Presidential Vetoes in the Early Republic:
Changing Constitutional Norms or Electoral Reform?

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Abstract

Historians, political scientists, and legal scholars have long debated the origins and development of the executive veto in the early United States. Some scholars argue that the power was originally conceived as quite limited. These scholars argue that until Andrew Jackson used the veto against re-charter of the Bank of the United States the veto was limited to unconstitutional or administratively unworkable legislation. Others argue that no such norms existed and that the veto was always understood as an important legislative power of the president and that early presidents used it as such. I argue that neither account provides an adequate explanation of the development and usage of the veto in the early republic. I claim that early veto usage was quite different, not because of constraining constitutional norms, but because the electoral conditions that generate equilibrium vetoes had yet to emerge.

Today it is generally recognized that the presidential veto plays an important role in the legislative process. The threat, either implicit or explicit, that a president will refuse to affix his signature to legislation is believed to influence policy outcomes (McCarty and Poole 1995, Krehbiel 1998, Cameron 2000). Beyond its direct effect on policy, veto politics is also believed to play an important role in defining partisan policy conflicts for the electorate (Gilmour 1995, 2001; Groseclose and McCarty, 2001). The work of many historians and political scientists, however, suggests that the veto developed these modern functions at relatively late stages in American political development. For example, Spitzer (1988) argues that "the veto power evolved over time as experimentation, circumstance, and cumulative precedent combined to give the power its actual shape, especially as to its frequency, and other conditions of use."

The basis of such claims is that the veto was used sparingly, if at all, during much of the 19th century. Perhaps the most common explanation of the infrequency of vetoes focuses on norms surrounding the constitutionally legitimate exercise of executive power. Many scholars argue that early presidents and legislators viewed the veto prerogative very narrowly (Binkley 1947, Black 1976, Remini 1967, Spitzer 1988, Skowronek 1993, Watson 1987, White 1956). Under early constitutional norms, the veto was not considered a legislative power of the president. Rather, the strict doctrine of separation of powers held that the veto was primarily an executive or judicial instrument. Its executive role was two-fold. First, it protected the president from encroachments of the legislature. Second, it gave the president the opportunity to reject bills so poorly or hastily drafted that they could not be effectively executed. Alternatively, the veto's judicial dimensions provided an opportunity for the president to prevent the enactment of unconstitutional laws. According to these views, the veto only could be applied legitimately to legislation that was clearly unconstitutional, encroached on executive power, or was badly drafted. The modern conception of the veto -- a tool to defeat or modify legislation that the president finds objectionable on policy grounds -- was considered to be antithetical to the separation of powers, republican government, and legislative supremacy. Thomas Jefferson's

advice to President Washington over a bill chartering the Bank of the United States seems to suggest such a restricted view:

> unless the President's mind on a view of everything which is urged for and against this bill, is tolerably clear that it is unauthorized by the Constitution; if the pro and con hang so even as to balance judgment, a just respect for the wisdom of the legislature would naturally decide the balance in favor of their opinion. (Quoted in Bass 1972 and Watson 1987).

Adherents of this view suggest that these norms persisted until the administration of Andrew Jackson. These scholars claim that two of his vetoes, the bill creating the Maysville Road and legislation to re-charter of the Bank of the United States, represent the first two serious violations of the constitutional proscriptions. Jackson not only blocked legislation that he opposed as a matter of policy, but he also asserted an absolute right to do so on the basis that he, as president, represented the "people." Recently, Stephen Skowronek has written that these actions made "a mockery of the premier operating principal of the Jeffersonian regime -- executive deference to the legislature" (1993 p. 172).

This constrained view of the executive veto has continued to play a role in modern jurisprudence of the separation of powers. In his partial dissent in Buckley v. Valeo, Justice White wrote that the veto's aim was not "another check against poor legislation" but to "shore up the Executive Branch against ... the overweening power of legislators."[1]

Nevertheless, other scholars have questioned the salience of these constitutional norms in proscribing the aggressive use of the veto (Bass 1972, Fisher 1985, Jackson 1967, and Moe 1987). They reject the notion that vetoes grounded in policy disputes were contrary to the intent of the framers or inimical to the true views of 19th century presidents and legislators. Vetoes

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[1] Buckley v. Valeo, 424 U.S. 1 285 (1976).

were rare due to a number of other factors such as politically-weak presidents, the availability of other methods of presidential influence, and a simple lack of legislative activity (e.g. Bass 1972 p.89).

To make the case that constitutional norms played but a small role, these scholars point to early vetoes that were not justified on either constitutionality or legislative encroachment. These examples include Washington's rejection of a military reduction bill and Madison's rejection of the national bank charter as vetoes justified by few, if any, constitutional issues.[2] Furthermore, these scholars argue that many of the constitutional objections accompanying other veto messages were little more than window dressing for underlying policy objections.

Despite substantial scholarly attention, this debate is far from resolved either in terms of why the veto was rarely used or what implications, if any, we might draw about executive-legislative relations in the early republic. Empirical work to date has focused exclusively on the analysis of presidential veto messages and the statements, often self-serving, of presidents and legislators. Neither the norms hypothesis nor any of its alternatives has been subjected to rigorous testing. Rather than draw testable inferences from the underlying hypotheses, the debate has focused solely on the significance of perceived departures from the posited norms.

In this paper, I add to this debate by providing my own argument about why usage of the veto changed over time. This argument is loosely based on Groseclose and McCarty (2001) who examine the effect of an attentive electorate on political bargaining. They argue that the primary cause of presidential vetoes (at least on important legislation) is the incentive of legislators and presidents to use veto bargaining to define issue positions before the electorate. For example, in veto bargaining, a legislative majority often faces a choice between making concessions to secure

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[2] Those who argue the centrality of constitutional norms have countered that these vetoes were justified by executive concerns over how the policies would be implemented, thus falling well within the range of legitimate uses.

a presidential signature and proposing legislation it knows the president will veto in order to force him into an unpopular position with the public.   If the position-taking incentives are stronger than the policymaking incentives, the legislature will choose the latter course.   In such cases, the position-taking incentives preclude negotiated outcomes leads to bargaining failures and vetoes.

I argue here that changes in the electoral environment of the presidency, in particular increasing popular participation, the emergence of mass parties, and declining influence of political elites in presidential elections, enhanced the incentives to engage in such "blame game" politics during veto bargaining. As a result, the use of the veto increased, and it became increasingly tied to electoral politics and partisan policy conflicts. Although I agree that the nature of veto usage changed in the 1820's, I argue that these changes resulted from a democratization of the presidential office, not the breakdown of constitutional norms. I also argue that the changes were limited only to the frequency of veto usage, not to the role of the veto in shaping legislative outcomes. Below I provide evidence to support the claim that pre-Jacksonian presidents had about as much impact on legislative outcomes as subsequent chief executives.

Executive Power and the Constitution

Fear of executive power was widespread during the colonial era. Consequently, few states had provisions for executive vetoes.   As Gerhard Casper (1997) has written, the most notable feature of revolutionary state constitutions was the dependence of the executive on the legislature. In most states, the executive was chosen by the legislature for very short terms in office and given authority narrowly confined to administrative matters. A number of hypotheses have been put forward as to why these constitutions so severely constrained the executive. First, American colonists were long frustrated by the perceived abuses of royal governors in using vetoes to extract concessions from colonial legislatures, including increases in their personal salaries (Moe 1987; Watson 1987). In addition to those vetoes, colonial legislation was also

subject to a veto (repeal, actually) by the Board of Trade and Plantations of the Privy Council in London (Moe, 1987). This power was used on almost 500 colonial acts between 1696 and 1782 (Russell 1915). Given these frustrations, the colonists were extremely receptive to arguments in favor of legislative dominance. Thus, anti-executive sentiment manifested itself both in provisions for weak or non-existent executives in the new state constitutions and in the lack of a national executive under the Articles of Confederation.

This era of legislative dominance did not last long, however. In 1776, South Carolina granted its governor an absolute veto, but this provision was repealed two years later (Thorpe 1909; Watson, 1987; McDonald 1994). In New York's 1777 constitution, a qualified veto was granted to a council of revision consisting of the governor and members of the state judiciary. In 1780, Massachusetts adopted the form that was later to prevail at the Federal Convention, a qualified veto subject to 2/3's override in both houses. Although these provisions generated a large amount of controversy during ratification (McDonald 1994), they became a blueprint for constitutional revisions in other states. Historian Gordon Wood has claimed that the Massachusetts constitution of 1780 came to represent much of what reformers in other states wanted in their own constitutions, a stronger governor and a weaker legislature (Wood 1998 p. 435).

Delegates to the federal constitutional convention were aware of the deficiencies caused by weak executives and generally agreed that steps should be taken to create a more powerful and independent national executive. Given such a consensus, the key debates about the executive power were less about ends than about means. The key problem was how to create an office that would be seen as legitimate by an electorate who viewed executive power with some suspicion, yet at the same time be empowered to vigorously execute the law. The veto provisions were an important part of this balancing act. At one extreme, provisions could be made too strong and stoke the opposition at the ratifying conventions. Others feared that prerogatives would be so extensive that presidents would be unwilling to use them for fear of public censure. Diluting the

provisions would transform the presidency into little more than a legislative agency, however.

The convention debate on the veto focused primarily on two key issues. The first issue was the ease with which Congress could override the veto, and the second concerned whether the president should be able to act unilaterally or whether the prerogative would be shared with a council of revision. The issue of the supermajority requirement for override was relatively straightforward, pitting advocates of stronger executives against those more fearful of executive power. Although Alexander Hamilton argued for an absolute veto, the majority sentiment ranged from a 2/3s to 3/4s override depending on the current status of other provisions for presidential powers and tenure in office. While the convention was working under the assumption of a shorter presidential tenure, electoral dependence on Congress, and an active role of the Senate in executive matters, the 3/4s override was more popular. When these provisions were eventually abandoned in favor of longer terms, eligibility for reelection, electoral independence, and a smaller role for the Senate, a consensus for a 2/3s override was cemented. This reduction in the override supermajority was intended to offset the dramatic expansion of executive power that occurred during the last few weeks of the convention.

The debate over a proposal to adopt a New York-inspired council of revision provides some insight into the intentions of the founders. A proposal that the veto prerogative be shared with the Supreme Court was made at a time when the convention had tentatively agreed to a qualified veto that the president could invoke unilaterally. This provision was not an attempt to weaken the executive, however. It was supported by two advocates of a strong executive, James Madison and James Wilson. Their advocacy was based on the premise that the veto was an important instrument of executive influence over legislation (Rakove 1997). Supporters of the proposal argued that the veto was not simply intended to resist legislative encroachments. Virginia's George Mason argued that it must be used to prevent "unjust and pernicious laws." Gouverneur Morris added that the veto was necessary to make the president "the guardian of the people, even of the lower classes, against legislative tyranny, against the Great & the wealthy

who in the course of things will necessarily compose the legislative body" (both quoted in Rakove 1997). Their support for the council was due to their doubts that a single individual would have the political wherewithal to oppose legislative majorities. A council, on the other hand, would be better positioned to generate political support for its challenges to the legislature. This would make the veto more credible as a counterbalance to legislative dominance.

Nevertheless, opponents of the council veto did not focus their criticism on the breadth of the veto power advocated by Madison, Wilson, and Morris, but they concentrated primarily on whether judicial participation was consistent with the separation of powers (Rakove 1997). They argued that participation in the drafting of laws compromised the judicial function of interpreting the laws. Eventually, Madison and Wilson's motion fell 4 states to 3, with 2 divided. Given the tenor of the debate, it is reasonable to conclude that the rejection was of the form of the veto rather than its scope.

Importantly, no effort was made at the convention to explicitly narrow the exercise of the executive veto. Furthermore, the ratification debates also do not suggest a consensus for a limited scope. Contrary to the perception that executive power was soft-pedaled during ratification, Hamilton asserted boldly that the veto was "calculated to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of that body." Although much has been made of Hamilton's argument that the veto would be used as sparingly as the royal prerogative of the British king had been, he also argued that the primary reason for a qualified, rather than absolute, veto was to encourage greater usage (see *Federalist* 73).

Although opponents of the constitution generally adhered to the doctrine of legislative supremacy, there was little if any direct criticism of its veto provisions (Moe 1987). Although the Anti-Federalists identified many problems in the proposed constitution, the veto was not one of them.

Vetoes in the Early Republic

Although constitutional proscriptions on veto usage did not arise during the framing and ratification of the Constitution, it is not yet possible to dismiss the norms hypothesis completely. An alternative explanation is that executive restraint developed as a constitutional principle as precedents were established during the first presidential administrations. President Washington and others understood that his behavior in office was likely to determine how future presidents used their prerogatives. Even such trivialities as the use of titles and the proper protocols for socializing were heavily scrutinized for the ways in which they would affect future presidents. The use of the veto was no different.

There were numerous debates within Washington's cabinet about the proper scope of the veto. Most members wanted him to use the veto aggressively to establish a precedent. Jefferson, perhaps the least sympathetic to a strong presidency, went so far as to suggest that he seek out bills to veto. In the end, Washington only used the veto twice with the first one coming three years into his term (see Table 1). The first bill concerned apportionment of the House of Representatives. In Washington's view the plan was clearly unconstitutional as it was so heavily biased towards the northeast that it constituted a de facto repeal of the 3/5's Compromise. That the first veto came only after three years and was generally agreed to be a flagrant violation of the constitutional bargain may have helped to establish the principle of a veto power limited in scope. Washington's second veto message, however, contained little constitutional analysis. When Congress voted to reduce the army by mustering out two companies of light dragoons, Washington objected on several grounds. Some of these may be safely categorized as relatively minor administrative details such as legality of paying the troops between their legal and actual discharge dates. But Washington pointedly argues that these companies were needed to secure the frontier against Native Americans, a clear policy disagreement.

As Table 1 shows, a mix of objections justified the other vetoes of the era.[3] Some clearly dealt with constitutional issues such as the vetoes concerning church-state relations and the veto of a plan to allow Supreme Court justices to try cases in district court. Yet others were based primarily on policy objections. Madison vetoed the charter for the Second Bank of the United States because the mechanisms for political control were deemed insufficient, and he rejected a naturalization law that provided too many incentives for fraud.

Categorizing other vetoes is even more difficult because it is hard to discern whether the stated constitutional objections are sincere or whether they essentially repackaged policy differences. The two internal improvements vetoes raised constitutional objections that were inconsistent with settled doctrine. Madison vetoed an internal improvements bill on his last day of office with the objection that Congress lacked the power to promote such projects. But Jefferson, with Madison in the cabinet, had signed an earlier bill authorizing the building of the Cumberland Road, and Madison, as president, signed appropriations for building extensions of the road (Bass 1972). When Monroe later vetoed legislation for federally collected tolls on the Cumberland Road, his veto message hinged on a tortured distinction between Congress's right to appropriate money for roads and its right to administer internal improvements. That Madison and Monroe felt compelled to use constitutional language might suggest to some the importance of the restrictive norms. On the other hand, it may simply show how easy it was to gussy up policy disagreements with the language of constitutionalism. With standards for constitutional analysis so low, the norms hardly seem constraining.

Insert Table 1 Here

More evidence bearing on the norms hypothesis can be obtained by examining

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[3] I coded veto justifications as constitutional in those cases where specific provisions of the constitution are used to justify the veto. I discuss the two cases where this coding is questionable below.

congressional responses to the vetoes. For much of the 19th century, Congress felt obliged to take recorded votes on motions to override for every regular veto. If legislators sought to maintain a norm of legislative supremacy, we ought to see this reflected in greater support for the motion to override the veto than for the original bill.[4] From the last column of Table 1, we find scant evidence that legislators sought to punish the president by overriding his veto. In fact, there is but one case in which the motion to override got even 50% support, suggesting that many members who supported legislation voted against the override motion. Only one override vote seems roughly consistent with the norms hypothesis – Washington's veto of the Army reduction bill. Although there was no recorded final passage, an amendment to restore the dragoon companies failed 18-64. Thus, Washington's 40% support on the override was almost double the 21% support for restoring the dragoons prior to his veto. So it seems unlikely that Congress tried to use its override authority to enforce a norm against policy vetoes.[5]

A final piece of evidence also suggests the absence of restrictive norms. If the ideological commitment to legislative supremacy underlying the norms was strong, one would expect to see it reflected in the constitutions of new states and in the revisions to existing state constitutions. To the extent that citizens wanted to constrain the legislative influence of their governors, they should have withheld the veto or restricted its scope. The evidence from the constitutions adopted during the early 19th century completely undermines this view. Figure 1 provides the number of states in which the governor had some form of veto power and the

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[4] Krehbiel (1999) also uses comparisons of final passage and override votes to measure presidential influence in the post-WW II era.

[5] The published House debates on the motion to override focused solely on the merits of Washington's objections, not his right to veto legislation (Annals of Congress, 4th Congress, 2nd Sess. pp. 2331-2332.)

number of states in which he did not.[6]

Insert Figure 2 about here

Note that the modal pattern shifted dramatically towards the veto over this period. In fact, no state dropped its veto provisions. From 1800 to 1850, 34 state constitutions were adopted, including those of new states and revisions of old charters. Only two states, Illinois and Ohio, entered the union with a constitution lacking an executive veto, whereas four states (Maryland, Delaware, Rhode Island, and Virginia) adopted new constitutions before 1850 without adding a veto. Not a single state constitution restricted the scope of the veto to constitutional or administrative objections.

Although the preceding evidence suggests that constitutional norms were probably not very important, it is also clear that early presidents did not use the veto very often. There were only ten vetoes prior to 1829 and half of these were by a single president. Nevertheless, it would be premature to conclude that presidential or congressional behavior differs substantially from current patterns. Many factors may account for the paucity of vetoes. First, legislative output of Congress was very low, providing few opportunities for the veto. Presidents typically had partisan majorities in Congress during this period, leading to few disagreements. Below I develop a statistical model that can test whether patterns of veto usage do in fact differ in the early republic.

Electoral Politics of the Early Republic

My explanation of the dearth of vetoes in the first forty years under the Constitution is related to the elite nature of early presidential politics. Because election outcomes were dominated by state and local leaders and the well-to-do, the incentives to engage in position taking during veto bargaining were relatively less important than they came to be when the

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[6] This data is collected from Thorpe (1909).

franchise expanded.

To get a sense of the extent to which popular participation was constrained in early elections, consider the tightly contested presidential contest of 1800. In every state except Vermont, the franchise was restricted to either property owners or taxpayers (Keyssar 2000). In many cases, voters played very little direct role in selecting the membership of the electoral college -- over 60% of the electors were chosen by state legislators. Even in states where voters did participate in the selection, the choice of method (district or general ticket) was manipulated by state leaders to maximize the electoral support of their allies (McCormick 1982). Ultimately, the final decision in that election was made by the House of Representatives.

The scope of popular participation in presidential politics broadened little over the next two decades. Although the franchise broadened, the collapse of the Federalists meant the absence of partisan competition. Because the Republican congressional caucus controlled the selection of the party's candidate, Congress had as great a role in choosing the executive as a modern parliament. Only after the debacle in 1824 when the caucus failed to select a candidate and the election was thrown back into the House did the system begin to crack. Over the next four years, the franchise expanded, legislative selection of electors all but disappeared, and bipolar, if not quite partisan, competition for the presidential office emerged.

The expanded electorate increased the importance of position-taking for a variety of reasons. First, it is reasonable to expect that the new voters were less well informed about the policy positions of presidents and legislators than were the old elites. Although there is no direct evidence about information levels among the new voters, some scholars have noted the extreme lack of attention of citizens to the affairs of national government (e.g. Young 1968). Given lack of information and attentiveness, the electorate was more likely to have its images of political leaders shaped by policy disagreements. Second, the Democrats and Whigs of the second party system found it profitable to mobilize voters around policy disagreements and to build party "brand names" (Aldrich 1995; Grynaviski 2006; Snyder and Ting 2002). As James Sterling

Young (1968) puts it, the second party system was founded as much as "inventions of the power-holders for eliciting the attention of the people as much as the inventions of the people for gaining access to the Washington community." In this new political environment, veto politics became one of the more important of these attention-eliciting inventions.

Insert Figure 1 about here

Modern Veto Usage

Both the norms hypothesis and my "blame game" hypothesis predict that patterns of veto usage were different in the early republic than the patterns established subsequently. In this section, I develop several hypothesis about "modern" veto usage derived from formal models of veto bargaining including Groseclose and McCarty's blame game model, on which my argument is based. These models make predictions both about veto usage and presidential influence in the legislative process. Using these hypotheses, I then specify econometric models of veto usage and presidential influence to test whether the structure of veto politics did change at the end of the 1820s.

In what follows, I keep the technical discussion to a minimum and refer readers to Cameron and McCarty (2004) and McCarty (2002). Moreover, I abstract from bicameralism and from other features of the internal legislative process and treat the legislature as a unitary actor. Thus, I discuss the veto as bilateral bargaining between Congress and the president. I also focus on models with a single-dimensional policy space where Congress and the president evaluate alternatives based on the proximity of proposals to their ideal points. In some cases, I incorporate a third actor, the override pivot, to discuss the role of legislative overrides in veto bargaining. The override pivot is the legislator whose support is necessary to override a presidential veto. Formally, the override pivot is the legislator closest to the president for which 1/3 of the chamber has more extreme ideal points. If this legislator supports the override motion,

no more than a third will oppose it and so the motion will pass.

Finally, I only discuss models of single-shot interaction in which the legislature makes a single proposal and the president makes an up or down decision about accepting it or vetoing it. Therefore, the extensive form of these models is the following:

- Congress makes a proposal to change the status quo policy.

- If the president accepts the proposal, it becomes the final policy and the game ends.

- If the proposal is vetoed, a vote on a motion to override occurs.

- If the override pivot supports the motion, the bill is the new policy.

- If the override pivot does not support the motion, the bill fails and the status quo remains intact.

Complete Information

A typical point of departure for analyzing the effects of executive veto power is the assumption that all actors are perfectly informed about the preferences and actions of all other players. Under these assumptions, there is no uncertainty about how the president or override pivots respond to particular legislative proposals. Therefore, Congress chooses its proposal with perfect foresight about the preferences of the president and the override pivot. Congress can choose its favorite bill among those preferred to the status quo by either the president or the override pivot. And this bill will pass. Unless the president or the veto pivot prefers Congress's ideal point to the status quo, Congress must make policy concessions to secure passage. If no alternative preferred by Congress and the president or veto pivot exists, Congress chooses not to legislate. Consequently, the assumption of perfect information generates a prediction that vetoes do not occur.

Prediction 1: If all actors are perfectly informed about the preferences of all other actors,

equilibrium vetoes do not occur.

Although very simple, prediction 1 has some powerful implications. Most importantly it demonstrates that it is impossible to infer anything about the scope of the veto power from the frequency of its use. In this very simply model, the veto moves policy away from that preferred by Congress yet we never see it used. Thus, one cannot draw the inference that if the veto is never used, it is impotent. It is particularly damning to any inference about norms in the early republic based solely on the infrequency of veto usage.

The second prediction of complete information models is that the executive veto has policy consequences even if it is not used.

Prediction 2: Under the executive veto, policy may be responsive to the preferences of the president or the veto pivot.

The prediction also leads to some other important predictions about presidential support for legislation. In the absence of the veto, policy is determined solely by Congress's preferences. So bills opposed by the president, those he would veto if he could, often pass. When the executive has a qualified veto, legislation opposed by the president tends to pass only when the ideal policy of the veto pivot is closer to Congress's ideal than is the president's. So in the parlance of contemporary legislative studies, the president is *rolled* more often when his preferences are extreme relative to those of the veto pivot (see Cox and McCubbins 2006).

Prediction 3: The probability that legislation opposed by the president passes is lower when he has a veto. When the president has a veto, the passage rate of legislation that he opposes depends on the position of the veto pivot.

Although these are also fairly obvious predictions, they help to assess competing explanations for the development of the presidential veto power. If as others have argued, the president was constrained from using the veto on policy grounds, we would expect to see much legislation opposed by the president passed more often in the period before the norms broke down. We would also expect to see roll rates responding to variations in the override pivot only after the establishment of the policy veto. I test this latter implication of the norms hypothesis in section 5.2.

Even though predictions 1-3 are quite useful, a model that predicts that vetoes do not occur obviously does not take us very far. I now turn to some models in which vetoes do occur and examine their implications for possible clues about executive-legislative relations in the 19th century.

Incomplete Information

To explain vetoes one must dispense with at least one of the assumptions underlying the legislative agenda control model. Although the discussion of the previous section is based a number of outrageously restrictive assumptions, very few are consequential in the prediction that vetoes do not occur. One exception is the assumption that Congress has complete information about the preferences of the president and the override pivot. When there is such uncertainty, vetoes may occur because the legislature overestimates its ability to extract concessions from the president or the override pivot.

Relaxing the assumption of complete information has been the starting point for most of the recent work on veto bargaining (Matthews 1989, McCarty 1996, and Cameron 2000). Although these models differ on their details and emphases, the key insight is that when there is incomplete information Congress faces a tradeoff between pursuing its own policy preferences and making greater concessions to reduce the probability of a veto. When Congress and the president have very similar preferences (in expectation) Congress can dramatically reduce the

probability of a veto with very small policy concessions. Thus, vetoes are unlikely to occur.

When preferences diverge, however, Congress must make very large policy concessions to

eliminate the threat of a veto. Consequently, it prefers to bargain more aggressively at the risk of

eliciting a veto. So vetoes are more likely to occur when the president and Congress have

divergent policy preferences. A similar logic holds for preference divergence between Congress

and the override pivot. These insights lead to predictions 4 and 5.

Prediction 4: Vetoes are more likely when the expected difference between the ideal points of

the president and Congress is larger.

Prediction 5: Vetoes are more likely when the expected difference between the ideal points of

override pivot and Congress is larger.

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Blame Game Vetoes

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A more recent model argues that vetoes are less a product of legislative uncertainty than

they are of "blame game" electoral politics. In Groseclose and McCarty (2001), the legislative

agenda setter can use its proposal power to signal that the president has policy views that are out

of step with the voters. Vetoes are generated when the agenda setter gets a larger payoff from

signaling that the president has extreme preferences than she receives from enacting a new policy.

Thus, it is the electorate's uncertainty about the president that is crucial, not that of the legislators.

To describe a simple version of this model, consider a new actor, the voter,[7] who also

has preferences on the one-dimensional policy space. The voter has incomplete information

about the ideal point of the president.   With probability π, the voter believes that the president is

an *extremist* with preferences that are far from her own. With probability $1-\pi$, she believes that

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[7] Under some standard assumptions, this unitary voter can represent the electorate at large.

the president is a *moderate* with preferences much closer to her own. I assume that the voter

evaluates the president based on her expected utility of his ideal policy. Thus, *voter approval* of

the president is decreasing in π.

An important feature of this model is that the president and Congress care about the

president's approval among voters. Clearly, the president stands to benefit from a higher voter

evaluation and wants to minimize π. In particular, he may be willing to trade off policy gains for

political points. To capture these trade-offs, I assume that the president places different weights

on policy and voter evaluations.

The model allows variation in whether a majority of Congress benefits or loses from

favorable evaluations of the president. If Congress and the president are controlled by the same

party, it is natural to assume that Congress also benefits from a high evaluation of the president.

In cases of divided party control, however, Congress benefits from lowering the evaluations of

the president and wants to raise π.

An important assumption of this model is that although the voter is uninformed about the

president's preferences, Congress is fully informed. Therefore, Congress may be able to credibly

communicate its information through its choice of bill. Similarly, the president's decision of

whether to veto or accept particular proposals may also provide information to voters about his

preferences.

In the subsequent discussion, I concentrate on the necessary conditions for Congress to

induce a veto from the extreme president but make acceptable proposals to the moderate type.

This is the only type of separating equilibrium that produces vetoes.[8]

The first prediction is straightforward. In the "blame game" model, vetoes only occur

when the president and Congress are political competitors. For example, if the same party

controls the presidency and Congress, there would be little incentive to provoke a veto in order to

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[8] See McCarty (2002) for a proof of this claim.

show that the president has extreme preferences. Under divided control, such incentives might be present.

Prediction 6: Vetoes are more likely during divided partisan control of the presidency and Congress.

The next prediction concerns the extent of voter uncertainty about the president's preferences. Clearly, if the voter knows the president's position with certainty, orchestrating a veto has no signaling value to Congress so she might as well make acceptable proposals to both presidential types.

Prediction 7: Voter uncertainty about the president's preferences is necessary for equilibrium vetoes.

The incentive to engineer a blame game veto also depends on Congress's information about the president relative to that of the voter. If the president is extreme and the voter knows it, there is no reason for Congress to forgo policy gains in order to prove something the voter already knows. Similarly, if the president is moderate, Congress cannot engineer a profitable veto.[9] So the only situation where blame game vetoes are rational is where the voter believes that the president is moderate but Congress knows that he is not.   Given that the model postulates that the president's public standing is highest when the voter believes he is a moderate, the blame game model produces prediction 8.

Prediction 8: Vetoes are more likely to occur when the president's standing is high.

The next prediction concerns how much Congress and the president weigh policy outcomes relative to the public standing of the president. Clearly, if neither cares about presidential approval, there is no rationale for blame game vetoes. Thus, the weight on approval must be sufficiently high to observe vetoes. Because the weight on approval should be higher near elections, the model predicts that veto usage is higher during election years. This insight, combined with prediction 6, leads to prediction 9.

Prediction 9: Vetoes are more likely during election years when there is divided government.

This insight also has a direct bearing on hypotheses about the historical development of the veto. As I discuss below, the electoral environment of the 19th century changed in ways that forced presidents and legislators to be more cognizant of mass support for the president. This also suggests an upward shift on the weight placed on approval, and leads to a prediction about historical patterns.

Prediction 10: Vetoes should be more common after the emergence of the mass electorate in presidential elections.

Empirical Specification

Armed with these predictions, I now can specify and empirical model of "modern veto" usage. I also include a number of control variables suggested by existing empirical work. I estimate two models of veto usage using different dependent variables. The first model uses only the number of *Regular public vetoes* per congressional term from 1829-2004, and the second uses *All public vetoes* including pocket vetoes. Both models generate substantively similar conclusions, but the model of all vetoes performs somewhat better statistically so I focus on those

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[9] In such a case, Congress would forgo any policy gains without increasing π.

results. The independent variables are measured as follows:

- Legislative output

Any reasonable model would predict that veto activity is related to the overall amount of legislation presented to the president. To control for this effect, I use the natural logarithm of the number of public laws passed in a given session.[10] Of particular theoretical interest is the extent to which veto usage increases proportionately with the number of public laws. Bass (1972) argues that lower levels of legislative activity imply better legislation, thus proportionally fewer vetoes. Because this implies that the number of vetoes should grow at a higher rate than legislative output, the coefficient on the natural logarithm of *Public bills* should be greater than one. Both the incomplete information and blame game models can be reasonably interpreted, however, to predict that the number of vetoes should grow at a rate lower than the number of public laws. In the incomplete information model, more interaction should increase the level of information about the president's preferences leading to a lower proportion of vetoes. Alternatively, in the blame game model, the political signaling value of vetoes may be subject to diminishing returns so that veto usage does not increase proportionately to legislative activity.

- Partisan Division and Preference Divergence

The blame game model predicts that veto usage should be higher during periods of divided party control. I use two indicator variables for the number of chambers controlled by a party other than that of the president's, *One opposition chamber* and *Two opposition chambers*. Because both chambers must play the blame game to generate a veto, the model predicts presidents facing two opposition chambers should veto more, but facing a single opposition

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[10] The rationale for using the natural logarithm is made explicit below.

chamber should have no effect.[11]

To better capture the specific hypotheses of the incomplete information model, I include a more refined measure of preference divergence. From predictions 4 and 5, vetoes should be more likely when the pivotal legislator is further from the closer of either the expected position of the president or the expected veto override pivot. These pivots are estimated with McCarty, Poole, and Rosenthal's (1997) first dimension DW-NOMINATE coordinates. Presidential positions are also estimated using DW-NOMINATE on a combination of presidential positions collected by Congressional Quarterly and by Robert Brookshire and Michael Malbin. The details of the estimation procedure can be found in McCarty and Poole (1995). Using this data, I create the variable *Pivot polarization* that is defined as the minimum of the distance of the House median from the president or the House median to the override pivot.[12]

- Presidential Standing

The empirical literature on the presidential veto has long questioned how the president's standing or public approval affects his propensity to veto. The results have been quite mixed, ranging from a strong negative relationship (Rohde and Simon 1985 and Wooley 1991) to no effect (Shields and Huang 1997) to a strongly positive one (Lee 1975 and Copeland 1983).

The predictions of the theoretical models are quite varied as well. Although the

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[11] Definitions of divided government are somewhat tricky in the cases of John Tyler and Andrew Johnson who were former Democrats but who were elected vice-president on Whig and Republican tickets, respectively. Upon ascending to the presidency, both were "written out" of the parties who elected them. How I classify their partisanship does not have a substantive effect on the results.

[12] Unfortunately, limitations of the data on presidential roll call positions preclude using a similar measure for the Senate.

incomplete information model suggests that public approval of the president should not affect

veto usage, prediction 8 of the blame game model suggests that vetoes occur when the president's

public standing is relatively high. Unfortunately, without modern approval polls, any consistent

measure of presidential public standing from 1829-2004 would be somewhat crude. Therefore, I

follow Lee (1975) and use the percentage of the electoral vote the president received in the

previous election (*% Electoral College*). To account for those presidents who obtained office

through vice-presidential promotion, I include the indicator *Un-elected president*. The blame

game model predicts that greater electoral vote percentages lead to greater veto usage and that un-

elected presidents use the veto less often.

- Electoral Cycle

 Again the incomplete information model predicts that the electoral cycle should not

influence veto usage, but the blame game model predicts more vetoes in election years when

there is partisan, inter-branch conflict. To capture these effects, I include an indicator variable for

those Congresses preceding a presidential election (*Presidential election year*). Because the

blame game model predicts that veto activity should be higher when an opposition president is

running for reelection, I include an indicator for incumbents running for reelection that I also

interact with the indicators for the number of opposition chambers. The incumbency indicator

(*Incumbent for reelection*) represents the electoral effect during unified government, and the

blame game model predicts that it is negative. Conversely, the interaction effect on *Two*

opposition chambers should be positive.

- Military and Economic Conditions

 Following the previous literature, I include variables to control for foreign and economic

policy contexts. These variables have little direct relation to the theories described in the

previous section except in so far as they may affect preference divergence (e.g. "Rally around the

Flag"). To this end, I include a variable to indicate those Congresses where the U.S. is engaged in a major international conflict or civil war (*War*). To capture the effects of economic performance, I include an indicator of economic shocks that is measured as the absolute change in the rate of growth in the consumer price index over successive congressional terms (*Economic shock*). Thus, it captures both the effects of inflation as well as deflation.

- Temporal and Presidential and Party Specific Effects

To capture any secular increase in veto usage I include a linear time trend (*Year*). To test arguments about partisan differences in the propensity to use the veto, I include an indicator for Democratic presidents (*Democrat*) (see Lee 1975).[13] Finally, because the veto usage of two presidents, Cleveland and Franklin Roosevelt, are statistical outliers, I also include indicators for their administrations (*FDR* and *Cleveland*).

Estimation

Because veto usage can be measured in terms of the number of such events over a fixed interval of time, a Poisson specification is an appropriate starting point for building an empirical model (Shields and Huang, 1997). Under the assumption that vetoes are generated as Poisson random variables, I can model the natural logarithm of the expected number of vetoes as

$$\ln \lambda_t = \beta' \mathbf{x}_t$$

where λ_t is the expected number of vetoes at time t, $\mathbf{x}_t$ is a vector of independent variables, and β is a vector of coefficients.

With this specification, each coefficient represents the percentage change in veto usage

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[13] This variable includes presidents from the Democratic-Republican party, considered by most historians as the precursor to the modern Democratic party. But this coding decision has almost no effect on the results.

for a one unit change in an independent variable. If the independent variables are also in logarithmic form, however, each coefficient represents the percentage change in vetoes given a percentage change in *X*. In this way, the Poisson nests a model where a constant proportion of bills are vetoed in expectation. This model corresponds to one where the coefficient on the logarithm of bills equals one. Unlike a log-odds or grouped-logit model, this property is not imposed, however.

A statistical difficulty in the application of these models is that Poisson random variables have the property that their means and variances are equal. This feature is typically not true of veto usage as the variation in veto usage often exceeds its mean level. This problem is known as overdispersion. A number of reasons lead one to suspect that veto counts would be prone to this problem. First, there may be idiosyncratic factors that lead to veto activity that are not explained by a parsimonious set of explanatory variables. Secondly, vetoes may differ in terms of their legislative significance (Cameron, 2000). Vetoes of less significant legislation might represent "noise" that is difficult to capture in a simple model. Ideally, one would only use significant legislation, but making these judgments on different legislation across a span of 150 years can be quite arbitrary.

Fortunately, well-developed statistical techniques exist for dealing with this problem, which untreated can lead to mistaken inferences. The most common is to assume that

$$\ln \mu_t = \ln \lambda_t + \ln \varepsilon_t$$

where μ_t is the observed count, λ_t is again the true expected count, and $\ln \varepsilon_t$ is a measure of unobserved heterogeneity. If we assume that $\ln \varepsilon_t$ is distributed according to the gamma distribution, then the likelihood function corresponds to that of the negative binomial. As with the Poisson, λ_t is the expected number of vetoes conditional on $\mathbf{x}_t$, but now the conditional variance is given by $\lambda_t \left(1 + \theta \lambda_t\right)$ where θ is a measure of overdispersion. When $\theta = 0$, the model reduces

to the Poisson, but I consistently find that this null-hypothesis can be rejected. The substantive effects of overdispersion are quite small, however, as the Poisson and negative binomial models tend to generate very similar results.

Table 2 reports the descriptive statistics for the dependent and independent variables in the full sample and the post-1829 "modern" sample. Table 3 reports the results of the negative binomial models estimated on regular vetoes and regular and pocket vetoes for the post-1829 sample. The table reports a number of substantively interesting findings. First, I find that the number of vetoes is proportionate to the number of public laws. Although the coefficient on the log of public laws exceeds one, the standard error is large enough that I cannot reject proportionality. Consequently, there is little evidence in favor of Bass's conjecture that more legislation makes vetoes disproportionately more likely. But there is also no evidence for the diminishing returns predicted by the informational and blame game models.

<p align="center">**Insert Tables 2 and 3 about here**</p>

The effects of partisan opposition are as expected. Opposition party control of the House and Senate leads to larger amounts of veto activity. Opposition party control of a single house raises veto activity approximately 49% for regular vetoes and 24% for all vetoes, although the effect on all vetoes is not quite statistically significant. Opposition of two chambers has a much larger effect as it increases regular and total vetoes 94% and 76%, respectively.

At least in the case of regular vetoes, the primary implication of the incomplete information models is also borne out. Polarization between the House median and the veto pivot is positively related to the number of regular vetoes. A two standard deviation increase in Pivot polarization corresponds to a 57% increase in veto usage. The effect is positive for all vetoes, but not statistically significant.

Consistent with the blame game model, the effects of electoral politics are quite strong. Across specifications, a one percentage point difference in % Electoral College success translates into 2% percent more vetoes. Given that this variable ranges from .5 to .96 in the post-Jackson

era, this effect accounts for a substantial proportion of the explained variance in veto usage. The politically weakest presidents, those who were succeeded to office by means other than election, veto around 40% less often. The results also suggest that veto usage is higher in congressional terms preceding presidential elections only when an incumbent is running for reelection against an opposition congress. The coefficient on *Presidential election year* is approximately zero, indicating that the electoral cycle does not affect all presidents. Presidents running for election behave very differently depending on whether congress is in opposition, however. The results indicate that a president running for reelection during a completely divided government vetoes about 30% more bills than a lame duck and 130% more than an incumbent running for reelection with a unified government. Put another way, the coefficient on *Two opposition chambers* doubles when there is an incumbent running for reelection.

Economic and military conditions do not seem to be related to veto usage. Economic shocks are estimated to have a positive effect on veto usage, but the magnitude of the effect is only slightly greater than its standard error. The estimated effect of War is almost zero. There are no partisan differences in usage if I control for the two outliers who were both Democrats. Finally, there is little evidence of a secular increase in veto activity. The greater usage in the 20th century can be accounted for by increased levels of legislative activity and more divided government.

Given my model of "modern" veto usage, I now consider the extent to which early presidential and legislative behavior differed. In figure 2, I plot the number of vetoes predicted by my model (along with the estimated confidence interval) against actual veto usage. This figure reveals that every early president except Madison vetoed far fewer bills than the model would predict. In fact, actual usage generally falls below the estimated confidence interval of the prediction. The model predicts that 44 total vetoes and 26 regular vetoes should have occurred through the end of the John Quincy Adams administration, yet only 10 and 8 were invoked, respectively. For no other period do the predictions differ from actual practice more in absolute or

proportional terms. This is compelling evidence that patterns of veto usage did change

dramatically during the mid-19th century.

Insert Figure 3 about here

It is not simply the case that there were uniformly fewer vetoes during the first 40

years. The vetoes that did occur are not correlated with the same factors as they would have been

under modern usage. For example, neither Monroe's dominance of the Electoral College or the

economic dislocations coming at the end of his administration made him more prone to use the

"negative." Washington's only vetoes occurred when his Federalist backers controlled both

houses. His veto pen was silent against the Republican controlled third House. There is a

correlation of -.017 between predicted and actual veto usage over the first 40 years of the

Republic.

Finally to test more formally that there was a significant structural break beginning in

1829, I estimate a series of models on the entire data set that tests for a structural break in each

year from 1823 to 1845.   The log likelihood for each of these models and the p-value for the null

hypothesis of no break are reported in Table 3. At the 95% confidence level, I cannot reject the

null hypothesis of no break in several of these years. But the maximum log-likelihood and the

lowest p-value for the hypothesis of no break occurs in 1829. The p-value for the hypothesis of

no break is a miniscule .008.

These results provide compelling evidence that the "modern" veto had not fully

developed by the 1830s. Not only was the use of the veto far less frequent, the tendency for

policy and partisan conflicts did not generate veto activity in the same way it does now.[14]

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[14] A possible explanation for the poor fit of the veto model prior to 1829 is the breakdown of

unidimensionality during the "Era of Good Feeling" from 1815-1825 (see Poole and Rosenthal

1997). Two reasons lead me to discount this possibility. The first is that the model overpredicts

veto usage during congresses where a single dimension has substantial explanatory power e.g.

Were pre-Jacksonian Presidents Weaker?

Perhaps the most important implication of the view that presidential veto usage was constrained is that presidents prior to 1830 should have had less influence on legislation, ceterus paribus, than later presidents. In particular, the absence of a broad veto power implies that large amounts of legislation should have passed that was opposed by the president. Once contemporary veto practices emerged, however, all legislation should have been supported either by the president or a 2/3's supermajority. In the modern parlance of legislative studies, the president should have been "rolled" more often before 1830 than after. In this section, I assess this implication with using a statistical model of presidential rolls on final passage votes from the House of Representatives.

The hypothesis I wish to test is that legislation opposed by the president was passed more often before 1829. This test is based on all successful final passage votes on bills before the House of Representatives from 1789 to 1998.[15] Ideally, one would like data on whether or not the president supported each bill. All of the motions that passed but were opposed by the president could then be classified as presidential rolls. It is impossible, however, to have such data, especially over long historical periods. Therefore, I use two different indicators of likely presidential opposition. The simplest measures whether or not the president's party was rolled. In other words, did the bill pass even though a majority of the president's party opposed it? Then the obvious test of the norms hypothesis would be to discern whether, after controlling for its size, the president's party was rolled less often after 1830.

This test has some obvious problems. First, it assumes that the president's preferences

1793-1815. Second, the model performs reasonably well during the other historical period of spatial collapse (1853-1876).

[15] I thank Keith Krehbiel for help in compiling this data.

coincide with those of the median member of his party. This is a reasonable assumption for

certain periods of American history, but quite inaccurate for others. To deal with these problems,

I use the presidential NOMINATE scores described above to impute presidential preferences on

specific House votes.[16] To do this, I combine these scores with the estimated yea and nay

outcomes from DW-NOMINATE to compute the president's expected utility of each alternative,

U_{yea} and U_{nay} (see McCarty, Poole, and Rosenthal 1997). Then a presidential roll is a

successful passage vote when $U_{nay} > U_{yea}$. As a control variable, I include the president's utility

of the ideal point of median House member. This is because he should be rolled less, ceterus

paribus, when his preferences are close to the House median.

For other controls, I use the same variables I used in the predictive veto model. I also use

a negative binomial regression to predict the number of rolls from 1829 to 1998.[17] As I did for

veto usage, I use the estimates to compute predicted rolls from 1789-1829. The actual and

predicted rolls are plotted in Figure 3. The results strongly refute the norms hypothesis. In fact,

the actual number of rolls was generally less that predicted by the post-1829 model for both types

of measures and for both chambers. In figure 3, the number of observed rolls tends to be at or

lower than the lower end of the 95% confidence interval.   If anything, early presidents were quite

successful in avoiding legislation that they opposed.

Insert Figure 3 about here

Conclusion

In this paper I have provided a variety of evidence for four main claims. First, I find little

evidence that constitutional norms substantially affected the use of the veto prior to 1829.

Second, the quantitative evidence shows that ceterus paribus veto usage was lower and

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[16] Because only presidential NOMINATE scores comparable to House ideal points exist, this

analysis could not be replicated for the Senate.

[17] Estimates are available from the author (and in the appendix for referees).

qualitatively different in the early republic. Third, the analysis of presidential rolls indicates that

presidential influence on legislation was no lower as a consequence of less veto activity. Fourth,

data on vetoes since 1829 indicate that electoral politics was an important factor in generating

executive-legislative conflict.

Although these finding speak most directly to historical debates about the United States

constitution, they should be of interest of a broad set of scholars interested in political

development and institutional design. First, these findings show that the development of an

important constitutional power relied much less on beliefs about what the constitution permitted

than on the opportunities and incentives created by the electoral environment.   So this study

illustrates the importance of self-enforcing constitutions. Even if norms did play some role in

shaping presidential behavior before Andrew Jackson, the incentives to alter these understanding

proved too great in an electoral environment unanticipated by the Founders. My study also

underscores how constitutions must undergo a "political construction." (e.g. Whittington 1999).

Finally, I hope scholars will take away a better understanding of how electoral politics affects

political bargaining. Clearly, popular participation, openness, and transparency are important for

democratic accountability. But the benefits clearly must be weighed against the inefficiencies of

bargaining before an audience.

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Table 1: Early Exercises of the Veto				
Bill	**Subject**	**Date**	**Rationale**	**Override**
HR 163	Apportionment of Representatives	Apr 5 1792	constitution	46%
HR 219	Reduction of Army	Feb 28 1797	policy	60%
HR 155	Incorporating Church in Alexandria	Feb 21 1811	constitution	28%
HR 170	Land-grant for Church in Mississippi	Feb 28 1811	constitution	38%
HR 81	Trials in district courts	Apr 3 1812	constitution	27%
HR 170	Naturalization	Nov 6 1812	policy	Pocket
S 67	Incorporating National Bank	Jan 30 1812	policy	44%
HR 106	Importation of Stereotype Plates	Apr 30 1816	unknown	Pocket
HR 29	Internal Improvements	Mar 3 1817	constitution?	49%
HR 50	Cumberland Road	May 4 1822	constitution?	49%

Table 2: Descriptive Statistics					
Full Sample					
	N	Mean	SD	Min	Max
Regular Public Vetoes	108	9.917	11.452	0.000	57.000
Total Public Vetoes	108	5.796	7.135	0.000	42.000
Public Bills (log)	108	5.835	0.783	4.007	7.043
One Opposition Chamber	108	0.213	0.411	0.000	1.000
Two Opposition Chambers	108	0.231	0.424	0.000	1.000
Pivot Polarization	108	0.167	0.120	0.005	0.540
% Electoral College	108	0.720	0.162	0.322	1.000
Un-Elected President	108	0.120	0.327	0.000	1.000
Presidential Election Year	108	0.500	0.502	0.000	1.000
Incumbent for Reelection	108	0.352	0.480	0.000	1.000
Reelection *x* Two Opposition Chambers	108	0.157	0.366	0.000	1.000
Economic Shock	108	0.072	0.069	0.000	0.370
War	108	0.194	0.398	0.000	1.000
Democrat	108	0.481	0.502	0.000	1.000
1829-2004					
	N	Mean	SD	Min	Max
Regular Public Vetoes	88	12.057	11.668	0.000	57.000
Total Public Vetoes	88	7.023	7.370	0.000	42.000
Public Bills (log)	88	6.083	0.631	4.007	7.043
One Opposition Chamber	88	0.250	0.435	0.000	1.000
Two Opposition Chambers	88	0.261	0.442	0.000	1.000
Pivot Polarization	88	0.177	0.125	0.005	0.540
% Electoral College	88	0.716	0.140	0.501	0.976
Un-Elected President	88	0.148	0.357	0.000	1.000
Presidential Election Year	88	0.500	0.503	0.000	1.000
Incumbent for Reelection	88	0.364	0.484	0.000	1.000
Reelection *x* Two Opposition Chambers	88	0.182	0.388	0.000	1.000
Economic Shock	88	0.071	0.074	0.000	0.370
War	88	0.216	0.414	0.000	1.000
Democrat	88	0.455	0.501	0.000	1.000

Table 3: Veto Usage		
	Regular	All Vetoes
	(1)	(2)
Constant	1.592	-0.389
	(5.186)	(4.753)
Public Bills (log)	1.242	1.145
	(0.292	(0.211)
One Opposition Chamber	0.485	0.298
	(0.266)	(0.201)
Two Opposition Chambers	0.891	0.694
	(0.306)	(0.239)
Pivot Polarization	2.531	1.297
	(0.844)	(0.723)
% Electoral College	2.147	2.182
	(0.604)	(0.518)
Un-Elected President	-0.414	-0.513
	(0.269)	(0.186)
Presidential Election Year	-0.040	0.027
	(0.314)	(0.205)
Incumbent for Reelection	-0.354	-0.378
	(0.380)	(0.286)
Reelection x One Opposition Chambers	-0.537	-0.431
	(0.431)	(0.277)
Reelection x Two Opposition Chambers	0.834	0.801
	(0.428)	(0.310)
Economic Shock	1.409	1.412
	(1.197)	(0.828)
War	-0.001	0.001
	(0.174)	(0.156)
Democrat	0.234	0.179
	(0.225)	(0.164)
FDR	0.815	0.774
	(0.342)	(0.256)
Cleveland	0.979	1.430
	(0.391)	(0.260)
Year	-0.005	-0.004
	(0.004)	(0.003)
Overdispersion	0.251	0.153
	(0.068)	(0.048)
Pseudo-R^2	0.162	0.181
χ^2	139.999	228.641
N	88	88

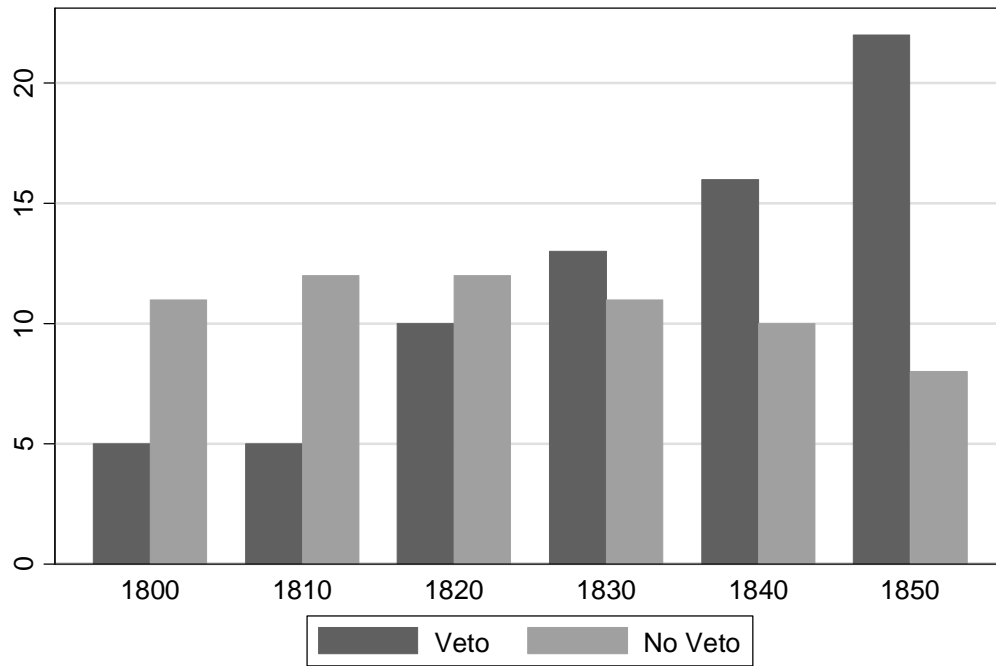| Table 3: Tests for Structural Break		
Break Year	Log-Likelihood	p-value
1823	-274.0	0.115
1825	-271.4	0.024
1827	-270.0	0.016
1829	-268.2	0.008
1831	-269.2	0.015
1833	-269.1	0.014
1835	-269.0	0.013
1837	-270.4	0.031
1839	-270.2	0.028
1841	-271.6	0.062
1843	-270.4	0.044
1845	-270.3	0.043

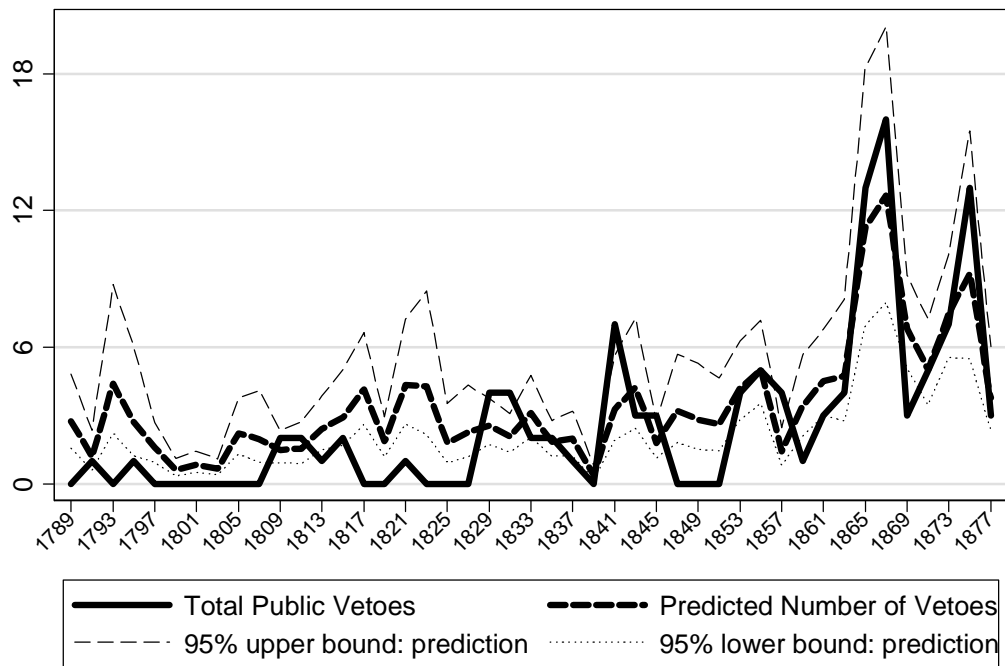Figure 1: Veto Rights of State Governors

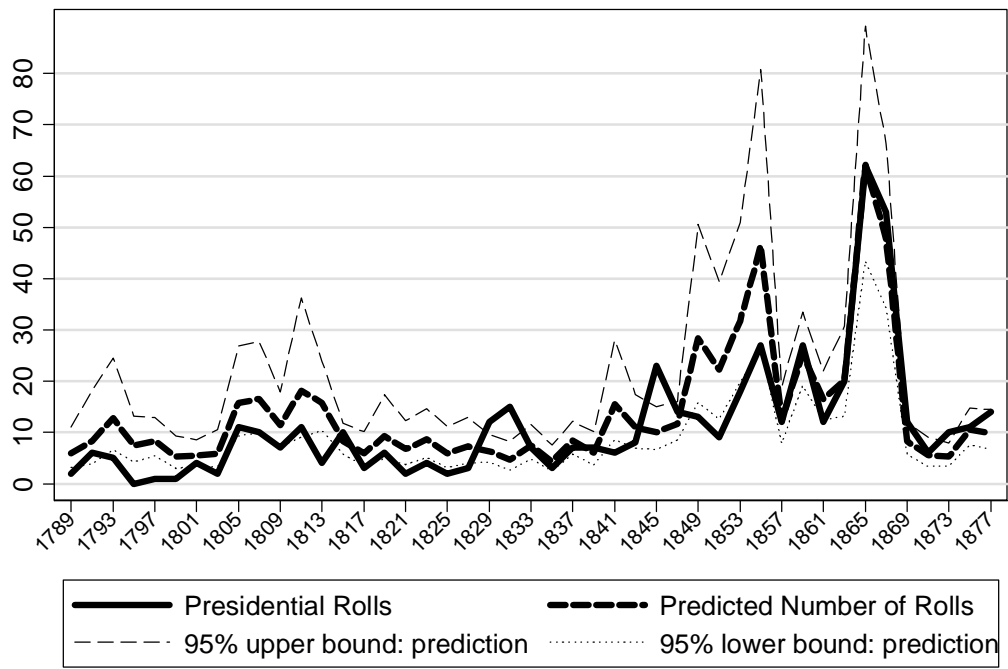Figure 2: Predicted and Actual Veto Usage 1789-1877

Figure 3: Presidential Rolls 1789-1877

Appendix for Reviewers

The table below reports the coefficient estimates and standard errors for the models of presidential rolls described in the text. Columns 1 and 2 report results for the NOMINATE-based measure. The estimates of column, which use the post-1829 sample, are the basis of Figure 3. Column 2 is based on all of the data and includes an indicator for the pre-1829 era. As suggested by Figure 3, the roll rate is significantly lower before 1829 than afterward. Columns 3 and 4 report the estimates for both models using the party-based measure of rolls.

Appendix for Reviewer: Presidential Rolls				
	NOMINATE Rolls		Party Rolls	
	(1)	(2)	(3)	(4)
Constant	16.311	14.513	23.506	19.860
	(3.467)	(2.884)	(6.091)	(4.907)
Roll call Votes (log)	0.815	0.851	0.955	0.998
	(0.128)	(0.115)	(0.202)	(0.192)
Median Utility (as defined in text)	-0.587	-0.577	-0.463	-0.439
	(0.112)	(0.101)	(0.183)	(0.166)
One Opposition Chamber	0.527	0.552	1.056	1.105
	(0.161)	(0.166)	(0.287)	(0.275)
Two Opposition Chambers	0.637	0.650	1.807	1.772
	(0.218)	(0.210)	(0.399)	(0.352)
Pivot Polarization	-0.099	-0.292	0.554	0.324
	(0.470)	(0.470)	(0.630)	(0.755)
% Electoral College	1.853	1.794	1.598	1.201
	(0.424)	(0.362)	(0.757)	(0.602)
Un-Elected President	-0.237	-0.232	-0.593	-0.541
	(0.145)	(0.181)	(0.247)	(0.300)
Presidential Election Year	-0.036	-0.006	0.099	-0.009
	(0.137)	(0.160)	(0.252)	(0.262)
Incumbent for Reelection	0.115	0.074	0.517	0.376
	(0.261)	(0.209)	(0.375)	(0.346)
Reelection x One Opposition Chambers	-0.285	-0.197	0.512	0.578
	(0.258)	(0.290)	(0.373)	(0.452)
Reelection x Two Opposition Chambers	0.243	0.212	-0.454	-0.290
	(0.314)	(0.271)	(0.454)	(0.449)
Economic Shock	0.676	1.056	-1.470	-0.751
	(0.631)	(0.837)	(1.505)	(1.411)
War	0.104	0.066	-0.424	-0.456
	(0.134)	(0.136)	(0.296)	(0.236)
Democrat	0.162	0.263	0.353	0.490
	(0.131)	(0.125)	(0.178)	(0.196)
FDR	0.081	0.018	-0.256	-0.254
	(0.314)	(0.263)	(0.569)	(0.472)
Cleveland	0.178	0.185	-0.351	-0.379
	(0.211)	(0.283)	(0.324)	(0.441)
Before 1829	-0.009	-0.008	-0.013	-0.012
	(0.002)	(0.002)	(0.003)	(0.003)
Year		-0.538		-0.766
		(0.202)		(0.314)
Overdispersion	0.131	0.130	0.364	0.379
	(0.039)	(0.034)	(0.096)	(0.091)
Pseudo-R^2	0.231	0.235	0.187	0.190
χ^2	692.578	185.399	301.379	128.133
N	84	104	84	104