

One-third of the legislative authority: the veto record of President Herbert Hoover

Introduction

The legislative performance of a president is an important consideration in assessing the level of success which he achieves during his tenure, and for comparisons between administrations. There are a plethora of techniques available to measure presidential effectiveness in dealing with Congress. The veto is widely regarded as a reflection of the president's power, influence, and leadership over the legislative branch. According to Woodrow Wilson,¹ "The president is no greater than his prerogative of veto makes him; he is, in other words, powerful rather as a branch of the legislature than as titular head of the Executive." Corwin and Koenig (1956: 88) observe that when used frequently, "the veto keeps legislators aware that they must reckon with the president." Egger & Harris² emphasize executive influence in the legislative process in terms of the number of bills stopped from becoming law. Jackson³ finds that presidents apply the veto power to force the legislature to materially change a bill so that it will be acceptable to the chief executive, and to eliminate objectionable bills altogether. Keefe⁴ suggests that vetoes are issued to weed out legislation deemed inappropriate, to contain congressional initiative, and to prompt Congress to revise pending legislation. Tatalovich & Daynes⁵ proclaim that the veto is "an extremely effective power" in confronting Congress.

This essay focuses on the use of the veto during the administration of Herbert Hoover, who served from 1929 to 1933. The objectives of the study are to review President Hoover's governing philosophy, particularly as it pertains to relations with the legislature; to uncover his espoused reasons for utilization of the veto, as well as the subject matter of bills negated; to assess congressional response to vetoes over the four-year time span; to compare Hoover's employment of the veto with that by other chief executives over the second century of our constitutional government; and to evaluate Herbert Hoover's veto record and its contributions to judgments about his tenure. Tapping Hoover Presidential Library records, the research endeavors to furnish evidence on a hitherto ignored area of our thirty-second chief executives term.

Hoover's style of governing

In characterizing Herbert Hoover's style of governing, most writers acknowledge the impact of his previous experience in business and politics. Hicks⁶ notes that while Hoover's business background made him an outstanding administrator, it "gave him far less understanding than needed of the politicians with whom he would have to deal, particularly the senators and representatives in Congress, not one of whom could he fire for incompetence or disloyalty" to his administration. Lyons⁷ describes the benefits and drawbacks of Hoover's pre-presidential positions below:

Engineer, economist, humanitarian, he had grappled successfully with adversity on a gigantic scale in the past and knew its many faces. He had the experience, beyond any American in public life ... Hoover was thus supremely equipped for the titanic job that was his hard fate—if only he had the talents for public relations to match.

Volume 3 Issue 2 - 2019

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Received: January 01, 2019 | **Published:** March 13, 2019

Smith suggests that Herbert Hoover's planning and reform instincts were prevalent in his first few months in office. However, his⁸ "shallow understanding of executive congressional relations," lack of partisan skills, and (129) "inability to fill the role of presidential persuader" would become detrimental to his legislative programs. Fausold⁹ contends that Hoover "seemed at times to be out of his element in the world of congressional and partisan politics," although he excelled in organizational and managerial skills. Hoover's own words about the presidency provide insights into his governing philosophy. Before he took office, he stated that¹⁰ the Presidency is more than an administrative office; it is a power for leadership bringing coordination of the forces of business and cultural life in every city, town and countryside. The Presidency is more than executive responsibility. It is the symbol of America's high purpose. The president must represent the nation's ideals and he must also represent them to the nations of the world.

Writing in his memoirs about his administration, Hoover¹¹ states that as a result of the abuses which occurred during the Harding years, "I was especially concerned that we give an administration of rigid integrity and avoid the slightest color of yielding to special, influence; I therefore felt it necessary to give much attention to the housekeeping of government, to assure these ends and its general efficiency." The increased frequency of presidential veto issuance after the Civil War certainly had an influence on its utilization by President Hoover. Up to the beginning of Lincoln's administration, there were thirty-four regular vetoes of bills, an average of slightly fewer than one a Congress, with only eighteen pocket vetoes, or two per Congress. By comparison, from 1860 to 1929, presidents vetoed 585 bills by regular means, or almost eighteen per Congress, and 460 bills by pocket veto, or about fourteen every two years.¹²

The reasons cited for greater reliance on the veto following the Civil War are diverse. Mason¹³ and Lewis¹⁴ claim that the change from unconstitutionality to inexpediency as the primary justification for issuing a veto augmented its use. Zinn¹⁵ attributes increased veto employment to the congressional practice of attaching riders to appropriations bills. Kallenbach¹⁶ holds that the growth in the volume of legislation enacted by Congress led to a corresponding rise in vetoes released. According to Keefe & O'Gallagher,¹⁷ greater veto use at the advent of the twentieth century coincided with the complexity of problems confronting the American political system, more international involvement, elevated public expectations and demands for government action, and with the growing scope and intensity of

political conflict. The subject matter of bills vetoed after the Civil War likewise differed. Jackson³ reveals that between 1870 and 1888, a large number of vetoes were applied to private bills seeking war claims, to legislation addressing the gold standard, and to immigration proposals. Higgins¹⁸ identifies such issues as immigration, tariff policy, and appropriations as the target of vetoes by Presidents Benjamin Harrison through Calvin Coolidge. He concludes that (p. 240), "By far the greater number of vetoes during the period, 1889-1929, seem to have been justified." President Hoover¹¹ discussed the change in utilization of the veto in his memoirs:

The President's veto was not often used in the first seventy years of the Republic as legislative power but was held as a safeguard of constitutionality of legislation. Gradually this power of the veto expanded until he possessed one-third of the legislative authority.

Hoover's record on regular public bill vetoes

In this section, the public bills vetoed by President Hoover by regular means are reviewed and assessed. During his first year in office, President Hoover vetoed no public bills. The fact that his party controlled both chambers of Congress over the initial two years of his administration may partially explain this outcome, although only 13 percent of all public bill vetoes issued from 1889 to 1989 transpired in the maiden year of a chief executive's term. President Hoover vetoed three public bills by regular means during his second year. Of these, two were sustained by the first chamber to consider override, and one was overridden. The president returned without approval H.R. 2029, which authorized the coinage of silver fifty cent pieces in commemoration of the seventy-fifth anniversary of the Gadsden Purchase territory, on April 21, 1930. In his veto message, President Hoover claimed that the¹⁹ "growing practice of issuing commemorative coins, incidentally to be sold at a profit and provide public funds for projects or celebrations, appears to me to run counter to this principle and by their multiplicity to have become a misuse of our coinage system." The House upheld the veto by a decisive 244-96 vote the next day, April 22.

The second public bill vetoed in 1930 led to the first of three overrides which President Hoover would endure during his tenure. S. 476 proposed to increase the rates of pension paid to soldiers, sailors, and nurses who served in the Spanish War, the Philippine insurrection, or the China relief expedition. Prior to the veto, the merits of the legislation were debated by administration officials. In a May 21, 1930 letter to Bureau of the Budget Director J. Clawson Roop, Secretary of the Interior Ray Lyman Wilbur held that the measure would require annual expenditures of \$12 million, reduce minimum service necessary for pensions from ninety to seventy days, and eliminate the "vicious habits" clause of the existing law, whereby pensions were denied those who willfully adopted habits harmful to their physical condition. Wilbur stated that "I am unwilling to recommend that bill S. 476 receive the approval of the president." In a May 22 letter to Lawrence Richey, Secretary to the President, Budget Director Roop proclaimed that "I concur in the recommendation of the Secretary of the Interior that S. 476 not be approved." He objected to increases in pension based solely on age proposed in the bill.

In his May 28, 1930 veto message, President Hoover specifically mentioned the removal of the "vicious habits" exclusion and reduction of minimum service days as reasons for his action. He concluded his message by contending that¹⁹ "the cases of selfishness are bound to

cause a constant irritation of feeling against a pension system that permits these unmerited and unnecessary payments." Congress, mindful of the plight of unemployed veterans during the deepening economic depression as well as the upcoming elections, quickly responded to the veto: the Senate overrode the veto, 61-18, on June 2; the House followed minutes thereafter by a 299-14 margin. The third public bill veto of 1930 occurred on June 26; it also pertained to veterans' benefits. H.R. 10381 proposed amending the World War Veterans Act. Asserting in his veto message that¹⁹ "Perhaps as much as any other person, I have full realization of the task, the hardships, and the dangers to which the nation ordered its sons," Hoover criticized the measure as providing "war disability benefits to from 75,000 to 100,000 men who were not disabled as the result of the war ... This bill departs from the traditional basis upon which we have given support to the veterans of the Civil and Spanish Wars." The veto was voted on and sustained the same day by the House of Representatives, 188-182.

During 1931, President Hoover vetoed three public bills, of which one went unchallenged, one was sustained by the first chamber to consider override, and one was overridden. All three of the latter vetoes were exercised during a special (third) session of the Seventy-First Congress. On February 23, 1930, President Hoover returned without his approval H.R. 6997, a bill to confer benefits on civilian employees of the Quartermasters Corps who served during the war with Spain, Philippine insurrection, or the China relief expedition. He held in his veto message that the legislation would²⁰ "commit the Government to a policy which, if once embarked upon, could not justifiably be restricted to this selected group of civilians who served during the three periods of hostility mentioned." Congress did not attempt to override this veto. Three days later, Hoover negated H.R. 17054, an act to increase the loan basis of adjusted service certificates by war veterans. He alleged that the so-called bonus bill would require a government outlay of \$1 billion and that the distribution of such funds could not, as anticipated, stimulate business. Hoover likewise stated in his veto message that²⁰ "I regard the bill under consideration as unwise from the standpoint of veterans themselves, and unwise from the standpoint of the welfare of all the people." On the same day as the veto, the House overrode Hoover's action, 328-79; the Senate overturned the veto a day later, February 27, 1931, by a 76-17 count. Following the Senate's action, the president held a press conference where he stated that²⁰ "Although I have been a good deal opposed to the passage of the bonus legislation in its provisions for loans from the Treasury to people who did not need the money, now that the law is passed we propose to facilitate this work in every possible way."

President Hoover's final public bill veto of 1931 "possibly had a more important impact on the politics of the day than his other vetoes," according to Bass²¹ The legislation at issue was S.J. Res. 49, which proposed creating a public corporation for producing electric power and for manufacturing fertilizer in Muscle Shoals, Alabama. The resolution, sponsored by Senator Norris of Nebraska, was vetoed on March 3, 1931. Hoover's rationale for opposing the legislation is consistent with his self-help philosophy²¹:

The real development of the resources and the industries of the Tennessee Valley can only be accomplished by the people in that valley themselves. Muscle Shoals can only be administered by the people upon the ground, responsible for their own communities, directing them solely for the benefit of their own communities and not for the purpose of pursuit of social theories or national politics. Any other course deprives them of liberty.

The Senate attempted to overturn the Muscle Shoals veto the same day but failed. Hoover¹¹ later propagated in his memoirs that he vetoed the proposal “because Senator Norris and others wanted to turn it into a Federal power distribution and fertilizer scheme, to which piece of socialism I would not agree.” The November 1930 elections had been a major setback for the Hoover administration, in that the Democrats regained party control of the House of Representatives for the first time since 1917, taking a 220-124 majority. According to Fausold⁹ Republican losses in 1930 were guaranteed because “the issues favored the Democrats, especially given the agricultural depression, the western drought, the general economic conditions, the probusiness stance of the administration and the president-without-supporters syndrome... And the Democratic timing seemed to be right.”

Following the lame-duck session during the Spring of 1931, the new Seventy-Second Congress would confront the chief executive. Warren²² portrays the dilemma which President Hoover faced:

... the President could not in honesty be accused of doing nothing. His program for the Seventy-second Congress was comprehensive and, in light of traditional conservative attitudes, even daring ... The many hearings and investigations were proof enough that Hoover would have difficulty with the Seventy second Congress. Party factions and coalitions, rivalries of politicians hopeful of being dark horses in 1932, and the lack of control in either chamber of Congress compounded the President’s troubles.

Hinshaw (1930: 261) explains that Hoover’s “firmly held belief that no President should undermine the inherent independence of the other two branches of government” led him to choose a cooperative course of action with Democratic congressional leaders. In reviewing how the last two years of his term changed his approach to dealing with the legislature, Hoover¹¹ states in his memoirs that he “had little taste for forcing Congressional action or engaging in battles of criticism. However, this could not be avoided ... when I had to deal with a Democratic Congress bent on the ruin of the administration.”

President Hoover vetoed five public bills in 1932. Four of these went unchallenged, while one was sustained at the initial reconsideration stage. The first bill contested in 1932 was H.R. 9575, which granted pensions to soldiers, sailors, and widows of wars other than the Civil War. It is interesting to note that Hoover Presidential Library files show a difference of opinion on whether the legislation should be vetoed. An April 25, 1932 letter from Frank T. Hines, Veterans Affairs Administrator, to Bureau of the Budget Director J. Clawson Roop recommended approval of the bill, although Hines found that “included in this bill are certain cases which have been rejected previously by the Pension Bureau and in which it is believed there is no sound basis upon which the Federal Government should construe an obligation to grant pension benefits.” Budget Director Roop, in an April 25 letter to Hoover assistant Lawrence Richey, advocated disapproval of the legislation, asserting that “I do not feel that this is a time when the Federal Treasury should be required to assume any additional financial burden not fully justified.”

In his April 27, 1932 veto message, President Hoover declared that H.R. 9575²³ “contains a total of 367 items establishing special pensions and increased allowances to persons who have not been able to comply with the general laws.” He then offered fourteen specific instances of undeserving cases. Congress did not respond to the veto. Discussing pension proposals in his memoirs, Hoover¹¹ proclaims that, “I vetoed more of such bills than even President Cleveland, and by describing them to the country succeeded in having my vetoes upheld.” Bass²¹ refers to this claim in a footnote as “fantasy” in that

“Cleveland vetoed a total of 441 pension and relief bills, Hoover only seven special cases!” The second public bill veto of 1932 was applied to H.R. 4724 on May 9. The act provided benefits to persons serving in the Quartermasters Corps during the war with Spain, the Philippine insurrection, or the China relief expedition. President Hoover labeled the bill²³ “identical with H.R. 6997, 71st Congress, 3rd session, from which I withheld approval for the reasons set forth in my message to the House of Representatives, of February 23, 1931, printed as House Document 778. Nothing has transpired since that date which would justify me in now approving this bill.” The veto, which followed disapproval recommendations by Veterans Affairs Administrator Hines and Budget Director Roop, was unchallenged by Congress.

Two days later, on May 11, President Hoover disapproved of H.R. 6662, an act to amend the Tariff Act of 1930. Four principal objections to the bill are identified in his veto message; they are listed below²³:

- i. The bill misrepresents its purpose
- ii. The bill destroys the flexible tariff through the removal of executive authority to render conclusions of the Tariff Commission effective
- iii. The bill lies in the conditions stipulated for action in an international conference, which would be called to discuss trade questions
- iv. The bill unwisely proposes that the president negotiate with foreign governments reciprocal trade agreements under a policy of mutual tariff concessions.

The House of Representatives sustained the president’s action by a 178-166 vote.

On July 1, 1932, President Hoover vetoed S. 3847, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings. The chief executive attached a memorandum from Secretary of Labor W.N. Doak which constituted the entire text of the veto message. Doak concluded his analysis of the proposal by contending that²³ “The whole design of the new amendatory proposal requires expansion of bureaucratic control over activities which now function effectively with the minimum of interference by the Government and that only when dispute arises.” The legislature did not challenge this action.

The final public bill veto issued in 1932 occurred on July 11, when the president returned without his approval H.R. 12445, the Emergency Relief and Construction Act of 1932. In his veto message, Hoover presented a summary of previously forwarded administration plans to assist the unemployed. He maintained that the measure before him contained²³ “possibilities of misfeasance and special privileges, so impracticable of administration, so dangerous to public credit and so damaging to our whole conception of governmental relations to the people as to bring far more distress than it will cure.” The House of Representatives did not seek to overturn President Hoover’s veto, but instead passed a compromise measure on July 15, 1932. The White House issued a statement that day which noted the possible damage which would result from an amendment insisted on by the House. In an attempt to resolve the stalemate on the relief legislation, the statement mentioned that the president called²³ “the available conferees on the bill into conference where an opportunity could be afforded for the Reconstruction Finance Corporation Board and the only available Senate conferees to meet and hear what they had to say.” The Senate passed its version of the relief bill on July 16. On July 17, the president stated,²³ “While there are some secondary

features of the measure to which I have objection, they are not so great as to warrant refusal to approve the measure in the face of the great service that the major provisions will be to the Nation.” President Hoover signed the revised Emergency Relief and Construction Act of 1932 into law on July 21, 1932.

In January of 1933, with less than two month left in his term and after Franklin Roosevelt had defeated him in forty-two of forty-eight states in the 1932 presidential election, Herbert Hoover vetoed the final two public bills (by regular means) of his administration. On January 13, the president rejected H.R. 7233, a bill enabling the people of the Philippine Islands to adopt a constitution and form a government. The objections to the legislation included adverse economic and social consequences created by the immediate adjustment to independence, the weakening of U.S. civil authority during the period of transition, the inability of the Philippine government to provide military forces necessary to maintain internal order, and external factors endangering independence. The House overrode the veto on January 13 by a vote of 274-94; four days later the Senate overrode the veto by a 66-26 margin. Although the Congress therefore enacted H.R. 7233 into law, “subsequent events, argue some authors, proved the soundness of Hoover’s veto”.³ Indeed, the Philippine legislature voted to reject independence due to harsh stipulations concerning trade and immigration included in the act, and the 1933 legislation was never implemented.

President Hoover’s last regular public bill veto was applied to H.R. 13975, which proposed that supplemental appropriations be passed to supply urgent deficiencies during the 1933 fiscal year. Prior to the action, both the Bureau of the Budget and the Department of Justice advised against signing the legislation. In a January 23, 1933 letter to presidential assistant Lawrence Richey, Budget Director J. Clawson Roop outlined objections to the bill identified by Treasury Secretary Ogden L. Mills. Roop stated that the “objections appear to me to be well founded, not alone from the standpoint of sound administration of the internal revenue laws, but also with regard to the encroachment by Congress upon the functions of the Executive Branch of the Government that may raise a serious Constitutional question.” A January 24, 1933 letter from Attorney General William D. Mitchell to the president analyzed the impact of the bill. A pertinent passage from the Attorney Generals opinion follows:

The result is that if this bill should take the form of a statute the Secretary of the Treasury would be confronted with the fact that the appropriation for tax refunds, as well as the proviso attached to it, is void, and would not be available for payment of refunds, with the result that if no prior appropriations are available, payment of all refunds of any amount, would stop until further appropriations for that purpose were made by the Congress. This would be unfortunate, in that it would result in delay, and injustice to taxpayers, and the accumulation of interest charges against the Government.

In asserting that he vetoed the bill²³ “with great regret, as the appropriation provided for relief and other purposes are urgently needed, and with the hope that the Congress may early amend the Act,” he attached the Attorney Generals aforementioned letter to the veto as justification for his action. The House sustained the veto on the same day it was issued January 24, 1933. President Hoover’s public bill veto frequency may be accounted for not only by the decline of his party’s presence in Congress, but because of the high average rate of unemployment and loss of support in the last year of his term. Including the two negated public bills in early 1933, Herbert Hoover vetoed seven public bills by regular means over his last year in office--more than half of the total number of vetoes issued throughout his

tenure. From 1889 to 1989, chief executives averaged 5.1 vetoes per year when annual unemployment exceeded 10 percent. Presidents serving in the last year of their term averaged 6.7 vetoes over the second century of our constitutional government; 37 percent of all public bill vetoes released by Presidents Benjamin Harrison through Ronald Reagan occurred in the last year of their terms.²⁴

Herbert Hoover’s total number of public bill vetoes--thirteen--is comparable in number to that of other chief executives over the 1889 to 1989 time frame, including Benjamin Harrison (fourteen), Grover Cleveland’s second term (fifteen), Calvin Coolidge (fourteen), and Jimmy Carter (thirteen). Whereas Franklin Roosevelt vetoed the most public bills by regular means over the latter period (105), William McKinley issued only one such veto over his tenure in office.²⁵ (Table 1). In evaluating congressional responses to Herbert Hoover’s regular public bill vetoes, we find that he, like every other president who served over the last century, had more vetoes sustained than overridden by the initial chamber reconsidering the legislation. Hoover had ten of thirteen public bill vetoes upheld at the first chamber stage, or about 77 percent; the average percentage of this type of veto sustained by all presidents from 1889 to 1989 has been 79 percent. The average first house vote percentage for those three Hoover vetoes which were overridden was 77.4 percent, compared to a mean percentage of 80.5 percent for all public bill vetoes successfully challenged by Congress at this juncture since 1889.²⁵

Table 1 Public bill vetoes by presidents, 1889-1989

President	Public bill vetoes by regular means
B. Harrison	14
Cleveland	15
McKinley	1
T. Roosevelt	18
Taft	22
Wilson	25
Harding	5
Coolidge	11
Hoover	13
F. Roosevelt	105
Truman	55
Eisenhower	35
Kennedy	4
L. Johnson	7
Nixon	24
Ford	46
Carter	13
Reagan	37
Total=	450

At the final reconsideration stage, Herbert Hoover was one of only four presidents over the last one hundred years to have all his vetoes overridden (three)--the others being Theodore Roosevelt (one veto), Woodrow Wilson (six vetoes), and Jimmy Carter (two vetoes). However, it should be pointed out that of the fifteen chief executives

who faced second house actions against their public bill vetoes from 1889 to 1989, only two—William Taft and Warren Harding—had more vetoes sustained than overridden. In fact, 71 percent of all final chamber decisions culminated in override during this time span. The average vote margin by the second house in overriding President Hoover's public bill vetoes was 83 percent, which was one percent higher than the mean override percentage for all successfully challenged vetoes at this stage since 1889.²⁵

Private bill vetoes

Herbert Hoover vetoed eight private bills by regular means during his presidency, of which none were challenged by Congress. No private bills were vetoed in 1929. The single veto of a private bill in 1930 involved legislation authorizing the United States to be made a defendant in a suit regarding disputed land in Oregon. In his veto message, President Hoover included the full text of a letter from Attorney General William D. Mitchell on the matter. The relevant passages of the letter appear below²³:

There appears to be a controversy between the state of Oregon and the United States as to whether these lakes are navigable ... Lands adjacent to the lakes formerly constituting part of the public domain have been patented by the United States to various individuals ... There is a controversy between these patentees and the United States and between patentees and the State. The purpose of this bill seems to be to provide a tribunal by which all the parties to this three-pronged controversy may have their rights determined in one suit ... The wise course for all concerned is to disapprove this bill and leave initiation of the litigation to the United States and let it be determined.

Four private bills were vetoed by regular means in 1931. Two bills sought relief for individuals. Wilbur & Hyd²⁶ observe that Herbert Hoover "had great antipathy to private pension bills... and repeatedly vetoed such bills." The remaining two private bill vetoes dealt with claims by Native Americans. S. 3165, an act conferring jurisdiction on the Court of Claims to hear, consider, and report on land claims by the Choctaw and Chickasaw tribes, was passed by Congress in early February 1931. A White House memorandum dated February 14 summarized the positions of three Hoover administration officials on the bill. It indicated that while the Secretary of the Interior and Attorney General did not have any objections, the Budget Director recommended withholding approval of the proposal. Siding with his Budget Director, President Hoover vetoed S. 3165 on February 18. He relied on a legal justification for his action. A pertinent passage from his veto message appears below:²⁰

The bill does not send this claim to the Court of Claims for adjudication and settlement, as is normally the case with respect to Indian claims. That would, indeed, be futile, since the Supreme Court has ruled that neither it nor the Court of Claims has jurisdiction to declare that the United States shall pay for lands that it already owns. The result of the bill would seem to be, through a report to Congress from the Court of Claims, to create a lawful aspect to a claim which has no present legal standing.

About the same time that the Senate passed S. 3165, the House of Representatives passed H.R. 13584, which amended a 1926 act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims. Various Hoover Library documents reveal how administration personnel regarded the proposal. A February 17, 1931 letter from Secretary of the Interior Ray Lyman Wilbur to Budget Director J. Clawson Roop recommended against approval of the legislation, mainly due to the fact that "a certain class of persons

not recognized as members of the Chippewa Tribe" would be able to participate in a Court of Claims judgement. On February 18, Budget Director Roop wrote presidential assistant Lawrence Richey that "this is a question which should be carefully considered before the bill be approve or disapproved, and since it is a question of legal interpretation, I recommend that the Attorney General be asked to consider the bill and give the President the benefit of his advice regarding it." In his February 21, 1931 letter to the president, Acting Attorney General Thomas Lasher held that if the bill's intention was to enlarge the membership of the Chippewa tribe it should be applicable to all tribes, and that if it did not change the rolls of the tribe, "it is useless and of no effect." President Hoover vetoed H.R. 13584 on February 24, 1931. He cited a Supreme Court case decided in April 1930, *Wilbur v. United States*, which permitted the Secretary of the Interior to determine the qualifications for membership in the Chippewa tribe. Hoover concluded his veto message by asserting that²⁰ "I am not in favor of legislation designed to have the courts again review that decision and assume such administrative jurisdiction."

Two private bills were vetoed by regular means in 1932. The president returned without approval a private pension bill on February 26. On April 25, Herbert Hoover vetoed S. 826, a bill conferring jurisdiction upon the Court of Claims to determine claims of Indian tribes residing in Oregon. The president's action followed an April 23 letter from Bureau of the Budget Director Roop to presidential secretary Lawrence Richey, in which the objections of the Secretary of the Interior, the Attorney General, and Roop himself to the bill were transmitted. Citing the language of the proposed law, Hoover stated in his veto message that²³ "I can not assent to the proposition that the Government should be obligated after 75 years to defend a suit for unknown claims of such ancient origin and for persons long since dead not based upon any treaty, agreement, Act of Congress, or Executive Order." The last regular private bill veto by President Hoover was issued January 30, 1933. S. 4340 authorized the District Court of the United States for the Eastern District of Oklahoma to hear claims of the Seminole Indian Nation. In rejecting the legislation, Hoover contended that there was²³ "no justification for now authorizing a committee of the tribe to bring about a harassing suit against a private owner who bought and paid for this property in good faith many years ago."

Pocket vetoes by the Hoover administration

Over his four years in office, Herbert Hoover rejected sixteen bills by the pocket veto technique. This included one pocket veto of a public bill in 1929, two pocket vetoes of private bills in 1930, two private bill vetoes and three public bill vetoes by pocket means in 1931, one public bill pocket veto in 1932, and five public bill vetoes and two private bill vetoes by pocket means in 1933. Over the 1889 to 1989 time frame, chief executives pocket vetoed a total of 852 bills, of which 362, or 42 percent dealt with public legislation. In contrast, ten of Herbert Hoover's sixteen pocket vetoes, comprising 63 percent of the total, were applied to public bills.²⁷ President Hoover attached messages to only two pocket vetoes during his administration. However, this was not an anomaly at the time. Fisher²⁸ and Spitzer²⁹ find that written messages for pocket vetoes were provided by Presidents Madison through Andrew Johnson, ceased with Ulysses Grant's administration, and were reinstated by Franklin Roosevelt.

At the end of the third session of the Seventy-First Congress, President Hoover pocket vetoed S. 3060, introduced by Senator Robert Wagner of New York, which provided federal funds to enable states to run their own employment services. In his statement of

disapproval, dated March 7 but released March 8, 1931, the chief executive explained that²⁰ "I have repeatedly urged a proper extension of public employment agencies, but this bill, unfortunately, abolishes the whole of the present well-developed Federal Employment Service, and proposes after certain requirements are complied with, to set up an entirely new plan by subsidies to the States from the Federal Treasury." According to Jackson³ "The veto was, of course, in line with Hoover's refusal to approve anything that approached direct aid for deliverance from the depression." The second message which accompanied a pocket veto by Herbert Hoover was issued on March 4, 1933, the last day of his presidency. A three-sentence statement of disapproval was applied to the pocket veto of H.R. 14458, a bill to provide appropriations for executive office and independent agencies. It appears below²³:

The appropriation bills passed by the Congress when taking into account mere postponements to later deficiency bills show that the total appropriations for the next fiscal year were approximately \$161 million above the President's recommendations. Of this increase, \$130,900,000 is in the independent offices bill. The President is not signing this bill in order that it may be reviewed in the next session.

President Hoover's sixteen pocket vetoes may be compared with those by chief executives who have served over the last one hundred years. Hoover's total is closest to that of Presidents Lyndon Johnson (fourteen), Nixon (seventeen), Ford (eighteen), and Carter (eighteen). Whereas Franklin Roosevelt vetoed the most number of bills through this technique during the 1889 to 1989 period (263), Warren Harding utilized the tool least (once). If we focus on pocket vetoes of public bills only, Herbert Hoover's total is most similar to the overall number released by Calvin Coolidge (eleven) and Theodore Roosevelt (twelve)²⁷ (Table 2). An empirical study by Hoff²⁷ probed factors which affected frequency of annual pocket vetoes of public bills from the Benjamin Harrison through the Reagan administration. Three variables, including the year within term, annual level of unemployment, and the number of public laws enacted per year were found to significantly increase pocket veto output. When unemployment exceeded 10 percent, president's pocket vetoed an average of 8.33 public bills from 1889 to 1989. Chief executives in the final year of their term averaged 5.56 pocket vetoes of public bills, as compared with a mean of 1.20 during their initial year. Herbert Hoover pocket vetoed six public bills in 1932-33, when his institutional and public support had eroded and when unemployment reached 23.6 percent of the civilian population. Hence, the pattern of President Hoover's employment of the pocket veto corresponds to those factors which augment its use.

Table 2 Pocket vetoes issued by presidents, 1889-1989

President	PV-PB	PV-overall
B. Harrison	4	25
Cleveland	41	128
McKinley	4	36
T. Roosevelt	12	40
Taft	3	9
Wilson	9	11
Harding	1	1
Coolidge	11	30
Hoover	10	16

Table Continued...

President	PV-PB	PV-overall
F. Roosevelt	103	263
Truman	30	70
Eisenhower	41	108
Kennedy	6	9
L. Johnson	6	14
Nixon	15	17
Ford	16	18
Carter	16	18
Reagan	34	39
Total=	362	85

PV-PB, Pocket Vetoes of Public Bills;

PV, Overall: All Pocket Vetoes.

Discussion

Evaluations of Herbert Hoover's success in utilizing the veto power vary. Metz³⁰ holds that "Hoover's vetoes and his explanations of them were consistent with his views and specific policy positions," while Lee³¹ finds that veto behavior between President Hoover and Congress changed over the last two years of his term from a congressionally dominant pattern to a conflictual mode. Whereas Jackson³ finds that the chief executives of the 1920's used the veto "as a closed ended device instead of a way to promote programs mutually acceptable to Congress and the President" and Bass²¹ believes that President Hoover's exercise of the veto represented his "negativistic approach to executive power," a March 26, 1932 Bureau of the Budget memorandum posits that Herbert Hoover's vetoes of objectionable legislation during the Seventy-First Congress saved the Government \$677 million over five years.

Several conclusions about Herbert Hoover's veto use are apparent. First, although several authors assert that the modern presidency began with Franklin Roosevelt's administration,³²⁻³⁷ the level of activity and advice emanating from the Bureau of the Budget during Hoover's term was critical in coordinating White House policies. Second, the majority of President Hoover's vetoes were exercised on domestic bills, where there is generally more potential for disagreement between the executive and legislative branches than in foreign affairs.^{38,39} Third, Hoover's veto pattern was the product of many of the same influences which affected other chief executives over the last century. Finally, his use of the veto and its impact on Congress was conditioned by his governing philosophy and legislative approach. For some, Congress's (Hinshaw, 1950: 264) "delay and obstructionist tactics in the face of impending crisis" led to the problems which President Hoover and the country encountered. For others, his inability to Warren²² "command" created troubles which could have been avoided. Herbert Hoover's presidency is regarded as a⁹ "failed one" by many; yet this is a measure of consequences which could not be caused by simply those in the government. Indeed, the blame for the depression should certainly not rest with one man nor with a single institution. A president's legacy is a confluence of opinions, events, and actions. Herbert Hoover displayed adeptness in employing the veto, and in doing so he contributed to the development of a fundamental tool for effective presidential leadership.

Acknowledgments

None.

Conflicts of interest

The authors declare that there is no conflict of interest.

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