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*Last Updated: 02/28/2025*



172759

FE002-01

- ☐ O - OUTGOING  
☐ H - INTERNAL  
☐ I - INCOMING

Date Correspondence  
Received (YY/MM/DD) 83/07/21

Name of Correspondent: Jack Kemp

☒ **CN Mail Report**

**User Codes:** (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

**Subject:** Writer informs Mr. Meese about his efforts to establish the line-item veto.

**ROUTE TO:**

## ACTION

## DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
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СННММ

①

83 p9 12/11/15

EM

A 83,09,29

Referral Note: \_\_\_\_\_

Referral Note: \_\_\_\_\_

Referral Note: \_\_\_\_\_

Referral Note: \_\_\_\_\_

Referral Note: \_\_\_\_\_

**ACTION CODES:**

- A - Appropriate Action  
C - Comment/Recommendation  
D - Draft Response  
F - Furnish Fact Sheet  
to be used as Enclosure

- I - Info Copy Only/No Action Necessary  
R - Direct Reply w/Copy  
S - For Signature  
X - Interim Reply

## DISPOSITION CODES:

- A - Answered  
B - Non-Special Referral  
C - Completed  
S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

Type of Response = Initials of Signer  
Code = "A"  
Completion Date = Date of Outgoing

**Comments:** \_\_\_\_\_

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Prime Subject Code: FE 002-01 Secondary Subject Codes: FI 004 \_\_\_\_\_  
FI 001-02 \_\_\_\_\_  
LE \_\_\_\_\_

### PRESIDENTIAL REPLY

Code	Date	Comment	Form
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C \_\_\_\_\_ Time: \_\_\_\_\_ P- \_\_\_\_\_

DSP \_\_\_\_\_ Time: \_\_\_\_\_ Media: \_\_\_\_\_

#### SIGNATURE CODES:

##### CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

##### CLn - First Lady's Correspondence

- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

##### CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

#### MEDIA CODES:

- B - Box/package
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- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study



29 September 1983

Dear Jack:

Thank you very much for letting me know about your efforts to establish the line-item veto. It's good to know that we can count on you to help carry the ball on this one!

With appreciation and best personal regards,

Sincerely,

Edwin Meese III

The Honorable Jack Kemp  
House Of Representatives  
Washington, D.C. 20515

EM:NH





THE COUNSELLOR TO THE PRESIDENT

29 September 1983

Dear Jack:

Thank you very much for letting me know about your efforts to establish the line-item veto. It's good to know that we can count on you to help carry the ball on this one!

With appreciation and best personal regards,

Sincerely,

A handwritten signature in dark ink, appearing to be 'Ed' with a stylized flourish.

Edwin Meese III

The Honorable Jack Kemp  
House of Representatives  
Washington, D.C. 20515



DOCUMENT NO.

172759

~~160733~~

PD

FE002-01

## OFFICE OF POLICY DEVELOPMENT LE002

## MEMORANDUM

DATE: 9/27/83 ACTION/CONCURRENCE/COMMENT DUE BY: fvi

SUBJECT: JACK KEMP LETTER ON LINE-ITEM VETO

	ACTION	FYI		ACTION	FYI
SVAHN	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BLEDSON	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>			
CHAO	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
COY	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
GALEBACH	<input type="checkbox"/>	<input type="checkbox"/>			
GARFINKEL	<input type="checkbox"/>	<input type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
GUNN	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
HOBSON	<input type="checkbox"/>	<input type="checkbox"/>	CARL ANDERSON ✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	(R. 223 OEOB)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
LI	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
McALLISTER	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
McCAFFREY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
SWEET	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
WALTERS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION/ JOHNSTON	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

## REMARKS:

Staff memo sent with ID 160733 PD

John A. Svahn  
Assistant to the President  
for Policy Development  
(x6515)



THE WHITE HOUSE

WASHINGTON

26 September 1983

NOTE FOR JACK SVAHN

FROM: KEN CRIBB *Ken*

*CARL  
ANDERSON*

As you discussed with Ed Meese last Friday morning, here is the Jack Kemp letter on line-item veto.





172759

HOUSE OF REPRESENTATIVES  
WASHINGTON, D. C. 20515

JACK KEMP  
THIRTY-FIRST DISTRICT  
NEW YORK

Dear Ed -

I know of your interest  
in this issue & thought you'd be  
interested in an effort I think we can  
make for your 2<sup>nd</sup> term.

all my best

A stylized handwritten signature, likely "JK", in dark ink.

P.S. Carlos Cambell at EDA has just been  
superb in helping us handle economic problems  
in western N.Y. (thanks for the help!)



JACK KEMP  
31ST DISTRICT OF NEW YORK

COMMITTEES:  
APPROPRIATIONS  
SUBCOMMITTEE:  
FOREIGN OPERATIONS  
RANKING MEMBER

BUDGET

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

September 19, 1983

172759

PLEASE RESPOND  
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WASHINGTON, D.C. 20515  
(202) 225-5285

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111 WEST HURON STREET  
BUFFALO, NEW YORK 14202  
(716) 846-4123

□ 484 S. MAIN STREET  
GENEVA, NEW YORK 14456  
(315) 789-3360

Dear Colleague:

It is increasingly apparent that there are two sides to the relation of Federal fiscal policy to the economy. The best way to reduce the total burden of government on the economy is to restrain the growth of government while increasing the size of the economy. This is the general thrust of President Reagan's economic program and is an effort that many of us support.

But there is one tool missing from among the President's implements--the line-item veto. Every President since Ulysses S. Grant, and that includes Franklin Delano Roosevelt, has sought the authority to delete unnecessary items from appropriations bills which would otherwise exact too much of a burden on the American people. Yet Federal spending has continued to rise at an accelerating speed, apparently because Congress has not found itself capable of slowing the rise.

Recently I introduced a constitutional amendment to give the President a line-item veto. Congressman Bill Archer, Senator Alan Dixon, and others, have proposed the line-item veto in the past as an important step in bringing spending under control. Presidential Counselor Ed Meese also advocates the plan. Forty-three states have such a provision in their constitutions, giving their Governors the ability to reduce or veto individual spending items of appropriation. I think it is time to take this important step for the good of our nation's fiscal health.

After much study I believe this approach is the single best reform we can support in reducing the heavy burden of Federal spending, without a meat-ax. If the President has this power, he could prudently and methodically scale back Federal outlays in those areas where they are unnecessary, while leaving unchanged or permitting Congress to increase spending in those areas where it is desirable.

We have been hearing a great deal lately about crowding out by the Federal Government. It is necessary to point out that the Government crowds out the private economy, not merely through its deficit, but through its total command over resources, which is approximated by Federal spending. Raising taxes does not reduce crowding out; it merely changes the nature of crowding



out as long as spending continues to rise. It is on spending, therefore, that we must focus our efforts if we are truly worried about Federal pre-emption of resources. Milton Friedman has often said that he would prefer a \$100 billion deficit when spending is \$500 billion, to a budget balanced at \$700 billion.

We need to restrain Government spending as well as increasing the size of the economy. The line-item veto is an indispensable tool for restraining unnecessary spending.

In an excellent editorial yesterday, the Wall Street Journal answered the objection which is sometimes raised against the line-item veto:

The usual argument against the line-item veto--that it would unfairly expand the president's power--is clearly fatuous. Congress in 1974 arrogated to itself responsibility for spending; it has clearly failed. Politics in America most effectively performs its proper role--arbitrating among the competing interests of a huge population of free and informed people--when power is real but rarely used. It's most likely that once a president held the power to veto individual spending items, Congress would sort out for itself what is justifiable spending and what isn't, just as it did before the "budget control act." And if, as now, Congress declined to exercise prudence in managing the people's tax payments, that national constituency that elects a president would surely expect him to use the item veto to restore prudence, regardless of the highly publicised screams of Congress's many constituencies.

That is how the balance of power was intended to work. When it is damaged, as it is now, the American system suffers. The presidential power created by the line-item veto will restore the balance. And by forcing legitimate political horse-trading to take place again on Capitol Hill, it would allow Congress to regain its self-respect. Most important, it would show that Washington is truly serious about solving the deficit problem.

Attached are the text of this excellent editorial, as well as a superb article by Henry Hazlitt on the line-item veto, and the text of my amendment. If you are interested in sponsoring this important initiative or have any additional questions, please call Mac Carey at x55265.

  
JACK KEMP

98TH CONGRESS  
1ST SESSION

# H. J. RES. 357

Proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 1983

Mr. KEMP introduced the following joint resolution; which was referred to the Committee on the Judiciary

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled*  
3       *(two-thirds of each House concurring therein), That the fol-*  
4       *lowing article is proposed as an amendment to the Constitu-*  
5       *tion, which shall be valid to all intents and purposes as part*  
6       *of the Constitution when ratified by the legislatures of three-*  
7       *fourths of the several States:*

8                               “ARTICLE —

9       “SECTION 1. The President shall have the power to  
10       disapprove any appropriation or provision and approve any



1 other appropriation or provision in the same appropriation  
2 bill. In such case he shall, in signing the bill, designate the  
3 appropriations and provisions disapproved; and shall return a  
4 copy of such appropriations and provisions, with his objec-  
5 tions, to the House in which the bill shall have originated;  
6 and the same proceedings shall then be had as in case of  
7 other bills disapproved by the President.

8       “SECTION 2. This article shall be inoperative unless it  
9 shall have been ratified as an amendment to the Constitution  
10 by the legislatures of three-fourths of the several States  
11 within seven years from the date of its submission.”.

○

# REVIEW & OUTLOOK

## Budget Solution

The days and nights of the living dead have returned: The Congress of the United States is back in Washington, where it must again confront the budget nightmare. Congress's wailing and howling over the dread budget deficit causes quite enough discomfort across the land, so we're reluctant to arouse them further. Alas, we present some simple truths about the deficit—and a proposal to free Congress from the curse of the budget process.

Recent history has taught us a few things about what a budget deficit does and does not do. Deficits do not prevent a recovery. We currently have a \$200 billion deficit. We currently have a recovery.

It's widely argued that if the government has to finance a deficit of \$100 billion to \$300 billion, interest rates will skyrocket again, perhaps to 17%, crushing the recovery (and the Reagan presidency). We have come to doubt the validity of this argument, which depends in large part on the assumption that government borrowing—and its impact—is limited to the securities market, which in 1982 was thought to have an available savings flow of about \$350 billion.

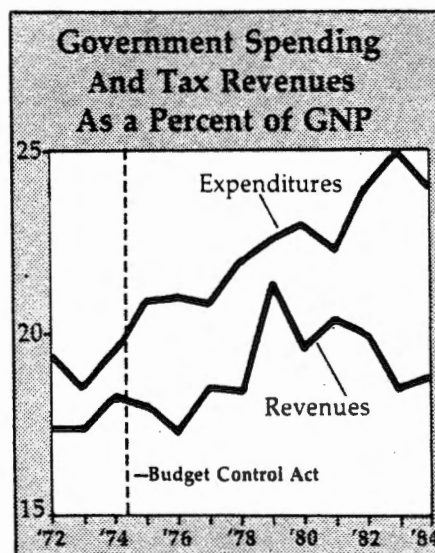
It seems more plausible, as John Rutledge argued on this page last month ("The 'Structural-Deficit' Myth," Aug. 4), that government borrowing to finance a deficit should be viewed in the larger context of the economy's total asset holdings, currently about \$20 trillion. Placed against \$20 trillion, a large government borrowing may cause some rise in interest rates, but nothing as large or destructive as the Armageddon generally predicted.

\* \* \*

We've been pooh-poohing these concerns (much to the discomfort of many traditional allies) and making the point that a lot of the deficit talk is merely an excuse to get more revenues to increase spending. But we've also been saying privately that two years from now—when recovery came despite deficits—we will be the only people in the land worried about deficits. For the plain and undeniable truth is—and here we rejoin the ranks of our worried allies—deficits do crowd out resources.

But let's get something straight about this. As Norman Ture makes plain in a nearby article today, deficits crowd out resources only to the extent that they serve their imperial master—government spending. We can raise taxes to close the deficit; we can borrow from the private sector to close the deficit. Either way, the money raised becomes government spending. Government spending is the first cause of crowding usable resources out of the private sector.

The choice is as clear as it can be: If we want America to have primarily



a public economy, we should quit whining about the deficit and let congressional policies proceed toward that goal. If instead we want primarily a private economy, we simply have to cut spending.

And that means we've got a very big problem: The best political minds in Washington say that all the king's horses and all the king's men will never be able to cut government spending again. That is the implicit assumption behind much of the deficit talk and the counterproductive solutions in the air. We're not so ready, however, to throw in the towel on prudent economic management. What's really happened is that the terms of the political game in Washington have changed in a way that has eroded the traditional restraints on spending imposed by Congress's internal discipline and the external pressure applied by the Executive.

\* \* \*

The erosion began with the House committee reforms of the 1970s, which undermined the authority of the House leadership. Next, Congress perverted the principle of entitlements.

Providing basic support for citizens who fell into deep poverty was properly regarded in the 1960s as an appropriate commitment by a successful nation, and Congress, with clear public support, made the commitment. But it erred in not foreseeing (or in willfully refusing to see) that the payment formulas—primarily indexing payments to inflation—would create a claim on the nation's wealth large enough to undermine the health of the larger economy.

The last brick in the dam gave way with passage of the Congressional Budget and Impoundment Control Act of 1974. This mistake had the unintended effect of opening the spending spigot without ever finding the proper tools to shut it off (see the accompanying graph).

\* \* \*

Forget the phrase, "budget control." No one takes that seriously anymore. The key words in the act are "impoundment control." In the early 1970s, Congress became petulant over Richard Nixon's attempts to reduce spending by using the president's power to withhold, or impound, funds appropriated by Congress. By effectively eliminating the president's impoundment powers in the 1974 act, Congress grievously damaged the balance of power. The president can still veto appropriations bills, but the bills have become so huge and inclusive that the big veto is no longer managerially or politically useful.

The fact is, this issue has gone quite beyond the question of conservative vs. liberal social philosophies. Congress can't hold down the upward growth in spending, and the president has no effective counterweight to pose against Congress. In short, the ship of state, in its current upward spending stream, is on automatic pilot, with the government laying claim to an ever larger share of whatever the economy produces.

The solution to this problem requires two things: Reimposing disci-



pline on the politics of spending and restoring the balance of power between Congress and the presidency. And as is often suggested, the solution requires two other things: the support of the House speaker and the president. Well, we know the speaker's position: The economy be damaged; this conservative president must be jettisoned from the Oval Office no matter what the costs. Resolution of the budget crisis clearly lies with the president, and we know of one proven mechanism for getting the job done. Ronald Reagan should do the following:

He should send a constitutional amendment up to Congress, exhorting it to give the president a line-item veto over the budget. Ed Meese has been floating the item-veto idea for some time, citing in support Mr. Reagan's experience with it in California. The governor of every major state in the Union has line-item veto power, which permits the Executive to veto individual items in the legislature's

budget. Nearly every president since Ulysses S. Grant—Democrat and Republican—has requested it. (Yes, indeed, that includes FDR.)

Mr. Reagan should make the line-item veto the centerpiece of his reelection campaign, and he shouldn't flinch from claiming it as the Republican answer to the deficit issue. There is no way Mr. Reagan can avoid having the Democrats fling the deficit in his face, but there's no way the Democrats can hide the intellectual exhaustion of their own ideas. Moreover, it's likely that the prospect of a line-item veto would unify the supply-side and conventional wings of the Republican party.

The usual argument against the line-item veto—that it would unfairly expand the president's power—is clearly fatuous. Congress in 1974 arrogated to itself responsibility for spending; it has clearly failed. Politics in America most effectively performs its proper role—arbitrating among the competing interests of a huge popula-

tion of free and informed people—when power is real but rarely used: It's most likely that once a president held the power to veto individual spending items, Congress would sort out for itself what is justifiable spending and what isn't, just as it did before the "budget control act." And if, as now, Congress declined to exercise prudence in managing the people's tax payments, that national constituency that elects a president would surely expect him to use the item veto to restore prudence, regardless of the highly publicized screams of Congress's many constituencies.

That is how the balance of power was intended to work. When it is damaged, as it is now, the American system suffers. The presidential power created by the line-item veto will restore the balance. And by forcing legitimate political horse-trading to take place again on Capitol Hill, it would allow Congress to regain its self-respect. Most important, it would show that Washington is truly serious about solving the deficit problem.



# Line-Item Leash on Runaway Spending

By HENRY HAZLITT

We have had 45 federal deficits in the past 53 years, and uninterrupted deficits in the past 15 years.

There are two ways of preventing or ending deficits. One is to cut spending, and the other to increase taxes. We can, of course, try a little of both.

This is the approach contemplated in the balanced-budget constitutional amendment before Congress. Even many of those people who have reservations favor this amendment on the ground that something is better than nothing. But the proposal raises serious questions.

Perhaps the main objection to the balanced-budget amendment is that it puts at least as much emphasis on obliging Congress to raise taxes to achieve a balance as it does on cutting expenditures. This mistakes the nature of the problem. The real evil in the budgets of the past half century has been growing, reckless outlays, and not the deficits per se.

If federal expenditures are at a reasonable level, there isn't any great problem in finding the taxes to pay for them. But the higher the spending, the more formidable the taxing problem becomes. Taxes always undermine incentives, sales, employment and production. The higher the taxes, the greater the harm they do to the whole economy. Beyond a certain point, raising tax rates brings in lower revenues.

## Lippmann's Proposed Remedy

All this may seem too obvious to mention, but it is persistently overlooked. This first struck me forcefully when I encountered a New York Herald-Tribune column of March 5, 1959, in which Walter Lippmann complained: "Both parties are pretending that they are struggling to balance the budget. In fact neither the Administration nor the Congress shows any sign of being willing to vote the taxes which are absolutely essential if the budget is to be balanced."

Mr. Lippmann's proposed remedy followed from his initial assumption that all the spending already going on, plus a great deal more, was absolutely necessary.

The fallacy of trying to balance the budget mainly with increased taxes can most easily be recognized if we look at the budget record since, say, this Lippmann proposal.

In fiscal 1959 the deficit was \$12.9 billion because, though budget receipts were \$79.2 billion, outlays were \$92.1 billion. In 1960 taxes were higher, and revenues jumped to \$92.4 billion, enough to have balanced the 1959 budget. They did achieve a small surplus—for one year. But in 1961 spending was raised to \$97.8 billion, and deficits came back.

If we now look at 1983, the estimate of budget receipts is \$598.3 billion, nearly eight times such receipts in 1959. But to no avail. Spending has increased far more, leaving us with a prospective deficit of \$210 billion, the highest ever.

If we carry the record back to 1931, when our string of deficits began, we find we have increased our revenues 193 times. Even allowing for the inflation that the deficits themselves have largely brought about, Congress has increased our tax burden 30 times in real terms—without stopping the deficits.

So let us finally drop the delusion that we can pay for any level of spending by

raising taxes. That myth has been leading us only toward increased unemployment and economic stagnation. And let us finally put aside, also, after the past half century's record, the idle hope that Congress can somehow be induced to return to responsibility or to discipline itself. What we desperately need is an outside curb on the current unrestrained power of Congress to spend.

How has this license come about? Doesn't the president have the same power to veto appropriation bills as he has to veto other measures? Theoretically he does. But Congress has perfected the device of throwing in pork-barrel, log-rolling and other vote-buying appropriations with those that the president needs to carry on the government. In addition, Congress has perfected the practice of passing its appropriation bills at the very end of a session, so that if the president vetoed a typical

*Let us finally put aside, after the last half century's record, the idle hope that Congress can somehow be induced to return to responsibility or to discipline itself.*

omnibus spending bill in order to get rid of an objectionable item, he would be left without any money at all. So far as appropriations bills are concerned, Congress has usurped total power. The presidential veto has been reduced to a nullity.

The cure for this would be a constitutional amendment granting the president power to reduce or veto individual items in appropriation bills.

This isn't a new proposal; it has a long history. There isn't any evidence, it is true, that the question was even discussed in the Constitutional Convention of 1787. But by the time of the Civil War, when the Confederate state delegates met to frame their own constitution, the problem had been recognized. And they specifically provided for the presidential item veto. In 1867, President Andrew Johnson complained that Congress had thrown objectionable provisions into a section of an appropriations act that "virtually deprives the President of his constitutional functions as Commander in Chief of the Army." He felt forced, nevertheless, to give his approval to the measure, "but to accompany it with my protest."

Then, President Ulysses S. Grant asked Congress in 1873 to amend the Constitution "to authorize the Executive to approve of so much of any measure passing the two houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion or portions to be subject to the same rules as now." Presidents Rutherford B. Hayes, in 1879, and Chester A. Arthur, in 1882, repeated this recommendation, though confining it to appropriation measures.

Franklin D. Roosevelt was the next president to ask for the item veto, followed by Dwight D. Eisenhower. Harry S. Truman in his "Memoirs" wrote: "One important lack in the presidential veto power, I believe, is authority to veto individual items in appropriation bills."

Despite this long history, Congress has done precisely nothing. The apparently insoluble problem that confronts us is how to get congressmen voluntarily to give up or share a power that they have managed to usurp.

If we can't get two-thirds of Congress voluntarily to submit to the states an amendment giving the president the item veto, how can we get around this obstacle?

There is a glimmer of hope. The item veto is so essential to fiscal discipline that in 42 of our 50 states the governor already has this power. In at least some cases, he must have got it through voluntary action by the legislature. (This certainly has been helped by the fact that the states can't print money to cover their overruns.)

If Congress can't be persuaded to take the initiative in submitting a constitutional amendment allowing a presidential item veto, there are two alternatives. One is for two-thirds or more of the state legislatures to ask Congress to call a constitutional convention for the single purpose of drafting and submitting an item-veto amendment. Congress would be obliged to comply. The delegates to such a convention would need to meet only a day or two to carry out their assignment.

## Advantage and Disadvantage

Another course would be to try to persuade Congress to permit a presidential item veto by simple legislation. This alternative actually was suggested by Mr. Roosevelt in his annual budget message of Jan. 3, 1939: "A respectable difference of opinion exists as to whether a similar item veto power could be given to the President by legislation or whether a constitutional amendment would be necessary. I strongly recommend that the present Congress adopt whichever course it may deem to be the correct one."

The advantage of granting the item veto by legislation would be that it would take effect immediately. The disadvantage is that the power could be taken back more easily by Congress or that Congress in the first place might be more reluctant to grant an item veto to the president than in office.

One question certain to be raised is whether a big-spending president actually would make much use of an item veto. One answer is that in that case, granting the power wouldn't do any harm. But it would at least remove the alibi that presidents have as long as they lack this power. With it, they could be held strictly responsible, as they in fairness can't be now, for the spending result. As matters stand, the president is directed to present a budget, and in the eyes of the public is held responsible for it, though he has neither the power to appropriate nor any real power to cut outlays.

Presidential power to reduce or veto individual items in appropriation bills certainly would make a real difference. If we can get back to prudent and responsible spending, the task of raising the matching revenues won't seem insuperable any longer.

Mr. Hazlitt, the author of many books on economics, has written for the New York Times, Newsweek and the Journal.



EF

Received S/S

1983 SEP 21 AM 8:26

STATE

7 23

# WASHFAX RECEIPT DEPARTMENT OF STATE

B

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173378

1130

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LE

83 SEP 20

P 7:29

PRO 14-08

FG011

WHITE HOUSE  
SITUATION ROOM

F0003-02

C0086

475

MESSAGE NO. 475 CLASSIFICATION LIMITED OFFICIAL USE No. Pages 5

FROM: Jock Covey S/S 632-8448  
(Officer name) (Office symbol) (Extension) (Room number)

MESSAGE DESCRIPTION Q's and A's re War Powers Resolution

TO (Agency)	DELIVER TO:	Extension	Room No.
NSC	Bob Kimmitt		
NSC	Mr. Hauser		
	TEICHER		
	FIELDING		
	DARMAN		
	SHULL		

FOR CLEARANCE ☐ INFORMATION ☐ PER REQUEST ☒ COMMENT ☐

REMARKS

S/S Officer: UAA

URGENT

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JC

Q. Why is the Administration refusing to comply with the War Powers Resolution?

A. I believe the Administration is acting in a manner consistent with the Resolution. The President reported to Congress, consistent with the Resolution, in September 1982 when U.S. forces were introduced into Lebanon to participate in the MNF, and again on August 30 after the current round of fighting began. We have kept the Congress fully informed on subsequent developments in that situation, and we will continue to do so.

Q. But why has the President not made a report under Section 4(a)(1), as he is required to do? Why does he not acknowledge the operation of the 60-day period in Section 5(b)?

A. The President's August 30 report did not specify any particular subsection of Section 4. My understanding is that he is not required to do so, and that the majority of past War Powers reports, by both Democratic and Republican Presidents, have not done so.

I should emphasize that the President is not trying to be evasive or to refuse to recognize the gravity and dangerous character of the current situation in Lebanon. He has, however, tried to act consistently with the Resolution in such a way as to avoid any constitutional confrontation, and to minimize any incentive by hostile forces to exploit the perception of a deadline on the presence of our forces. For that reason we have tried very



hard to discourage undue emphasis on the question of the operation of the 60-day period, and have instead tried to focus on the desirability of prompt joint action by the President and the Congress to provide for the continuation of our presence in Lebanon on mutually satisfactory terms.

- Q. Would the President be prepared to sign a Joint Resolution along the lines of that introduced by Chairman Zablocki?
- A. I regard Chairman Zablocki's proposal as a positive development, although I don't think I am in a position to commit the President to any particular legislative proposal at this point. The President strongly appreciates the support expressed by Chairman Zablocki and others in Congress for U.S. policy in Lebanon and the continued participation of U.S. forces in the MNF. He does believe that the Congress and the Executive Branch must act together as soon as possible to support these objectives, and he strongly appreciates the efforts of Chairman Zablocki and others to develop an appropriate legislative vehicle for this purpose. The President would support a proposal that does not unduly constrain our forces in Lebanon from carrying out their MNF mandate including taking necessary actions to ensure the safety of the MNF, and that does not compromise the fundamental constitutional prerogatives and positions of either branch.

Q. Does the recent use of naval gunfire in support of LAF combat operations in the Suq-al-Gharb indicate a change in the role of U.S. forces? Does this trigger the requirement of the Lebanon Supplemental for Congressional authorization of any significant expansion in the number or role of U.S. forces in Lebanon?

A. It has been decided that if hostile forces should take the high ground at Suq-al-Gharb they would pose a clear and present threat to the safety of our MNF contingent. The use of our naval forces to help in preventing this is therefore a purely defensive effort on our part. As such, this is not an expansion in the role of U.S. forces in Lebanon: they have always had the clear right, consistent with the MNF mandate, to take action in self-defense and it has always been expected that they would do so.



Q. In the Administration's view, are U.S. forces currently engaged in a situation of actual or imminent hostilities for the purposes of Section 4(a)(1) of the War Powers Resolution? How can you say they are not?

A. I really do not think that any constructive purpose would be served by continuing a debate over whether our forces are involved in "hostilities" in a technical sense, or whether one particular section of the War Powers Resolution or another applies. The only point in characterizing a situation as involving hostilities is to trigger a purported requirement for legislative authorization. In this circumstance, where the Executive has decided to work with the Congress in good faith to achieve legislative support for our policy in Lebanon, this question is academic.

And where talk of a purported time limitation can produce incentives to inflict casualties on our forces, it is dangerous to pursue such a discussion. The important point is that the Congress and the Executive Branch act together to formulate and support an effective U.S. policy with respect to Lebanon, and to achieve a continuation of the presence of U.S. forces in support of that policy. As I have indicated, we are prepared to work together with the Congress on appropriate legislative action for this purpose.

I do not see that there is any point in impeding this process by engaging in confrontational debate about the

interpretation of current laws, or by addressing major constitutional questions which by their nature are impossible for us to resolve. Instead, we ought to focus our energies on reaching a practical solution which accommodates the interests of the two Branches and which supports an effective U.S. policy toward Lebanon.

I want to assure you that the President intends to work with the Congress in good faith to achieve a unity of purpose with regard to our policy in Lebanon. His goal is to address the merits of that policy in a cooperative rather than in a confrontational spirit and, in such debate, to reduce rather than increase the threat to the safety of American military and diplomatic personnel in Lebanon.



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DEPARTMENT OF STATE

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MESSAGE NO. 478 CLASSIFICATION LIMITED OFFICIAL USE No. Pages 5

FROM: BRUNSON MCKINLEY S/S 632-3126  
(Officer name) (Office symbol) (Extension) (Room number)

MESSAGE DESCRIPTION G'S AND A'S RE WAR POWERS RESOLUTION

TO (Agency)	DELIVER TO:	Extension	Room No.
NSC	MR. FIELDING	456-2632	
NSC	KEN DUBERSTEIN	456-2230	
NSC	RICHARD DARNON	456-2702	
NSC	ROBERT KIMMITT	456-2224	
	<u>NSC S/S</u>		

FOR: CLEARANCE ☐ INFORMATION ☐ PER REQUEST ☐ COMMENT ☒

REMARKS: ADDRESS COMMENTS/COMPLAINTS TO MIKE MATHESON, 632-3345

S/S Officer: B. McKinley  
/ms

September 20, 1983

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