What Time Is It? The Use of Power in Four Different Types of Presidential Time

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This article describes and tests four different theories about how time constrains and defines the use of presidential power. It describes power use in theories arguing for a gradual secular increase in presidential power over time, in theories arguing for cycles of presidential power in time, in theories contending that power use is determined most markedly by a president being an "early" or "modern" president, and theories which argue that power use is contingent upon the term and year within the term in which a president attempts to use power. It conducts some preliminary tests of each of these theories and suggests that early/modern theory and the cyclical theory conform to hypothesized predictions about power.

The failure of recent presidents to meet rising public expectations has led presidency scholars to look for causes. Some recent scholarship has attempted to explain the "expectations gap" between public expectations and presidential power by introducing various conceptions of time (Light 1982; Skowronek 1993). According to these authors, the time situation a president inherits conditions his ability, means, and opportunities to use power. Presidency research links time and the use of power in four ways: (1) the president as receptor of a gradual unbroken line of ascending power and expectations, (2) the president as receptor of a power situation dependent upon his place in a regime cycle, (3) the president as receptor of one of two power situations depending on whether he presides before or after the Franklin Delano Roosevelt presidency (early versus modern presidents), or (4) the president as receptor of a power situation depending on what part of his term he is in and whether he is in his first or second (third) term. While the literature effectively has used these different conceptions of time and their accompanying explanations of the development of presidential power, it lacks an attempt to systematically test their applicability to the actual use of presidential power.

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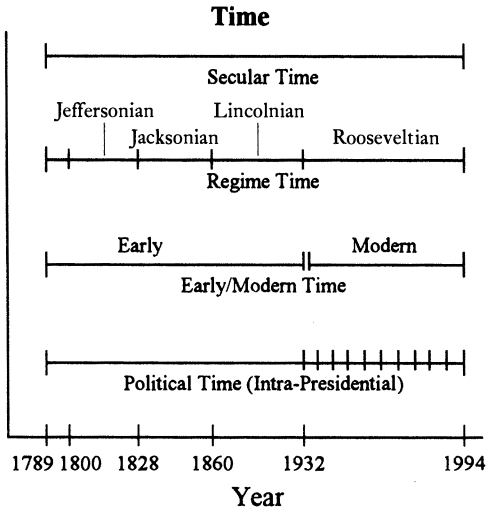
FIGURE 1

FOUR CONCEPTIONS OF TIME



This article will examine use of the veto power from 1890–1994 to test whether and when each of these conceptions of time is useful for understanding the use of presidential power.[1] Woodrow Wilson (1885) wrote, "In the exercise of the veto power, which is of course, beyond all comparison, his most formidable prerogative, the President acts not as the executive, but as the third branch of the legislature" (52). One of the enumerated powers of the president, the veto, is one of the only enduring measurable means by which all presidents have exercised power; an analysis of presidential vetoes permits an analysis of presidential power across the history of the American presidency.

THE LOGIC OF VETO USE

Presidents historically have vetoed for one reason: they cannot get their way in Congress. Admittedly, different presidents have put more or less effort in persuading Congress to their viewpoint. However, the fact remains that presidents only veto bills from Congress which do not represent their viewpoint or agenda. Presidents only receive objectionable bills when Congress disputes the president's

[1]This study examines veto use from 1890–1994 because it attempts to examine a large enough period of time to see changing patterns. Unemployment data is also only available back to 1890. For the purposes of this article, discussion of presidential power will be limited to mean only a president's legislative power. A president's legislative power is one of the only types of presidential power that lends itself to systematic study across time.

leadership or disagrees with the president's policy perspectives. The disputing of the president's leadership must be active. In other words, a president will only veto a bill when one has been presented. Passive disputation of leadership does not result in vetoes.[2] The number of objectionable bills a president receives will be a function of the activity level of Congress and their propensity to deviate from the president's position.

Congress rejects presidential leadership for one of two reasons: either the opposition party controls Congress or the president's party in Congress disputes his leadership (or some combination of the two). In the first case, we expect that the percentage of the president's partisans in Congress should be a determining factor in veto use. In the second case, variables accounting for contested presidential leadership within the party should also be a determining factor in veto use.

A president's leadership within his party may be disputed for a number of reasons. One factor which can cause this division within the party and which has been shown previously to be an important determinant of conflict is the economy (Hoff 1991; Shields and Huang 1995; Watson 1993). The economy is commonly perceived as a major determinant of public views about the performance of the party in power, particularly the president (Fiorina 1981). If the economy is performing poorly we can expect that the president and Congress will struggle for leadership. Whoever was perceived as the dominant actor before an economic downturn will be challenged. A second factor influencing presidential leadership is presidential popularity, either in terms of a mandate or presidential approval ratings. If members in Congress believe that presidential coattails in the next election will be short, they have an increased motivation to assert an alternative vision to secure their own reelection. Similarly, presidential approval ratings can give a compelling signal to members to jump ship, or alternately, jump aboard. A third reason why presidential leadership within the party may be disputed is the election cycle. In the modern era, members of Congress historically have run on the basis of legislation, pork, and casework (Fiorina 1977). Because the election constituency of Congress is confined to a district and the president's election constituency is national, members have a separate legislative agenda to the extent that their proposals represent parochial, particularistic interests. These reelection-centered legislative proposals increase in election years and vetoes should, consequently, increase in election years as well. The presence of a succession president is a fourth force shaping leadership conflicts within the political party. Succession presidents do not have the elective mandate of the public like their predecessors. Since these presidents can neither claim to be the tribune of the people, nor can they believably claim to have the keys to reelection in the next election year,

[2]The disputation of leadership may be conscious or unconscious. Members may not know they are passing a bill the president will oppose, but functionally Congress will only pass objectionable legislation when the president's leadership and agenda are not that of Congress.

Congress has a large incentive to reject presidential leadership and pursue alternate agendas.

The final reasons why a president's leadership may be disputed by Congress has to do with executive-legislative branch dynamics. Light (1982) argues that policy cycles (cycles of presidential power) exist within presidencies that are determined by the willingness of Congress to accept presidential leadership. Early in a president's term Congress is more willing to accept presidential leadership but members of Congress will increasingly dispute a president's leadership as the term proceeds. Similarly, Light argues, presidents are less successful in their second term because of a dynamic in their relationship with Congress where Congress perceives the president as a lame duck shortly after the second year of his second term.

While these factors determine the number of objectionable bills a president will receive, the number of vetoes in a given year is a function of the number of objectionable bills a president receives each year and a presidential calculation whether to veto each objectionable bill.[3] Before the centralization of legislative clearance and the institutionalization of the Executive Office of the President, presidents could not keep track of and evaluate all of the legislation passed by Congress (Neustadt 1954; Wayne, Cole, and Hyde 1979). Many objectionable bills could slip through without action. The increasing ability of the president to monitor and receive advice on legislation should increase the regularity of veto decisions and eliminate the possibility of decisions to veto or not veto on the basis of the availability of presidential resources.[4]

Veto Use and Presidential Time

Almost all presidency research explicitly or implicitly integrates a conception of time and its corresponding view of the development of presidential power into its analysis. While the dominant conceptions of time are distinct, many authors incorporate more than one into their research.[5] The four dominant types of presidential time emerging from the literature are *secular*, *regime*, *modern*, and *political time*. Each of these conceptions of time suggests a certain pattern of development in presidential power. On this basis explicit hypotheses can be developed about how

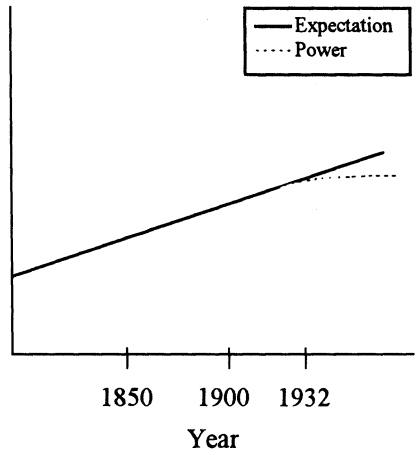
[3] There can be a number of factors that influence a president to veto or not veto an objectionable bill. For example, a president may make a political calculation about whether to veto a bill on the basis of projected costs to his future working relationship with Congress (Rohde and Simon 1985).

[4] Some authors writing about use of the veto power have suggested the importance of a variable accounting for significant international conflict on the basis of this resource problem (Rohde and Simon 1985; Shields and Huang 1995; Woolley 1991). These authors argue that presidents will veto less in periods of significant international conflict because they will not have time to pay attention to domestic affairs in Congress.

[5] Skowronek (1993), for example, uses one conception of time that recognizes gradually emergent patterns within the presidency over time and another conception which focuses on cyclical patterns.

FIGURE 2

SECULAR TIME



vetoes should be used if different conceptions of time explain power use in the history of the presidency accurately.

Secular Time

The earliest scholars emphasized secular or chronological time in the study of presidential power (Corwin 1954; Rossiter 1960). Scholars using this time framework discern and describe gradually emergent patterns of power in the presidency. For these researchers, the important developments in the presidency are the gradual increase in presidential power and resources and more marked increase in public expectations and constraints on presidential action (figure 2). If secular time is the proper way of understanding the use of presidential power, then veto use should gradually decrease from 1890–1994 because increasing power in the presidency should result in increased success in Congress. Increased success in Congress should result in the president receiving less objectionable bills.[6]

Regime Time

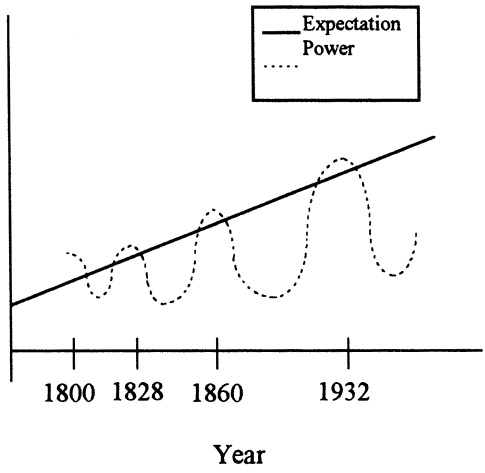
Regime time organizes presidencies into the Jeffersonian, Jacksonian, Lincolnian, and Rooseveltian periods.[7] Within these periods the dominant regimes proceed

[6]Obviously, other factors will determine the number of vetoes a president uses each year such as the presence of a succession president. However, if the power of the presidency is gradually increasing, vetoes should gradually decrease over time. The analysis of power presented in this article will focus on objective power, distinct from the power to meet popular expectations.

[7]Other cyclical theories of presidential power exist. We have chosen Skowronek (1993) as one example of this type of time. Attempts to expand the implications of this research on other cyclical theories should keep this in mind.

FIGURE 3

REGIME TIME



through cycles which constrain or free presidential actors to meet public expectations (figure 3). This conception of time suggests that presidents in different places in the regime cycle of reconstruction, articulation, disjunction, and preemption are more similar than presidents who are contiguous in secular time. Regime articulators like Theodore Roosevelt and Lyndon Johnson, for example, theoretically will use power more similarly than would presidents who preceded or succeeded them. If regime time is useful, we expect that presidents who assume office at similar places in the regime cycle should use power similarly.

No explicit hypotheses exist to explain how presidents within regime cycles will use power. The analysis of regime time has focused on the possibilities for presidential power at different points on the regime cycle. Nonetheless, certain implications for power use follow from the characterization of presidents as presidents of reconstruction, presidents of articulation, presidents of disjunction, and presidents of preemption. Skowronek (1993) argues that presidents have the most power when they repudiate an old regime. He bases this argument in the belief that the presidency contains three distinct impulses: the order-affirming, the order-shattering, and order-creating impulses. The use of presidential power is order-shattering because Article II of the Constitution mandates that the president exercise expansive powers of independent action when it states that the president must "execute the office of the President of the United States." The order-affirming impulses of the president derive from the paradox of presidential leadership that presidents must justify the use of order-shattering presidential power while maintaining allegiance to the order-affirming nature of the Constitution. The order-creating impulses manifest themselves in presidents' attempts to construct new

political arrangements that secure independent power and can stand the test of legitimacy in the eyes of the public and the rest of the government. Skowronek argues that when all three of these impulses can be satisfied then the president acts with the greatest power resources.

Presidents who are regime reconstructors such as Jefferson, Jackson, Lincoln, and Roosevelt act with the most power. They are given the widest latitude to act independently because the old regime is vulnerable and has lost widespread ideological support. Resistance to their assumption of power is weak and they reformulate the nation's political agenda around new cleavages, utilizing language that harkens back to founding commitments. There are fewer constraints on their use of power than other presidents, so it is uncertain exactly how power will be used and different reconstructors likely will use power differently. It may be logically inferred, however, that vetoes should decrease because the executive's power within Congress is at its zenith during periods of reconstruction.

Presidents who are regime articulators are more constrained in their use of power because they are closely wedded to the regime in power. They retain the order-creating power to shape the regime's message but the order-shattering impulses of the president are constrained. Regime articulators rule with a majority in Congress because the ideological support for the regime is high within the public. Presidents who articulate regimes should veto infrequently because of accepted leadership, mostly cohesive political beliefs, and strong majorities in Congress. Presidents of regime articulation include James Monroe, James Polk, Theodore Roosevelt, and Lyndon Johnson.

The presidents of a regime who succeed articulating presidents are very constrained in the use of presidential power. The order-shattering, order-creating, and order-affirming impulses cannot be manifested by this president. These presidents are constrained by a more clearly defined regime and cannot give heed to order-shattering impulses. The regime also has growing cleavages so presidents of disjunction cannot exercise an order-affirming function. Finally, leadership is contested by the factions in the regime so presidents cannot create any new type of order while wedded to the old one. Skowronek (1993) describes the dilemma of the presidents of disjunction, stating that, "to affirm established commitments is to stigmatize oneself as a symptom of the nation's problems and the premier symbol of systemic political failure; to repudiate them is to become isolated from one's most natural political allies and to be rendered impotent" (39). These presidents of disjunction will attempt to continue articulation but fail and preside over an increasingly factious party that rejects his leadership frequently. We expect these presidents to veto frequently, particularly later in their term as they preside over the disintegration of their regime. Opposition will get stronger both in the competing party and in the party in power. Presidents of disjunction include John Adams, John Quincy Adams, Franklin Pierce, James Buchanan, Herbert Hoover, and Jimmy Carter.

Presidents who assume power from the opposition party during the dominance of another regime also will veto frequently. Presidents of preemption assume office

free from the ideological commitments of the previous regime and can give play to the order-shattering impulses of the office, yet the old regime still maintains strong ideological support in the public and institutions. They cannot manifest the order-creating impulses of the office because of opposition. They also cannot get control of the agenda or define the predominant understanding of American values because the rhetoric of the old regime maintains salience in the public dialogue. These presidents are free to define an agenda separate from the old regime agenda, but the old agenda still retains power. The leadership of these presidents is contested, particularly in Congress, resulting in more objectionable bills reaching the president. The presidents of preemption, according to Skowronek, are Tyler, Johnson, Wilson, and Nixon.

Modern Time

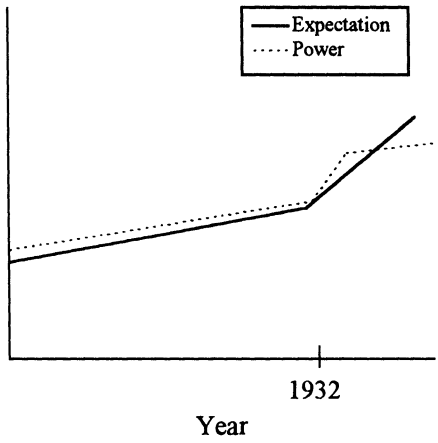
Modern time is a time-framework which makes a marked distinction between "early" and "modern" presidents (Burke 1992; Lowi 1985; Neustadt [1960] 1990; Wayne 1978). The break between early and modern presidents occurs with the Franklin Delano Roosevelt presidency.[8] Authors defending this time framework emphasize the irreversible transformation of the presidency that occurred during the Franklin Roosevelt presidency. Roosevelt overtly asserted legislative leadership during his first 100 days in office. His presidency oversaw the centralization of legislative clearance, the movement of the Bureau of the Budget (BOB) into the White House, and the dramatic institutionalization of the Executive Office of the President (Wayne 1978; Burke 1992). While the resources of the office dramatically increased, the expectations of the office also increased tremendously (figure 4). Neustadt (1960) argued that presidents after Roosevelt were in a fundamentally different position than presidents before Roosevelt. Lowi (1985) claimed the Roosevelt presidency planted the seeds of the "second republic." Proponents of this view of presidential time emphasize that presidents before Roosevelt were much weaker. In this "early" period, presidents were more closely tied to the political party. Presidents who actively participated in legislative affairs as an independent actor were the exception. To participate in legislative affairs at all, presidents had to have some strength. If modern time is an appropriate way to understand the use of power in time, we expect that modern presidents will use the veto solely as a sign of weakness.[9] Presidents in the early period, on the other hand, should use the veto power more ambiguously. These presidents should still use the veto when their agenda is not represented in Congress but the weakest presidents should veto

[8] One notable exception to this rule is Tulis's (1987) excellent work which makes the division between early and modern presidents with the Theodore Roosevelt or Woodrow Wilson presidency.

[9] This is the paradox of modern time. While presidential power increases objectively, it decreases relative to expectations. Modern presidents, for example, are freer to participate in legislative affairs. However, this freedom is also now a constraint. Whereas a president's power to influence Congress has increased, all presidents are now expected to participate. The extent that modern presidents fail to participate or fail in participating in legislative affairs, they are viewed as a failure.

FIGURE 4

MODERN TIME



infrequently because they have no independent mandate to participate in legislative affairs at all.

Political Time

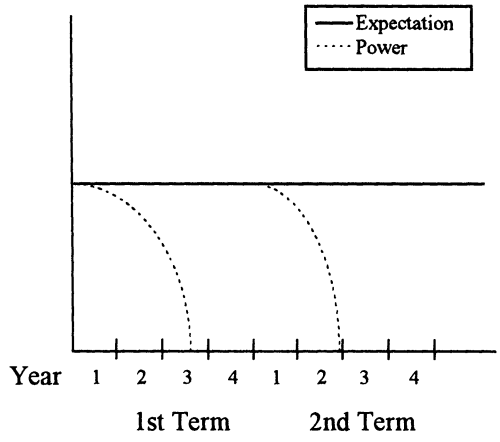
The final conception of time, *political time*, uses a smaller unit of analysis than any of the other three time frameworks. This time framework focuses on time within a presidency, both in terms of the year within a term and whether it is a president's first or second term. Light (1982) describes the time within presidencies in terms of policy cycles. He argues that a president is most powerful during the early part of the first and second terms (figure 5). The first part of the first term is especially important because in the second term attention quickly moves to the next election. If a president is affected by policy cycles, the veto should be used more frequently in the latter part of each term and more in the second than in the first term.

DATA AND METHODS

Distinct methods are needed to test adequately the relationship between the four different conceptions of time and presidential power as exercised through veto use. *Secular time* and *regime time* will be examined by looking for broad trends in veto use over the 1890–1994 period. For *secular time*, the number of vetoes each year, controlling for the number of public laws enacted, will be examined to determine whether the power of the presidency is gradually increasing over time. If power is increasing we expect to see a general decline in the use of the veto over

FIGURE 5

POLITICAL TIME



time. The analysis of *regime time* will consist in an examination of the veto frequency of different types of presidents. The presidents of regime reconstruction, articulation, disjunction, and preemption will be grouped and compared to expected patterns of veto use discussed in the previous section.

The analysis of *modern time* and *political time* will be conducted through a statistical analysis of veto use in the 1890–1994, 1890–1932, and 1932–1994 periods.[10] If *modern time* and its conception of a marked jump in power is correct, we expect this to be represented in different patterns of veto use in the 1890–1932 and 1932–1994 periods. Variables of *political time* will be included in this analysis to determine whether power is indeed greater in the earliest parts of each term and in the first term. This study will use a maximum likelihood model with the expectation that the dependent variable (vetoes) will follow a *poisson* distribution, the mean of which is a function of the variables in table 1.[11]

The dependent variable is the number of regular and pocket vetoes of public bills from 1890–1994.[12] Some studies of veto use have used only regular vetoes of

[10] A similar analysis using interaction terms to account for differences in different time periods was also conducted. Results are available from the authors. The results from the analysis including the interaction terms validates the findings presented here. The interaction variables accounting for differences in different time periods are significant and consistent with the results reported here.

[11] Several previous analyses of veto use have used OLS regression when studying veto use. This method is inappropriate because the dependent variable is not normally distributed. Rather, the dependent variable (vetoes) is discrete, bounded by 0, and the distribution is biased toward the y-axis. Use of an OLS model can give significantly different results. For a fuller discussion see Shields and Huang (1995).

[12] Sources: *Presidential Vetoes 1789–1988*. 1992. Washington, DC: U.S. Government Printing Office; *Presidential Vetoes 1989–1991*. 1994. Washington, DC: U.S. Government Printing Office. The same

TABLE 1

MODEL OF DETERMINANTS OF PRESIDENTIAL VETO USE

$$\int_i^j Y_i = e^{\gamma_i}$$

$$\lambda_i = B_0 + B_1X_1 + B_2X_2 + B_3X_3 + B_4X_4 + B_5X_5 + B_6X_6 + B_7X_7 + B_8X_8 + B_9X_9 + \mu$$

Where:
Y_i = number of vetoes of public bills
X_1 = number of public laws passed each year
X_2 = seat percentage in Congress
X_3 = average yearly unemployment
X_4 = mandate
X_5 = election year (0,1)
X_6 = succession presidency (0,1)
X_7 = year within the term (1,2,3,4)
X_8 = term (0,1)
X_9 = international conflict (0,1)
μ_i = error

Note: For the years 1945–1994 presidential mandate and presidential approval ratings are used alternately.

public bills (Hoff 1991; Shields and Huang 1995). However, pocket vetoes of public bills have been used for policy purposes frequently during the 1890–1994 period. Hoff (1994) argues that,

> presidents have increasingly viewed the pocket veto as an absolute weapon despite the use of the "memorandum of disapproval" . . . Since 1889, pocket vetoes have been used not simply because of inadequate time to consider the merits of legislation, but more so as a technique of opposing laws on political grounds. (195)

The inclusion of pocket vetoes should provide a richer view of the use of presidential power (Woolley 1991). Private bills were excluded from the analysis because their purpose is to relieve private parties and are generally used as a means of "coping with extraordinary circumstances" when the law is inequitable.[13] While some private bills were strictly motivated by the desire to help a constituent and reelection chances, some were passed to resolve inequities in the law that are now resolved in the bureaucracy. Their inclusion could muddy the results of the analysis

analysis was run excluding pocket vetoes, and the results are available upon request from the authors. While the election year variable loses its significance in all time periods, the rest of the results are consistent with expectations.

[13] Private bills were classified and excluded by hand on the basis of the content and title of the bills vetoed. The *Presidential Vetoes* publications unfortunately does not include a public/private bill classification. Generally, any bill for the relief of an individual or corporation in the strictest sense was excluded as private. Cases that were unclear were looked up in the *Congressional Masterfile* on CD Rom or the *Congressional Record* to verify whether they were public or private.

and their exclusion should have little impact on the final results. The provision of pork and particularistic legislation is adequately represented in public legislation.[14]

Turning to the independent variables, we include nine that will measure the factors involved in the logic of veto use discussed earlier: public laws enacted, seat percentage in Congress, yearly unemployment, mandate, election year, succession presidency, international conflict, year within the term, and term. Public laws enacted, seat percentage in Congress, and average yearly unemployment rate should be consistently important in all three periods measured. The number of public laws is a surrogate for the activity level of Congress.[15] For each year since 1890 the number of public laws was gathered.[16] Before the mid-1930s congresses do not fit neatly into year periods.[17] The Sixty-sixth Congress, for example, passed legislation in three years: 1919, 1920, and 1921. To remedy this problem, two years were specified for each Congress as the most important years. The number of public laws from these years were counted. Laws passed in another Congress in the same year were excluded. This method has the advantage of parsing public law data strictly into years, similar to the other data, but the disadvantage of excluding public laws passed in the same year but by a different Congress.[18]

Almost all previous analyses of veto use have emphasized the importance of the number or presence of the president's party in Congress (Lee 1975; Copeland 1983; Rohde and Simon 1985; Watson 1993). In each of these studies a variable has been included either for divided government or seat percentage. This analysis will include a variable accounting for seat percentage to assess the varying strength of

[14] A *Harvard Law Review* (1966) article on private bills states, "Specifically, only two categories of private bills are passed: (1) those dealing with claims against the United States, including waiver of claims by the government against individuals; and (2) those excepting individuals from certain immigration and naturalization requirements." Many early private bills involved pension claims. Eventually Congress created a court of claims to deal with private claims of this sort.

[15] This method of measuring the activity level of Congress will be mildly inaccurate because it does not include enrolled bills which were vetoed. However, the number of public laws per year was large enough that this should not significantly impact the results. The ideal measure would be the number of bills introduced each year. However, this data is not reliably available until 1947.

[16] Sources: *Congressional Quarterly Almanac*, various years; *U.S. Statutes*, 1889–1938.

[17] Generally, a Congress was elected in the fall and took office March 4 of the next year. Usually, however, Congress did not convene until December or later that year. Most legislative activity took place in a session in the second year and a lame-duck session from January to March of the third year before a new Congress was sworn in. This makes parsing data into year increments extremely difficult. To compensate, the first year of a new president and Congress's term is counted as the last year of the previous president and Congress term because the vast majority of all legislative activity in that year occurs from January–March with the previous president and previous Congress presiding. The data set accounts for this occurrence and adjusts the year within the term, seat percentage, vetoes and mandate variables accordingly until 1935 when new members and presidents began to take office on January 20.

[18] The other option is to count public law data by taking the total number of laws passed during one Congress and dividing that number by two. This method is less precise than counting individual years because significant differences in activity level exist from session to session.

the president's party in Congress. Unemployment is measured using yearly unemployment averages.[19]

The marked increase in power surrounding the Roosevelt presidency should manifest itself in the remaining variables: presidential popularity, election year, succession presidency, international conflict, year within the term, and term. Presidents in the early period are much weaker both in terms of their resources and their ability to lead Congress and this conditions their use of the veto.

Because presidents in the early period were weaker and often constrained from interfering with Congress, the importance of presidential popularity on legislative power (and veto use) should be ambiguous for the early period. After Roosevelt, the influence of presidential popularity on veto use should become much clearer and more regular because the acceptability of presidential involvement in legislative affairs becomes unquestioned. It is, therefore, expected that variables which account for presidential popularity as a factor in veto use will only be significant in the modern period. Presidential mandate will be measured by using the percentage of the popular vote the president received in the last popular election.[20] For the years 1933–1994 measures of presidential popularity will be substituted for presidential mandate scores and included in a separate analysis. Since 1938 the Gallup Opinion Poll has asked some variant of the question, "Do you approve or disapprove of the way President _____ is handling his job as president?" Yearly averages of this measure will be used for the modern period when it is included.[21]

Another factor mentioned earlier that should demonstrate an increase in presidential power in the modern period is the election year variable. This variable accounts for the increase in executive-legislative conflict over pork-barrel legislation. The provision of legislative pork and casework in election years as the primary means of congressional election is a modern phenomena. The assumption of economic and party leadership by presidents starting with Franklin Roosevelt has increasingly fragmented the reelection interests of the president and Congress in the modern era. In the early period, political parties were much stronger, congressional leadership was centralized, and Congress was less professionalized. Election campaigns were more national and orchestrated by party leaders in Congress. In the modern period, the election campaigns of the president and Congress are largely separate and there no longer exists a strong party to mediate between the demands of the different reelection constituencies of the two branches. To the extent that election year is a determinant of veto use, presidents show a greater source

[19] Source: *Information Please Almanac*, various years; *Historical Statistics of the United States, Colonial Times to 1970; Handbook of Labor Statistics*, 1989.

[20] Succession presidents receive the mandate of their predecessor until the next election. The exception is Gerald Ford who was not popularly elected. His mandate was coded as half of Nixon's 60.7% mandate received in 1972 because he did not have the same mandate as a popularly elected vice president. The analyses were also run with Ford's mandate coded as 0 and there were no significant changes in the results.

[21] Source: *Gallup Opinion Index*, various years.

of independent power and legitimacy. Election year will be accounted for by a binary variable where each election year, midterm or presidential, will be coded with a 1 and other years with a 0.

The variable which accounts for the presence of a succession president should clearly indicate the relative weakness and strength of the presidents in each period. In the early period, when presidents were more closely tied to the political party, succession presidents were expected to interfere in legislative affairs less than their predecessor as they filled out his term. They were so weak they did not have the legitimacy or strength to justify any participation in the legislative process, especially the highly contentious use of the veto. Presidents who deviated from this rule severely jeopardized their standing with party regulars and their chances for reelection. In the modern period, all presidents, succession or not, are not constrained in their involvement in legislative affairs. We consequently expect the opposite results; succession presidents should veto more in the modern period as a sign of their weakness. They have little time to propose any legislative program, they have no mandate, and they have had little time to develop a working relationship with Congress. The succession presidency variable is a binary variable with succession presidents coded as a 1 until they finish their predecessor's term. All other presidents are coded with a 0.[22]

Perhaps the most significant difference between the early and modern presidencies is the dramatic institutionalization that took place beginning with the Franklin Roosevelt presidency. One way to test the importance of this variable consistent with previous veto literature is the inclusion of a variable accounting for U.S. involvement in significant international hostilities. There are two theories in the literature why veto use should decrease in periods of conflict. The first argues that during times of conflict presidents do not have the time to focus on domestic affairs (Rohde and Simon 1985; Woolley 1991; Shields and Huang 1995). The second contends that during times of conflict there is a tendency for the public and members of Congress to "rally around the president" (Watson 1993). The first explanation is a resource explanation. Implicitly, authors who argue that presidents do not have the ability to focus on domestic affairs during a crisis argue that decisions on enrolled legislation take up too much time or resources to be addressed. With the increasing resources available to the president and the increasing bureaucratization of veto decisions, resource arguments should only be applicable during the early period (Wayne 1978; Watson 1993). The second explanation suggests that Congress does not present objectionable legislation to the president in times of war. However, in the modern period, Harry Truman's experience with the Korean War and Lyndon Johnson's with Vietnam suggest that the tendency to rally around the president has its limit. Additionally, George Bush was the recipient of congressional support during the Gulf War but that support was not translated into

[22]Taking into account the structure of legislative activity mentioned above, the years 1902–1905, 1924–1925, 1945–1948, 1964, and 1974–1976 were coded with a 1 indicating a succession president.

deference in domestic affairs. Consequently, international conflict, as an indicator of institutional constraints, should only be an important determinant of veto use in the early period. United States involvement in a significant international conflict will be defined by a binary variable where a year coded with a 1 indicates significant international conflict and a 0 is all other years.[23]

The year within the term variable codes each year as the first, second, third, or fourth year of a president's term. The year variable for succession presidents is continuous as if an extension of the previous president's term.[24] The term variable is a binary variable where the second (third) term is coded with a 1 and all first terms are coded with a 0. Succession presidents are considered second-term presidents if they completed more than two years of their predecessor's term.[25] These variables should only be important in the modern period because presidential legislative involvement has only been consistent and regularized for presidents from Franklin Roosevelt forward.

Results[26]

The results from the analyses of the veto power provide interesting insight into the usefulness of the various conceptions of time in presidency research. The results indicate that two of the time-frameworks tested appear to be useful in explaining the use of presidential power. Used together they provide a rich and deep explanation of the use of presidential power.

Secular Time

Proponents of secular time argue that the presidency as an institution is gradually increasing in power over time in a relatively linear fashion. Consequently, veto use should decrease inversely with the increase in presidential power. However, as Figure 6 indicates, vetoes follow no regular linear pattern. The development of presidential power cannot be easily explained by the argument for secular time. The use and development of presidential power appears more complex and varied.

[23] The years 1899, 1917–18, 1941–5, 1950–3 and 1965–75 were given a code of 1 indicating significant international conflict.

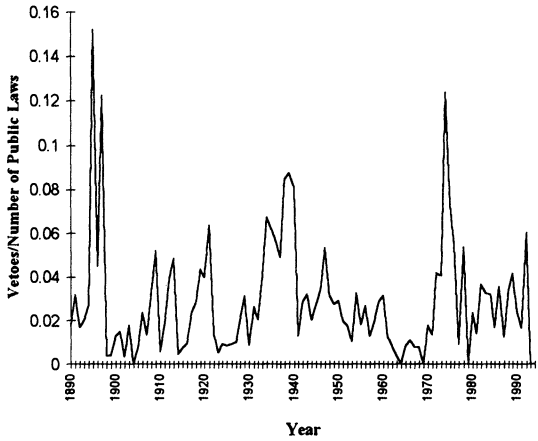
[24] Since succession presidents had a variable accounting for their presence in office, we decided to treat the year within the term variable as we would if the original president had carried out the full term. When succession presidents' first year as a successor was coded as if it were their first year in office, the results for the 1890–1994 and 1890–1932 period stayed virtually the same. The same is true for the modern period with a few exceptions. In the 1933–1994 period, the year within the term variable gains significance and the variable accounting for seat percentage loses significance. In the period from 1945–1994, there is little change in the results except that the unemployment variable gains significance.

[25] This follows the logic of the 25th amendment that stipulated succession presidents who served more than two years of a previous president's term could not run for a second popularly elected term.

[26] All statistical functions were conducted on an IBM 220 workstation, under UNIX with Splus 3.2 and a glm procedure. An electronic version of the data used herein is available *via* anonymous *ftp* to *osiris.Colorado.edu* (directory: *pub/statlib/datasets*).

FIGURE 6

PERCENTAGE OF VETOES, 1890–1994



Regime Time

The results show the presidency is not a static institution. Rather, the powers of the president and the constraints of the office have changed over time. These changes over time make comparing presidents at the same point in regime cycles but at different points in secular time difficult. Herbert Hoover and Jimmy Carter may share similar positions in the regime cycle but their positions are fundamentally different because of the changes that have occurred in the presidency between the tenures of the two presidents. On a broad level, our results are not entirely unexpected. The exception, the one president of reconstruction who presided during the time period analyzed, wielded the veto power unusually and powerfully. Franklin D. Roosevelt vetoed an average of 22.73 public bills each year and vetoed 5.3 bills for every 100 public laws passed. Presidents before and after Roosevelt in the regime cycle had less opportunity to give heed to their order-shattering impulses. Presidents of reconstruction were hypothesized to use vetoes infrequently because of their increased power in Congress. However, as Skowronek (1993) argues, presidents of reconstruction have the least number of constraints on the type of power they use. Franklin Roosevelt used power vigorously and unusually and contrary to what would be expected.

The presidents of articulation during the 1890–1994 period, Theodore Roosevelt and Lyndon B. Johnson, vetoed less than any other type of presidents. They vetoed an average of 3 public bills each year and approximately 1.3 bills for every 100 public laws enacted. Presidents of disjunction such as Herbert Hoover or Jimmy Carter vetoed an average of 7.13 bills each year and 2.3 for every 100 bills passed. Preemptive presidents vetoed an average of 5.38 public bills each year and

TABLE 2

SUMMARY OF PUBLIC BILLS VETOED, 1890–1994 BY TYPE OF REGIME PRESIDENT

Type of President	Vetoes/Public Laws
Reconstruction	0.053
Articulation	0.014
Disjunction	0.023
Preemption	0.026

2.6 for each 100 public laws enacted. Presidents of disjunction vetoed more bills each year over all but they vetoed less as a percentage of the total number of bills passed in each year. Both presidents of disjunction and preemptive presidents veto at a rate almost twice as high as presidents of articulation in line with expectations.

Two additional points need to be made, however. First, presidents who occupy the same place in a regime cycle in some cases vetoed very differently even though their average demonstrated the expected results (table 3). Theodore Roosevelt, for example, vetoed an average of 1.9 bills for every 100 public laws enacted while Lyndon Johnson vetoed only .7 bills for every 100 public laws enacted. The differences between the two presidents is instructive. Presidents who share the same position in a regime cycle do share some characteristics which influence their power situation but the context of each president is often a more immediate determinant of veto use. If we examine Woodrow Wilson and Richard Nixon compared to other presidents of preemption, the two other presidents of preemption, John Tyler and Andrew Johnson, also used the veto vigorously. However, both were succession presidents who both attempted to overtly defy Congress when such action was not widely viewed as appropriate. Two presidents of reconstruction, Roosevelt and Andrew Jackson, used the veto power vigorously; however, two of them did not use it much at all (Thomas Jefferson, Abraham Lincoln). All four presidents used power effectively. Jefferson used his power in Congress and in his political party. Lincoln used his power extraordinarily during wartime. Presidents at different times use power differently and for different reasons. Understanding the place presidents have in a regime cycle can draw our attention to some of their most serious problems or significant possibilities but it cannot explain the existence of a succession presidency or a sudden economic downturn.

The second point is that only the prototypical presidents in the regime cycle were examined. Other presidents not discussed by Skowronek or this study were not examined. A quick look at table 3, however, indicates that their inclusion would leave us with much murkier results. William McKinley and Harry Truman, both arguably regime articulators, vetoed .9 and 3 bills for every 100 laws enacted, respectively. How do presidents such as McKinley and Truman and others fit into this regime cycle in terms of power use?

TABLE 3

SUMMARY OF PUBLIC BILLS VETOED, 1890–1994

President	Avg./Year	Total	Vetoes/Public Laws
Benjamin Harrison	5.00	20	0.022
Grover Cleveland	14.75	59	0.087
William McKinley	2.00	8	0.009
Theodore Roosevelt	4.00	32	0.019
William H. Taft	6.25	25	0.028
Woodrow Wilson	4.25	34	0.028
Warren G. Harding	2.50	5	0.010
Calvin Coolidge	6.33	38	0.015
Herbert Hoover	7.00	28	0.024
Franklin D. Roosevelt	22.73	250	0.053
Harry S Truman	12.13	97	0.030
Dwight D. Eisenhower	10.38	83	0.022
John F. Kennedy	3.33	10	0.020
Lyndon B. Johnson	2.60	13	0.007
Richard M. Nixon	6.67	40	0.023
Gerald R. Ford	20.60	62	0.084
Jimmy Carter	7.25	29	0.022
Ronald Reagan	9.00	72	0.027
George Bush	11.25	45	0.036
William Clinton	0.00	0	0.000

Source: *Presidential Vetoes*, 1789–1988 and *Presidential Vetoes*, 1989–1991.
Note: The numbers included are only from Cleveland's second term in office.

MODERN TIME

In terms of *modern time*, the factors which were to indicate a marked increase in presidential power in the modern period conformed to expectations although the presidency of Franklin Roosevelt exerts large influence on the results (table 4).[27] In many ways presidents after Roosevelt were significantly different from both Roosevelt and the presidents before Roosevelt (table 5).[28]

As expected, several factors in veto use remained important across the time period examined. The number of public laws was a significant determinant of veto use in all three time periods. Seat percentage was also consistently important in all three time periods. Even though a president like Franklin Roosevelt vetoed frequently with large majorities in Congress, the consistent trend is that presidents veto less as the majority of their party in Congress increases. While this variable is

[27] The *F*-values for table 4 would be 12.96, 6.35, and 9.41, respectively. Each of these is significant at the .001 level. While the distribution of vetoes follows a *poisson* distribution, there may be either under or overdispersion. When a general event count (GEC) Model was used, overdispersion was apparent. While the results with the GEC model were weaker, our substantive results did not change. Results are available from the authors upon request.

[28] The *F*-values for this table are 5.05 and 5.37, respectively. Each is significant at the .001 level.

TABLE 4

DETERMINANTS OF VETOES OF PUBLIC BILLS, 1890–1994

Time Period	1890–1994	1890–1932	1933–1994
Constant	1.0745	2.3998	0.8385
(S.E.)	0.3117	0.9819	0.3976
(t-value)	3.4471****	2.4441**	2.1092**
Public laws enacted	0.0037	0.0034	0.0029
	0.0003	0.0007	0.0005
	11.571****	5.0943****	6.3215****
Seat percentage in Congress	−0.0277	−0.0277	−0.0092
	0.0036	0.0129	0.0042
	−0.8233	−2.1515**	−2.1694**
Unemployment	0.0779	0.0226	0.0968
	0.0064	0.0131	0.0088
	12.187****	1.7328*	11.045****
Mandate	−0.0240	−0.0076	−0.0065
	0.0063	0.0184	0.0075
	−3.7827****	−0.4137	−0.8643
Election year	−0.0669	−0.4988	0.2622
	0.0791	0.1824	0.1002
	−0.8456	−2.7340***	2.6163**
Succession presidency	0.4074	−0.7540	0.7419
	0.1102	0.3158	0.1324
	3.6960****	−2.3872**	5.6030****
Year within the term	0.1463	0.0598	0.0233
	0.0325	0.0904	0.0406
	4.5044****	0.6609	0.5741
Term	0.5934	0.8491	0.4378
	0.0719	0.1504	0.0892
	8.2536****	5.6456****	4.9073****
International conflict	0.0854	−0.3378	0.0901
	0.0913	0.3562	0.1077
	0.9355	−0.9484	0.8362
Number of cases	104	42	61
−2 LLR	329.523****	54.988****	184.335****

*significant at the .10 level; **significant at the .05 level; ***significant at the .01 level; ****significant at the .001 level in a two-tailed test of significance.

consistent across time, we do witness its relative decline in importance in the modern period. The coefficient for the early period is significantly larger than it is for the later period. However, if Roosevelt is excluded from the modern period, seat percentage retains its importance. As we expected, the president's leadership is most hotly disputed and he consequently receives the most objectionable bills when the opposition party in Congress is in control.

Unemployment, too, appears to be a consistent determinant of veto use in all three periods. However, as table 5 shows, if the modern period is examined after Roosevelt, unemployment is no longer a significant determinant of veto use. While other studies have shown that unemployment is a significant determinant of veto use, these results suggest that it is not important in the period from 1945–1994.[29]

While many of the determining factors in veto use remain consistent over time, several appear to be determined by whether the president examined assumed office before or after Roosevelt. Because presidents in the early period were hypothesized to be markedly weaker than presidents in the modern period, we expected that mandate and election year would only be important in the modern period. Presidents in the modern period have the benefit of an independent mandate separate from the party. Consequently, we expected that an independent mandate would only regularly translate into less vetoes in the modern period. The mandate variable was not significant in either the early or the modern period. Interestingly, however, it was significant when the whole time period of 1890–1994 was examined. As expected, when the mandate increased, the number of vetoes decreased. Similarly, in the modern period after Roosevelt vetoes decreased when presidential approval ratings increased. It appears that as the president's strength with the public increases, the need for the veto decreases. This is consistent with the findings of authors such as Rivers and Rose (1985) who suggest that public approval aids in getting the president's program passed in Congress.

Election year was expected to be a time-bound variable as well as the party's mediating influence in electoral goals diminished. In both the early and the modern era the presence of an election year affected veto use. The signs of the coefficients in the two periods differ, however. As expected, in the modern era presidents veto more frequently as the election year approaches. Presented with more particularistic legislation, the president vetoes more frequently. In the early period, presidents veto less during election years. One possible explanation is that much of the important legislating was conducted by lame duck Congresses after the election in November, freeing both the Congress and the president from election year constraints. It is also likely that stronger party cohesion tied the interests of the president and Congress more tightly together during election years and they had more motivation to cooperate.

[29] This result may be the result of the measure used. Shields and Huang (1995) use unemployment averages from the months when Congress is in session and find a significant result for the same period. To have a consistent measure across time, this study uses yearly unemployment averages.

TABLE 5

DETERMINANTS OF VETOES OF PUBLIC BILLS, 1945–1994

Variable	(1)	(2)
Constant	2.4808	3.5609
SE/B	0.8101	0.7395
T-Value	3.0624***	4.8156****
Public laws enacted	0.0019	0.0023
	0.0006	0.0006
	3.0076***	3.5772****
Seat percentage	−0.0360	−0.0388
	0.0067	0.0069
	−5.3900****	−5.6033****
Unemployment	0.0618	0.0406
	0.0420	0.0370
	1.4721	1.0955
Mandate (1)	0.0036	−0.0104
Presidential approval (2)	0.0094	0.0050
	0.3883	−2.0679**
Election year	0.5287	0.4523
	0.1478	0.1498
	3.5758****	3.0183***
Succession presidency	0.6562	0.5564
	0.1532	0.1293
	4.2819****	4.3039****
International conflict	0.0370	−0.0341
	0.1367	0.1250
	0.2710	−0.2728
Year within term	−0.0896	−0.1326
	0.0540	0.0584
	−1.6580	−2.2722**
Term	0.0792	0.0114
	0.1272	0.1287
	0.6223	0.0882
Number of cases	49	49
−2 LLR	130.607****	126.374****

Note: Test (1) for the 1945–1994 period includes the mandate variable and test (2) includes presidential approval.

*significant at the .10 level; **significant at the .05 level; ***significant at the .01 level; ****significant at the .001 level in a two-tailed test of significance.

The variable accounting for a succession presidency was expected to be negative in the first period and positive in the modern period because succession presidents in the modern period would be so weak they could not justify much involvement in legislative affairs. The succession presidency variable behaved very similarly to the election year variable. In the early period, succession presidents vetoed less frequently and the modern period succession presidents vetoed more frequently.[30]

We hypothesized that international conflict would only decrease vetoes in the early period because of an increase in resources in the modern period and the variable accounting for international conflict was not an important determinant of veto use in any period. Contrary to expectations for the early period, international conflict did not significantly decrease the use of the veto. It is not clear what impact the increase in presidential resources had on veto decisions. Overall, it appears that the Roosevelt presidency was a presidency of transition and there are significant differences in the use of power between the early and modern periods.

Political Time

The use of the veto power did not coincide with the conception of time which argued that presidents would have more or less power at different points within a presidency. According to this theory, presidents have the most power at the beginning of their term and more in their first term, rather than in their second. Consequently, it was expected that presidents would veto more at the end of their terms and more in their second than first term. For the entire period, it appears that presidents do veto more later in their term even though this same variable is not a significant determinant of veto use in either the early or modern periods when analyzed separately. Interestingly, however, when Roosevelt is excluded from the analysis of the modern presidents, there is a clear and significant pattern of vetoing early in the term. The term variable also appears to be significant in the way that we expected. However, when Roosevelt is excluded once again, the term variable becomes insignificant for the modern period.

This is one of the many ways the Roosevelt presidency appears to be anomalous or some sort of transition president. He vetoed frequently with a large majority in Congress, he vetoed late rather than early, and he vetoed from strength. He is reputed to have asked one of his aides to get Congress to pass some legislation that he could veto, an unusual exercise of power!

[30] Some recent analyses of veto use have not included a variable to account for succession presidents. Rather, they have included a variable to account for what they consider to be the anomalous Ford presidency (Woolley 1991; Shields and Huang 1995). In this model of the veto power described earlier, the Ford presidency is not an anomaly. The Ford presidency, like the Truman presidency was characterized by a large number of vetoes. The root of each president's failure was rooted in their perceived illegitimate leadership. Johnson escaped this phenomena because of his previous legislative experience and his majorities in Congress. While one might expect that these results are due to the "Ford factor" or the "Theodore Roosevelt factor," the results are robust even when all the presidents were excluded one at a time from the analysis.

Conclusion

This study evaluated four different conceptions of time as they condition the exercise of presidential power. It conducted some preliminary tests of each conception of time. While these results are not sufficient to dismiss any of the conceptions of presidential time, they are provocative and merit further research. They do add empirical grounding to at least two of the four theories of presidential time. So, what time is it? Two conceptions of power and presidential time conformed to expectations: *regime time* and *modern time*.

Presidents who fell in the same places in regime cycles as specified by Skowronek (1993) generally exercised power similarly. The president of reconstruction used power vigorously and unusually and contrary to expectations. Presidents of articulation, disjunction, and preemption, however, generally used power in the ways expected. Presidents of disjunction and preemption vetoed more frequently than presidents of articulation. While general patterns exist, they exist only among the prototypes specified by Skowronek (1993). These cases may create self-selection bias. It is possible that similarities only exist between different types of regime prototypes because they were selected to share these types of characteristics. When other presidents are selected who should use power similarly, they do not perform as expected.

The presidency of Franklin Roosevelt appeared as the wildcard in the analysis of modern time, as well. Presidents after Roosevelt used the veto according to general expectations of a power jump with the Roosevelt presidency and presidents before Roosevelt did as well. Roosevelt himself, however, used the veto differently than either early or modern presidents. In any case, presidents after Roosevelt do appear to have fundamentally more power than presidents before Roosevelt and this manifests itself in their patterns of veto use. More attention should be paid both to the changes in the presidential power that occurred with the Roosevelt presidency and to the Roosevelt presidency itself as an anomaly.

The explanation of presidential power defined by development in *secular time* did not appear as applicable to the development of legislative power in the tests conducted here. The patterns of power use were less gradual than jagged. Some authors have suggested that contemporary presidents veto more important legislation than their predecessors (Woolley 1991). This may be one way in which secular power development may be important.

For *political time*, patterns of power use were expected for the modern period which indicate that presidents use power more or less effectively at different points in their term. Presidents in this analysis did not use the veto power in a regular pattern according to these expectations. In fact, in the case of the year within the term variable, the result was the opposite of what we expected. One possible explanation for these results is the development of legislative and political skill across a presidency. While Light (1982) argues that presidents have differing power resources at different points in their tenure, he also argues that learning takes place

during a presidency. Presidents develop more skill while their power resources are diminishing.

Several implications can be derived from these conclusions. First, certain types of presidential power are amenable to systematic analysis across time. These results suggest that, at least, modern time and regime time are applicable timeframeworks for understanding presidential legislative power. More research needs to be conducted beyond the research presented here to test these four theories of presidential time further. The second implication of this research, drawn from the analysis of *regime time*, is that important changes take place in the presidency all the time that affect the use of power. Some general patterns of power use can be discerned from general changes and trends and recognizing these trends is necessary, but they should not be seen as sufficient for explaining presidential power use. This research should motivate more research that is conscious of how time is understood, research into general patterns of power development in different areas of the presidency, and research that includes more contextual analyses of power use by presidents in regime cycles and early and modern presidents.

The question which motivated this research, why the expectations gap exists, asks to be answered. What does this research add? It adds the knowledge that presidential power increased dramatically with the Roosevelt presidency. These increases in presidential power have not led to an ability to meet expectations. Public expectations appear to rise at a rate in any conception of time that always supersedes presidential power. The proper question may no longer be how to give presidents more power to meet expectations, but how can we roll back the expectations and power to a reasonable pre-Roosevelt standard. If presidential power and expectations are rolled back, perhaps presidents can act energetically with the hope of meeting the public expectations for government that are shared between the president and Congress.

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