

## **The Presidential Veto Power**

### **Overview**

In this lesson, students will explore the President's role in the legislative process and the powers expressly granted by the US Constitution. Students will then research the veto history and outcomes of past veto attempts and present their findings to the class.

### **Course**

Civics and Economics

### **NC Standard Course of Study**

- Objective 2.01: Identify principles in the United States Constitution.
- Objective 2.02: Explain how the United States Constitution defines the framework, organization and structure of the three branches of government at the national level.

### **North Carolina Essential Standards for Civics & Economics**

- CE.C&G.2.1 - Analyze the structures of national, state and local governments in terms of ways they are organized to maintain order, security, welfare of the public and the protection of citizens (e.g., federalism, the three branches, court system, jurisdictions, judicial process, agencies, etc.)
- CE.C&G.2.6 - Evaluate the authority federal, state and local governments have over individuals' rights and privileges (e.g., Bill of Rights, Delegated Powers, Reserved Powers, Concurrent Powers, Pardons, Writ of habeas corpus, Judicial Process, states' rights, Patriot Act, etc.)

### **Essential Questions**

- What role does the President play in the legislative process?
- Where does the President derive these powers from?
- What is a veto? What are different variations of the veto?
- How can a Presidential veto be overridden?
- What are the implications of the most recent Presidential veto?

### **Materials**

- Copy of US Constitution(available in most student textbooks)
- Summary of Presidential Vetoes, attached
- Computer lab with internet connection

### **Duration**

60 minutes

### **Procedure**

#### **Powers Granted to the President in the US Constitution**

1. As a warm-up, highlight the following excerpt from the US Constitution to students (teachers can project this excerpt and/or instruct students to turn to a copy of the Constitution in their textbooks):
  - Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it,

but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law. Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

*-Article 1, Section 7, Clauses 2 and 3*

2. As a class, use the excerpt to list the powers the Constitution gives to the President:
  - The President may sign the bill, and it becomes a law
  - The President may **veto**—refuse to sign the bill. The measure must then be returned to the house in which it originated, together with the President’s objections (a veto message). Although it seldom does, Congress may then pass the bill over the President’s veto, by a two-thirds vote of the full membership of each house. This is called a **veto override**.
  - The President may allow the bill to become a law without signing it—by not acting within 10 days, not counting Sunday’s of receiving it.
  - The fourth option is a variation of the third, called the **pocket veto**. If Congress adjourns its session within 10 days of submitting a bill to the President, and the President does not act, the measure dies.
  - \*Congress added another element to the veto power in 1996 called the “**line item veto**” which gave the President power to reject individual items in appropriations bills. However, in 1998 the Supreme Court struck down the law saying that it gave too much power to the executive branch (point out to students that all 3 branches of government were involved in the decision to allow/not allow the line item veto.)
  
3. Explain to students that the Framers designed powers this way to limit the power of both the executive and legislative branches of government. It is part of the system of “**checks and balances**.”

### **The Power of the Presidential Veto**

4. Distribute or present on the overhead the “Summary of Presidential Vetoes.” Ask students to answer the following questions based on the chart:
  - Which Presidents used the veto power the most?
  - Which Presidents were most successful with their vetoes?
  - Which Presidential vetoes were overridden most often?
  - What do you think are some reasons for these numbers? (What do the numbers suggest about the relationship between the President and Congress at the time?)

5. Explain to students that they will be responsible for selecting a President to further research with regard to their use of the veto power. (This can be done individually or in partners.) For each veto, they will need to provide a brief written explanation that answers the questions, When? What? Why? What was the outcome?

6. As an example, look at George Washington's veto history as a class:

- 1<sup>st</sup> Veto:

When: April 5<sup>th</sup>, 1792

What: An apportionment bill entitled: "An Act for an apportionment of Representatives among the several States according to the first enumeration."

Why: Washington disagreed with a bill outlining a new apportionment formula submitted by Secretary of State Thomas Jefferson. He thought Jefferson's original formula gave the northern states an unfair advantage.

Outcome: Congress sustained veto and had to come up with a new apportionment scheme. They did so on April 14<sup>th</sup>. George Washington signed the bill.

- 2<sup>nd</sup> Veto:

When: February 28<sup>th</sup>, 1797

What: A Bill to alter and amend an Act entitled, "An Act to ascertain and fix the military establishment of the United States"

Why: Congress was attempting to trim defense spending by reducing the number of cavalry units in the Army. Washington believed the act would have discharged military personnel prematurely, dangerously weakening the US military.

Outcome: Congress sustained veto; military levels remained the same

7. Allow students to select a President to research, stipulating they must choose one that has used the veto power at least 3 times. (You may want to try to make it so that no two students research the same president.) Reiterate the questions that need to be answered in their own words for each of 3 vetoes they must explain. Tell students that when they have completed researching and recording their findings, they will be responsible for explaining to the class at least one example of how the President they chose wielded the veto power and what the outcome was.

8. A computer lab with internet connection is required for research (students may work in pairs if there are not enough computers available for each student to have their own). Inform students they may want to begin their research at the following page, which summarizes several presidential vetoes:

[http://en.wikipedia.org/wiki/List\\_of\\_United\\_States\\_presidential\\_vetoes](http://en.wikipedia.org/wiki/List_of_United_States_presidential_vetoes)

Also suggest the following search parameters:

- -President's name + veto history
- -President's name + name of bill/act vetoed

9. When students have completed their research (which may need to be done for homework), ask each of them to explain to the class the circumstances surrounding one of their selected President's vetoes.

Tell students to be sure their explanation answers the questions: When? What? Why? What was the Outcome?

10. Allow students to present their findings to class, instructing students to take notes in a chart noting:

<b>Who (President's Name)</b>	<b>When</b>	<b>What</b>	<b>Why</b>	<b>Outcome</b>

# Summary of Presidential Vetoes

President	Total Vetoes	Regular Vetoes	Pocket Vetoes	Vetoes Overridden	Veto Success Rate
Washington	2	2	0	0	100.0%
J. Adams	0	0	0	0	na
Jefferson	0	0	0	0	na
Madison	7	5	2	0	100.0
Monroe	1	1	0	0	100.0
J. Q. Adams	0	0	0	0	na
Jackson	12	5	7	0	100.0
Van Buren	1	0	1	0	na
W. Harrison	0	0	0	0	na
Tyler	10	6	4	1	83.3
Polk	3	2	1	0	100.0
Taylor	0	0	0	0	na
Fillmore	0	0	0	0	na
Pierce	9	9	0	5	44.4
Buchanan	7	4	3	0	100.0
Lincoln	7	2	5	0	100.0
A. Johnson	29	21	8	15	26.8
Grant	93	45	48	4	91.1
Hayes	13	12	1	1	91.7
Garfield	0	0	0	0	na
Arthur	12	4	8	1	75.0
Cleveland I	414	304	110	2	99.3
B. Harrison	44	19	25	1	94.7
Cleveland II	170	42	128	5	88.1
McKinley	42	6	36	0	100.0
T. Roosevelt	82	42	40	1	97.6
Taft	39	30	9	1	96.7
Wilson	44	33	11	6	81.8
Harding	6	5	1	0	100.0
Coolidge	50	20	30	4	80.0
Hoover	37	21	16	3	85.7
F. Roosevelt	635	372	263	9	97.6
Truman	250	180	70	12	93.3
Eisenhower	181	73	108	2	97.3
Kennedy	21	12	9	0	100.0
L. Johnson	30	16	14	0	100.0
Nixon	43	26	17	7	73.1
Ford	66	48	18	12	75.0
Carter	31	13	18	2	84.6
Reagan	78	39	39	9	77.8
Bush	44	29	15	1	97.7
Clinton	37	36	1	2	94.6
G.W. Bush	12	12	0	4	67.0
Obama	2	2	0	0	100.00

Source: <http://www.senate.gov/reference/Legislation/Vetoes/vetoCounts.htm>