

# **The President as Legislative Leader: The Use of Veto Power in Environmental Policy-Making**

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## **ABSTRACT**

*Veto power is an effective instrument by which presidents can influence environmental policy. Presidents have used the veto power both to thwart environmental legislation they did not favor and to block environmental roll-backs they opposed. This study will examine the use of the veto in environmental policy by analyzing three cases, one each from the Clinton, George W. Bush and Obama administrations. In looking at these three cases, the study seeks to explain why veto power is used in this policy area and how effective this power is as a means of determining environmental policy.*

## **INTRODUCTION**

Presidents have many roles in the area of environmental policy-making, including commander-in-chief, chief diplomat, chief executive, legislative leader and opinion/party leader (Soden 1999). In environmental policy, the power of these roles varies, with chief executive and legislative leader having greater power, while chief diplomat and commander-in-chief have less (Soden and Steele 1999, 346). Of the two most powerful roles, the president's role as legislative leader is more complex than that of chief executive. The separation of powers system within the US federal government requires that a president work with Congress in this area, while executive

powers are not so constrained. For this reason, partisan differences in the legislative area are more nuanced than in the chief executive role. This paper will examine the president's legislative leader role, with specific emphasis on one power within that role: the power of the veto. The veto was selected for emphasis here because vetoes are in general are a very effective legislative tool for presidents and could conceivably be used a means to shape environmental policy. Recent presidents have used the veto in a variety of ways to promote environmental objectives. Presidents Nixon, Ford and Reagan all attempted to use the veto to stop environmental legislation they did not support (United States Senate 2017). President Clinton used his veto power in the 1990s to thwart environmental roll-backs he did not favor (National Resources Defense Council 2015). By examining the use of veto power in the realm of environmental policy, this study hopes to increase the understanding of how this policy instrument influences environmental policy-making.

The analysis will begin with an examination of previous research relevant to this analysis, examining findings on how presidential power resources interact with their Legislative Leader role, how presidents use their veto power, and how partisanship influences presidential decisions in environmental policy. This foundation will serve as a backdrop to three case studies, one from each of the last three administrations. The first case study is Bill Clinton's veto of H.R.1977, the Interior Department Funding bill for Fiscal Year 1996. The second is George W. Bush's veto of the Water Resources Development Act in 2007. The final case study will be Barack Obama's veto of the Keystone XL Pipeline Approval Act in 2015. For each case study, there will be an examination of the political environment existing at the time of the bill, a discussion of the bill's key details, the reasons for the veto and an analysis of what happened in the aftermath of the veto, both in terms of politics and policy. The findings from each case study will be analyzed in

terms of what these instances tell us about the use of the veto and environmental policy, and the scholarly and practical implications of these findings will be addressed.

## **LITERATURE REVIEW**

The President's role as Legislative Leader is one of the key roles of the environmental presidency (Soden 1999). In this role, the president can set the legislative agenda, promote particular pieces of legislation, manage the budget, and veto bills that the administration opposes. Numerous studies of the presidency note the potential powers of the president in this role (Corwin, 1949; Greenstein 2000; Neustadt 1991; Kernell 2006; Tulis 1987; Light 1998; Edwards 2012; Landy and Milkis, 2000; Skowronek 2011). While each of these studies focuses on different aspects of a president's power resources, all see legislative influence as an important indicator of presidential success. We can see this success in environmental policy, especially in the 1960s and 1970s, as numerous pieces of environmental legislation were enacted at the federal level (Sussman and Kelso 1999). These key laws have become so "embedded" and "institutionalized" in the contemporary political system that efforts to significantly roll them back have met with consistent failure over the years (Klyza and Sousa 2010).

Presidents have significant formal and informal powers to influence public policy choices (Rosenbaum 2014, 84). Presidential success in using these powers is based on many factors. Personal political skills have been a major focus in some studies of presidential success (Greenstein 2000; Neustadt 1991). Others have focused on a president's rhetorical skills (Kernell 2006; Tulis 1987). The ability to obtain and use internal and external resources is seen as a key in another work (Light 1998). Edwards (2012) argues that successful presidents must identify opportunities and create strategies to make the best use of these situations. Howell (2003)

focuses on direct action by presidents and finds that certain key institutional variables, such as divided government, do affect a president's tendency to utilize the executive powers of the office. Some have sought to combine communication and political skills into a set of characteristics that define "great" presidents. One set of authors argues that "great" presidents have three characteristics: "takes the public to school" (use leadership skills to demonstrate to the public why certain actions are necessary); is a "conservative revolutionary" (while holding the Constitution and laws in highest respect, great presidents take bold actions that are necessary to take the nation forward); and is a "strong party leader" (successfully use the political party as a vehicle to accomplish policy goals) (Landy and Milkis 2000).

In contrast to those who put the emphasis on a given president's personal skills, Skowronek (2011) argues that the political environment a president faces is a crucial determinant of success. He introduces the idea of "political time" as a significant factor in presidential performance. According to Skowronek, "political time is the president's construction of 'where we are' as a polity and 'whither we are tending', a construction designed to authorize a certain course of political action in the moment at hand" (18). This view argues that the personal skills of a president are less important to their success than their political surroundings. In particular, two questions are important: the question of whether they are affiliated or opposed to the prevailing political regime and the question of whether that regime is vulnerable or resilient (85). For example, under the framework put forth by Skowronek, both Bill Clinton and Barack Obama are examples of the "politics of preemption", presidents politically opposed to a prevailing and resilient political regime. Although such presidents can be successful, they are unlikely to enact bold policy innovations (107-113, 167-194). In contrast, George W. Bush would be an example of the "politics of articulation" (85). Bush was affiliated with the dominant regime and the

regime had a degree of resiliency at the time of his presidency. The categorization of presidents can have much to say about their ability to influence the policies and politics of their time.

Sussman and Kelso (1999) examined the president's Legislative Leader role through two lenses. First, by looking at two key case studies of environmental legislation, the 1990 Clean Air Act Amendments and the 1994 California Desert Protection Act, the authors argue that presidents can "make a difference" in environmental legislation, whether they are active in the process, as George H.W. Bush was in the former case, or relatively passive, as Clinton was in the latter (140). The conclusions reached regarding the Clean Air Act Amendments are generally consistent with those reached by Cohen (1995) in a similar case study of the legislative process on this bill. Second, by using statistical analysis to examine presidential influence on environmental legislation, the authors conclude that "there appears to be no clear relationship between the party of the president, or presidential administration, and the passage of pro-environmental legislation" (140). The bottom line here seems to be that presidents can exert influence in certain situations, but party affiliation is not a clear distinguishing factor in terms of whether this will happen.

Turning to the specific focus of this study, the veto process, there is abundant research on how presidents use this power and how effective the power is. As Woodrow Wilson stated, "Veto power makes the president a third branch of the legislature" (Davidson, et al, 2014, 293). Watson notes that, "The most potent weapon available to the president in his perennial battles with Congress is the veto power, by which he can prevent, at least temporarily, and usually permanently, the enactment of measures passed by Congress" (Watson 1987, 401). For this reason, scholars have devoted much attention to this process. Copeland (1983) begins by noting that a relatively small percentage of bills get vetoed (under 3%), but that a similarly small

percentage of vetoes get overridden (3.9%) (697). Using statistical analysis to update a study by Lee (1975), Copeland argues that “a reasonably small number of variables can explain a large portion of the variation” in veto use and overrides (709). Key variables include electoral mandate, scope of government and opposition control of Congress (704). Copeland disputes Lee’s contention that Democrats veto more by pointing out that FDR and Cleveland are outliers and then demonstrating that party effects diminish rapidly when these two presidents are considered (706-708).

McKay (1989) also looks at the veto process and notes that the use of the veto is “usually a last resort” and is “as much an indicator of presidential failure as success” (448). He also states that, “As an instrument of command rather than bargaining, frequent use of the veto is difficult to reconcile with the Neustadtian imperative to govern by persuasion” (449). McKay contends that changes in political institutions since the 1960s have altered the “utility and functioning of veto power” (449-450). Vetoes of major bills have risen sharply since 1969 (458) and McKay argues that “Presidents do invoke the veto more often now and to more significant bills” (460).

Gilmour (2000) argues that Congress creates potential veto situations by passing “objectionable” bills, but that presidents exhibit “strikingly different veto behavior” (198). For example, Ford had a “high propensity to veto” (213), while Reagan and Clinton, despite clear ideological differences, used the power in similar ways, although Clinton was a bit more aggressive than Reagan (215). This latter point is true only after the Republicans took control of both houses of Congress after the 1994 congressional elections, as in his first two years, with Democratic control in Congress, Clinton became the first president since Millard Fillmore not to use a veto for an entire Congress (216).

Rohde and Simon (1985) note that there are three stages to a veto process:

- 1) the president's decision on whether to veto;
- 2) Congress's decision on whether to attempt an override;
- 3) Congress's vote on the override itself (401).

The authors argue that, "The frequency with which the president chooses to veto will be a function of the frequency with which the Congress produces legislation which is radically different from that which the president desires it to produce" (401). A variety of factors influence veto decisions, at all three levels. Public approval, seats in Congress, international conflict, midterm election year and economic/political conditions are important influences on the first decision (410). Regarding the latter two decisions, the authors state that, "...the decision to override and the collective result of that choice are a function of presidential resources and the political environment" (418). Overall, Rohde and Simon say that, "The most advisable strategy for advocates of the legislation is to build bipartisan support and emphasize that the president constitutes a threat to the institutional prerogatives of Congress" (425).

Deem and Arnold (2002) focus on veto threats. This research is in line with Pfiffner and Davidson (1997), who state that, "The most powerful vetoes are those that are threatened but not employed" (337). The authors add that, "Threatening to veto congressional measures sometimes is needed to get members of Congress to see things the president's way" (343). Deem and Arnold note that the veto is one of the most powerful tools a president has (30). Their focus was on the Ford Administration (31). They note Cameron (2000) and his finding that veto threats are more likely in two instances: period of divided government and when the legislation is seen as important (32). They also note Spitzer (1994) and his claim that appropriations bills are more likely to be subject to veto threats than other legislation (34). Interestingly, the authors find that

Ford did not make public all his veto threats (36, 40). They find that certain things decrease the likelihood of veto threat: presidential popularity, foreign policy issue, appropriations bill, previous use of veto. Other things increase the likelihood: presidential election year, congressional election year, economic instability, salience, energy and economic policy, prior veto threats (39-40). Significance of the legislation played an important role (CQ cover or CQ key vote) (41). Overall, the authors conclude that, “The veto threat can be an effective tool in the arsenal of legislative powers at the president’s disposal” (44).

Shields and Huang (1995) argue for a different approach. They state that past models of vetoes have not “adequately conceptualized the fundamental nature of the dependent variable” (560-561). They argue that an event count model needs to be used to address this situation (560-61). They also argue that the division of Congress has been misinterpreted in previous studies, with a failure to account for the fact that the two chambers in our bicameral legislature may present different levels of support for the president (562-563). Using these different methods, the authors find that midterm election year, total number of public bills, partisan support in the Senate, presidential popularity, unemployment rate and institutional conflict are the keys to explaining veto use (566). They state that, “Further, our findings suggest that presidents can do very little to reduce the extent of institutional conflict—especially with regard to predetermined electoral cycles” (570).

Woolley (1991) adds to this literature by stating that there are two types of vetoes. Substantive and highly visible vetoes differ from vetoes on minor issues (279-80). One of Woolley’s main arguments is that “pure institutional conflict will be observed only in relatively minor legislative matters” (284). In line with other authors, Woolley finds that the probability of total vetoes has an inverse relationship with presidential power resources (295). He also states



that “vetoes are not just evidence of the president’s weakness as a leader; they are evidence of the president’s use of command in his role as a partisan leader” (298). In the end, he finds that, “variation in the likelihood of vetoes of major legislation is a function primarily of variation in the president’s power resources, the president’s public approval, and the degree of his party’s dominance on Congress” (299). Davidson, et. al. (2014) add that, “Considering the extreme difficulty of overriding a presidential veto, members of Congress know that White House support for legislation is almost always necessary and so will often incorporate presidential preferences into early drafts of legislation“(23).

Fleisher and Bond (1996) look at how increased partisanship in the Congress has changed the relationship between the President and the Congress. They note that the president is “only one of several competing cues” and that the executive “is seldom the dominant influence in members’ decision-making calculus” (730). They note that, “to win, a president typically needs votes from members who are less inclined to support him” (732). Often, these are members who are cross-pressured (737). Interestingly, while the Clinton Administration saw fewer partisan coalitions formed on legislation, in his first two years, Clinton had much stronger support than his predecessors from conservative Democrats, the party faction most likely to feel cross-pressures (742). One reason for this may be that while Clinton generally took liberal positions on domestic issues, his positions were moderate to conservative on foreign policy (743). Cooper (2017) also addresses polarization and states, “As a result, polarization has become a pronounced feature of legislative politics that rivals the degree of polarization that prevailed between 1896 and 1915” (367). He also says that, “In addition, his (the president’s) negative power is virtually unassailable since overriding his veto requires a 2/3 vote in both houses which is exceedingly difficult to obtain in a plebiscitary polarized era” (369).

The issue of partisan differences in approaches to environmental policy is also relevant to this study. This line of scholarship dates to 1961 when Englebert concluded, in an analysis of congressional debates and voting records from 1790 to 1950, that Democrats are better environmental stewards than Republicans overall (224-256). Ritt and Ostheimer (1974) followed up with the finding that partisanship and ideology are the key factors shaping congressional voting on environmental issues. These findings were reinforced by the work of Dunlap and Allen (1976) and Kraft (1989). Shipan and Lowry argue that divergence on environmental policy, at least in the Congress, has grown significantly since 1970 (Shipan and Lowry, 2001, 250-251). Kelso (2017) examined presidential use of the Antiquities Act and found that Democratic presidents are more likely to use the legislation for national monument creation and expansion than Republicans, at least in the period since 1969. One dissenter to this pattern of partisan differences is Guber (2001). This author notes that voters do not really perceive a significant difference between the parties on environmental issues. Party platforms are vague and ambiguous. High profile actions like legislation seem to exhibit no real differences between the parties. Perhaps this is why voters do not see the environment as a defining issue (460-464).

## **THEORY/HYPOTHESES**

The theoretical argument of this paper is based on three key ideas. First, the study suggests that the Legislative Leader role is of high importance in terms of understanding the environmental presidency. Along with the Chief Executive role, Legislative Leader is generally seen as a key element of the environmental presidency (Soden 1999) and this analysis concurs with that assessment. Second, the paper argues that within the Legislative Leader role, the veto

powers of the president are of particular importance. Veto powers are among the president's strongest powers in general (see above) and that holds true for the environmental presidency as well. Other aspects of the legislative leader role, such as advocacy of legislation or steering bills through the legislative process, are murkier in terms of presidential power and lack the straightforward nature of the veto process. Third, the paper claims that in recent years, specifically during the last three completed presidential terms, the use of the veto relative to environmental policy has differed between Democratic and Republican presidents. Democrats have used the veto to thwart environmental policy actions they deemed misguided. When Republicans have used veto powers, their purpose has often been to promote economic objectives as opposed to environmental ones.

Three arguments will guide this analysis. The first is that Legislative Leader is an important vehicle for presidential influence on environmental policy-making. The second is that veto powers are a vital element of the president's legislative leader role. Third, the study contends that Democratic presidents are more likely to use the veto to promote specific environmental objectives. The differences between Democratic and Republican use of this power are significant, as they lend greater support to the idea that environmental policy divergence between the two parties is large and should be a significant concern for the voting public. These arguments will be examined by utilizing case studies from the three most recent completed presidencies.

## **DATA ANALYSIS**

### **Case Study #1: President Clinton and H.R. 1977: Interior Department Funding FY 1996**

In November 1994, Republicans scored major victories in the congressional elections. They made large gains in both houses (American Presidency Project 2017). They obtained a majority in each house, the first time in 40 years they had a majority in the House of Representatives (US House of Representatives 2017). Given the scope of their win and the fact that the party had laid out a specific policy agenda in their “Contract with America”, Republican leaders thought that they would be able to easily enact their policy agenda and that the Democratic president would simply acquiesce (Ornstein and Schenkenberg 1995). That did not happen. The reason it did not happen largely had to do with the veto power of the president.

Understanding the political environment that existed at the time of a veto is very important in understanding the veto itself. Some of the key factors within the political environment are the point in the president’s term, whether the president is standing for re-election, number of seats the president’s party holds in each house of Congress and presidential job approval (Copeland 1983; Gilmour 2000; Rohde and Simon 1985; Deem and Arnold 2002; Shields and Huang 1995; Woolley 1991; Fleisher and Bond 1996). Also of importance are the economic situation in the country and the public perception of the environmental situation. These key factors are summarized in Table 1.

By examining Table 1, we can observe the contours of the political environment faced by President Clinton at the time. President Clinton was nearing the end of his third year in office and was planning to seek re-election. His party was a minority in both the House and Senate as a result of the Democrats’ devastating 1994 midterm election losses. His overall job approval was

**TABLE 1: POLITICAL ENVIRONMENT AT THE TIME OF CLINTON'S VETO**

Year	1995
Term	1 <sup>st</sup>
Re-election	Yes
Percentage of Seats, President's party, House (1)	46.9%
Percentage of Seats, President's party, Senate (1)	48.0%
Gain/ Loss House, Most Recent Midterm (2)	-52**
Gain/Loss Senate, Most Recent Midterm (2)	-8**
Job Approval, Overall: Nearest Date to Veto (3)	50-43 (+7) Date of Poll: December, 15 to 18, 1995
Job Approval, Environment (3)	58% (average for term)
Public Perception of Environment: Which is More Important: Environmental Protection v. Economic Growth (3)	62-32 (+30) Date of Poll: April 17-19, 1995
GDP Growth (4)	+2.9% (1995 4 <sup>th</sup> Quarter)
Unemployment (5)	5.6% (December 1995)
Federal Budget Deficit as Percentage of GDP (4)	-2.2% (1995)
Inflation (6)	2.5% (December 1995)

\*\*---lost majority

(1) American Presidency Project, Seats in Congress Gained/Lost by the President's Party in Mid-Term Elections: F. Roosevelt – Obama (2017). Retrieved from:

[http://www.presidency.ucsb.edu/data/mid-term\\_elections.php](http://www.presidency.ucsb.edu/data/mid-term_elections.php) (Accessed June 15, 2017).

(2) US House of Representatives, History, Art and Archives, Party Divisions of the House of Representatives, 1789-present (2017). Retrieved from:

<http://history.house.gov/Institution/Party-Divisions/Party-Divisions/> (Accessed October 16, 2017).

(3) Gallup Organization (2017). Presidential Job Approval. Retrieved from: [news.gallup.com](http://news.gallup.com) (Accessed November 13, 2017).

(4) Bureau of Economic Advisors. GDP Growth by Quarter (2017). Retrieved from <https://www.bea.gov/national/index.htm#gdp> (Accessed June 16, 2017).

(5) US Department of Labor. Bureau of Labor Statistics (2017) Unemployment Rates. Retrieved from:

[https://data.bls.gov/timeseries/LNU04000000?years\\_option=all\\_years&periods\\_option=specific\\_periods&periods=Annual+Data](https://data.bls.gov/timeseries/LNU04000000?years_option=all_years&periods_option=specific_periods&periods=Annual+Data) (Accessed June 19, 2017).

(6) US Inflation Calculator, Historical Inflation Rates (2017). Retrieved from:

<http://www.usinflationcalculator.com/inflation/historical-inflation-rates/> (Accessed November 4, 2017).

positive, although not by much. He also had positive rating from the public, by a greater extent, on environmental issues. This is line with how environmentalists voted in the 1992 election (Nie 1997, 39). The public was decidedly tilted towards environmental protection as opposed to economic growth. The economic numbers at the time were positive, with solid growth, relatively low unemployment, a budget deficit about normal and inflation largely in check. The economic numbers, especially the budget deficit figures, are an important part of the story, as budget concerns, real or imagined, are a major justification used by Republicans for supporting the bill in question (Daynes 1999, 292-293).

What was H.R. 1977? What did it do? The bill, “provided Fiscal Year 1996 appropriations for the Department of the Interior, various programs of the Department of Energy, the Forest Service (Department of Agriculture), Indian Health Service (Department of Health and Human Services), and other smaller agencies” (OMB 1995). The issues raised by the bill primarily involved funding cuts, many of them substantial in nature, to certain programs within these departments. The bill overall would have provided funding 12% below the president’s request and 10% below funding for Fiscal Year 1995 (OMB 1995). The bill contained severe cuts to the Bureau of Indian Affairs in the Interior Department and energy conservation programs in the Department of Energy. The bill also contained numerous riders with language objectionable to the Administration (OMB 1995).

The bill was part of a larger strategy pursued by Republicans regarding the environment (Nie 1997, 47). As Daynes (1999) points out, the basic Republican strategy regarding the environment in the 104<sup>th</sup> Congress was to “keep environmental laws on the books, while making sure that they were stripped of their effectiveness, are burdened down with red tape, and have

insufficient funding” (293-294). This strategy was based on the fact that Republicans did not want to attack popular environmental laws head-on, but were trying to undermine them surreptitiously, hoping the public would not notice (291). By portraying themselves as “champions” of fiscal restraint, the Republicans sought to win the public opinion battle by redirecting the emphasis from protecting the environment to balancing the budget (Daynes 292-293; Conley 2001, 12).

The miscalculation made by the Republicans on this bill, and indeed throughout the 1995-1996 budget crisis, was that President Clinton was in a very strong position to impede their will. Conley (2000) compared the relative positions of President Clinton and President Truman under the conditions of divided government. While both lost their congressional majorities due to disastrous midterm elections early in their term, their political positions were not identical. Congressional Democrats were more ideologically cohesive and thus had more unity under Clinton. Truman was beset by the existence of a “conservative coalition” of Republicans and Southern Democrats that often gave the Republican majorities in Congress an almost “veto-proof” majority on legislation (223-224). Clinton was in a much stronger position with his party and knew that if party defections were kept to a minimum, his vetoes would be sustained time and time again (225). For example, Clinton was getting a higher level of support on roll-calls than previous Democratic presidents (Fleisher and Bond 1996, 740-742). The other element that was important here was that the Republicans themselves were less unified on environmental issues than their leadership had thought (Daynes, 299). Because these vetoes eventually triggered a government shutdown that the public largely blamed on Congressional Republicans (232), Clinton emerged from the battle a much stronger leader, and went from an even-money bet for re-election to a clear favorite (Pew Research Center, 1996). In fact, environment became part of

a key election mantra (along with Medicare, Medicaid and education) that was used to distinguish Clinton from his 1996 general election opponent Bob Dole in important policy areas (Nie 1997, 47).

The long-term political consequences of the veto may not have been apparent at the time, or may have been realized and not publicly stated (Daynes 1999, 288). We do know the “public” reasons for the veto, as the president is required to transmit a veto message to the Congress, explaining his reasons for rejecting the legislation. In his veto message for H.R. 1977, Clinton states that he is returning this bill because, “it would unduly restrict our ability to protect America’s natural resources and cultural heritage, promote the technology we need for long-term energy conservation and economic growth, and provide adequate health, educational, and other services to Native Americans” (Clinton Veto Message 1995). Some of the specific items cited in the message are that the bill allows clear-cutting in the Tongass National Forest in Alaska, impedes plans for managing the Columbia River Basin, undermines the Mojave Natural Preserve (by cutting funding and shifting management from the National Park Service to the Bureau of Land Management) and imposes a moratorium on future listings and critical habitat designations under the Endangered Species Act (Clinton Veto Message 1995). Cuts to energy conservation programs, failure to honor historic obligations to Native Americans and a departure from our commitment to support the arts and humanities are also featured among the other reasons for rejecting the legislation (Clinton Veto Message 1995). Clinton gave further insight on his use of the veto power in a speech in early 1996. Clinton stated that,

“As president, I take no particular pleasure in exercising the power of the veto. I like to get things done. I like to move things forward. I like to work with people who have different ideas in a positive way. But when it comes to protecting our air, our food, our water, I cannot sacrifice America’s values and America’s future, or America’s health and safety. It is important to remember---let me say once again, as so many have said---that this current state of affairs that



have endured for over a year now is a drastic aberration from the pattern of a previous generation” (Daynes, 1999, 296).

Several factors went into this calculation by President Clinton. First, most of the items cited in the veto message are things that are viewed very favorably by supporters of the Democratic Party. The environmental concerns certainly fall into this category, as do energy conservation programs (Democratic Party Platform 1992). As Nie (1997) points out, by this time, environmentalists were “the most resourceful and partisan source of support within the Democratic Party” (46). Furthermore, Native Americans are a sympathetic minority group for most Democrats and arts and humanities funding has been strongly supported by liberals since first instituted by President Johnson in the 1960s (Democratic Party Platform 1992). To sign this bill would have put Clinton at odds with key Democratic supporters less than one year before the election. This would have enhanced the alienation felt by environmentalists, who felt that the Clinton Administration had failed to meet its expectations in the first few years of its term (Sussman and Kelso 1999, 130; Daynes, 262). It also might have made him vulnerable to a primary challenge for the Democratic nomination, something that is often deadly to a president’s re-election hopes. Second, the president was being lobbied very heavily. One interesting element of that lobbying was the Native American issue. While a relatively small group in terms of the overall national population, their fate in this bill struck a chord with many, perhaps because the cuts seemed to target them unfairly (Department of Interior 1995). Scores of letters poured in on this aspect of the legislation, not only from tribes themselves, but from church and civic groups, members of Congress and other concerned parties (“Interior Department” 2017). These letters reinforced Clinton’s inclination to make a statement by vetoing the bill. Third, and perhaps most importantly, the bill was opposed by key players in the bureaucracy. As other researchers have found, two of the most important voices on presidential vetoes are the agency

being most affected by the legislation and the Office of Management and Budget. The president is likely to listen to these voices more than others and they tend to have a disproportionate influence (Wayne, Cole, Hyde 1979, 308-309). As Wayne et al., state, “The political environment combined with the president’s inclination undoubtedly affects the advice he receives, probably more so as the election approaches, and especially, if the president is a candidate” (314). In this case, all the agencies affected, plus the OMB, were strongly urging a veto (OMB 1995; Daynes 1999, 292). There was not much dissension within the Administration on this, and President Clinton acted accordingly. Fourth, as Rohde and Simon (1985) argue, “The frequency with which a president chooses to veto will be a function of the frequency with which the Congress produces legislation which is radically different from that which the president desires it to produce” (401). This was certainly the situation here. Fifth, Rohde and Simon also see public support as crucial explanatory factors in veto decisions, and Clinton clearly had the upper hand here (424-425). As Conley (2001) notes, “Republican leadership overestimated support for the “Contract with America” and “underestimated the potential effect of negative press coverage of the government shutdown” (25)

The aftermath of the veto was noted by several effects. First, Clinton successfully portrayed himself as a “centrist” who was “willing to compromise” and won the battle for public opinion during the government shutdown and put the Republicans on the defensive (Conley 2001, 19). In later years, they would not so foolishly challenge a president in such a strong political position (Conley 2001, 29-31). Second, the efforts of Newt Gingrich and his allies to remake the environmental state were “politically disastrous”. As Klyza and Sousa (2010) express, “By the end of the 104th Congress, the forces protecting those laws had routed the so-called ‘Republican revolution’” (445). Third, Clinton was transformed in the eyes of environmentalists. He and

Gore had been the ‘darlings’ of the “greens” during the election of 1992, but had largely disappointed them in the first two years of the Administration (Daynes, 1999, 262-263). With vetoes such as this, Clinton went from “disappointing leader” to “environmental champion” almost overnight (276-277). Fourth, President Clinton went on to a robust re-election win (Leip, 2017) and while this did not necessarily result in a large number of new environmental protection laws, it did allow him to use his executive powers to promote environmental protection, through things such as designating and expanding national monuments under the Antiquities Act (Klyza and Sousa, 2010, 450; Kelso, 2017).

In terms of the arguments of the paper, Clinton’s pivotal role in thwarting these significant environmental rollbacks underscores the importance of both the Legislative Leader role and the power of the veto within that role. This was not a direct assault on the environmental protection regime created in the 1960s and 1970s, but it was a significant attempt to undermine those programs (Daynes, 1999, 293-294). This was a classic example of a president vetoing legislation found objectionable, and Clinton displayed a strong tendency to do this throughout his administration (Gilmour 2000, 215). Clinton’s veto here, and other vetoes related to the government shutdown crisis of this time, stopped those efforts in their tracks. This case also shows that a Democratic president was not reluctant to use the power of the veto to support environmental goals. As a Democrat, Bill Clinton saw the veto power as a way to promote policy objectives by hindering those who wanted a different path. It is unlikely that a contemporary Republican president would have used the power in this manner in this situation and H.R. 1977, with its dramatic budget cuts, would have become law.

## **Case Study #2: President George W. Bush and the Water Resources Development Act of 2007**

To emphasize the partisan differences in this area, the study now turns to an example of a veto choice made during the administration of a Republican president, George W. Bush. Again, the analysis begins with a look at the political environment (see Table 2). George W. Bush faced a different political environment at the time of the veto under analysis than did President Clinton. He was in his second term, six-plus years into his presidency, and he would not be facing re-election. He was very unpopular at this point, with a net approval of -33. His 30% approval rating on the environment was significantly lower than Clinton's and close to his overall approval rate. There were some significant similarities, however. Bush faced a hostile Congress, with Democrats controlling both houses. This occurred in the wake of an unsuccessful 2006 election for Republicans. Public perceptions on the environment were similar in each situation, with the public favoring protection over growth. The economic numbers were similar, although growth was lower for Bush, as were unemployment and the budget deficit, while inflation was higher. Again, the budget deficit number is important, as budgetary concerns play an important role in the story of this veto.

The Water Resources Development Act was a piece of legislation that sought to fund key water projects. Such bills have been common over the years and have been somewhat controversial. Presidents from both parties (Nixon, Ford, Carter, Reagan, Clinton) have vetoed or threatened vetoes on such bills due to budgetary concerns (McKay 1989, 457-459; Conley 2001, 845; US Senate 2017). The bill was the first water system restoration and flood control authorization passed by Congress since 2000 (Abrams 2007). The bill "reauthorized the Water

**TABLE 2: POLITICAL ENVIRONMENT AT THE TIME OF GEORGE W. BUSH'S****VETO**

Year	2007
Term	2 <sup>nd</sup>
Re-election	No
Percentage of Seats, President's party, House (1)	46.4%
Percentage of Seats, President's party, Senate (1)	49.0%
Gain/ Loss House, Most Recent Midterm (2)	-30**
Gain/Loss Senate, Most Recent Midterm (2)	-6**
Job Approval, Overall: Nearest Date to Veto (3)	31-64 (-33) Date of Poll: November 2 to 4, 2007
Job Approval, Environment (3)	30% (Year 7)
Public Perception of Environment: Environmental Protection v. Economic Growth (3)	55-37 (+18) Date of Poll: March 11-14, 2007
GDP Growth (4)	+1.4% (2007 4 <sup>th</sup> Quarter)
Unemployment (5)	4.7% (Nov 2007)
Federal Budget Deficit as Percentage of GDP (4)	-1.1 (2007)
Inflation (6)	4.3% (Nov 2007)

\*\*---lost majority

(1) American Presidency Project, Seats in Congress Gained/Lost by the President's Party in Mid-Term Elections: F. Roosevelt – Obama (2017). Retrieved from:

[http://www.presidency.ucsb.edu/data/mid-term\\_elections.php](http://www.presidency.ucsb.edu/data/mid-term_elections.php) (Accessed June 15, 2017).

(2) US House of Representatives, History, Art and Archives, Party Divisions of the House of Representatives, 1789-present (2017). Retrieved from:

<http://history.house.gov/Institution/Party-Divisions/Party-Divisions/> (Accessed October 16, 2017).

(3) Gallup Organization (2017). Presidential Job Approval. Retrieved from: [news.gallup.com](http://news.gallup.com) (Accessed November 13, 2017).

(4) Bureau of Economic Advisors. GDP Growth by Quarter (2017). Retrieved from <https://www.bea.gov/national/index.htm#gdp> (Accessed June 16, 2017).

(5) US Department of Labor. Bureau of Labor Statistics (2017) Unemployment Rates. Retrieved from:

[https://data.bls.gov/timeseries/LNU04000000?years\\_option=all\\_years&periods\\_option=specific\\_periods&periods=Annual+Data](https://data.bls.gov/timeseries/LNU04000000?years_option=all_years&periods_option=specific_periods&periods=Annual+Data) (Accessed June 19, 2017).

(6) US Inflation Calculator, Historical Inflation Rates (2017). Retrieved from:

<http://www.usinflationcalculator.com/inflation/historical-inflation-rates/> (Accessed November 4, 2017).

Resources Development Act” (WRDA) and “authorized flood control, navigation, and environmental projects and studies by the Army Corps of Engineers” (Public Law 110-114). It “authorized projects for navigation, ecosystem or environmental restoration, and hurricane, flood, or storm damage reduction in 23 states” (Public Law 110-114). The legislation included specific provisions for the Florida Everglades, Louisiana Coastal Areas (hit hard by Hurricane Katrina in 2005), the Upper Mississippi River and Illinois Water-Way System and the National Levee Safety Program (Public Law 110-114). The bill called for \$23.2 billion in additional spending, although the money itself would have to be appropriated later (Abrams 2007; Weisman 2007).

Advocates of the legislation, which included members of both parties, emphasized the need for increased infrastructure spending in this area. House Majority Leader Steny Hoyer, a Democrat from Maryland, stated that, "Fiscally responsible people know that clean water and safe harbors aid our commerce and the health of our people" (Abrams 2007). The Republican Senator Trent Lott of Mississippi added that the bill “is one of the few areas where we actually do something constructive,” and that the legislation contains “good, deserved, justified projects” (Stout 2007). Lott’s colleague, Senator David Vitter, a Republican from Louisiana, added, “This bill is enormously important, and it has been a long time coming” (Stout 2007). Critics focused on the high costs of the authorization bill and the amount of “pork” in it for local constituencies. Steve Ellis, representing a group called Taxpayers for Common Sense, remarked that the legislation has "more pork than a Carolina BBQ joint..." (Weisman 2007). Senator Jim DeMint, a Republican from South Carolina, concurred by saying, "Sadly, because the authors of this bill have rained a few earmarks to every member's district, Congress didn't have the courage to stop this reckless overspending" (Weisman 2007). Senator Jeff Flake, a Republican from Arizona,

noted that the Army Corps now has a backlog of \$58 billion worth of projects and an annual budget of only about \$2 billion to address them. Flake stated that, "We simply can't continue to add to the backlog of projects that are already out there" (Abrams 2007).

The official veto message of President George W. Bush hit on many of these themes (Bush Veto Message 2007). The first point made by President Bush in his veto message is that the bill "lacks fiscal discipline" (Bush Veto Message 2007). He notes that the bill, "makes promises to local communities that the Congress does not have a track record of keeping" (Bush Veto Message 2007). He agrees with the critics noted above in saying that it "exacerbates the massive backlog of ongoing Corps construction projects, which will require an additional \$38 billion in future appropriations to complete" (Bush Veto Message 2007). Bush argues that, "the bill does not set priorities" and is laden with earmarks and "pork" (Bush Veto Message 2007). He concludes by urging "the Congress to send me a fiscally responsible bill that sets priorities" (Bush Veto Message 2007).

The reasons for this veto by Bush are not as clear as the reasons for the Clinton veto. On the surface, the decision to veto borders on the absurd. George W. Bush was a reluctant user of the veto and why did he exercise this power on a relatively popular bill that he knew would be overridden? Some clues to this mystery may lie in Bush's style of governance. Pfiffner (2009) notes that the policy process in the Bush Administration was chaotic (364-366). Scott McClellan, a White House Press Secretary during the Bush Administration, states that, Bush "chooses based on his gut and his most deeply-held convictions" (366-367). Former Treasury Secretary Paul O'Neill had these thoughts on domestic policy in the Bush Administration. "It was a broken process...or rather no process at all; there seemed to be no apparatus to assess policy and deliberate effectively, to create coherent governance" (367). A key factor in this

process is how deliberation and dissent from policy were systemically limited. Pfiffner characterizes the pattern of foreign policy decisions in the Bush administration as one of “secrecy, top-down control, tightly-held information, disregard for the judgment of career professionals and exclusion from deliberation of qualified executive branch experts who might have disagreed with those who initially framed the decision” (380). These characteristics most likely applied to domestic policy decisions as well. Such ideas are reinforced by Skinner’s analysis of how George W. Bush exemplified the “partisan presidency”. Partisan presidents are characterized by a tendency to highlight partisanship and polarization throughout all aspects of their administration: relations with Congress, the executive branch, the media; also, with regards to policy advice, public opinion and electoral politics (Skinner 2008-2009, 607). George W. Bush “set a new standard for partisanship,” breaking records in terms of partisan approval gaps (607-610). In line with Pfiffner’s findings, “Neither Reagan nor Bush II showed much regard for neutral competence or disinterested experts” (616). Bush’s communication strategies and policy choices also reflected as partisan line, as Skinner states, “Bush not only campaigned as a partisan, he has governed as one. In many fields, he pursued policies that had little support from elite or mass opinion” (619). When your focus is entirely on the base, as Bush’s appeared to be (617-619), you may have little regard for legislation that while bipartisan, seems to be at odds with the ideological tendencies of your base voters.

The Bush veto of H.R. 1495 was overridden in the House by a vote of 361-54 (Abrams 2007). The Senate followed suit with a vote of 79-14. 34 Republican senators abandoned the president on the vote. The bill marked the first override of a veto during the Bush Administration (Weisman 2007). It would not be the last. The Congress would override three more Bush vetoes, including Medicare Improvement for Patients and Providers Act of 2008 and the Food,



Conservation, and Energy Act of 2008 (two different versions) (US Senate 2017). Bush would end his term with a veto success rate of 63.6%, the worst rating since Andrew Johnson, and the third worst of all-time (American Presidency Project 2017). Most of the various projects in the Water Resources Development Act were ultimately funded by the Congress in subsequent appropriations bills (Behrens 2008).

The contrast with this situation and that of the Clinton veto discussed earlier is unambiguous. Several points bear highlighting. First, the ideological battle-lines were reversed. Clinton took on the role of environmental defender against a Congress bent on fiscal austerity. Bush used the fiscal austerity argument to thwart a bill he thought was wasteful, while the Congress was the defender of environmental and infrastructure concerns. Second, there is the contrast between a president in a relatively strong position and a president in a relatively weak one. Clinton knew he was able to take a stand here because Congressional Democrats would have his back. Bush did not have that luxury, most likely because he was a lack-duck president with approval numbers in the 30s. Third, there is a difference in strategy here. Clinton picked a battle he thought he could win, confident that the public as well as the Congress would be on his side. Bush picked a battle he was doomed to lose, for reasons that are not quite clear strategically. Fourth, the outcome was different. In the Clinton case, the president won the battle and ultimately the war by demonstrating to the Congress that he would not be intimidated. Bush lost the battle, badly, and this left him open to more Congressional attempts to go around him on policy matters.

### **Case Study #3: President Barack Obama and the Keystone XL Pipeline Approval Act of 2015**

The final case study is President Barack Obama's veto of the Keystone Pipeline Approval Act of 2015. Again, we have a Democratic president eager to defend environmental interests. Before addressing the case, let us review the political situation at the time of the veto in Table 3. The political environment faced by President Obama at the time of this veto had some similarities with that faced by President Bush. Obama was in his seventh year in office and would not be seeking re-election. His party had recently lost its majority in the Senate, after having lost its House majority in 2010. Obama's overall approval rating was underwater, but not to the same degree that Bush's was. In other ways, Obama's situation mimicked that of Bill Clinton. His approval rating on the environment was closer to Clinton than Bush, which is not surprising given the shared partisan affiliation between Obama and Clinton. Unemployment was similar to where it was at the time of the Clinton veto and the budget deficit was only slightly higher. Obama's situation had its unique aspects as well. Public support for environmental protection was lower at this point in time, with the public only narrowly putting environmental protection before economic growth. Economic growth was very sluggish at the time of the veto, while inflation was practically non-existent. That the economic numbers were decent in 2015 is notable given the near-economic disaster Obama inherited in 2009. Economic numbers were again important here, as the debate over the Keystone Pipeline had economic as well as political considerations.

The proposal in question, Senate Bill 1, the Keystone XL Pipeline Approval Act, was a simple piece of legislation. It basically stated that, "TransCanada Keystone Pipeline, L.P. may construct, connect, operate, and maintain the pipeline and cross-border facilities described in the

**TABLE 4: POLITICAL ENVIRONMENT AT THE TIME OF OBAMA'S VETO**

Year	2015
Term	2 <sup>nd</sup>
Re-election	No
Percentage of Seats, President's party, House (1)	43.2%
Percentage of Seats, President's party, Senate (1)	46.0%
Gain/ Loss House, Most Recent Midterm (2)	-13
Gain/Loss Senate, Most Recent Midterm (2)	-9**
Job Approval, Overall: Nearest Date to Veto (3)	43-51 (-8) Date of Poll: February 24 to 26, 2015
Job Approval, Environment (3)	52% (year 7)
Public Perception of Environment: Which is More Important: Environmental Protection v. Economic Growth (3)	46-42 (+4) Date of Poll: March 5-8, 2015
GDP Growth (4)	+0.6% (2015 1st Qtr)
Unemployment (5)	5.5% (February 2015)
Federal Budget Deficit as Percentage of GDP (4)	-2.8% (2014)
Inflation (6)	0.0% (February 2015)

\*\*---lost majority

(1) American Presidency Project, Seats in Congress Gained/Lost by the President's Party in Mid-Term Elections: F. Roosevelt – Obama (2017). Retrieved from:

[http://www.presidency.ucsb.edu/data/mid-term\\_elections.php](http://www.presidency.ucsb.edu/data/mid-term_elections.php) (Accessed June 15, 2017).

(2) US House of Representatives, History, Art and Archives, Party Divisions of the House of Representatives, 1789-present (2017). Retrieved from:

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(4) Bureau of Economic Advisors. GDP Growth by Quarter (2017). Retrieved from <https://www.bea.gov/national/index.htm#gdp> (Accessed June 16, 2017).

(5) US Department of Labor. Bureau of Labor Statistics (2017) Unemployment Rates. Retrieved from:

[https://data.bls.gov/timeseries/LNU04000000?years\\_option=all\\_years&periods\\_option=specific\\_periods&periods=Annual+Data](https://data.bls.gov/timeseries/LNU04000000?years_option=all_years&periods_option=specific_periods&periods=Annual+Data) (Accessed June 19, 2017).

(6) US Inflation Calculator, Historical Inflation Rates (2017). Retrieved from:

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application filed on May 4, 2012, by TransCanada Corporation to the Department of State (including any subsequent revision to the pipeline route within the State of Nebraska required or authorized by the State of Nebraska)” (Senate Bill 1, 114<sup>th</sup> Congress). The goal here was to grant automatic approval to the project in question, and thus circumvent the State Department decision process then in progress. Proponents of the bill wanted to take the decision out of the hands of the State Department (and ultimately the president) because they feared that the president would ultimately side with the opponents of the project.

The Keystone Pipeline is a proposed pipeline running from Alberta to Nebraska, a stretch of over 1,100 miles. This is only the northern end of the pipeline, as the southern end, running from Oklahoma to the Gulf of Mexico, had been approved in 2014. If complete, the pipeline is expected to carry 830,000 barrels of oil each day. Advocates of the pipeline have cited such benefits as increased jobs, lower gasoline prices and less American dependence on imported oil (BBC 2017). Opponents have criticized the numerous environmental hazards posed by the project. These include an increase in greenhouse gas emissions and possible spills. Also, the project has angered environmentalists because of its perceived message. That message is that the US was still looking to fossil fuels as an answer rather making a bigger investment in renewable energy. The implications of this message for climate change does not sit well with environmental activists (McKibben, 2013, 17-21; Shear and Davenport 2015; Fares 2015; BBC 2017; Eilperin and Zezima, 2015). An objective analysis of the project’s merits is made difficult by the political symbolism of the project. Even President Obama acknowledged that, stating in his final decision on the project in November, 2015 that the pipeline had an “overinflated role in our political discourse” and that, “It became a symbol too often used as a campaign cudgel by both parties

rather than a serious policy matter” (White House 2015). Along these lines, other observers noted that, “Since 2011, the proposed Keystone pipeline has emerged as a broader symbol of the partisan political clash over energy, climate change and the economy” (Shear and Davenport 2015).

President Obama’s veto of this legislation was closely linked to his disapproval of the project which came nine months later. The veto message itself was a terse 105 words. In it, Obama objects to Congress’s “attempts to circumvent longstanding and proven processes for determining whether or not building and operating a cross-border pipeline serves the national interest” (Obama Veto Message 2015). He also states that, “this act of Congress conflicts with established executive branch procedures and cuts short thorough consideration of issues that could bear on our national interest -- including our security, safety, and environment”, indicating that the bulk of his opposition to this legislation was procedural (Obama Veto Message 2015).

As proponents of the pipeline feared, Obama had substantive objections as well. These were articulated nine months after the veto, in November of 2015, when he made his final decision on the project. Technically, he was following the recommendation of the State Department (and the EPA), but ultimately the decision was his (BBC, 2017). There were four key points in his grounds for disapproval. His first point was that the project would not create many jobs. While thousands of temporary jobs would be created, there would be very few permanent ones. Second, Obama argued that the pipeline would not have any measurable impact on gas prices, as those are determined by global market forces well beyond any single action or project. Third, the president emphasized that the project would not increase American energy security. For a variety of reasons, oil imports had already been cut by half at this point in the Obama Administration and the project itself was unlikely to drive them any lower. Finally, Obama

argued that this project would undercut the efforts of the US to lead on climate change (White House 2015; Leber 2015). This last reason may have had the greatest significance. At the time of this decision, Obama was about to leave for Paris for a global climate summit and he wanted the symbolism of this rejection to give momentum to efforts to produce a global agreement on climate change (Davenport 2015a; Shear and Davenport 2015). Obama's focus on this aspect of the project also gladdened many grass-roots environmentalists who had made this issue a focus of their opposition. Bill McKibben, of the group 350.org, stated, "President Obama is the first world leader to reject a project because of its effect on the climate. That gives him new stature as an environmental leader, and it eloquently confirms the five years and millions of hours of work that people of every kind put into this fight" (Davenport 2015a). A final benefit of using this rationale for rejecting the pipeline was to enhance Obama's environmental legacy, which was burnished in the last years of his administration by decisions like this, significant changes in EPA regulations and a flurry of national monument designations (Davenport 2015a; Kelso 2017).

Much like President Clinton's veto of the spending bill, Obama's rejection of this legislation, and ultimately the project itself, were not that surprising. This action had many benefits for Obama and relatively few costs. Unlike Clinton, Obama was in his second term and thus did not have an election to consider. Nonetheless, the pressure from environmental activists clearly played a role here. Groups like 350.org had started substantial protests of the pipeline as early as August, 2011 (McKibben, 25-34). McKibben notes that before the grass-roots movement started, approval of the pipeline seemed assured. He states that, "Official Washington was wired to approve the pipeline. The State Department was conducting the official reviews, and Hillary Clinton had said even before it began that she was 'inclined' to approve the permit" (McKibben,

2013, 44). Fares notes that, “Had there not been a major grassroots campaign against the pipeline, I believe the Obama administration would have approved the pipeline based on the findings of its own State Department” (Fares 2015). Brinkley states that, “Once the grass-roots movement on the Keystone pipeline mobilized, it changed what it meant to the president. It went from a routine infrastructure project to the symbol of an era” (Davenport 2015a). Pressure from environmental activists is linked to a second key reason for the veto, which is Obama’s desire for a strong environmental legacy. Like Clinton, Obama had received overwhelming support from environmentalists in his initial election (Bomberg and Super 2009). However, environmentalists grew frustrated with Obama when initiatives such as the carbon cap-and-trade bill failed (Dickinson 2010; Foreman 2012, 258-259). Supporting the pipeline would have caused a sharp break in his relations with the environmental community and may have had long-term repercussions for Obama’s legacy. The legacy issue is related to the last key reason for the decision: the international reaction. As Obama stated, “America is now a global leader when it comes to taking serious action to fight climate change. And frankly, approving this project would have undercut that global leadership” (White House 2015). This was another area in which Obama faced criticism in his environmental record, due to lack of significant progress on international agreements on key environmental issues, most notably climate change. His efforts earlier in his administration to strike a deal at Copenhagen failed (McKibben 2013, 10; 141-143) and Obama saw Paris as perhaps his last chance to win a victory in the global environmental arena (Davenport 2015a). To do that, the US must demonstrate its willingness to make some sacrifices in the name of environmental protection and the Keystone Pipeline likely seemed to be a perfect symbol of that new determination. That demonstration did work, as the Paris talks were successful in bringing about the most comprehensive global agreement on climate change to date

(Sutter, Berlinger, and Ellis 2015). Obama was also helped by the election of a new Canadian Prime Minister, Justin Trudeau. While Trudeau favored the pipeline, it was not the “deal-breaker” for US-Canadian relations it had been for his predecessor. Trudeau did not even raise the issue in his first conversation with Obama after his election (Davenport 2015a).

In March, 2015, The Senate failed to override Obama’s pipeline veto by a margin of 62-37 (Davenport 2015). As stated above, in November of that year, President Obama formally rejected the project and stopped construction. This was not the end of the story as Obama’s decision held only to the end of his administration. The presidential election of 2016 had important consequences for this project. Upon taking office, one of Donald Trump’s earliest actions was to reverse Obama’s decision on the pipeline (Labott and Diamond 2017). Recently, a regulatory panel in Nebraska narrowly approved the project (NPR 2017). There are still numerous court battles to be fought and some still argue that the pipeline will never be built (CBS News 2017). There are financial considerations as well, related to the price of oil (Davenport 2015a). Regardless of what the final outcome is, this case clearly demonstrates the partisan difference in presidential administrations. If a Democrat had been elected president in 2016, the issue of the Keystone Pipeline would be settled, and the project would not be built in the foreseeable future. Because a Republican won the election, the issue is still alive and there is a strong chance that the pipeline will become a reality.

The case involving President Obama and the Keystone Pipeline is related to the hypotheses of this study in many ways. First, here is another example of a Democratic president using veto power to enhance environmental goals. In this case, much like in the Clinton situation described above, the purpose of the veto was to block action that was deemed harmful to environmental goals. Second, again like Clinton, Obama was strongly influenced by environmental activists. A



key difference between presidents in modern times may be which interest groups they listen to and this decision illustrates that Democrats listen to environmentalists, probably because they have become such an important constituency within the party (see above). Third, if environmental arguments find favor with recent Democratic chief executives, economic arguments, at least those which are usually put forth in environmental debates, do not. The fiscal austerity argument may have moved George W. Bush to use his veto, but Clinton strongly rejected it in 1995. The various economic arguments made for the Keystone Pipeline did not move President Obama and environmental concerns won the day. Fourth, this case provides a crystal-clear example of how presidents from different parties differ. A Democratic president made one decision, a pro-environmental one, and his Republican successor almost immediately reverses it. Trump has seemed to relish undermining Obama's environmental initiatives, going out of his way to reverse policy, but one might question whether any Republican would have made a different decision on the Keystone Pipeline (Mitt Romney's first TV ad of the 2012 general election cited the approval of Keystone Pipeline part of his Day 1 agenda (McKibben 2013, 128). That clearly demonstrates the differences between the parties on environmental policy, and underscores the importance of voting and election outcomes.

### **Conclusions and Implications**

The purpose of this paper was to examine the president's Legislative Leader role, with specific emphasis on the president's veto power. Through analysis of the use of veto power in the realm of environmental policy, this study sought to increase the understanding of how this policy instrument influences policy choices. The report argued for the importance of the Legislative Leader role for presidents, and the importance of veto power within that role.

The analysis also posited that Democrats and Republicans use veto power differently in the realm of environmental policy.

The results of the three case studies largely confirm these hypotheses. In each case, significant policy issues were raised by the legislation in question: funding for key agencies and programs, the fate of numerous water projects, the building of an immense pipeline. The president as Legislative Leader played a key role in each. Presidents had an impact on whether the legislation passed and the policy choices in question. The main device used by the presidents in these three cases to put their stamp on policy was the veto. Veto power gives the president a crucial role in the legislative process and by using this power, presidents have the potential to block bills and policy with which they disagree. This is true in environmental policy, as it is true in all other areas of policy.

The most crucial finding of this paper lies in the final hypothesis, that of the differences between Democratic and Republican presidents in the use of this power. Vetoes by Democratic presidents in the realm of environmental policy tend to be reactions to perceived threats to environmental protection. Clinton vetoed H.R. 1977 because he and others felt that its budget cuts posed a significant threat to environmental regulation in the US. Obama vetoed the Keystone Pipeline Approval Act because he felt the environmental costs outweighed the economic benefits. Republican presidents march to the beat of a different drummer. Fiscal austerity was the main reason given by President Bush for vetoing the Water Resources Development Act rather than any perceived environmental threat. This battle line, of environmental protection versus economic considerations, is a familiar one in recent environmental history in the US and provides a clear distinction here. Democrats side with the environment in most cases, driven to some extent by the environmental community.

Republicans side with the economic arguments in most cases, perhaps driven to the same extent by business interests.

This study has implications for the scholarly community and practical politics. For the scholarly community, it underscores the importance of the veto as a device used by presidents and emphasizes the importance of the veto in determining policy choices. Many of the reasons for vetoes identified in the scholarly community were at work in these cases, presidential approval, the party breakdown in Congress, looming elections, among others. These vetoes were not distinctive in that sense and represent an affirmation of previous work on the veto process. A second scholarly consideration is the evidence presented for policy differences on the environment between Democratic and Republican presidents. Numerous studies have demonstrated this point and this study adds fuel to that argument. If anything, these three cases show that the partisan divergence in the environmental area has only grown in the last 25 years.

The practical implications of this study are related to the last point. The “myth” that Democrats and Republicans do not differ on policy, specifically environmental policy, has no support here. Having a Democratic president as opposed to a Republican one in office will lead to different considerations and different policy choices. A Republican president would have signed H.R. 1977 without question. A Democrat would have had no problems with the Water Resources Development Act. As we know, from the results of the 2016 election, the Keystone Pipeline Approval Act would not have been necessary, as a Republican president would have approved the pipeline anyway. The bottom line is that the partisan affiliation of presidents does matter when it comes to the environment. This means that voting choices do matter. Who becomes president assumes the role of Legislative Leader and gains the significant power of the

veto. This allows the president to have a great impact on environmental policy, for better or worse.

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