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CLINTON AND THE POLITICS OF PORK

David Schoenbrod

President Bill Clinton has broken his campaign promise to seek line-item veto power. Although he has implied that he wants the line-item veto, he has asked Congress for a counterfeit called "expedited rescission," which thwarts the line-item veto's fundamental purpose--to force the president and members of Congress to take personal responsibility for the dubious items in the federal budget.

Consider how pork gets into the federal budget in the first place. Representative X says he won't vote to let an appropriation bill out of subcommittee unless it includes one more item, say, a dam for his district. The subcommittee adds this item to the thousands already in the bill not because they judge the dam to be in the public interest, but because X's vote is essential to enact the bill.

Not to be outdone, other subcommittee members impose their demands for projects, jobs, and subsidies for their districts and benefactors. At each of the many stages of the legislative process, the bill is similarly larded until it arrives on the president's desk more fat than meat and, literally, over a foot thick.

The president usually signs the bill, but disclaims responsibility for the fat by pointing out that the only alternative was to veto the entire bill, which would disrupt government and might not even produce a better bill later on.

Giving the president line-item veto power would radically change the politics of pork. The power to veto any item in the budget would thrust upon the president personal responsibility for each and every item. Congress could, of course, override line-item vetoes, but only if two-thirds of the legislators voted for the vetoed projects, item by item. Yet now, members can take credit for the pork that comes to their district and disclaim responsibility for the pork going elsewhere.

Legislators recoil from such itemized accountability as vampires from garlic. To avoid that accountability while seeming to meet the popular demand for the line-item veto, the House of Representatives last April endorsed the

counterfeit that Clinton embraces.

The "expedited rescission" power gives the president the option of signing the budget bill with objections to particular items. Congress must then vote within 17 days whether to rescind those items from the budget. Expedited rescission dilutes the line-item veto in two ways.

First, rescission occurs only if majorities in both the House and Senate go along; a line-item veto sticks unless two-thirds of both the House and Senate objects.

Second, and much more significant, rescission requires Congress to vote to rescind these items wholesale rather than item by item so that individual legislators could excuse opposition to the rescission bill on the basis that it would eliminate items highly beneficial to their districts. To ensure that democratic accountability does not rear its ugly head through amendments to the rescission bill, they are forbidden. Similarly, the president could explain failing to object to many wasteful items out of a desire to avoid losing votes that would jeopardize the rescission bill.

Because rescission lets the president and legislators continue to avoid responsibility for particular items of pork by lumping them together, it will fail to change the political incentives that lard the budget. It will, however, provide new ways for elected officials to mislead their constituents.

In addition to the fatty items that legislators really want to leave in the budget, such as Representative X's dam, they will include in every budget bill additional but expendable morsels. The legislators whose boondoggles are cut will have demonstrated to the folks back home just how hard they tried. All legislators and the president can take credit for cutting waste yet still deliver the pork while avoiding responsibility for it.

All three candidates in the 1992 presidential election correctly understood that voters see our government as of, for, and by the politicians rather than the people. All three candidates offered different ways to change that perception, but agreed on one basic tenet: the line-item veto. A bipartisan coalition in Congress, led by Sen. Bill Bradley (D-N.J.), now supports it. In abandoning without a fight his campaign pledge to get line-item veto power, President Clinton re-rationalizes rather than reinvents government.

David Schoenbrod is a professor at New York Law School and is the author of *Power Without Responsibility: How Congress Abuses the People Through Delegation*, published by Yale University Press.

--- INDEX REFERENCES ---

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