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Letters to the Editor

Bush Can Draw the Line

At the beginning of every Congress since 1977 I have sponsored legislation to give the president a line-item veto. This year my tradition has come to an end. Today, on the first legislative day of the Senate, I will not sponsor a bill to give the president a line-item veto. After a great deal of study and reflection, I have come to the conclusion that such legislation could well be unnecessary, because the Constitution already grants the president line-item veto power.

In his Dec. 4, 1987, editorial-page article ("Reagan Already Has Line-Item Veto"), Stephen Glazier reminded your readers that buried in Article I, Section 7, Clause 3 of the Constitution is the power of a line-item veto. The clause states: "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on the question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him or being disapproved by him." This language, argues Mr. Glazier, enables the president to separate provisions of bills by vetoing line items and riders.

As further evidence of the intent of this section Mr. Glazier cites Madison's notes, in which Madison writes "if the negative of the President was confined to 'bills'; it would be evaded by acts under the form and name of Resolutions, votes, etc." These notes show that the Father of the Constitution anticipated that Congress might try to evade the president's veto power, and thus attempted to craft language in Clause 3 to prevent the Congress from doing so. So while the line-item veto is not specifically mentioned, Madison clearly wanted to avoid situations similar to Congress's present practice of lumping several bills in one omnibus package to avoid a presidential veto of individual items.

Article I, Section 7, Clause 3 of course follows Article I, Section 7, Clause 2 of the Constitution, the section giving the president the power to veto "bills"; yet, while the power to veto bills has been used by presidents for 200 years, the power to veto "orders, resolutions or votes" has never been used. I believe the time is ripe for President Bush to use the line-item veto and allow the courts to decide whether or not it is constitutional.

The Congress's increasing use of omnibus appropriations bills, continuing resolutions, reconciliation bills, and other types of lengthy, must-pass budget legislation to hide their pet projects has left the president with a Hobson's choice. While many of these abuses have been widely reported, the most notorious example of this type of legislation remains the 1987 Continuing Resolution. That bill, which ran 1,194 pages, contained money for special interest projects ranging from an organization

called the "Maintenance of Certain Lights on the Red Sea" to an amendment preventing the Army Corps of Engineers from selling any of its three executive planes. The bill was so bad that President Reagan asked the Congress to review the Continuing Resolution and consider rescinding items totaling \$4.289 billion—items that he would have vetoed if the line-item veto had been available to him. Not surprisingly, his request was largely ignored by Congress.

In comparison to past years the 1988 budget process was orderly; all appropriations bills were passed separately and on time, and there was no continuing resolution. But don't think because there was no continuing resolution last year that Congress had no place to hide its pork. The 1988 Defense Authorization Bill was used to attach several new initiatives costing close to \$4 billion. President Reagan vetoed the entire measure, citing the shift in spending towards congressional initiatives as well several arms-control provisions that clearly encroached on executive power. Eventually Congress reworked the bill, giving it to the president almost too late to allow passing the Defense Appropriations Bill on time. This sort of brinkmanship is not in the best interest of the American people, and it certainly does not produce the best public policy.

Despite the fact that a line-item veto would allow the president to cut wasteful spending significantly, it is doubtful that Congress will by legislation give the president, be he (or she) a Democrat or a Republican, a line-item veto. Congress likes the way things are now too much. In fact, I, myself, did not become convinced of the need for a line-item veto until I ran for the vice presidency on President Gerald Ford's 1976 ticket. President Ford, who vetoed a record seven appropriations bills during his two and half years in office, was quick to explain to me why the line-item veto was essential.

Today the situation is much worse. We have a budget disaster on our hands. From 1980 to 1988 the federal debt has grown from \$908.5 billion to \$2.6 trillion. Americans now realize that time is of the essence in solving the budget mess. The president can no longer simply wait until a majority of Congress has a chance to see the situation from the other side of Pennsylvania Avenue. The spectacle of the president having to veto hundreds of pages of good legislation to eliminate a few unwise provisions is an exercise in poor government and, if the Constitution is to be believed, totally unnecessary. That is why I encourage President Bush to test the line-item veto power granted in Article I, Section 7, Clause 3 of the Constitution and let the courts help blow the whistle on the congressional pork-barrel game.

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