

Sequential Veto Bargaining and Blame Game Politics as Explanations of Presidential Vetoes

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This paper tests two competing explanations of presidential vetoes – sequential veto bargaining and blame game politics. According to the SVB model, vetoes are the result of uncertainty about the president's true preferences on legislation. According to the blame game model, vetoes result because Congress deliberately passes bills the president will veto as a means of communicating relative positions to outside audiences. If vetoes were seen at the time of final as “sure” or “certain,” then there was little uncertainty about the president’s position, and SVB cannot account for them. If it was not clear at the time of a bill’s passage that it would be vetoed, blame game politics cannot be the explanation. The evidence points toward blame game politics as a far more important cause of vetoes than sequential veto bargaining.

Until recently there has been little scholarly consideration of why presidential vetoes occur, perhaps because the answer seemed obvious. Vetoes occur, one might reasonably conclude, because Congress passes bills the president does not want to become law. Passage of offensive legislation is undeniably the root cause of vetoes, but that explanation is incomplete. It begs the question of why Congress passes bills that the president will veto even though the president is in frequent communication with Congress about whether he will veto proposed bills. Given the ample communication between branches, it is surprising that differences cannot be resolved without a veto. Vetoes represent bargaining failures, and the cause of these failures requires explanation.

There are currently two well-developed, contradictory theories explaining why presidential vetoes occur. A “blame-game” theory holds that vetoes occur because Congress deliberately provokes them by passing bills that the president detests, knowing they will be vetoed. The “sequential veto bargaining” theory holds that vetoes occur because Congress lacks complete information about what bills the president will sign, and sends the president bills unsure of whether they will be vetoed. This paper tests these alternative explanations and finds that blame game politics accounts for far more vetoes than incomplete information.

Both theories begin with the dominant model of legislative executive relations in contemporary scholarship, a model of policy competition known as the “legislative agenda control” model (LAC). It is based on work by Romer and Rosenthal (1978), and has at its heart a two-person game in which the

legislature makes offers to the executive, which the executive can accept or refuse, but cannot amend (McCarty 1997). Presidential vetoes occupy an anomalous role in the LAC model, since the model, in its simpler forms, predicts that no vetoes will occur. When the players have complete information about each other's preferences, Congress knows what the president will sign and veto, and does not send bills that will be vetoed. That is, Congress will send the president only bills that improve the president's position relative to existing policy. Congress, knowing what policies improve on existing policy for the president, sends the president no bills that he will veto. The president, knowing that Congress knows what he will sign and veto, understands the uselessness of threatening to veto bills that actually represent an improvement, and so signs all bills presented to him.

Vetoes do not occur in the LAC model because of two key assumptions: first, that there is complete information, and second that the game provides no payoffs except from policy proximity. Both of these assumptions are in varying degrees open to question, and both of them could account for the inaccuracy of the pure LAC model. The two alternative theories of vetoes account for vetoes by relaxing different assumptions. Groseclose and McCarty (2001) and [Author cite] (199X) allow Congress and the president to compete over blame and credit as well as over policy and Congress intentionally passes bills that will be vetoed. Cameron (2000) adopts a model in which Congress lacks complete information regarding the president's preferences, and accidentally passes bills the president will veto. Both of these modifications of the LAC theory can account theoretically for vetoes. The goal of this paper is to test empirically which theory best accounts for the vetoes that actually occur.

Alternative explanations of vetoes. Groseclose and McCarty (2001) and [Author cite] (199X) contend that vetoes occur in part because Congress passes bills designed to be vetoed and draw a clear distinction between the majority party in Congress and a president of the other party. These vetoes, called blame-game vetoes by Groseclose and McCarty, are not accidental, but are part of a deliberate political strategy by Congress to cause political trouble for the president. Members of Congress are well aware in advance that certain bills will be vetoed, but pass them anyway. [Author cite] (199X) argues that “Congress passes a bill despite the expectation of a presidential veto, because it expects the veto to help their party and hurt the president.” (p. 131) Groseclose and McCarty write that “Instead of working toward a compromise, Congress chooses instead to create a campaign issue for the next election (p. 113).” The practice of provoking a veto is “an important and attractive tactic [that] accentuates the differences between the parties and provides useful information about the parties’ positions.” (p. 120)

The explanation of vetoes developed by Groseclose and McCarty and [Author cite] differs from the LAC model of vetoes by introducing an audience that observes political bargaining. Politicians are interested in obtaining policy goals, but in bargaining they can seek to appeal to constituency groups, and can benefit or be hurt by the information conveyed to the audience by vetoes. By passing a popular law that the president will veto, members of the majority in Congress can claim credit for themselves and generate blame for the president. Blame game politics is a variant on “position taking,” which, as

Mayhew (1974) explains, does not depend for its success on actually enacting a law.

By contrast, Cameron (2000), asserts that vetoes result from incomplete information in Congress about the president's preferences. Congress wants to adopt the bill closest to its ideal point that the president is willing to sign. The problem for Congress is that, because of uncertainty about the president's true preferences, it is hard to identify exactly the best possible bill. Sometimes Congress will adopt a bill that the president will not sign. But when this happens, it is accidental, not by design. Cameron explains:

Congress begins with a notion of the range of possible presidential preferences and so bases the content of its initial bill on its expectations about what the president might accept.

Congress will not pass a bill that every likely type of president would veto – such a bill would be pointless. Nor is it likely (except under special circumstances, detailed shortly) to pass a bill the president would surely sign whatever his true preferences. To do so would yield too much. Thus, Congress is likely to pass a tough bill but one with a reasonable chance of enactment. (Cameron 2000, p. 111)

In this theory, vetoes occur when Congress miscalculates, passes a bill that is too "tough," and the president will not sign.

In Cameron's model, there is no benefit in passing a bill that cannot become law because there is no payoff from public approval. His innovation is to introduce incomplete information about the president's preferences, and by

this innovation vetoes become explicable in the LAC model. Congress passes bills that are later vetoed because Congress cannot know for sure what the president will sign. They pass bills that are close to the congressional ideal point, hoping the president will sign. If the first bill is vetoed, Congress passes another, closer to the president's position. If that is vetoed, they can try again and again until they find a bill that is mutually acceptable. Cameron calls this process "sequential veto bargaining" (SVB). A key element of Cameron's treatment of the veto process is the occurrence of "veto chains," which are characteristic of Congress and the president groping for agreement, and occasionally failing, necessitating the passage of another bill.

At the aggregate level, blame game and sequential bargaining are not mutually exclusive explanations. That is, some vetoes can be blame-game and others can be due to SVB. At the level of the individual bill, these are incompatible explanations. Cameron acknowledges the possibility of blame-game vetoes, but dismisses them as unimportant. He finds only five clear instances of blame game vetoes in the period of his study, 1945-1992 (p. 195).

To date, neither theory has been adequately tested. Cameron adduces much evidence that is consistent with his models, but he never subjects them and their predictions to a critical test, and he never tests his models against alternative explanations. Many of the predictions of his model are consistent with other explanations or simple commonsense. He writes, for example, that "The model neatly explains why veto threats are rare during unified government but relatively frequent during divided government." (p. 192) Obtaining empirical evidence consistent with a pedestrian "prediction" of this kind does not prove the model is correct. In the empirical part of their article, Groseclose and McCarty show

that major vetoes are followed by a decline in the president's popularity -- a finding that is consistent with and supports their theory. For both blame game and SVB theories, more rigorous testing that compares alternative explanations is required.

Testing competing theories. This paper proposes and implements a critical test to determine the extent to which individual vetoes are caused by blame-game politics or by uncertainty about the president's position and sequential veto bargaining. The key issue is the existence of uncertainty about the fate of the bill at the time it achieves final passage by Congress. If a veto results from SVB, we should expect to observe, at the time of the bill's final congressional passage, uncertainty about whether it will be signed or vetoed. Uncertainty is consistent with incomplete information about presidential preferences. If a veto is the result of blame game politics, it should be clear at the time bill passes that it will be vetoed. Certainty about a veto is consistent with provoking a veto.

This test is useful because it allows us to find disconfirming evidence of both theories. If a bill later vetoed passes in the face of apparent certainty that it will be vetoed, we can say with confidence that the veto was not the result of SVB. If a bill later vetoed passes amidst uncertainty whether it will be signed or vetoed, we can conclude that the veto was not the result of blame game politics. Proving that either SVB or blame game was behind a particular veto requires additional evidence.

To conduct this test I have examined all vetoed bills from six congresses (100th-102nd and 104th-106th) to see if a veto was expected at the time each bill

achieved final passage by Congress. The six congresses are all characterized by divided party government. They overlap partially with the period of Cameron's study. I searched in the New York Times, the Washington Post, the Los Angeles Times, and Congressional Quarterly Weekly Report for stories written at the time bills later vetoed were cleared to be sent to the president. Whenever possible, I used stories published the day after the bill cleared, thus written the day of passage. I take the reporters and other observers quoted in the stories to be experts in the likelihood of vetoes. Their stories will be based on the information available at the time of passage. Based on information from news stories, bills can be classified into several categories relating to veto expectation.

1. "Sure" Vetoes. First are bills that, according to the author of an article or some other contemporary and apparently reliable observer quoted in a story, were considered "sure" to be vetoed. Other terms and phrases that would qualify a bill for this category are "certain to be vetoed," "expected to be vetoed," "headed for a veto," "veto looms," and so on. This category is for bills that, in the minds of contemporary expert observers, were seen as very likely if not sure to be vetoed. In other words, when these bills are vetoed, it is not surprising, and there is almost no uncertainty about the president's intentions. Coding rule: At least one article calls veto sure, and there is no evidence of equivocation in the president's position, and not a veto proof majority.

2. Promised or “Threatened” Vetoes. The second category is for bills that the president had "promised" to veto. Other terminology and phrases that would qualify a bill for this category are "sworn to veto," or "threatened to veto," or other similar language. The key difference between this and the "sure" veto category is that for these, there is no subjective assessment by a contemporary that the veto was extremely likely, just a statement that the president would veto the bill. Coding rule: At least one article says veto is threatened, and there is no evidence of equivocation in the president’s position, and not a veto proof majority.

3. Uncertain Vetoes. The third category includes bills about which there was some evidence of uncertainty regarding the president’s intentions. If it is said at the time of final passage that the president "may" veto the bill, or will "probably exercise the veto," that implies some doubt, and lands the bill in this category. Any suggestion of uncertainty, either from the White House or other observers, puts the bill in this category. Coding rule: At least one article indicates equivocation in the president’s position.

4. Surprise Vetoes. A fourth category is small. It is for bills that were vetoed even though the president did not warn of a veto, or even indicated support. Coding rule: Article says bill was vetoed despite prior presidential support.

5. Two-thirds majorities. Bills that, because they passed with veto-proof majorities, could have become law over a

veto. Coding rule: Bill passed with at least two-thirds support in both chambers but veto was not overridden.

6. Overrides. A sixth category is for those bills that were vetoed and the veto was overridden. Coding rule: Veto was actually overridden.

I classified the bills myself. It was not particularly difficult, and the number of close cases was small. In a very few cases I simply could not find enough information to make a judgment. Fortunately, those bills tend to be unimportant. I excluded vetoed bills I deemed to be unimportant. An example of a minor veto would be one from the 104th Congress, H.R. 2909, "A bill to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that act only by donation or exchange, or otherwise with the consent of the landowner."

The following examples will suggest the information on which I based coding decisions. An instance of a bill about which there was uncertainty was one regulating children's television, H.R. 3966, passed in the 100th Congress. A news story included the following: "Congress. . . Wednesday approved landmark legislation to limit the amount of advertising on children's programs. . . The White House signaled, however, that President Reagan may veto the measure on grounds that it would interfere with the free speech of broadcasters." Because the White House said that President Reagan "may veto" the bill, it seems there was uncertainty about the president's decision.

As an example of a "sure veto", the 100th Congress passed a textile trade bill that was opposed by President Reagan, H.R. 1154. The Los Angeles Times

summarized the situation: "The House on Friday gave final passage to legislation tightening limits on imports of textiles, clothing and shoes and sent it to the White House for certain veto by President Reagan. The 248-150 vote fell short of the two-thirds margin necessary to override a veto, and House Speaker Jim Wright (D-Tex.) conceded the measure's survival was 'doubtful.'" This bill easily fits into the "Sure Veto" category because there is a subjective judgment by an observer – the reporter – that he bill was sure to be vetoed, no evidence of uncertainty, and no chance the veto would be overridden.

A family leave bill in the 101st Congress provides an example of a "promised" veto: "Defying a White House veto threat, the Senate gave final congressional approval Thursday to landmark legislation that would require large companies and governments to grant unpaid family or medical leave to their employees." Because the story reported a veto threat, and contained no evidence of equivocation by the president, this bill fits the "promised" veto category.

Two bills passed in the 100th Congress, H.R. 1 and H.R. 2, are examples of overrides. The first was a clean water bill and the second was a highway construction authorization. Reagan was against both, vetoed both, and both vetoes were overridden. Because veto proof majorities passed both bills, uncertainty about the president's position was unimportant.

A much rarer circumstance was for the president to reverse his position, vetoing a bill that members of Congress believed was sure to be signed. This happened in the case of a bill designed to protect government "whistleblowers." Members of Congress were surprised when the bill was vetoed. According to a Los Angeles Times story, "Administration officials acknowledged that Joseph R.

Wright Jr., acting director of the Office of Management and Budget, officially endorsed the measure in a letter to House leaders on Oct. 3. This category is small but important to distinguish, because even though Congress did not expect a veto, neither was there uncertainty about the bill.

As there can also be uncertainty about whether a veto can be overridden, I have included a category for bills that passed by apparently veto-proof margins in the House and Senate. These are bills that passed by at least a two-thirds majority in each chamber, or passed without a recorded vote. All of these bills would otherwise fit in the “sure” or “threatened” categories, as there was no evidence of uncertainty in the president’s intention to veto these bills.

A number of bills that are vetoed are either relatively unimportant or sometimes extremely unimportant. These are excluded from the analysis, as are bills that generated no news coverage. The bills that generated no news coverage were not important. A total of 23 vetoed bills are in the minor or no information category.

Interpreting “sure” and “threatened” vetoes. A number of questions arise concerning the interpretation of these two categories. First, should the judgements of reporters that veto was sure be trusted? Second, if a veto is “threatened,” could it be that the president was bluffing in order to obtain concessions from Congress, but would have signed the bill if presented to him? If so, “threatened” bills are uncertain. Further, limiting the analysis to bills that were vetoed leaves open the possibility that Congress passed bills that would qualify under these criteria as “sure” or “threatened” vetoes, but which were signed into law by the president. If so, uncertainty could surround the

passage of bills in the sure or threatened categories.. To ascertain whether one can accurately predict the fate of bills based on what reporters say about them at the time of final passage requires an examination of bills that were not vetoed.

To settle these questions I examined all bills that (1) became law from the congresses 100-102 and 104-106 and (2) were the subject of a Congressional Quarterly key vote. This yields a set of 86 bills that are of at least moderate importance and relatively controversial. These bills are more likely than a random sample to have been the subject of veto threats. I evaluated and categorized each of these bills in the same way I did the vetoed bills, using news stories to determine whether a veto was “sure,” “uncertain,” and so on. There was an additional category of bills the president said he would sign.

If a non-trivial portion of bills that become law succeeded despite a veto threat, then we can see threats as bluffs, and bills with veto threats lodged against them should be seen as facing an uncertain future. If bills that become law include few or virtually none that were threatened with a veto immediately before passage, or were seen as “sure” vetoes, we can conclude that veto threats carry reliable information about presidential intentions, and that journalists’ judgements of veto probability are reliable. The analysis shows that, among the bills that became law, none were considered “sure” vetoes at the time of passage. Only one of the 86 bills passed with a veto threat against it at the time.

The absence of “sure” vetoes among the bills signed into law lends credence to journalistic judgements of veto probability. We can conclude that bills in that category were doomed to be vetoed. The near absence among signed bills of those passed with a veto threat lodged at time of final passage indicates that presidents do not routinely

threaten vetoes when they do not plan to follow through. Thus there was very little or no uncertainty about the president's position on bills in the “sure” and “threatened” veto categories. We should interpret bills in the “threatened” veto category as having an extremely high probability of being vetoed, with little or no uncertainty about their fate upon reaching the president.

Results. A summary of the results of the analysis of vetoed bills in the six congresses is presented in Table 1. Table 2 lists by Congress all bills in the “sure” veto category, along with a summary of the evidence that led me to assign the bill to that category. Table 3 lists all bills in the “threatened” category. Table 4 lists all bills in the “uncertain” category. Table 5 lists all bills that passed with veto-proof margins. These lists of bills are lengthy, but interesting and worth perusing. They convey better than any possible description the kinds of bills that fall into different categories. Presenting the data in this way also allows the reader to evaluate the classification of bills and understand what kinds of bills populate each category.

The results presented in Table 1 are striking. Sure vetoes outnumber uncertain vetoes, 30 to 13. The 17 threatened vetoes are also more common than uncertain vetoes. Leaving out minor vetoes, sixty percent of vetoes were passed by Congress with no reasonable chance that they would become law. Uncertain vetoes were less than twenty percent of the total.

If a veto was sure or certain, that rules out SVB as an explanation, but does not prove it was blame game. To show that a veto was plausibly a product of blame game politics, the bill must have had no reasonable chance of becoming law and the issue must be one that would help the majority in

Congress and hurt the president if a bill were passed and vetoed. This requires some judgement. In general the kinds of issues that lend themselves to blame game politics are those that appeal to a large constituency, especially one whose votes are regarded as moveable in an election. In Table 2, which lists “sure” vetoes, I have placed an asterisk next to vetoes that seem to qualify as blame game vetoes. These involve issues like abortion, minimum wage, trade, family leave, and the like. These are bills that propose to do something that is popular with some constituents, and which will make the president look bad when he vetoes the bill.

Evidence that a veto was uncertain rules out blame game politics as an explanation, but does not prove that SVB caused the veto. Showing that a veto was caused by SVB requires evidence that Congress tried again to pass the bill. Bills pocket vetoed at the end of a president’s term cannot be SVB caused, since Congress lacks another chance. Many of the bills in the uncertain category were dropped after the veto, and thus cannot be seen as SVB. In table 4 I have placed an asterisk next to vetoes that seem to qualify as SVB.

Many of the sure or certain vetoes are likely to have been veto bait. They passed without veto proof majorities despite certainty that they would be vetoed. Moreover, most of them address what Evans (2000) calls “message issues” -- issues that a party feels deliver a useful message for their party, issues that they want to emphasize to their benefit and the other party’s detriment. Both of the sure vetoes from the 100th Congress deal with international trade, a hot issue at the time and one that Democrats sought to use to their advantage. In the 101st Congress, the sure vetoes involved trade, again, and the minimum wage, issues Democrats felt worked to their advantage against a Republican president. In the 102nd Congress, the sure vetoes pertained to abortion, trade, campaign

finance, family leave, and unemployment compensation -- all issues Democrats were eager to use against President Bush. By my count, twenty of the sure vetoes and eight of the threatened vetoes qualify as blame game vetoes. Thus, more than a third of non-minor vetoes appear to have been passed in an effort to convey information to the public about the relative positions of Congress and the president, with virtually no chance of becoming law.

Beginning with the 104th Congress, the emphasis of the sure vetoes shifted to Republican message issues. In the 104th, sure vetoes involved product liability litigation, partial birth abortion, and the Republican budget-balancing bill, among others. In the 105th Congress, partial birth abortion appeared again as a sure veto. In the 106th Congress, sure vetoes centered on estate tax repeal, Social Security tax cuts, and income tax cuts. In the 106th Congress, Republicans in Congress had a clear message -- if you want tax cuts, elect a Republican president. They passed bills they knew Clinton would veto in order to clarify the difference between the parties. The majority of sure vetoes fit well into the category of blame game vetoes. In the 104th Congress, most of the sure vetoes do not appear to have been blame game vetoes. Many were appropriations bills, and it is clear from the context that the Republicans did not want them vetoed. These vetoes may have resulted from a lack of experience among the new Republican majority, and an overestimate of their power to force changes through the legislative process (Fenno 1997).

Few vetoes in the “uncertain” category seem to be the result of sequential veto bargaining. Of the uncertain vetoes in the 100th Congress, one, limiting advertising on children’s television, was a pocket veto in Reagan’s last year, meaning there could be no sequential bargaining. Another was a defense authorization vetoed by Reagan to throw

more emphasis on defense issues as a way of helping George Bush in the 1988 presidential campaign.¹ This was not sequential bargaining as much as it was an instance of the White House provoking a veto in order to emphasize differences between the parties. Another was a tax bill vetoed by Bush after his 1992 defeat. Others – limiting children’s television advertising, revising the fairness doctrine, revising the orphan drug law, weapons sanctions, and tightening government security, were vetoed and not revived. Without a sequence, it cannot be sequential veto bargaining.

A small number of vetoes appear to qualify as sequential veto bargaining. The most prominent of them was a continuing resolution passed in the 104th Congress. When Clinton vetoed it, the first of two government shutdowns in 1995 ensued. Republicans miscalculated, attaching a Medicare premium provision, and this gave Clinton a good pretext for vetoing the bill. Had they left it off, as some advised, Clinton might well have signed (Stephanopoulos 1999).

If supporters of bills destined for a veto had reasonable hopes to override, then it would be possible to explain vetoes without recourse to the blame game theory. Frequently supporters of doomed bills assert that they plan to override. Cameron considers uncertainty about overrides as an important source of vetoes, although he focuses more attention on uncertainty about the president’s position. But veto overrides are difficult and rare, and bills that passed with veto proof majorities were excluded from the “sure” and “threatened” veto categories. The possibility of veto overrides does not explain the strong tendency of Congress to send bills to a certain death. We are left with the conclusion that uncertainty is not an important cause of presidential vetoes.

¹ Interview with Kenneth Duberstein.

Veto Chains. The following section provides a second test of the causes of vetoes. Cameron shows that many vetoes are part of veto chains – one or more vetoes of related bills, sometimes followed by successful enactment of a bill. These chains are emblematic of SVB for Cameron, for they suggest that Congress is inching toward the president’s position, trying to find the bill closest to their position that the president will sign. Cameron identifies a number of veto chains and contends that most of them are sequential veto bargaining (see his Table 5.7, p. 147).

But veto chains are also entirely consistent with blame-game politics. In the blame-game interpretation of veto chains, Congress first passes a bill designed to elicit a veto and clarify for the public where the president and Congress stand on an issue. They do it a second time, lest the public forget. Congress might make some minor concessions to the president to show that they are being “reasonable.” Then members of Congress may decide that, having clarified the issue for the public, it is time to pass a bill and avoid the “do-nothing” label. [Author cite] (199X, pp. 124-125) explains: “A variation on the veto strategy is for Congress first to pass an uncompromising bill that the president vetoes, and then to pass a scaled-back version that the president will sign. . . . This is probably as close as [Congress] can come to having both a bill and an issue.” Veto chains can be the result of either SVB or blame-game politics. Only by looking closely at a particular chain can we determine the logic that produced it. Veto chains provide an especially useful opportunity to test blame game and sequential veto bargaining as explanations of presidential vetoes, since it would seem that veto chains would provide

an ideal venue in which to observe sequential veto bargaining. If evidence of SVB is to be found anywhere, it should be among veto chains.

The goal of the following test is to ascertain whether the vetoes that form chains were expected or uncertain. If, at the time the bills that comprise a chain achieve final congressional passage, observers believe that a veto is possible or likely, that indicates a degree of uncertainty consistent with SVB. If observers report that a veto is certain, expected, promised, etc., that is consistent with blame game politics. This test is very similar to that employed earlier in the paper. To ascertain expectations, I read news stories published at the time the bills were passed. For chains prior to 1980, I used the New York Times; for later chain I used the Los Angeles Times, the Washington Post, and the New York Times. I examined all veto chains from the Eisenhower through Clinton administrations. I found twelve veto chains -- defined as bills on very similar subjects vetoed twice by a single president. A summary of expectations surrounding passage of each bill in the twelve chains is contained in Table 4.

Veto chains can be divided into three groups: (1) those in which both vetoes were anticipated, (2) those in which at least one veto was uncertain, and (3) one chain in which the first veto came despite the president having supported the bill. There were seven veto chains in which both vetoes were readily predictable, and four cases in which there was some uncertainty.

Six of the veto chains appear to be plausible cases of blame game politics – that is, the vetoes were expected and the issues were ones that would allow the congressional majority to use a veto against the president and his party. The issues include partial birth abortion, welfare reform, family and medical leave, oil price controls, and strip mining

regulation -- all issues that allowed members of Congress to ally themselves with popular causes, and to make the president look bad when he vetoed the bill.

SVB may explain several of the four chains characterized by some degree of uncertainty. In the case of two public broadcasting authorization vetoes in 1984, both bills authorized a higher level of spending than Reagan sought. But the White House never gave a clear signal of the president's intentions. Congress did not want these vetoes, and may have been confused about the president's intentions. In two housing bill vetoes in 1959, Congress sought as strong a bill as possible, scaling back the bill after each veto until the bill passed on the third try. In neither case did the Eisenhower Administration clearly threaten a veto (but Maurice Stans, the budget director, said that "the president never committed himself in advance"). In both of these cases there was uncertainty about the fate of the bill, and the vetoes likely resulted from sequential veto bargaining..

Veto chains provide some evidence of uncertainty as a cause of vetoes, but even in these cases uncertainty about the president's preferences is not an abundant source of presidential vetoes. Many more vetoes are easily predicted in advance, and fit into a congressional strategy of embarrassing the president by forcing him to veto widely popular legislation.

Conclusion. In summary, evidence indicates that there is little or no uncertainty about a large majority of vetoes. Blame game politics appears to be far more important

than uncertainty about the president's preferences as an explanation of presidential vetoes. Sequential veto bargaining as depicted Cameron appears only occasionally, and when it does it is seldom with important bills.

Veto conflict represents something very different under blame-game and SVB models. If vetoes are predominantly the product of blame-game politics, then much bargaining between Congress and the president is not really about reaching agreement, but about posturing for the public, and allocating blame and credit. If vetoes were predominantly the result of SVB, then bargaining between Congress and the president is an authentic search for agreement.

Cameron goes wrong when he assumes that there is significant uncertainty about the president's position. As Cameron sees it, the president will deliberately misstate his position in order to increase his bargaining power, and can get away with such dissembling. A customer bargaining over car prices can gain advantage by seeming less interested in buying a particular car than he really is. But that analogy cannot be applied to the circumstance under which a president bargains. Unlike car buyers, presidents regularly use speeches and press conferences to tell interested outside observers their position. They cannot easily change their position without being accused of waffling and without offending supporters who care about those issues. Further, if presidents were known to issue false veto threats routinely, as Cameron implies they must, Congress would routinely ignore veto threats. This form of communication of presidential intentions is so valuable to presidents that they would be foolish to degrade it by trying to hoodwink Congress.

Political scientists like to study vetoes, in part because vetoes seem to be a regular, quantifiable evidence of conflict between Congress and the president. The

research reported here suggests a different interpretation of vetoes and legislative-executive conflict. For vetoes to be evidence of conflict between Congress and the president, they would have to be an inevitable byproduct of such conflict, much as smoke is a byproduct of fire. But vetoes of important bills are not a natural or accidental part of the legislative process. On legislation where there is not a goal of embarrassing the other side, Congress and the president seem very good at working out their differences without a veto. When vetoes of important bills occur, they usually occur because the majority party deliberately stages them. Vetoes of important bills are not evidence of legislative-executive conflict, but evidence that Congress wants to create the appearance of conflict.

The legislative process is about far more than just making laws. Members of Congress use the legislative process as a means of communicating their positions to constituents, and they find the practice of forcing the president to veto bills a splendid way to clarify differences between the president and the congressional majority. Theories of the legislative process that assume no motivation except enacting laws miss a fundamental and pervasive aspect of legislative politics. Achieving policy goals is unquestionably important, but politics – especially the politics of the veto -- is also about allocating blame and credit.

Table 1: Vetoes by Category

	Sure and Certain Vetoes	Threatened Vetoes	Uncertain Vetoes	Surprise Vetoes	Two-thirds Majorities	Veto Overrides	Minor/No info.
Congress							
100 th	2	0	3	2	0	3	9
101st	4	5	4	0	5	0	2
102nd	8	3	1	0	1	1	11
104th	9	3	2	0	1	1	1
105th	2	3	1	0	1	1	0
106 th	5	3	2	1	0	0	0
—	—	—	—	—	—	—	—
Total	30	17	13	3	9	6	23
Percent	38%	22%	17%	4%	12%	8%	----

Table 2: Sure or Expected Vetoes:

100th Congress

*HR 3 – Trade bill considered protectionist. Veto called “certain” by WP. (Senate: 63-36)

*HR 1154 – Textile trade bill. Also considered protectionist. Veto called “certain” by LAT. (Senate: 59-36)

101st Congress

*HR 2 – Minimum wage increase. Veto called “certain” by LAT. (House: 247-172)

*HR 4328 – Imposed quotas on textile imports. More protectionist legislation. . Veto called “certain” by WP. (House: 271-149)

SJRes 113 – Prohibiting export of technology to co-produce FSX fighter jet with Japan. Veto called “certain” by NYT. (House: 241-168)

*[H.R.3026](#): -- DC Appropriations. First of two vetoes. At issue was funding of abortions. Veto called “certain” by WP. (House: 232-186)

102nd Congress

HR 2707 – Labor-HHS appropriations. Lifted “gag-rule” on abortion counseling. “The legislation, approved earlier by the House by a margin that fell short of the two-thirds necessary to override a veto, now goes to Bush, who is considered virtually certain to veto it.” (WP) .” Sen. Jesse Helms charged that the bill is one of several “‘anti-family’ bills promoted by Democrats to embarrass Bush.” (WP) (House: 272-156)

*HR 2699 – DC appropriations. Bill allowed DC to pay for abortions. Opponents did not fight provision in House because they were “sure” Bush would veto it (WP). (House: 239-180)

*HR 4210 – Tax cuts. According to NYT: “House and Senate negotiators worked tonight to try to finish sweeping tax legislation they knew would not become law.” (House: 211-189)

*HR 5517 – DC appropriations again. Same abortion funding issue story. (House: 235-173)

*S 3 – Campaign finance reform. Included public finance of elections, a poison pill for Bush. Veto called “certain” by NYT. (House: 259-165)

*S 5 – Family and Medical Leave Bill. Veto called “certain” by LAT. (House: 241-161)

*S 323 – Lift “gag” rule. Bill to reverse executive order banning abortion counseling at federally-funded facilities. Veto called “virtually certain” by WP. (House: 251-144)

*S 1722 – Emergency unemployment compensation. Veto called “certain” by LAT. (House: 65-35)

104th Congress

*HR 4 – Welfare reform bill. “Destined” for a veto. (LAT). (Senate: 52-47)

HR 743 – Labor-management “reform” opposed by unions. According to CQWR, Congress sent bill to “a waiting veto pen.” (Senate: 53-46)

*HR 956 – Limit on damage awards in product liability litigation. Veto called “expected” by CQWR. (Senate: 59-40)

*HR 1833 – Partial-birth abortion ban. Veto called “expected” by LAT. (Senate: 54-44)

HR 1977 – Interior Department appropriations. Objectionable for a variety of specific program cuts. Veto called “looming” by CQWR. (Senate: 58-40)

HR 2076 – Commerce, State, Justice Appropriations. Many specific objections by Clinton. Veto called “expected” by CQWR. According to CQWR, “A presidential veto could open a fresh round of negotiations, one aimed at winning bipartisan support.”² (Senate: 50-48)

HR 2099 – Veterans Appropriations. Many specific objections, including elimination of Americorp. Veto called “expected” by CQWR. (House: 227-190)

*HR 2491 – Monumental reconciliation bill to balance the budget in seven years. Veto called “all but certain” by LAT. (House: 235-192)

HR 2586 – Debt ceiling bill. Imposed Medicare premium increases. According to CQWR, Republican lawmakers “knew that the bill would face a veto.” (Senate: 49-47)

105th Congress

*HR 1122 – Ban partial birth abortion. Congress sent “it to the White House for a certain veto.” (LAT) (Senate: 64-36)

HR 1757 – Consolidate international agencies. Bill would have paid UN dues, but attached conditions Clinton disliked. Veto “expected.” (NYT) (Senate: 51-49)

²Ibid.

106th Congress

*HR 8 – Estate tax repeal. Bill called “veto-bound” by LAT. (Senate: 59 – 39)

HR 2670 – Commerce, State, Justice Appropriations. Not enough money for hiring “100,000 police officers.” Veto “sure.” according to NYT. (House: 215-213)

*HR 2488 – Tax cut bill. Veto “certain,” according to LAT. (Senate: 50-49)

*HR 4810 – Cut Social Security Taxes. Passed on eve of Republican convention. Clinton “expected to veto,” according to LAT. (House: 271 – 156)

S 1287 – Nuclear waste storage. “Veto looms,” according to LAT. (House: 253 – 167)

* indicates likely blame game vetoes.

Table 3: Threatened or Promised Vetoes

100th Congress

None

101st Congress

*HR 770 – Family and medical leave. “Defying a White House veto threat, the Senate gave final congressional approval Thursday to landmark legislation. . . .” (LAT) “Democrats believe a Bush veto will cede them the high political ground in an election year on an issue they believe is widely supported by voters.” (WP) (House: 237-187)

HR2939 – Foreign assistance appropriations. Bill earmarked \$15 million for family planning programs opposed by Bush administration. Senate decided to “defy a presidential veto threat” by funding a “family planning agency strongly condemned by President Bush.” (LAT) (House: 207-200)

HR 1231 – Establish board to investigate labor dispute involving Eastern Airlines. Unions were angry about actions taken by the airline’s owner. But “Senior Administration officials have said they will advise President Bush to veto any such measure.” (NYT) This bill may have been designed to drive a wedge between Bush and organized labor. According to the LAT, “labor leaders said a Bush veto would end any pretense of cordiality between the AFL-CIO and the Administration.” (House: 252-167)

*HR 3610 – DC appropriations. Similar to HR 3026, a sure veto. “Congress also defied the President’s threat to veto a \$4-billion money bill for the District of Columbia, including in it another abortion provision he opposes.” Democrats seemed to revel in the possibility of a veto: Les AuCoin (D-OR) said: “He has walked the Republican Party down the plank.” Rep. Barbara Boxer (D-CA) added: “We’ll take it to the people.” (LAT) (House: 229-191)

S 2104 – Amend Civil Rights Act of 1964. This was a bill to reverse several Supreme Court decision on employment discrimination. Bush called the bill a “quota bill” and “promised” to veto it. (WP) (House: 273-154)

102nd Congress

*HR 2212 – Restricting Most-Favored-Nation Status for China. Conditioned MFN status on human rights record. Bush “repeatedly threatened to veto the legislation.” (NYT) “The Senate’s Democratic leadership insisted on the vote today to force the President and Republicans into the politically awkward position of publicly supporting the Chinese Government in an election year.” (NYT) (Senate: 59-39)

*S 250 – Motor-voter bill. Eased voter registration procedures. Republicans feared it would increase fraud and number of Democratic voters. According to LAT, “it faces a presidential veto.” (House: 268-153)

*HR 2507 – Fetal tissue research. This was a NIH bill that permitted fetal tissue research. According to WP, Bush “promised” to veto the bill. There was a possibility of veto override, but it failed. (House: 260-148)

104th Congress

HR 1158 – Spending cuts/Oklahoma City relief appropriations. Despite containing funds for Oklahoma City relief in wake of Murrah Building bombing, Clinton opposed spending cuts in the bill. “President Clinton vowed again to use his first veto to kill the legislation.” (NYT) (House: 235-189)

HR 1561 – Reduce foreign affairs bureaucracy. “Ignoring a threatened presidential veto,” Congress passed bill. (CQWR) (Senate: 52-44)

HR 1530 – Defense authorization. Provided for missile defense, and limited president’s authority to deploy troops abroad. In passing bill, Congress “defied veto threats.” (WP) Sam Nunn led opposition to bill. It was first defense authorization he opposed. (Senate: 51-43)

105th Congress

HR 1469 – Flood relief/Bosnia funding. This was opposed because of unrelated riders. Clinton “promised” to veto the bill. Republicans did not want a veto on this bill. Clinton saw advantage in pointing out the Republican tactic of attaching unrelated, controversial provisions to a disaster relief bill. “White House officials were almost gleeful about an opportunity to blast Republicans. ‘We can kick them till the cows come home,’ said one official.” (WP) Republicans seem to have overestimated their power. (House: 220-201)

*HR 2646 – Establish education IRA accounts. Clinton “promised” to veto the bill. (LAT). (House: 225-197)

*S 1502 – DC education bill. Would allow school choice in District. Clinton “promised” to veto bill. (WP) (House: 214-206)

106th Congress

HR 4733 – Energy and water appropriations. Veto “threatened.” (WP) (Senate: 57 – 37)

HR 2606 – Foreign operations appropriations. “The bill drew sharp criticism from Democrats and a veto threat from the White House because it would provide \$ 1.9

billion less than President Clinton requested and contains nothing to help implement the 1998 Wye River Middle East peace accords.” (WP) (House: 214-211)

HR 3064 -- DC appropriations. Bill combined DC and Labor appropriations. In passing bill, Congress was “Defying a veto threat.” (WP) (Senate: 49-48)

Table 4: Uncertain Vetoes

100th Congress

HR 4264 – Defense authorization. No veto proof majority. According to WP, “‘I’m not certain the president will sign this bill,’ said Minority Leader Robert J. Dole (R-Kan.), although he acknowledged that Defense Secretary Frank C. Carlucci may rather see it signed than risk further rewriting by Congress.” White House based blame game politics: Reagan vetoed this bill to show up Democrats as weak on defense and help the 1988 Bush campaign.

HR 3966 – Limit advertising on children’s TV. According to LAT, “The White House signaled, however, that President Reagan may veto the measure on grounds that it would interfere with the free speech of broadcasters.”

S 742 – Fairness doctrine. According to LAT, “The controversial legislation, which was opposed by the Reagan Administration, now goes to the White House amid speculation that the President may exercise his veto power.” (Pocket)

101st Congress

*HR 2364 – Amtrak Authorization. According to WP: “Transportation Department and senior White House officials have urged Bush to veto the Amtrak bill for reasons unrelated to the Conrail exemption -- namely that it gives Amtrak too much money and puts too many strictures on buyouts of freight railroads.” Members of Congress thought there might be some chance of an override, but it failed.

HR 4638 – Revise Orphan Drug law. Bill to revise previous orphan drug law. Opposed by drug companies. Earlier version was opposed by Quayle’s Competitiveness Council, but, according to LAT, “a compromise of sorts was fashioned.” (Pocket)

HR 4653 – Weapons sanctions bill. Imposed sanctions on countries that use biological or chemical weapons. State and Defense Departments split on whether to veto. (Pocket)

*S 2834 – Intelligence authorization. “Several GOP members said they favor a presidential veto of the measure, but Rep. Henry J. Hyde (R-Ill.) announced that the White House would sign it despite what Hyde called its “micromanagement” of intelligence matters.” (WP) (Pocket)

102nd Congress

HR 11 – Enterprise zones and urban assistance. Bush issued repeated veto threats, but members of Congress were hopeful that, if they held the bill until after the 1992 election, he might sign. (Pocket) There could be no follow up since this was vetoed after Bush lost the election.

104th Congress

HR 1854 – Legislative branch appropriations. Clinton sent “mixed signals about whether he will sign. . . .” (CQWR) Clinton vetoed this only because he said it was inappropriate for Congress to pass its own funding before the rest of the government.

*HJRes 115 – Continuing resolution. Veto of this bill brought on the first shutdown in 1995. “President Clinton cited the increased [Medicare] premiums as one reason he would probably veto the stopgap spending bill.” (NYT) This was the result of a miscalculation by Republicans. Another subsequently passed.

105th Congress

HR 4101 – Agriculture appropriations. Republicans did not want a veto on this bill. It passed the House with 150 votes from Democrats. Clinton had threatened to veto an earlier version, but Republicans compromised. Final version passed without a veto threat. Republicans believed Clinton wanted to veto some bills, just to distract attention from the impeachment drive.

106th Congress

HR 4392 – Tighten government security. “[A]dministration officials said today there was a sharp division over whether he [Clinton] should sign or veto it.” (NYT)

HR 2587 – DC appropriations. Veto “possible.” (WP) There was a veto warning, but a relatively soft one: “advisers will recommend that President Clinton veto the measure because it would undermine the city government's ability to set its own policies.”

*Indicates likely sequential veto bargaining vetoes.

Table 5: Vetoed Bills Passed by Two-Thirds Votes

100th Congress

None

101st Congress

*HR 20 – Amend Hatch Act. Would permit political activity by federal employees.

“Defying a veto threat from President Bush, Congress gave final approval today to a bill that would allow Federal workers to take part in many partisan political activities from which they have been barred for a half-century.” (NYT) Bill passed by veto-proof majorities, but “it is not clear whether the Senate majority is solid enough to withstand an intensive lobbying campaign by the White House. . . .” (NYT) (Senate: 67-30)

HR 1487 -- State Department appropriations. Prohibited the president from soliciting funds from foreign governments to pay for covert operations. “Defying a veto threat from President Bush, House and Senate negotiators agreed today on legislation that would sharply restrict the President's power to solicit funds from foreign countries to carry out intelligence operations and other activities overseas.” (NYT) (House: 338-87. No override attempt.)

HR 2990 – Labor-HHS appropriations. Bill provided for Medicaid funding of abortions, reversing a policy of not funding abortions. Bush “promised” to veto the bill. (LAT) (Senate: 67-31. Override failed.)

HR 2712 – Allow Chinese students to stay in US. Passed following Tiananmen massacre. Congress ignored a “veto warning” in passing the bill (LAT). There was possibility of a veto override, but, as usual, the Senate sustained. (Passed House unanimously. No record vote in Senate. Veto sustained in Senate, 62-37)

HJRes 660 – Continuing appropriations to prevent government shutdown. “. . . the White House indicated that President Bush would not sign emergency legislation to maintain federal spending” (LAT) (No vote in either chamber. Override vote failed.)

102nd Congress

*HR 5318 – Imposed trade sanctions on China in retaliation for Tianenmen Sq. Veto called “certain” by NYT. (House passed: 339-62. Senate sustained 59-40)

104th Congress

S. 21 – End embargo on arms sales to Bosnia. “And like the Senate's 69-29 vote, the House tally produced more than the two-thirds margin needed to override President

Clinton's threatened veto." (NYT) Veto proof votes in both chambers, but no override attempt. (House: 298-128)

105th Congress

HR 2709 – Iran missile sanctions. Bill was to punish Russia for sale of missiles to Iran. "Despite the threat of a veto, the House gave final approval yesterday to legislation aimed at forcing Russia to stop exporting missile technology to Iran." (WP) (Senate: 90-4)

106th Congress

HR 2415 – Bankruptcy reform. Made it harder for individuals to escape debt through bankruptcy. "Defying the threat of a presidential veto," Congress passed the bill. (LAT) Passes by apparent veto-proof margin. (Senate: 70 – 28. No recorded vote in House.)

Table 6: Veto Chains

<i>Issue</i>	<i>Expectation of first veto</i>	<i>Expectation of second veto</i>	<i>Comment</i>
Cases where both vetoes were expected (7)			
Partial Birth Abortion	Veto by Clinton was "expected."	"They're not interested in getting legislation, they're interested in getting a political weapon," said Joanne S. Blum, a lobbyist for the National Abortion and Reproductive Rights Action League, of supporters of the partial birth abortion ban bill (WP). Clinton had made it clear this bill would be vetoed.	Unambiguous blame game politics both times.
Welfare Reform, 1995-1996	The first was part of a massive reconciliation bill, and the welfare provisions were only part of why Clinton vetoed the bill. But it was clear the bill would be vetoed.	The second was a stand-alone welfare reform bill. It was vetoed despite clear veto threats. Books by Drew and Weaver make it clear that Republicans in Congress saw advantage in Clinton's vetoes. The key to getting a welfare reform bill passed was not in finding a mutually advantageous compromise, but in the Republicans concluding that it was better to have a law than an issue.	These vetoes are clear instances of blame game politics.

Family and Medical Leave, 1990-1992	Bush had "vowed" to veto the bill. "Democrats believe a Bush veto will cede them the high political ground in an election year on an issue they believe is widely supported by voters." (WP)	Bush also threatened to veto the second. Congress held the bill for final passage until one week before the Republican convention in 1992.	Unambiguous blame game politics.
Extend Oil Price Controls, 1975	According to the NYT, the bill was "passed in the face of an almost certain veto."	The second bill was similar to the first, also extending controls that were set to expire. Ron Nessen, the press secretary, said, "The President would veto the bill."	Clear blame game politics. It was good to have Nixon veto bills that would have reduced energy costs at a time when prices were rising.
Strip Mining Regulation, 1974-1975	"Congress today cleared the strip mine control bill that President Ford announced last week he intends to veto." (NYT) Congress was not in a mood to compromise. Sen. Scoop Jackson said: "The Administration and the coal industry should be aware that if this bill does not become law, the next Congress will enact even stronger legislation next year."	Even supporters of the second bill predicted that it would be vetoed: "Congress approved a strong strip mining bill today but backers predicted that President Ford would veto the measure." (NYT)	Clear blame game politics. Democrats saw the environment as an issue that would help them, and so they saw no need to compromise. They would have been happy for Nixon to sign the bill, it seems, but a veto did not worry them.

Continuing Resolution/Ban on Aid to Turkey, 1974	Turkey had recently invaded Cyprus and was illegally using US military equipment in the invasion. The first vetoed bill, HJRes 1131, banning aid to Turkey, faced the “certainty of a presidential veto” (NYT).	A second bill, HJRes 1163, began as a compromise measure, but the House voted to impose the same restriction as before. The bill was passed “despite warnings of another presidential veto.” (NYT)	These vetoes appear to have resulted because members of Congress wanted to show fealty to Greek-Americans, not because they wanted vetoes. Leslie Gelb also notes that this episode showed the absence of an effective Turkish political presence.
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Cases where at least one veto was uncertain (4)

District of Columbia Appropriations, 1989	The first bill was headed for a “certain” veto according to the WP. The issue paying for abortions.	The second bill moved somewhat toward the president’s position, but still allowed DC to use its own revenues to pay for abortions. Bush had promised to veto over this issue too. Some Democrats, most notably Julian Dixon, claimed that Bush might sign the bill.	Democrats did not seem to mind forcing Bush to veto these bills, as they saw the abortion issue to their advantage. But they were also hopeful that he would sign.
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Labor-HEW Appropriations, 1972	"In defiance of an almost certain veto, the Senate passed today and sent to President Nixon a \$30.5 billion health, education, welfare, and labor appropriation -- \$1.8 billion more than he had requested for this year." (NYT)	Subsequently Congress passed the same bill again, but permitted Nixon to impound \$1.2 billion. That left the bill \$532 million over his request. The news story did not indicate any presidential intention. It is very unlikely that Congress wanted this bill to be vetoed, but had trouble agreeing to spending cuts.	Congress did not want these bills to be vetoed. They passed them despite a sure veto because they simply could not agree on how to cut the budget.
Public Broadcasting Authorization, 1984	Authorization was well above level Reagan sought, but supported by members of both parties. "There has been no indication whether Mr. Reagan will sign the bill." (NYT)	After reducing the amount of the authorization, Congress passed the bill again. "The bill now goes to President Reagan for his signature, amid speculation that he may veto the compromise effort, too." (WP)	There was uncertainty about the fate of these bills. Neither side wanted a confrontation.
Postal Pay Raise, 1954-55	Bill raising postal pay was passed "in the face of predictions from their majority leaders [Republicans] that President Eisenhower would veto the measure in its present form." (NYT)	The next year Congress tried again to raise postal pay: "Congress sent to the White House today a postal pay bill that had long been under implied threats of a presidential veto." (WP)	Congress did not desire the first of these vetoes, since it was under Republican control. But perhaps the desire to help postal workers outweighed a desire to avoid forcing Eisenhower to veto a bill. In the second, Democrats in control had fewer qualms about causing problems for the President.

**Case in which
one veto was
completely
unexpected (1)**

**Assistance to
mentally and
physically
handicapped,
1973**

There appears to have been no veto threat aimed at this bill, which passed at the very end of the Congress. "Administration spokesmen indicated that the less costly compromise would be acceptable to President Nixon." (NYT)

"The new Congress cleared the way for its first legislative confrontation with President Nixon by giving final approval to a bill that the White House has said would be vetoed." (NYT)

The second seems like a clear instance of blame game vetoes, but the first was not. Nor was there uncertainty. The President seems to have changed his mind after the bill passed.

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