in Congress often prefer an issue to a bill shed significant light on the veto politics of the Clinton presidency. Many times, Congress fully believed that Clinton would veto legislation, and simply refused to give an inch. At times, it seems they went out of their way to make legislation unpalatable just to draw the veto. However, if passage of legislation seemed to be the goal, compromise was the order of the day. While there is plenty of reasons to expect that blame-game vetoes are not unique to the Republican leadership in the 1990, it does seem like they were more prevalent. Politics trumped policy in Congress in the 1990s.

By focusing on Congress' reactions to veto threats, this paper is likely missing part of the story. An important and unasked question is: did Clinton threaten bills more or less than he 'should have?' Once we divorce ourselves from the perspective that legislators simply care about policies (which is part of any spatial model of vetoes or in the simple credibility model I have written about in prior work), the question becomes much more complex. Audience costs are part of the story, to be sure. However, sometimes both sides believe that a veto will benefit them. In a zero-sum sense, one of them must be wrong. Regardless, it is these beliefs that drove veto politics in the 1990s.

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²³ I apologize to readers if this reference list is incomplete; I have endeavored to include the references in this chapter here, but the "pasted in" setup may have included some references that are not in here.

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