Introduction[1]

What Are Statements of Administration Policy?

Presidents have long communicated their preferences on pending legislation to Congress, but only since the mid 1970s has the Office of Management and Budget (OMB) formally vetted these statements and sent them on to Congress under the title and letterhead, Statement of Administration Policy (known in Washington by its abbreviation "SAP" and frequently pronounced "sap"). OMB issues SAPs to Congress to register the administration's support or opposition to legislation at various stages of floor and conference committee consideration. Another class of White House and administration position statements (not included in this volume) concerns legislation in committee. These are referred to simply as "letters." They follow the same clearance procedures as SAPs and frequently serve as the basis for SAPs – especially those initiated at OMB – as legislation advances from committee to floor consideration.[2]

Most Statements of Administration Policy were sent to the Speaker of the House of Representatives or the Senate majority leader as the bill received its first floor consideration in either chamber, but occasionally the White House would fire off a threatening SAP to the next chamber in reaction to a defeat in the first chamber. A small number are addressed to the House Rules

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Committee; these typically oppose or endorse amendments that the committee may include in the rule clearing the bill for a floor vote. About 150 SAPs were directed at legislation at the conference stage – either prior to or during conference committee consideration.[3]

As the title of these memoranda implies, most Statements of Administration Policy originate outside the White House. OMB initiates many of the routine endorsements as endorsed legislation is reported out of committee. Cabinet officials also frequently request a SAP to line up the president's backing in an effort to spur or deter floor consideration. These requests will typically be accompanied by draft language that becomes the basis of the SAP. According to senior OMB officials the White House initiates relatively few SAPs, which explains why a first person statement from the president rarely appears in these memos.

Statements of Administration Policy Containing Veto Threats

For theoretical and practical reasons, I decided early in this project to limit the collection to Statements of Administration Policy containing an explicit veto threat. The 937 threatening SAPs presented here constitute only about a third of all SAPs.[4] Most statements offer a routine endorsement of pending legislation; a small percentage express the president's disapproval or

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[2] I have been unable to locate a comparable collection of letters. Letters do appear in various White House Office files at the presidential libraries. White House "letters" typically skip clearance and go directly to the committees with copies sent to the OMB.

[3] Memoranda targeting conference deliberations generally take the form of SAPs, but legislative correspondence files at the George W. Bush Presidential Library include OMB drafts of a number of "letters" threatening a veto addressed to House and Senate conferees.

[4] I am basing this calculation on all SAPs posted on the OMB web site during the years 1997-2004.

even opposition but stop short of an explicit threat. (All references to the veto, even if only in reminding Congress of the president's constitutional authority, are included in this collection.)

Theoretically, veto threats hold more interest for the study of presidential-congressional relations than do endorsements.[5] Threats are especially relevant for understanding politics in Washington during periods of divided party control of these institutions. Indeed in the two unified Congresses listed below, President Bill Clinton sent no threats to the 103rd Congress and although George W. Bush issued 32 threats in SAPs during the 108th Congress, he actually vetoed no legislation during this period.[6] As an opposition-controlled Congress deliberates policy under the shadow of a veto, legislators carefully examine these Statements of Administration policy along with other presidential communications for insight into his policy preferences, signs of possible compromise solutions, and the extent to which his rhetoric leaves him the flexibility to shift to some other stance (see Cameron 2000; Matthews 1989; and Ingberman and Yao 1991). As opposition legislators scrutinize threatening SAPs they will not necessarily take his statements at face value. After all, he may be bluffing, throwing out threats in an exercise

[5] This is not to say that endorsements are bereft of information. Although the main function of these SAPs is to confirm that legislation reported by a committee remains consistent with the president's previously stated preferences, they may signal to Congress that the president regards the legislation as a priority or that he prefers the endorsed bill to its alternatives. Yet arguably the most valuable information contained in a presidential endorsement is the absence of a threat. By sending a "green light" signal the president frees Congress to pass its most preferred legislation (Matthews 1989).

[6] Ironically, President Clinton's State of the Union address in 1993 launched his presidency with dramatic veto rhetoric when he took out a pen and, flashing it to members of Congress and the television cameras, threatened to veto any expansion of medical insurance that failed to cover all Americans.

economists call "cheap talk." To assess whether the president is playing a strong hand (i.e. would actually veto the targeted bill) legislators also weigh other considerations – among them, the public's support for the legislation, the president's record on the policy question, his reputation in following through on threats, and perhaps above all, whether Congress's preferred bill advances the president's policy goals more than does the status quo.

Veto Threatening Statements of Administration Policy

	Recipient of SAP	
Congress	***House***	***Senate***
99th	45	8
100th	93	51
101st	78	36
102nd	147	48
103rd	0	0
104th	83	14
105th	131	45
106th	88	21
107th	11	6
108th	19	13

Members of Congress and others in Washington with a stake in legislation examine Statements of Administration Policy with keen interest. Until recently, political scientists have mostly ignored them, unaware even that they exist. Instead, research into presidential-congressional relations has drawn relied on newspaper coverage, presidents' public statements, and coverage contained in the *CQ Weekly Report* (Spitzer 1988). To determine whether threats issued via SAPs are adequately reported in news sources, I compared bills threatened in SAPs during the 102nd Congress with references to veto threats in alternative sources. The critical figure commending closer attention

to SAPs among researchers is the 37 bills threatened in these memoranda that are not reported in any other source. We also find that the Associated Press and *CQ Weekly Report* identify threats that are not contained in SAPs. This should not be surprising in that numerous threats are issued for public as much as congressional assumption and many others target legislation in committees where a "letter" would be issued.[7]

Overlapping Sources of Information About Veto Threats

(102nd Congress (1991-1992)

Threats in one source only	Number of bills threatened	Percent of all bills threatened
Associated Press only	5	2.6
SAP only	37	19.0
CQ Weekly Report only	29	14.9
Total threatened in one source only	86	44.0
Total threats in source		
Total AP	93	47.6
Total SAPs[1]	140	71.8
Total *CQ Weekly Report*	141	72.3

[1] The numbers here do not equal the number of threats listed in above table since some bills received multiple SAP threats.

[2] These figures refer to total number of threatened bills or issues where the totals for this Congress in Table 1 refer to numbers of articles. Example: AP wire service published 790 articles on 93 unique threats.

Another reason for limiting the collection to threats is that they more reliably represent the president's decision to communicate a particular

[7] In comparing the content of coverage none of the news sources approaches complete coverage of the provisions identified in SAPs that are motivating the threat.

message to Congress. According to OMB officials favorable SAPs are sometimes sent to Congress without White House clearance. Typically, these memoranda simply restate or clarify the president's already established policy views. They may be written in a department or agency promoting the legislation, vetted by the OMB with other departments, and issued to the House or Senate leadership without the White House becoming involved. This does not suggest that such SAPs inaccurately reflect the president's views on the legislation. After all the point of OMB's mandate in central clearance is to protect the president's stake so that he does not have to engage in extensive monitoring. Nonetheless, in that other administration officials are issuing these memoranda without direct presidential oversight, one cannot simply assume that the presence or absence of a statement distinguishes the president's legislative priorities.

By comparison, OMB officials stress that no threatening communication is ever released without the White House's explicit approval. Even a cabinet secretary's statement that he or she would recommend a veto must receive White House clearance. Indeed, files in presidential libraries contain numerous drafts of statements referred by OMB's legislative reference office to the president with a cover letter explaining simply that the attached memorandum contains a "senior advisor threat," a "secretarial threat" or some other type of threat. For examples of the central importance of threats in OMB clearance practices, Appendix A displays a typical cover memo from OMB requesting White House editing and approval for an accompanying draft of a Statements of Administration Policy.

OMB officials offer a couple of compelling reasons for clearing even vague references to veto threats. For one, all department officials "would like to invoke the president's veto to protect their favorite policies." A veto threat may be a scarce resource that loses credibility with overuse. By sending all threat statements to the White House, the OMB allows the president to decide for himself whether he wants to back a policy with a threat. In referring threats but not necessarily all endorsements, the OMB performs the original purpose of central clearance (Neustadt 1954) to conserve both the president's time and authority. Moreover, OMB officials point out that the rhetoric of SAPs can be consequential for a president's negotiation with Congress. The president needs to review these memos to be sure they "set the tone of what he wants to convey to Congress. The president may want to leave himself plenty of wiggle room, after all." Indeed, some drafts found in presidential archives were sent to the White House with blank spaces for the president to fill in language identifying who precisely is listed as proposing the threat (the president, senior advisors or a cabinet official) and the strength of the threat.[8]

The Rhetoric of Threats

What is a veto threat? In discussions with OMB officials, we decided that in the absence of more explicit threat references, disapproval and opposition to a bill do not necessarily signal a threat. Indeed, I was told that these are generally intended to serve as veto "watches" but now "warnings." Although

[8] A final, practical reason behind the decision to limit the collection to threatening vetoes is the sheer amount of work required of OMB staff to inventory, clean of privileged agency communications and copy the thousands of pages of SAPs found the office binders for the years 1985 through 1996.

"the president might want to leave himself plenty of wiggle room," one official explained, there are numerous stronger signals short of a commitment to veto available that remind Congress of the president's option to kill a bill. This is a somewhat higher threshold than found in OMB guidelines to departments for characterizing differences between pending legislation and the president's preferences. Attachment C of Circular 19 (revised 1979), for example, prescribes that classifying legislation as "[not] in accord with the President's program … indicates that a bill is so contrary to the President's legislative proposals or other policies or is otherwise so objectionable that should it be enacted in its current form, a veto would be considered. It is not, however, necessarily a commitment to veto."[9]

The threats appearing in the SAPs are frequently both more contingent and nuanced than those reported in the news sources and appearing in speeches and press conferences. SAPs are, after all, fashioned for a sophisticated audience interested in discerning the gradations of objection to various provisions covers in a threat. Even slight variations in the wording of these SAPs may influence legislators' responses, which well explains why OMB sends drafts to the White House with key blank spaces to be filled in by the president's staff. For a colorful analysis of how Washingtonians read President Bill Clinton's SAP-based threats in 1999, see Appendix B.

[9] http://www.whitehouse.gov/omb/circulars/a019/a019.html#background

Source for SAPs: 1985-2004

All SAPs and letters at the OMB become part of the legislative files collected by the OMB and are archived at the National Archives. These files are organized chronologically and may run a dozen or more linear feet. Thus, retrieving individual SAPs from this official repository would be equivalent to searching for the proverbial "needle in the haystack." Fortunately, such a daunting exercise proved unnecessary. In 1997 the OMB began posting President Bill Clinton's SAPs to the 105th Congress on its web site. I contacted senior officials in the OMB's Legislative Affairs Office to learn more about these memorandums that were familiar to Washingtonians, but had eluded systematic examination by presidential and congressional scholars.[10] After several conversations and a follow up visit to the office, I discovered that two senior officials had independently and informally collected SAPs in loose ring notebooks "to have them handy for future reference." Together, these two compilations appeared to contain a complete record of SAPs dating back to 1985.[11] Most of these memos contained handwritten notes on presidential and departmental views of the legislation and each other's positions. In addition, these memos were deemed privileged information. This meant that in order to accommodate my request for copies of these documents, these officials would need to redact all privileged information, a daunting task when one considers

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[10] Indeed, searching for "Statement of Administration Policy" turned up no entries in JSTOR. Unknowingly, researchers have long employed summary tallies of SAPs, however, in the form of *CQ Weekly Report's* annual presidential support scores. Over the years the OMB has routinely faxed over these statements to Congressional Quarterly's editorial offices as they are issued.

[11] After OMB's diligent but unsuccessful search for earlier SAPs, I am convinced that no systematic collection exists and that these SAPs are buried in the boxes of legislative histories.

that the notebooks house thousands of pages. Happily, these extraordinarily generous individuals agreed to review all of the SAPs, pull those that contained references to veto threats, and provide me with clean copies of these statements. All 602 contained here for 1985 through 1996 came from this source.[12] In return for their effort, these officials asked only that I make these materials available to other scholars in part, I suspect, so that they would never have to undertake this task again.

Acknowledgements

I wish to thank John Gilmour for alerting me to this new source of veto threats and Richard S. Conley for sharing drafts of SAPs and letters found in White House files at President Bush's presidential library. I deeply appreciate the generosity extended by several senior OMB officials, who *really* subscribe to a "passion for anonymity," in fielding repeated emails, phone calls and visits to their offices in pursuit of SAPs. Throughout my research they patiently fielded my mostly uninformed questions. Since most paper copies came from the officials' personal files that had been collected in ringed binders as reference aids, many contain candid handwritten notes in the margins that could not be released under standards of executive privilege. As a consequence some several thousand pages of statements had to be examined to identify those SAPs containing veto threats, and then cleaned before they were copied and mailed to me.

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[12] The remainder of the SAPs were retrieved from the OMB's website.

Laurie Rice diligently administered every phase of procuring and processing these documents and Eric Storm ably converted the scanned images into searchable PDF files and created the "linkable" contents pages, allowing easy access. CQ Press generously gave its time and financial resources to publishing this volume and distributing it freely to university libraries and the research community. Support for scanning these pages and preparing them for publication was generously supported by grants from the University of California, San Diego's Committee on Research and the National Science Foundation (SES-0420124).

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In almost all cases the information in the contents listing is drawn from the memorandum. In a few instances missing bill numbers and dates were obtained by searching floor calendars and votes from the Library of Congress Thomas database (http://thomas.loc.gov). Please let me know of any errors. These memos are in the public domain.

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