The ‘Proper Organs’ for Presidential Representation: A Fresh Look at the Budget and Accounting Act of 1921

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While the presidential office has been transformed into a representative institution, it lacks proper organs for the exercise of that function… no constitutional means are provided whereby he may carry out his pledges…

- Henry Jones Ford[1]

ABSTRACT

The presidency is now thought of as a representative institution. I argue that the idea of presidential representation – the claim that presidents represent the whole nation – influenced the political development of the institutional presidency. Specifically, I show that the idea was integral to creating a national budget system in the United States. While the challenge of World War I debt prompted passage of the Budget and Accounting Act of 1921, the law's design owes much to reformers' arguments that the president lacked institutional tools to fulfill his representative role. It signified a first move toward institutionalizing presidential representation by including two key components – formal license for presidential agenda setting in the budget process and an enhanced executive organizational capacity with the Bureau of the Budget. However, the law also revealed the problems raised by attempting to provide the ‘proper organs’ for presidential representation, which push against the written constitutional frame.

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INTRODUCTION

The idea that the presidency is a representative institution – that the president represents the people – developed over time. The framers of the Constitution made the popular connection indirect in all institutions except the House of Representatives. Representation was a means to present local grievances to the nation, formulate legislation, and check executive power.[2] As originally conceived, executive authority had a stronger constitutional basis than a popular one. Selected by the Electoral College, the president – the Chief Magistrate – was to be an independent officer who would execute the laws, serving also as a check on potential legislative tyranny.[3] It follows that the idea of presidential representation is, constitutionally speaking, a stretch, and that the more fully it is expressed institutionally, the more problematic its intrusions upon the government's formal arrangements are likely to be. In other words, the "proper organs" of presidential representation will, by degrees, scramble authority at the center. This paper takes a fresh look at the Budget and Accounting Act of 1921 in this light. The BAAA was the first instance in which this problem was directly addressed and overcome.

On its face, the idea of presidential representation is simple: the president is the only officer of government (besides the vice president) selected by a national constituency.[4] The literature on this subject takes that observation as a point of departure, testing whether and how well the office represents the whole. With representation operationalized as either centrism or universalism, the literature finds, by and large, that the presidency falls short on both counts.[5] However, casting representation as a normative standard by which to judge the office's performance misses the idea's more profound impact on government and politics. Whatever its limitations, this is an idea that spurred institutional development, rearranging authority all around.

Political theorists advise that we should consider not just what representation is, but also "the effects of its invocation."[6] I propose to study the effects of a particular idea of representation, to examine the institutional forms that attached themselves to it, and to consider their inherent limitations as constitutional adaptations.[7] A recent proposal put forth by two political scientists brings these issues into sharp relief. Pointing directly to the Constitution as the source of governing problems in modern America, William Howell and Terry Moe present presidential power as the solution. They decry the parochialism of Congress and the separation of powers, and praise presidents for the broad perspective rooted in their national constituency. To tap the advantages of presidential representation, they propose a constitutional amendment that would provide greater presidential control over agenda setting: the president would propose bills to Congress for a straight up-or-down majority vote within a limited period of time.[8]

Whatever may be the feasibility of such a proposal, it vividly illustrates the mismatch between the constitutional structure of authority and the idea of presidential representation. The demands of this idea are likely to prove insatiable, for they can only be met by discarding basic principles of this government's organization. But the proposal also indicates the kinds of remedies this idea portends.[9] Most obviously, it would require a presidential agenda setting power to ensure a national perspective is formally put before Congress. The specifics of this power can vary along a continuum, ranging at least from the weaker power to recommend measures found in Article II, to a stronger power of regularly submitting detailed bills, to a more sweeping power, along the lines of the Howell and Moe proposal, of a virtual monopoly on agenda setting by prohibiting congressional amendments to presidential initiatives and requiring a congressional up-or-down vote. The idea of presidential representation is likely to require something else as well: that the *president's* perspective be presented to Congress, rather than the views of cabinet officers or other executive officials. Therefore, presidents should have some measure of unitary control over the executive branch, ensuring other executive officers cannot submit or advocate for alternative proposals.

Some scholars have considered the importance of the idea of presidential representation in examining political developments in the nineteenth century. The institutional purposes attached to the idea in the nineteenth century were, however, different from those pursued in the twentieth. Jefferson used it to fashion and promote a national political party; Jackson used it to claim an electoral mandate for constraining congressional action with removal of federal deposits from the National Bank.[10] Jackson's idea of an electoral mandate for presidential action on a campaign commitment was contested between supportive Democrats and suspicious Whigs.[11] It was legitimized when Abraham Lincoln – previously a Whig opposed to Jackson's view – claimed a mandate from the 1864 election.[12]

At issue in this article is a critical departure, a pivotal elaboration of presidential representation in which Congress did not simply tolerate a presidential pretension but candidly acknowledged its own institutional incapacity and promoted the institutionalization of presidential remedies. The BAAA broaches both of the institutional entailments associated with the idea in the twentieth century – a formal license for presidential agenda setting and greater executive organizational capacity. Making the president responsible for initiating the budget process and creating the Bureau of the Budget, it reveals the terms upon which the idea of presidential representation had become legitimized by 1921 and the extent to which constitutional relationships were reconfigured.

Notably, the BAAA shows the modern presidency emerging first on what might otherwise be considered its most unlikely constitutional ground.[13] As conceived in Article I, revenue bills would originate in the House, giving the power of the purse to the chamber closest to the people.[14] The question arises as to what circumstances and arguments could have led the House to concede this vital advantage. There is a notable paradox as well in the specific timing of the law's passage. While the initial proposal from President Taft's Commission on Economy and Efficiency in 1912 came in the midst of Progressive enthusiasm for executive power, the law was not passed until 1921 – after WWI, after congressional-executive relations had deteriorated, after the repudiation of Woodrow Wilson, and after public reaction against Progressivism had set in. In that context, one might have expected the president's role to recede. Yes, WWI had brought a severe debt problem, but a strictly legislative solution to address it was not hard to conceive. Instead, presidential initiative was institutionalized in the budget process and the president's organizational capacities were augmented. In effect, Congress accepted that institutionalizing presidential leadership was *required* even for a "return to normalcy."

As I see it, then, the idea of presidential representation was not just a vehicle used instrumentally to pass the BAAA. The evidence points to the inverse: the act was a vehicle used instrumentally to advance a new conception of American government. The idea animated reformers prior to settling on budget reform as their primary vehicle and it was taken up by key actors at all stages of the reform process – proposing reforms, considering legislation, and implementing the new law. I will recount the central events of the national budget movement to document these effects, tracking the reforms that successfully made it into the passed law and explaining the significance of these departures from previous practice. I also will examine the resistance reformers encountered and the limitations of their success as registered in the final law, comparing the innovations proposed and the resistance aroused for both key proposals and passed legislation. Altogether, I show that while the *timing* of the act was caused by World War I debt, the *design* of the law was crucially influenced by a new idea of the president's role as national representative, leading to a presidency-oriented rather than a Congress-oriented solution.

IDEAS AND INSTITUTIONAL CHANGE

Questions involving the relationship of political ideas and institutional change are central to American political development.[15] Do the ideas or institutions come first?[16] How well are ideas translated into institutional forms? One prominent perspective is that political development arises "out of 'friction' among mismatched institutional and ideational patterns."[17] In other words, change can be motivated by the gap between what is expected of institutions and what their existing practices and capacities are.

I contend that the idea of presidential representation motivated and influenced solutions offered by key proponents of the budget reform movement. To show that the idea influenced the movement, rather than the movement inventing the idea post hoc, I briefly review the broader context of political thought and proposals for institutional change during this period before turning to how this idea was applied to budgeting.

The Reform Context

Progressives sought to release the energies of government for the common good by overcoming parochial and partisan interests.[18] Reformers saw in executives the means for gaining this focus on the whole. Governors increasingly demonstrated the potential of leadership based on an executive electoral connection.[19] Changes in presidential behavior vis-à-vis Congress – including more attempts to direct policy and increased attempts to rally public support for legislation – pointed to presidential leadership.[20]

Praise for presidential representation and criticisms of congressional representation were prominent in elite discourse. A disgruntled congressman lamented, "The claim of President Jackson that the President was the direct representative of the whole people is to-day very often heard."[21] "No one else represents the people as a whole," lectured Woodrow Wilson at Columbia.[22] The president, wrote Theodore Roosevelt, was a steward "bound… to do all he could for the people."[23] Possessing a national constituency, the president could "capture the public imagination" and check the perceived localism of Congress.[24] Congress, characterized by "hide-and-seek vagaries of authority," was the stronghold of "special and local interests"; legislators valued "equity between the different parts" more "the general interests" of the nation.[25]

Accepting the premise developed in the nineteenth century that presidents uniquely represented the entire nation, Progressives sought to institutionalize it.[26] They had higher expectations of presidential performance, but felt the office's institutional capacities were insufficient.[27] Though not agreeing on all proposals, most reformers embraced two institutional remedies, borrowing from the idea of cabinet government and what modern legal parlance refers to as the unitary executive theory.[28] The first, inspired by the British Parliament, was an enhanced presidential agenda setting power. Bridging the separation of powers through a formal connection to Congress, the president, selected by a national constituency, would propose bills considering the needs of the whole country.[29] Some even sought to have department heads take the floor in Congress to introduce and advocate for the president's legislation.[30] The second solution involved placing the president at the head of a more unitary executive branch. To overcome the perceived lack of coordination among separate departments, which could communicate with Congress without consideration of the president's views, reformers sought to create new organizational capacity for managing the executive branch and ensuring that only presidential proposals went before Congress.

Though these solutions were connected, they had potentially different constitutional implications. The second solution, making the president more clearly head of the executive branch, might plausibly claim greater support in the executive power invested in the president by Article II. Nonetheless, granting the president new organizational capacity would significantly change the operations of government. Furthermore, while proponents of the first solution, presidential agenda setting, could point to the Article II power of recommending measures to Congress, stronger powers to set Congress's agenda in certain policy areas directly challenged legislative prerogatives. Some candidly acknowledged that the president's legislative powers from the Constitution were insufficient. According to Henry Jones Ford, Andrew Jackson had established the veto power as a representative tool, but "the correlative function, the legislative initiative, still dependent as it is upon congressional acquiescence, has shown no access of strength."[31] "Without such an initiation," wrote John Burgess, "the veto power does not give the President an equal part in the legislation power."[32] Gamaliel Bradford called for inverting the direction of the governmental process. Rather than Congress passing laws and the president reacting by signing or vetoing, the president "should himself" submit legislation "for acceptance or rejection" by Congress; "the veto should be applied the other way."[33]

Under the Guise of Efficiency: Applying Presidential Representation to Budgeting

In pursuing budget reform, Progressives used the language of "efficiency" – the "idiom of [that] generation."[34] But while many reformers "frequently urged" economy as a rationale, noted one critic, in fact they assumed "an inevitable connection" between "responsible government and the so-called executive budget."[35] A cadre of presidency-oriented reformers took advantage of the efficiency consensus to push their own program of institutionalizing presidential representation, seeking to achieve the institutional remedies of presidential agenda setting and greater organizational capacity. Given the constitutional basis of revenue bills originating in the House, this was bound to bring constitutional issues to the fore.[36]

These reformers touted the president, representing the whole people, as best positioned to create a budget that would focus on national priorities and alert the whole country to the importance of seemingly mundane aspects of budgeting. Congress came under fire for its localistic orientation as expenditures rose.[37] Agencies routinely overspent their budgets and requested further appropriations to make up the deficiency.[38] Pressing the implications, reformers identified the separation of powers as an obstacle to this vision.[39] Though Alexander Hamilton, as first Secretary of the Treasury, had attempted to submit a budget, the practice never took hold.[40] By excluding the president from budgeting, wrote James Bryce, the executive was "deprived of influence on the one hand, of responsibility on the other."[41]

Indeed, the existing congressional budget process did exclude the president. Individual departments and agencies would submit non-revisable estimates to the Treasury Secretary that he would pass to the House. Neither the president nor the Treasury Secretary was responsible for individual estimates or coordinating among departments. Congress reigned supreme. Various committees, especially Ways and Means and Appropriations, considered and revised the estimates for particular departments. But no part of government holistically oversaw financial matters: "…at no time does any single committee or board or other legislative or executive agency view the finances as a whole. The financial legislation of Congress is therefore lacking in the national point of view."[42]

Going beyond issues of efficiency, Henry Jones Ford described budgetary issues as "symptomatic of [a] general constitutional disease" in which "our national representative assembly fails to discharge this constitutional function successfully." The House, the primary locus of budget initiation, was not up to the task.[43] "Log-rolling," the "only available method of getting bills through," had led to local interests being served at the nation's expense.[44] Connecting his proposed reform to the idea of presidential representation, Ford called for a presidential agenda setting power in budgeting "to subordinate particular interests to the general interest."[45] Democracy was at stake: if the president's "power of initiative is abridged, the sovereignty of the people is impaired."[46]

Frederick Cleveland, the leading protagonist of the budget reform movement, also admitted purposes beyond efficiency. Since Congress confused responsibility for policy, democracy would be better served by being able to hold an executive accountable for governance.[47] An executive budget – accounting for past policy decisions, assessing present financial conditions, and allowing for long-term planning – would be a means to this end, allowing the public to properly evaluate its leaders. As Cleveland stated, "The only person or persons who can formulate and submit for consideration a plan or program for the government as a whole is the President and his advisors."[48]

These arguments targeted the fundamentals of governmental structure, institutional processes, and interest representation. Reformers sought to grant the presidency an initiatory responsibility and organizational capacity commensurate with its allegedly superior representative role. As the politics surrounding reform proposals would show, the language of efficiency failed to submerge the larger structural stakes.

PROPOSALS: PIERCING THE EFFICIENCY VEIL

Two proposals especially influenced the BAAA of 1921: the President's Commission on Economy and Efficiency [PCEE] report of 1912, spearheaded by Frederick Cleveland, and the Institute for Government Research's [IGR] proposal of 1919, authored by William Willoughby. In this section, I show how the proposals drew directly from the idea of presidential representation, as both contained the idea's two main institutional referents, a presidential budget and new executive organizational capacity. As indicators of constitutional resistance, I also examine the response to the PCEE and how it influenced adjustments in the IGR proposal.

A Proposal Stillborn: President's Commission on Economy and Efficiency

While Republican President William Howard Taft sought to prioritize economy and efficiency in government, he directly connected budget reform to the idea of presidential representation.[49] Since the president "is the one whose method of choice and whose range of duties have direct relation to the people as a whole and the government as a whole," Taft later wrote, he would likely "feel the necessity for economy in total expenditures."[50] Seeking to achieve a presidency-oriented solution, Taft sought discretion to run a study; in 1910, Congress relented and appropriated funds. Revealing the scope of his ambition, Taft chose Frederick Cleveland to lead the inquiry. Cleveland did not disappoint, studying on the bureaucracy as a whole and suggesting the need to centralize executive branch authority. Pleased, Taft expanded the inquiry to a full commission in 1911.[51] The two principal innovations proposed by the commission – an executive budget and a Bureau of Administrative Control – were justified in terms of presidential representation.

First, the executive budget would place a national perspective before Congress and improve the president's connection to public opinion. Taft explained that the existing budget process failed to properly inform the public of government business because it lacked a publicized presidential plan.[52] The president's budget proposal would include a summary message and summaries of general finances, expenditures, estimates, and suggestions for changes in law to facilitate "greater economy and efficiency."[53] The commission stated the problem of not having an executive budget process in terms of presidential representation, arguing that the president lacked a tool to keep in touch with popular feeling:

> …without a definite method of getting his concrete proposals before the country the Executive, as the one officer of the Government who represents the people as a whole, lacks the means for keeping in touch with public opinion with respect to administrative proposals – both the Congress and the Executive are handicapped in thinking about the country's needs.[54]

Instead, the executive budget would "enable the *President, as Chief Executive and representative of the people at large*, to get before the country a definite proposal, as to future action as well as a definite statement of fact pertaining to past accomplishment." Additionally, the president would be responsible for deciding whether to approve "action taken by the Congress on its own initiative," and he would determine whether measures promoted the "public welfare" and should be executed. Congress would be responsible to take action on "definite proposals" submitted by the administration. The president's national perspective was the linchpin of the process.[55]

Significantly, the commission described how its vision of presidential budgetary agenda setting would depart from American precedents. The report noted that "executive authority" in other nations possessed "powers of initiation and leadership," while "legislative authority" possessed “merely powers of final determination and control.” Because the U.S. had this relationship backwards, the “use of a budget would require that there be a complete reversal of procedure by the Government.”[56] Furthermore, the Article II provision to recommend measures was deemed insufficient.[57]

Second, the proposed Bureau of Administrative Control would enhance the president’s organizational capacity. As “the central information plant for the Government,” it would help the president and cabinet know “what are the current problems and conditions that require immediate consideration.” Senate consent would be required in appointing the bureau head, and Congress would remain free to develop its own investigative capacities. Among the functions performed by the bureau would be auditing and budget-making. The audit would provide “an accurate statement of facts” and be “an independent means” to allow “the President… to assume responsibility for the fidelity of employees in the executive branch.” Furthermore, to ensure the president’s own views went before Congress, the budget would “be formulated in a central office which is responsible directly to the President and not under any one department.”[58]

Despite its name, the commission’s scope of inquiry revealed a broader purpose than economy and efficiency, provoking backlash even before it completed its work. Both executive branch agencies and Congress resisted the commission. Conscious of its traditional relationship to Congress, the Treasury Department only grudgingly cooperated with Cleveland when Taft personally intervened. In 1912, Congress pushed back against the commission by rejecting a $250,000 funding request, giving instead $75,000 and stipulating that the appropriation pay only three salaries instead of five.[59]

After hampering the study, Congress rejected its grandiose plans. The presidential budgeting proposal, involving mainly an Article I power, portended a significant change to constitutional relationships. The proposed Bureau of Administrative Control, which would be used to implement a new budget system, likewise would alter the relationship of the departments to Congress. But the budgeting recommendations provoked more congressional resistance.[60] Democratic committee chairmen "humanely disposed of" its report.[61] Furthermore, in July 1912 when Taft tried to impose the new budget process on a recalcitrant Congress by directing departments to submit their estimates in the manner prescribed by the commission's recommendations, Congress countered by requiring submission of the estimates according to procedures under existing law. Taft responded by submitting estimates to Congress himself to complement the standard budget procedure, but Congress ignored his message. Finally, though Taft sought to extend the commission even after losing in the 1912 election, Congress refused to extend the appropriation past June 1913.[62]

Political calculations did help fuel this defense of congressional prerogatives. Between the authorization of the PCEE and its report, Democrats had ended Republican unified party control with their victory in the 1910 midterm elections. Moreover, House rules had been decentralized after the revolt against Speaker Joseph Cannon (R-IL) in 1910, giving back more authority to individual congressmen and making it even less likely that they would surrender prerogatives to the president.[63] But revealingly, the commission faced resistance because it had clarified the ambition behind institutionalizing its vision of presidential representation. The report had assailed Congress as the enemy of efficiency and praised the presidency as its champion. The potential scope of the president's initiative power was also ambiguous. By citing Britain's budget process as a model, the report seemed to leave open the possibility that the president would present a plan allowing for no congressional amendments, a reform that went farther than Congress was willing to consider. House members recognized that their constitutionally granted powers were at stake. Indeed, in response to "many of their influential constituents" approving of Taft's efforts, House Democrats proposed legislative budget alternatives instead, including either a committee that would report estimates of available revenue or a centralized single appropriations committee in each chamber.[64] Proposing his legislative plan, Rep. J. Swagar Sherley (D-KY) called Congress "the only logical representative of a free people," and Rep. Victor Murdock (R-KS) praised Sherley's plan for its "virtue" of giving the legislature, not the president, the initiative.[65] Finally, though deficits were rising, they had not yet reached post-WWI crisis levels.[66]

With Democrat Woodrow Wilson taking office in 1913, the prospects for an executive budget appeared brighter, but were soon quashed. Despite his keen interest in budget reform and public administration, Wilson deferred to his congressional supporters and made his immediate preference the strictly legislative solution of a single committee controlling all appropriations.[67] Because his vision of executive-led government required strong party discipline to accomplish a legislative program, "Wilson traded administrative leadership for congressional leadership."[68]

Though disappointed, Taft correctly predicted that the commission's recommendations would influence future reforms.[69] The movement made progress, partly due to the "wide publicity" of Taft's efforts.[70] States increasingly gave budget responsibility to governors – the "popularly elected chief."[71] After neither party had committed to the cause in the 1912 election, Democrats and Republicans both embraced budget reform in their 1916 platforms, though a partisan division emerged: Democrats favored a legislative solution, while Republicans now embraced Taft's proposals.[72] However, for the moment, the limits on the potential for institutionalizing presidential representation in the American constitutional system had been exposed. It would take a greater crisis for Congress to reconsider reform.

A Strategic Adjustment: Institute for Government Research

In 1916, the newly-formed Institute for Government Research prioritized national budget reform, but its political strategy differed from that of the PCEE. IGR trustees chose PCEE member William Willoughby as director rather than Frederick Cleveland, believing Willoughby would be the more effective political operator in Congress. Suspecting support for reform might surge after the war, he immediately set to work.[73] Despite feeling the PCEE had strategically bungled by prompting Congress to recoil at threats to its prerogatives, Willoughby nonetheless took the report as the starting point for his proposal.[74] His plan contained the two institutional entailments of presidential representation – a presidential budget and new executive organizational capacity.

First, Willoughby recommended making the president responsible for formulating an annual budget, allowing Congress to then more effectively consider "the general interests of the government as a whole." He focused more on the president's responsibility to provide information to Congress than to the public, but he still argued that the executive budget would allow citizens to exercise "a real popular control" upon "their representatives, legislative and executive."[75] However, seeking to head off the resistance faced by the PCEE, Willoughby called for creating a single budget committee in each chamber of Congress to balance the president's enhanced agenda setting power.[76]

Second, in proposing new executive organizational capacity, Willoughby shifted to a more managerial emphasis for the president's role rather than bearing down on Congress. He focused attention on making the president more clearly the head of the executive branch, which might appear less constitutionally threatening given the president's executive power under Article II. Willoughby viewed this as a departure, noting that the Treasury Secretary had been the original officer directed by Congress to prepare estimates in 1789: “Congress had no intention of establishing the President in the position of head of the administration.”[77] Indeed, “the fundamental basis for effecting this reform” was “the new conception now entertained regarding the President as the responsible head of the administration.”[78] Unlike the British, who recognized the Treasury as the superior authority in financial matters, Willoughby wanted the president to be “established by law” as “the sole authority by whom requests for the grant of funds for the executive and administrative branches of the government shall be made of Congress.”[79] To ensure budget proposals would be *presidential* proposals and subordinate the departments, a new budget bureau would be placed “under the immediate authority and direction of the Chief Executive.”[80]

These proposals included the institutional solutions attached to the idea of presidential representation, but in a reconfigured, less confrontational form. A monopoly presidential agenda setting power was rejected in favor of a presidential budget that Congress could alter through the proposed budget committees. Willoughby preferred the strong executive powers of the British system, but recognized that Congress was unlikely “to make such a radical change.” Thus, he expressed a strategic preference: “the system proposed goes as far as it is believed that Congress is prepared to go at this time.”[81]

LEGISLATION: CONGRESS RECOGNIZES ITS INCOMPETENCE

The IGR proposal soon made its mark, as a crisis precipitated legislative action. Rising debt from WWI – the total debt skyrocketed from $1 billion in 1916 to over $25 billion by 1919 – exposed Congress’s inability to halt the growth in expenditures and gave the budget reform movement momentum. Citizens also had an increased stake in federal finances under the new system of income, corporate, and inheritance taxes. Despite divided government, the House Select Committee on the Budget, recognizing Congress's failure to control the deficits, urged the adoption of an executive budget in 1919. Woodrow Wilson, who previously had supported budgeting through a single appropriations committee, later announced his concurrence.[82] Proposals favoring presidential participation in budgeting now were preempting alternatives that excluded the president, such as the earlier proposals to have a single committee review departmental estimates or to centralize the appropriations process.

Though increased debt and the new tax system were proximate causes of the BAAA's passage, explaining the law's design requires accounting for the persistent influence of the idea of presidential representation. In this section, I show that this idea was openly discussed as the basis for legislation. To determine the extent to which Congress provided for an institutionalization of presidential representation, I examine the innovations adopted in both the 1920 and 1921 versions of the passed law and what limitations were imposed. After Wilson vetoed the first act in 1920 over removal power concerns, Warren Harding signed the second act in 1921. The timing of the law's passage is interesting because it came amidst the public and congressional reaction against Progressivism, against Wilson's presidency, and against executive overreach in the League of Nations debacle.[83] The fact that a new budget system, involving an increased presidential role, advanced in this environment indicates how much had changed.[84] While Harding and Congress sought to curb budget deficits as part of the "return to normalcy," they advocated greater presidential responsibility. The choice of a budget process formally involving the president, as opposed to a strictly legislative alternative, marked the emergence of reform ideas as a new common sense.

Hearings

The hearings of the House Select Committee on the Budget, chaired by Rep. James Good (R-IA), reveal that Congress was aware of how proposed budget reforms were justified based upon the idea of presidential representation. Congress recognized its failure to control the debt, and calls for presidential responsibility increased.

For example, former congressman J. Swagar Sherley – who had previously proposed a legislative budget involving a committee on estimates – testified in favor of giving the president a budget bureau and the sole power to appoint its director. While also advocating committee centralization, Sherley wanted the president to set the agenda: "The legislative body should not undertake the forming of a budget until after action by the executive branch."[85] He also acknowledged Congress's previous unwillingness to embrace reform.[86] Likewise, Rep. John Nance Garner (D-TX) noted the difficulty of encouraging individual congressmen to reduce expenditures, arguing that Congress should only see the president's budget rather than individual department and bureau proposals.[87]

Both principal proponents of budget reform testified. Frederick Cleveland told the House that his inspiration was the idea of presidential representation, explaining the logic behind the first institutional entailment of the idea – a presidential budget:

> …the assumption that lies back of the suggestion that the Executive should be held responsible is this: …the Executive is the one man that is elected by the people at large and represents the whole country… the viewpoint of his vision must be countrywide… he must be in a position of coming to have some definite program or plan that is comprehensive…[88]

William Willoughby, explaining the second entailment of new organizational capacity, argued that the purpose of reform was "definitely locating responsibility with the President." Giving budget responsibility to the Treasury Secretary would fail to subordinate the rest of the cabinet, so the president needed to either primarily prepare the budget himself or have a direct subordinate to prepare it on his behalf.[89] However, Willoughby took greater care to frame his proposal as a way to help Congress fulfill its responsibilities.[90]

Others echoed their testimony. Former Secretary of War Henry Stimson argued for presidential budgetary initiative because "the Executive brings to bear… the viewpoint of the Nation as a whole as against the [legislature's] view of an aggregate of disputants." A budget bureau would "multiply the power of the President over his subordinates."[91] Former PCEE member Frank Goodnow likewise sought a new officer "who would… be able to stand up under the demands of the spending departments."[92] Assistant Secretary of the Navy Franklin Roosevelt also called for an officer "directly under the President himself" to prepare a budget. Foreshadowing his own administrative reform efforts, he hoped a budget system would augment presidential control over the administration: "The President ought to have someone who could come into my department at any time and see how I am running it, for his own satisfaction."[93]

Testimony skirting the president's new budget role was challenged. When Samuel Lindsay downplayed changes to Congress's role in budgeting, Rep. Joseph Byrns (D-TN) confronted him: "I do not know of anything that would tend more to put Congress under the domination of the Executive." Lindsay admitted the scope of the proposed change: "It is true you are centralizing the power of initiation in the Executive that does not vest there now, and you are limiting the power of initiation that now vests in individual Members of Congress." But he justified this as a necessity: “We either do not need a budget system at all… or you have to face that issue.”[94]

The hearings clarified the growing consensus for the president to be granted a formal role in the budget process, but also hinted at what limits would be imposed. The president, emphasized Good, would initiate the budget process, but Congress would retain the ability to amend the budget and would have an independent audit.[95] Still, the significance of the discussion was not lost on the *New Republic*: it is “inevitable that the center of legislative initiation should belong to those who are to administer legislation.”[96]

Veto in 1920

The first version of the BAAA passed in 1920. Solutions excluding the president from budgeting found fewer advocates.[97] Willoughby assisted James Good in drafting a bill, which passed the House 285-3 on October 21, 1919. The Senate passed reform without opposition on May 1, 1920, but differences between the House and Senate versions had to be reconciled.[98] While the passed law contained notable innovations, some of the limitations it imposed revealed continued congressional ambivalence over the structural alterations entailed by institutionalizing presidential representation.

First, the law provided for presidential agenda setting: the president would submit a yearly budget to Congress. Joseph Byrns, who had worried about enhancing presidential authority in the hearings, now emphasized that “the President… an elective officer of the United States, is made responsible to Congress and to the country.”[99] No one but the president, asserted Rep. Edward Taylor (D-CO), “ought to be responsible absolutely for the fiscal and economic policy and system of our Government.”[100] Rep. Willis Hawley (R-OR) enthused on the potential of "a great President, who, like Mr. Gladstone, will found his title to fame and lasting glory… upon the fact that he conducted the administrative affairs of this government upon a basis of sound economy."[101] The lack of a stronger supermajority agenda setting power for the president did underscore the boundary of what Congress was willing to accept.[102] Nevertheless, Congress's passage of an enhanced presidential role in an Article I power indicated the influence of the budget reform movement.[103]

Second, the law augmented the president's organizational capacity by creating the Bureau of the Budget [BOB]. However, this provision was the center of the dispute between the House and Senate versions of the bill. In the conference compromise, BOB was placed in the Treasury Department and the Treasury Secretary was made BOB's director, responsible for preparing the president's budget.[104] Sen. Medill McCormick (R-IL) explained that the Senate agreed with the House on "fixing upon the President the ultimate responsibility" for "the annual budget," but preferred the Treasury Secretary to draft it. A separate budget officer might be problematic for the cabinet: "If the President were to maintain the opinion of the director of the budget against that of the head of the department upon any serious issue, the resignation of the member of the Cabinet would naturally follow."[105] Since many reformers had advocated for a different officer directly under the president to prepare the budget, this was a shortcoming.

Finally, the 1920 law placed a new General Accounting Office under congressional control, and even the strongest presidency-oriented bills considered had given Congress control of the audit.[106] The Comptroller General would be removable only by concurrent resolution, not requiring presidential approval.[107] Wilson thus vetoed the bill, asserting this infringed upon the president's removal power.[108] The veto provided an opportunity for an even more presidency-oriented reform to emerge.

Passage in 1921

Despite Wilson's veto, it was clear budget reform would soon pass in some form. Both party platforms embraced the presidential cure in 1920.[109] Entering office alongside a Republican Congress for unified government in 1921, President Warren Harding sought to deliver a promised deficit reduction. Ironically, though his campaign had called for a "return to normalcy," Harding realized he needed new tools for presidential leadership and confessed that he was seeking a fundamental departure.[110] From a presidential perspective, the bill passed during the early part of Harding's administration was stronger.

Both the House and Senate overwhelmingly passed budget reform, but they continued to have differences. First, the House placed an independent BOB solely under presidential control, while the Senate placed it again in the Treasury Department. Second, the House bill continued to allow for removal of the Comptroller General without the president's approval, while the Senate bill provided for a joint resolution requiring presidential approval.[111] In the conference bill compromise, BOB was placed in the Treasury Department, but the director and assistant director would be appointed by the president without Senate consent and subjected to his direct authority.[112] This plan was "in accordance with views recently expressed by President Harding." Furthermore, though Congress retained an independent audit, it agreed to provide for removal of the Comptroller (who would hold office for 15 years during good behavior) through a joint resolution requiring the president's signature.[113]

Thus, the law contained substantial innovations that had been inspired by the idea of presidential representation, marking, in essence, a first recognition in statute that the president was the nation's chief representative.[114] It provided for presidential agenda setting with an executive budget and new executive organizational capacity through BOB. The law also prohibited any other members of the administration from submitting appropriations requests without a congressional demand to do so.[115] Reflecting on the act's significance, one scholar called it "probably the greatest landmark in our administrative history except for the Constitution itself."[116] However, limits were imposed as well. The president did not simply gain power at Congress's expense. Instead, "the independent audit was Congress's quid pro quo for the President's budget bureau." No new executive office of the president was created.[117] While the House had wanted BOB to be independent, it was placed in the Treasury Department. Congress retained the ability to amend the budget, and later acts consolidated appropriations authority in single committees in the House and Senate.[118]

Examining floor debates reveals what significance Congress attributed to the law. "The responsibility is laid on the President to outline a policy," said Sen. McCormick.[119] Discussing the compromise, James Good asserted that the House had mostly achieved its wishes: "all of the changes have gravitated toward the original provisions of the House bill."[120] Importantly, this House bias corresponded to an enhanced institutional capacity for the president to fulfill his representative role:

> [The House bill] assumed that the President, being the only official of the United States that is elected by all the people, and the only official who is designated by the Constitution to give Congress, from time to time, information on the state of the Union, the President must lay out a work program for the Government, and the appropriations that would necessarily follow would only be to supply the money to do the work in accordance with that work program.

Good emphasized giving the president the most direct control over BOB that the Senate would accept. BOB's location "mattered very little" to the House given that it would not be subjected to the Treasury Secretary's control.[121] Instead, "the real meat in the section is the power granted," which was "only" to "the President." Senate confirmation for the director and assistant director had been avoided because those positions would be "peculiarly the President's staff" and to ensure the budget "reflected [the president's] sentiment… with regard to economy and with regard to expenditure."[122] Finally, the director could be changed at any point, especially with new administrations.[123]

The compromise received bipartisan praise.[124] John Nance Garner was pleased that the budget director was placed under presidential control. Believing the director could become "the second largest man in the executive department," he relished a scenario in which the director and the Treasury Secretary disagreed:

> He will be able to look at the Secretary of the Treasury and say, 'You will cut out this expenditure. This is what I am going to abolish.' 'Who is this that is speaking to me?' 'It is the representative of the President of the United States himself.'[125]

This fervor was all the more remarkable since Garner had previously lambasted budget reformers for attacking Congress too much.[126]

The compromise shows that the act was a tentative institutionalization of presidential representation. It would have been better for presidency proponents, given the historic relationship of the Treasury Department to Congress, if BOB had been placed independently under the president. But when that was not possible, they prioritized placing the director under presidential control, claiming victory since the previous year's bill had called for the Treasury Secretary to prepare the president's budget. Given its Article I prerogatives, the House's eagerness to ensure the president's views would prevail in budget proposals is somewhat remarkable. However, rather than granting a presidential agenda setting power that would limit congressional amendments, the House focused on the president's control of BOB, touching on an Article II power. By knowingly passing a law with institutional innovations based on an assumption that the president's national constituency would make him feel the need for economy in expenditures, Congress had recognized the president as the nation's chief representative.

IMPLEMENTATION: PRESIDENTIALISM IN THE SERVICE OF NORMALCY

With the BAAA's passage in 1921, a paradox arose – the prospect of using the presidency to return to normalcy. The Progressive Era had been characterized by bold attempts at presidential leadership. Yet despite the reaction against Progressivism, Congress and President Harding discovered that fiscal retrenchment required its own increment of presidentialism. Satirically describing this new responsibility, F. Scott Fitzgerald wrote, "…a good President ought to be able to tell just how much we could afford."[127]

Though the law was supposed to apply to the 1923 fiscal year, the Harding Administration boldly decided, without formal authority, to implement it early and devise a budget for 1922.[128] The conservative Harding admitted his aggressive use of the presidency to "restore sane and normal ways again." Additionally, Harding ensured that the *presidential* perspective would prevail in the budget.[129] Nudging Harding adopt a stronger view of presidential authority was Charles Dawes, his budget director. Dawes believed that government had previously lacked "the central pressure for correct administration from the Chief Executive, the machinery for exerting which he now has under the Budget law." He underscored the significance of using the new budget process: it "marks the passing (and is intended so to do) of the old system."[130] The law ensured departments would be "made to better accord with the plan which the President had established."[131] Though Dawes was criticized by some for focusing BOB too much on reducing costs and not on more positive policy ends, he also viewed the budget process through the lens of presidential representation: "Nothing should be allowed to withdraw the attention of the public from the duty and powers of the President."[132]

Even after Dawes left his post, enthusiasm for using this new budgetary authority continued unabated. Harding put his own business-oriented spin on presidential representation: "what we are doing is not for ourselves… not for the President… but for the people – the stockholders of this great business."[133] Seeking to ensure that only his views would go before Congress, Harding warned executive branch employees that testifying with estimates "in excess of the Executive recommendation" would be "sufficient reason" for being fired.[134] His successor, Calvin Coolidge, issued the same warning.[135]

Harding, Dawes, and Coolidge implemented the law in a manner that augmented presidential authority. Their focus on fiscal retrenchment aligned with the Republican Congress's wishes, but caused consternation among some of the more ambitious presidency-oriented reformers. It would remain for future efforts in the coming decades to seek to institutionalize the presidency for broader positive ends.

CONCLUSION

The idea of presidential representation is more than a standard by which to judge presidents; it is a significant prod to the development of a presidency-centered government. The case of the Budget and Accounting Act of 1921 shows both the achievements and limits of this institutionalization of presidential representation. I have demonstrated that reformers were influenced by presidential representation, that their proposals and laws incorporated some of its key institutional entailments, and that the reforms departed from previously established constitutional arrangements. The president gained substantial agenda setting power by initiating the budget process, and he was given new organizational capacity to exercise this responsibility. Marking the boundary of the achievement, Congress retained the ability to amend the president's proposals, created an independent audit, and, for the time being, located the BOB in the Treasury Department. While the immediate motivation for the law was the challenge of post-WWI deficits, the law's design cannot be explained without accounting for the idea of presidential representation. Furthermore, the institutionalization of the presidency continued with tariff reform (1934), executive reorganization (1939), employment and economic management (1946), and national security (1947), sharing the characteristics of providing the president new license for agenda setting and new executive organizational capacity.[136] While enacted in response to various challenges of the day, these statutes collectively marked recognition of the president as the nation's chief representative.[137]

A broader problem, however, is indicated when the influence of presidential representation on the development of the institutional presidency is reflected back upon the constitutional structure. It is revealing that Howell and Moe now propose a constitutional amendment for presidential agenda setting. They endorse the claim of presidential representation, but they recognize the boundaries Congress and the Constitution have presented.[138] The institutionalization of presidential representation in statutes has always been unstable, pushing against the boundaries of the written frame. This is not to say that the acts are *unconstitutional*, but rather that they often reflect attempts to alter constitutional relationships.[139]

Congress retains the capacity to adjust this authority if it thinks presidents have diverged too far from its own political purposes. The two institutional entailments contained in the 1921 law were not equally durable. Congress sought to reclaim its Article I budget prerogative in 1974, creating its own alternative budget process and establishing the Congressional Budget Office.[140] But the president's enhanced managerial capacity – arguably more in line with Article II – endured in the form of the Office of Management and Budget and in the enhanced priority of regulatory review (though not without the eventual limitation of requiring Senate confirmation of the director.) This suggests that powers granted to the president may be more durable to the extent that they are more easily related to Article II and more vulnerable when touching on Article I. Meanwhile, the idea of presidential representation has been the animating force for another reform. The line item veto would allegedly "permit Presidents to better represent the public interest" and "throw a spotlight of public scrutiny onto the darkest corners of the Federal budget."[141] This reform's passage in 1996 ran afoul of the Constitution, resulting in its quick rejection by the Supreme Court, but the House has subsequently passed other versions.[142]

Though the institutional demands of presidential representation remain open to negotiation, congressional pushback also has raised problems. The president's proposed budgets are now mostly ignored and Congress has taken back some of its constitutional prerogatives, but the record of congressional performance is poor: failures to pass budgets on time, reliance on continuing resolutions, government shutdowns, and even an ad hoc supercommittee.[143] Moreover, the criticisms leveled against congressional incompetence are magnified by the fact that alternative institutional arrangements based on the idea of presidential representation are at the ready, so, in effect, Congress is now indicted politically for asserting and defending its constitutional prerogatives and refusing the president tools commensurate with his recognized status as the nation's leading representative.[144] Thus, the idea of presidential representation in budgeting now persists on its force as an idea. It is used to badger Congress, expose its weaknesses, and agitate for changes that anticipate a different kind of government altogether.

NOTES

[1] Henry Jones Ford, *The Rise and Growth of American Politics: A Sketch of Constitutional Development* (New York, 1898), 215.
[2] John Phillip Reid, *The Concept of Representation in the Age of the American Revolution* (Chicago, 1989), 28-30, 82-85, 129-136. Furthermore, American political culture had developed a strong emphasis on the necessity of local representation based on colonial experience with the British Parliament.
[3] David Brian Robertson, *The Original Compromise: What the Constitution's Framers Were Really Thinking* (New York, 2013), ch. 9-10.
[4] Kathy B. Smith, "The Representative Role of the President," *Presidential Studies Quarterly* 11, no. 2 (Spring 1981): 203-213; Gary L. Gregg II, *The Presidential Republic: Executive Representation and Deliberative Democracy* (Lanham, Md., 1997).
[5] Centrism is defined as presidents considering "their main constituency to be the entire nation, rather than just the partisans who elected them," incentivizing presidents to appeal to the median voter as opposed to the party median. B. Dan Wood, *The Myth of Presidential Representation* (New York, 2009), 26, 37. See also Matthew Eshbaugh-Soha and Brandon Rottinghaus, "Presidential Position Taking and the Puzzle of Representation," *Presidential Studies Quarterly* 43, no. 1 (March 2013): 1-15; Jeffrey E. Cohen, *Presidential Leadership in Public Opinion: Causes and Consequences* (New York, 2015), ch. 5; Bruce Miroff, *Presidents on Political Ground: Leaders in Action and What They Face* (Lawrence, Kans., 2016), ch. 3. Universalism, as opposed to particularism, is defined as presidents not being "driven by special interests (economic, issue based, geographic, or otherwise) and instead pursu[ing] policies that are in the best interests of the nation as a whole." Douglas L. Kriner and Andrew Reeves, *The Particularistic President: Executive Branch Politics and Political Inequality* (New York, 2015), 4.
[6] Michael Saward, *The Representative Claim* (Oxford, 2010), 4.
[7] Elements of my claim are implicit in Sidney Milkis's suggestion that "the idea was to establish" that "the modern presidency, rather than Congress or party organizations" would be the "agent of popular rule." But we need to examine more directly how and with what consequence the representative connection influenced the presidency's institutional development. Sidney M. Milkis, "The Presidency and American Political Development: The Advent – and Illusion – of an Executive-centered Democracy," in *The Oxford Handbook of American Political Development*, ed. Richard Valelly, Suzanne Mettler, and Robert Lieberman (New York, 2016), 294-295.
[8] William G. Howell and Terry M. Moe, *Relic: How Our Constitution Undermines Effective Government and Why We Need a More Powerful Presidency* (New York, 2016), Introduction, ch. 4.
[9] Looking comparatively, presidents' legislative powers might include the package veto, partial veto, exclusive introduction of legislation, budgetary initiation, and proposal of referenda. See Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (New York, 1992), 150, Table 8.1.
[10] Bruce Ackerman, *The Failure of the Founding Fathers: Jefferson, Marshall, and the Rise of Presidential Democracy* (Cambridge, Mass., 2005); Jeremy D. Bailey, *Thomas Jefferson and Executive Power* (New York, 2007).
[11] Jeremy D. Bailey, "Opposition to the Theory of Presidential Representation: Federalists, Whigs, and Republicans," *Presidential Studies Quarterly* 44, no. 1 (March 2014): 50-71.
[12] Richard J. Ellis and Stephen Kirk, "Presidential Mandates in the Nineteenth Century: Conceptual Change and Institutional Development," *Studies in American Political Development* 9, no. 1 (Spring 1995): 117-186.
[13] Some mark the beginning of the "modern presidency" to passage of the 1921 law, so this case shows us the influence of the idea of presidential representation on both one critical innovation and, more generally, the genesis of the institutional presidency. James L. Sundquist, *The Decline and Resurgence of Congress* (Washington D.C., 1981), 39.
[14] Robertson, *Original Compromise*, 107-109.

[15] Karren Orren and Stephen Skowronek, *The Search for American Political Development* (New York, 2004); James Ceaser, *Nature and History in American Political Development: A Debate* (Cambridge, Mass., 2006).
[16] Rogers M. Smith, "Which Comes First, the Ideas or the Institutions?," in *Rethinking Political Institutions: The Art of the State*, ed. Ian Shapiro, Stephen Skowronek, and Daniel Galvin (New York, 2006), 91-113.
[17] Robert C. Lieberman, "Ideas, Institutions, and Political Order: Explaining Political Change," *American Political Science Review* 96, no. 4 (December 2002): 697.
[18] The issue was "whether the part is greater than the whole." Frank Buffington Vrooman, *The New Politics* (New York, 1911), 191. "This is the penalty of a democracy," wrote Jane Addams, "that we are bound to move forward or retrograde together." *Democracy and Social Ethics* (New York, 1902), 256.
[19] Saladin M. Ambar, *How Governors Built the Modern American Presidency* (Philadelphia, 2012), ch. 1-3. Some of these governors include Grover Cleveland and Theodore Roosevelt in New York, Robert La Follette in Wisconsin, Woodrow Wilson in New Jersey, and Hiram Johnson in California.
[20] Jeffrey K. Tulis, *The Rhetorical Presidency* (Princeton, 1987); Victoria A. Farrar-Myers, *Scripted for Change: The Institutionalization of the American Presidency* (College Station, Tex., 2007).
[21] Samuel W. McCall, *The Business of Congress* (New York, 1911), 188.
[22] Woodrow Wilson, *Constitutional Government in the United States* (New York, 1908), 68. The president, Wilson argued, was "the only national voice in affairs."
[23] Theodore Roosevelt, *An Autobiography* (New York, 1913), 389.
[24] Jeremiah W. Jenks, *Principles of Politics from the Viewpoint of the American Citizen* (New York, 1909), 111. While British Members of Parliament were thought to focus on the national interest, congressmen were perceived as mainly representing districts and states. Edward Elliot, *American Government and Majority Rule: A Study in American Political Development* (Princeton, 1916), 141-142.
[25] Woodrow Wilson, *Congressional Government: A Study in American Politics* (Boston, 1885), 280; Herbert Croly, *The Promise of American Life* (New York, 1909), 69; Arthur Twining Hadley, *Standards of Public Morality* (New York, 1907), 117.
[26] Ford, *Rise and Growth*, 215.
[27] The early twentieth century "presented a mismatch between presidential initiative and presidential support institutions." Sean Gailmard and John W. Patty, *Learning While Governing: Expertise and Accountability in the Executive Branch* (Chicago, 2013), 183.
[28] Steven G. Calabresi and Christopher S. Yoo, *The Unitary Executive: Presidential Power from Washington to Bush* (New Haven, 2008).
[29] Leadership would be granted to "one man who represents the dominant phase of public opinion," allowing for more effective "majority rule" to occur. Herbert Croly, *Progressive Democracy* (New York, 1914), 304. By having the executive initiate policies and being held responsible by the public for all legislation, the democratic capabilities of citizens would be enhanced. Marc Stears, *Demanding Democracy: American Radicals in Search of a New Politics* (Princeton, 2010), 38, 42.
[30] Elliot, *American Government and Majority Rule*, 158-159.
[31] Ford, *Rise and Growth*, 278-279.
[32] John W. Burgess, *Political Science and Comparative Constitutional Law*, Vol. 2 (Boston, 1890), 254.
[33] Gamaliel Bradford, *The Lesson of Popular Government*, Vol. 1 (New York, 1899), 367.
[34] Samuel Haber, *Efficiency and Uplift: Scientific Management in the Progressive Era, 1890-1920* (Chicago, 1964), ix; F. Scott Fitzgerald, *Tales of the Jazz Age* (New York, 1922), 221.
[35] Edward A. Fitzpatrick, *Budget Making in a Democracy: A New View of the Budget* (New York, 1918), 38. Fitzpatrick specifically referred to the logic of presidential representation as basis of the real argument such reformers were making: "Since the legislators are representatives of small districts and the executive is representative of the state or the nation, the proposals should be prepared by him. The responsibility for budget proposals must obviously be placed in the executive. *This is the way the argument is presented by the advocates of the executive budget plan*." Fitzpatrick, *Budget Making*, 44. However, while Fitzpatrick was critical of proposals for the president to have strong agenda setting powers (such as those restricting amendments), he did argue that the president, not the Treasury Secretary, should revise departmental estimates because of the logic of presidential representation: "The representative function which the executive serves is the fundamental reason for giving him the power of revising departmental estimates." Fitzpatrick, *Budget Making*, 70.
[36] Peri E. Arnold, *Making the Managerial Presidency: Comprehensive Reorganization Planning, 1906-1996*, 2nd ed. (Lawrence, Kans., 1998), 17-20. Struggles over the structure of the bureaucracy were also cloaked in the language of efficiency. Stephen Skowronek, *Building a New American State: The Expansion of National Administrative*

Capacities, 1877-1920 (New York, 1982), 166. Issues of political representation were central to budget reform at all levels of government. Jonathan Kahn, *Budgeting Democracy: State Building and Citizenship in America, 1890-1928* (Ithaca, N.Y., 1997), 5.

[37] As Charles Wallace Collins wrote, "local influences – the influences which each Member feels from his own district or his own State – permeate our financial methods." *A Plan for a National Budget System*, 65th Congress, 2nd Session, House Document No. 1006 (Washington D.C., 1918), 16. Another observer concurred: "Nearly every congressman has some project for spending public money in his own district, and if it is not recommended in the estimates of some executive department, he endeavors to get it wedged into one of the omnibus enactments." William Bennett Munro, *The Government of the United States: National, State, and Local* (New York, 1919), 305. These statements reflect the idea of the "electoral connection." David R. Mayhew, *Congress: The Electoral Connection* (New Haven, 1974). Prominent Republicans admitted the spending problem despite their party controlling Congress. Rep. James Tawney (R-WI), the chairman of the House Appropriations Committee, stated in 1909, "In no period except in time of war have the expenditures of our National Government increased so rapidly… as these expenditures have increased during the past eight years. Sen. Nelson Aldrich (R-RI), the chairman of the Senate Finance Committee, agreed: "The rapidity with which our national expenditures have increased within the last three years is a source of anxiety if not of alarm." Statements quoted in Henry Jones Ford, *The Cost of Our National Government: A Study in Political Pathology* (New York, 1910), 3.

[38] Roy T. Meyers and Irene S. Rubin, "The Executive Budget in the Federal Government: The First Century and Beyond," *Public Administration Review* 71, no. 3 (May/June 2011): 335.

[39] Americans needed to "emancipate" themselves from a "theory" that had "ceased to be applicable to modern conditions." Frank J. Goodnow, "The Limit of Budgetary Control," *Proceedings of the American Political Science Association* 9 (1912): 77. See also Frank J. Goodnow, *Politics and Administration: A Study in Government* (New York, 1900).

[40] Meyers and Rubin, "Executive Budget in the Federal Government," 335.

[41] James Bryce, *The American Commonwealth*, Vol. 1, rev. ed. (New York, 1910), 211, 213.

[42] Collins, *Plan for a National Budget System*, Chart No. 1, 16.

[43] Ford, *Cost*, 9-15.

[44] Ford, *Cost*, 41.

[45] Ford, *Cost*, 45.

[46] Ford, *Cost*, 63. Ford's plans based upon presidential representation amounted to "a prescription according to the spirit of the times," according to one book review. "Political Pathology," *New York Times*, May 21, 1911, BR310.

[47] Congressional jealousy was also cited as exacerbating the separation of powers. Frederick A. Cleveland and Arthur Eugene Buck, *The Budget and Responsible Government* (New York, 1920), 388-391.

[48] Frederick A. Cleveland, "How We Have Been Getting Along without a Budget," *Proceedings of the American Political Science Association* 9 (1912): 47, 61. Cleveland viewed the executive budget as a mechanism for the public to hold the executive to account: "it is only by giving an opportunity to leaders to make an appeal to the electorate as the final authority in a democracy that popular opinion can control." Cleveland and Buck, *Budget and Responsible Government*, 23-24.

[49] Taft stated that it was his "responsibility" to seek reform because he especially would be "held accountable to the public." William Howard Taft, "Second Annual Message," December 6, 1910, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=29551.

[50] William Howard Taft, *Our Chief Magistrate and His Powers* (New York, 1916), 6.

[51] Arnold, *Making the Managerial Presidency*, 26-39. Joining Cleveland were William Willoughby, Merritt Chance, Frank Goodnow, Walter Warwick, and Harvey Chance. A majority had previously worked for strong municipal executives.

[52] Citing the Article II power to recommend measures to Congress, Taft argued that the commission's reforms would allow the electorate to "locate responsibility for plans submitted or for results." Taft's June 27, 1912 message, in President's Commission on Economy and Efficiency [PCEE], *The Need for a National Budget*, 62nd Congress, 2nd Session, House Document No. 854 (Washington D.C., 1912), 1, 4.

[53] Additionally, the Treasury Secretary would submit details on these plans, including a book of estimates and a consolidated financial report, while department heads would be submit annual reports to Treasury and Congress. The president and department heads would set reporting requirements. Finally, the president would "recommend" relevant bills to Congress that would allow for beneficial executive "discretion." PCEE, *Need for a National Budget*, 7-8.

[54] PCEE, *Need for a National Budget*, 138.

[55] PCEE, *Need for a National Budget*, 141.
[56] PCEE, *Need for a National Budget*, 10. The commission noted that because the legislature was "regarded as the authority which initiates and determines a policy [for] the Executive to carry out," the "budget [had] been primarily an affair of the Congress rather than of the President."
[57] PCEE, *Need for a National Budget*, 140.
[58] *Message of the President of the United States Submitting for the Consideration of the Congress A Budget with Supporting Memoranda and Reports*, 62nd Congress, 3rd Session, Senate Document No. 1113 (February 26, 1913), Appendix 2, "The Need for the Organization of a Bureau of Central Administrative Control," 191, 194, 195, 200. Functions performed by the bureau would include auditing, accounting, standardization, reporting, inspection, and budget-making.
[59] Thus, the commission was limited to only Cleveland, Warwick, and Chance. Arnold, *Making the Managerial Presidency*, 39-41.
[60] Haber, *Efficiency and Uplift*, 114.
[61] Cleveland and Buck, *Budget and Responsible Government*, 342. When Taft's message on the report was received, it was placed into the Record but not debated on the floor. *Congressional Record*, 62nd Congress, 2nd Session (July 1, 1912), 8511.
[62] Louis Fisher, *Presidential Spending Power* (Princeton, 1975), 31; Stewart, *Budget Reform Politics*, 187; Arnold, *Making the Managerial Presidency*, 46-49. Ironically, Taft – a constitutionalist and critic of Theodore Roosevelt's theory of executive power – was rebuffed for too ambitious a plan for executive authority.
[63] Charles H. Stewart III, *Budget Reform Politics: The Design of the Appropriations Process in the House of Representatives* (New York, 1989), 182.
[64] "Now Favor Budget, with House Control," *New York Times*, November 30, 1912, 5. Rep. J. Swagar Sherley (D-KY) proposed in 1910 a House Committee on Estimates and Expenditures that would report on available revenue for appropriations. The committee would be composed of congressmen from various committees with a plurality from Appropriations and Ways and Means. Notably, the proposal was unfavorable to an executive budget system, and it did not fully centralize the appropriations process in Congress. Rep. John Fitzgerald (D-NY), however, did favor centralizing the appropriations process in Congress, proposing to give a central Committee on Appropriations full jurisdiction over expenditures. Stewart, *Budget Reform Politics*, 191-196. Joseph Cannon – the living embodiment of "autocracy exercised through the committee system" – also favored centralizing the appropriations process. Cleveland and Buck, *Budget and Responsible Government*, 347. Sherley again explained his legislative proposal in 1913 after Taft had attempted to impose the PCEE's recommended process on Congress. *Congressional Record*, 62nd Congress, 3rd Session (February 28, 1913), 4349-4355.
[65] *Congressional Record*, 62nd Congress, 3rd Session (February 28, 1913), 4349-4350, 4354.
[66] Stewart, *Budget Reform Politics*, 189-190; Meyers and Rubin, "Executive Budget in the Federal Government," 335.
[67] Fisher, *Presidential Spending Power*, 32; Woodrow Wilson, "The Study of Administration," *Political Science Quarterly* 2, no. 2 (June 1887): 197-222. Initially, Wilson had been seen by some as likely to try to continue the commission, even discussing it with Frederick Cleveland. "Wilson for Economy Board," *New York Times*, April 5, 1913, 3.
[68] Skowronek, *Building a New American State*, 175.
[69] Taft, *Our Chief Magistrate*, 64-65.
[70] Charles Wallace Collins, *The National Budget System and American Finance* (New York, 1917), 136.
[71] However, alternatives to the executive budget included a commission budget, using a board to prepare estimates and send them to the legislature, and the legislative budget, involving the legislature alone preparing the budget. Cleveland and Buck, *Budget and Responsible Government*, 123-128.
[72] None of the three major parties in 1912 mentioned budget reform in their respective platforms. "Republican Party Platform of 1912," June 18, 1912, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=29633; "1912 Democratic Party Platform," June 25, 1912, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=29590; "Progressive Party Platform of 1912," November 5, 1912, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=29617. However, in 1916, budget reform was included. Democrats wanted the House to initiate and prepare all appropriation bills in a single committee. "Democratic Party Platform of 1916," June 14, 1916, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=29591. With Democrats in charge, Republicans shifted ground and criticized their "rejection of President Taft's oft-repeated proposals," arguing that they were "necessary to effect

a real reform in the administration of national finance." "Republican Party Platform of 1916," June 7, 1916, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=29634. Republican nominee Charles Evans Hughes called for "a responsible budget, proposed by the executive." And, despite waning influence, the Progressive Party advocated a national budget for "the destruction of 'pork barrel' legislation." Collins, *National Budget System and American Finance*, 142-143.

[73] Kahn, *Budgeting Democracy*, 167-175.

[74] William Franklin Willoughby, *The Problem of a National Budget* (New York, 1918), 145, 66.

[75] Institute for Government Research [IGR], *A National Budget System: The Most Important of All Governmental Reconstruction Measures* (Washington D.C., 1919), 1-3; Kahn, *Budgeting Democracy*, 169.

[76] Willoughby, *Problem of a National Budget*, 62-67.

[77] Willoughby, *Problem of a National Budget*, 131-133.

[78] Willoughby, *Problem of a National Budget*, 135.

[79] Willoughby, *Problem of a National Budget*, 64-65; IGR, *National Budget System*, 7.

[80] Willoughby, *Problem of a National Budget*, 34-35.

[81] IGR, *National Budget System*, 12. On "strategic preferences," see Jacob S. Hacker and Paul Pierson, "Business Power and Social Policy: Employers and the Formation of the American Welfare State," *Politics & Society* 30, no. 2 (June 2002): 277-325.

[82] Fisher, *Presidential Spending Power*, 31-34; Stewart, *Budget Reform Politics*, 233; Kahn, *Budgeting Democracy*, 166.

[83] Moreover, Congress and the Wilson administration had clashed during WWI over control of the war effort and the bureaucracy. Skowronek, *Building a New American State*, 175.

[84] Public opinion "was wholly" on the side of giving the executive responsibility for budget preparation because Congress "had failed" at its fiscal responsibilities. Sundquist, *Decline and Resurgence*, 40.

[85] *National Budget System*, Hearings before the Select Committee on the Budget of the House of Representatives on the Establishment of a National Budget System, 66th Congress, 1st Session (Washington D.C., 1919), 381, 396-397.

[86] "I earned unpopularity at the hands of a good many people in Congress by my efforts to curtail expenditures." *National Budget System*, Hearings, 399.

[87] "Congressmen are human beings and liable to be influenced." *National Budget System*, Hearings, 503.

[88] *National Budget System*, Hearings, 534.

[89] *National Budget System*, Hearings, 86.

[90] Congress, as "the board of directors," would give administrative authority to "its agents," the president and the cabinet. *National Budget System*, Hearings, 74.

[91] *National Budget System*, Hearings, 641, 622. Stimson had initially called for sweeping reforms shortly after ending his first stint as Taft's Secretary of War. In budgeting, he wanted to require the president to introduce a budget to Congress, have cabinet officers defend it in floor debate, prohibit Congress from adding items to the budget without presidential concurrence, and provide a line-item veto to the president. And he sought to allow the president to introduce general legislation that would receive preference on the legislative calendar and also allow for cabinet officers to defend those presidential bills on the floor. Stimson praised Woodrow Wilson for speaking in person in Congress, but felt he had not gone far enough: "in order to make the reform permanent and effective there is needed the careful construction of machinery by which cooperation will become normal and natural, and not dramatic and extraordinary." Finally, he criticized the existing committee system for giving power to congressmen "who, neither as committeemen nor as Congressmen, are responsible to the country at large." "Wishes President to Lead Congress," *New York Times*, May 28, 1913, 6.

[92] Goodnow referred to such an officer as an "Executive Secretary of the President." *National Budget System*, Hearings, 345.

[93] *National Budget System*, Hearings, 654, 672-673.

[94] *National Budget System*, Hearings, 165-166. Lindsay was Vice Chairman of the National Budget Committee. Byrns continued to express concern that individual congressmen in the House, the closest branch to the people, were losing power. He wondered aloud if it would be "entirely democratic to take away from the membership of the House… who are directly responsible to the people and who are elected by the people, any voice whatever with reference to appropriations." *National Budget System*, Hearings, 304. Yet even he asserted that the only person in the executive branch who could legitimately be held responsible for a budget was the nationally elected president. *National Budget System*, Hearings, 615.

[95] *National Budget System*, Hearings, 570-571, 586.

[96] "H. R. 9783," *New Republic*, January 7, 1920, 162. It further stated that the separation of powers in budgeting had "broken down."
[97] Sundquist, *Decline and Resurgence*, 43. Furthermore, only two states out of forty-four with relatively new procedures had adopted the legislative budget idea. Cleveland and Buck, *Budget and Responsible Government*, 341.
[98] Kahn, *Budgeting Democracy*, 179-181.
[99] *Congressional Record*, 66th Congress, 2nd Session (May 29, 1920), 7955. Byrns also said that the "chief merit" of the bill was that it increased presidential accountability by fixing "responsibility" on him. *Congressional Record*, 66th Congress, 1st Session (October 17, 1919), 7087-7088.
[100] *Congressional Record*, 66th Congress, 1st Session (October 18, 1919), 7125.
[101] *Congressional Record*, 66th Congress, 1st Session (October 18, 1919), 7139, 7133. Hawley did still affirm the House's primary popular connection.
[102] Proposals envisioning stronger versions of presidential agenda setting power included H.R. 4061, H.R. 3738, and H.J. 83. Rep. James Frear (R-WI) sought to make the president responsible for submitting a budget with the Treasury Secretary as head of a budget bureau. The president's agenda setting power would be substantial: a joint committee in Congress would be able to add amendments to *reduce* presidential budget requests by a simple majority, but would only be able to *increase* requests with the support of a two-thirds supermajority of the committee. Cleveland and Buck, *Budget and Responsible Government*, 359-360.
[103] Cleveland and Arthur Buck argued that presidents would be better "held accountable to the people" with such a strong agenda setting power, and in their disappointment at its rejection, they criticized the main proposal (H.R. 1021) as "essentially a well-camouflaged *legislative budget* device." Though their criticism showed clear-eyed recognition of the limits Congress would impose on reform, it understated the significance of the main proposal. Cleveland and Buck, *Budget and Responsible Government*, 373-374, 363.
[104] *National Budget System*, Conference Report to accompany H. R. 9783, 66th Congress, 2nd Session, House Report No. 1044 (May 26, 1920), 3. Kahn, *Budgeting Democracy*, 179-181.
[105] *National Budget System*, Report to accompany H. R. 9783, 66th Congress, 2nd Session, Senate Report No. 524 (April 13, 1920), 1-2.
[106] Cleveland and Buck, *Budget and Responsible Government*, 359-360.
[107] *National Budget System*, Conference Report to accompany H. R. 9783, 66th Congress, 2nd Session, House Report No. 1044 (May 26, 1920), 5.
[108] Fisher, *Presidential Spending Power*, 35.
[109] Democrats favored making the Treasury Secretary responsible again for preparing the president's budget, and they wanted single committees in each chamber to consider the proposal. Interestingly, they sought to prevent a budget increase by Congress "except by a two-thirds vote." "Democratic Party Platform of 1920," June 28, 1920, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=29592. Republicans called for "an executive budget" that would involve "leadership and sincere assistance on the part of the executive departments." "Republican Party Platform of 1920," June 8, 1920, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=29635.
[110] "The Fact that a thing has existed for a decade or a century – that things have been done in a certain way for a generation – must not be accepted as proving that it ought to continue that way." Warren G. Harding, "Business in Government and the Problem of Governmental Reorganization for Greater Efficiency," *Proceedings of the Academy of Political Science in the City of New York* 9, no. 3 (July 1921): 432.
[111] "House Passes Bill for Budget Bureau," *New York Times*, May 6, 1921, 15.
[112] *National Budget System*, Conference Report to accompany S. 1084, 67th Congress, 1st Session, House Report No. 96 (May 25, 1921), 10. The House agreed to locate BOB in the Treasury Department "with the further modifications that the bureau shall prepare the budget for the President under such rules and regulations as he may prescribe and that the director of the bureau shall perform the administrative duties personal to the bureau under such rules and regulations as the President may prescribe." In addition, the Senate had wanted the Comptroller's term to be 7 years, removable by joint resolution, while the House sought a 15-year term with removal by concurrent resolution. The compromise was a 15-year term removable by joint resolution, which overcame the issue that had caused Wilson's veto in 1920.
[113] "Budget Bill Agreed on by Congress Conferees," *Baltimore Sun*, May 24, 1921, 2.
[114] The president, representing the whole public, would propose the budget; Congress, with individual congressmen representing districts and states, would react to that budget instead of initiating the process.
[115] Budget and Accounting Act, 1921 (P.L. 67-13, 42 Stat. 20, June 10, 1921).
[116] Herbert Emmerich, *Federal Organization and Administrative Management* (Tuscaloosa, Ala., 1971), 40-41.

[117] Skowronek, *Building a New American State*, 206-207.
[118] This was "an essential balance to the president's new power." Kahn, *Budgeting Democracy*, 181-182.
[119] *Congressional Record*, 67th Congress, 1st Session (April 26, 1921), 660. Interestingly, Sen. Joseph Robinson (D-AR), who would become involved in the reorganization efforts of President Franklin Delano Roosevelt, noted the potential implications of Congress requiring the president to propose policy for the Constitution's separation of powers. "I repeat that if the power of the President to make recommendations to Congress is a constitutional power, then the Congress itself can neither add to nor detract from it. Congress can not tell the President what he should recommend to it. But if we see fit to tell the President, in spite of the constitutional problems governing the subject, that he must make recommendations for the levying of new taxes if the budget is greater than the estimated revenues, we might on the other hand also suggest to him to make recommendations for a reduction of taxes if the budget is less than the estimated revenues."
[120] *Congressional Record*, 67th Congress, 1st Session (May 27, 1921), 1854.
[121] *Congressional Record*, 67th Congress, 1st Session (May 27, 1921), 1854. While some had argued it "would have been better not to have put in the words 'in the Treasury Department,'" Good felt it was mostly "an idle phrase." *Congressional Record*, 67th Congress, 1st Session (May 27, 1921), 1855.
[122] *Congressional Record*, 67th Congress, 1st Session (May 27, 1921), 1855. On the significance of BOB's location in the Treasury, Good quite directly stated, "It does not mean anything." By contrast, Sen. McCormick viewed BOB being located in the Treasury as significant because the House had wanted it to be in an "executive office of the President." *Congressional Record*, 67th Congress, 1st Session (April 26, 1921), 660.
[123] "The President would want his own budget officer who entertained his ideas of economy." *Congressional Record*, 67th Congress, 1st Session (May 27, 1921), 1856.
[124] For example, Joseph Byrns hailed the act as "one of the greatest that the Congress has passed for many, many years." *Congressional Record*, 67th Congress, 1st Session, May 27, 1921), 1857.
[125] *Congressional Record*, 67th Congress, 1st Session, May 27, 1921), 1857.
[126] Garner had expressed concern that reformers were causing "the people of this country to lose confidence in the integrity or wisdom in the branch of the Government that I think is more responsible to the people than any other branch." *National Budget System*, Hearings, 152.
[127] F. Scott Fitzgerald, *The Vegetable, or From President to Postman* (New York, 1923), 71. This line, spoken by General Pushing to President Jerry Frost, comes from Act II during Jerry's dream sequence in which he serves as president.
[128] Arnold, *Making the Managerial Presidency*, 54.
[129] Warren G. Harding, "Address of the President," *Addresses of the President of the United States and the Director of the Bureau of the Budget at the Second Semiannual Meeting of the Business Organization of Government* (Washington D.C., 1922), 8, 4. Harding focused on "binding together" those "departments and independent establishments which formerly… operated independently of one another."
[130] Charles G. Dawes, *The First Year of the Budget of the United States* (New York, 1923), 1-2. Dawes felt "armed with greater powers" due to "the law and the personal attitude of the President."
[131] Dawes, *First Year*, 115.
[132] Dawes, *First Year*, x. Charged with reducing department estimates by 10%, Dawes announced a savings of $122,512,628 from the projected appropriations. Seeking to lead by example, Dawes only spent about half of the Bureau's allotted appropriation. "Dawes Announces Cut of $112,512,628," *New York Times*, July 20, 1921, 14; Arnold, *Making the Managerial Presidency*, 55; Richard J. Ellis, *The Development of the American Presidency* (New York, 2012), 274-275.
[133] Warren G. Harding, "Address of the President," *Addresses of the President of the United States and the Director of the Bureau of the Budget at the Fourth Regular Meeting of the Business Organization of Government* (Washington D.C., 1923), 5.
[134] Warren G. Harding, "Address of the President," *Addresses of the President of the United States and the Director of the Bureau of the Budget at the Fifth Regular Meeting of the Business Organization of Government* (Washington D.C., 1923), 4.
[135] "[Harding] admonished you against the advocating of an estimate before the Congress and its committees in excess of the executive recommendation… This law must be observed." Coolidge also recognized the budget director as "the eyes and ears of the Executive." Calvin Coolidge, "Address of the President," *Addresses of the President of the United States and the Director of the Bureau of the Budget at the Sixth Regular Meeting of the Business Organization of the Government* (Washington D.C., 1924), 4.

[136] See the Reciprocal Trade Agreements Act of 1934, Reorganization Act of 1939, Employment Act of 1946, and National Security Act of 1947. Together, these statutes created the expectation of a presidential program. Richard E. Neustadt, "The Presidency at Mid-Century," *Law and Contemporary Problems* 21, no. 4 (Autumn 1956): 611; Andrew Rudalevige, *Managing the President's Program: Presidential Leadership and Legislative Policy Formulation* (Princeton, 2002), ch. 3.
[137] The President's Committee on Administrative Management, for example, defined its reorganization proposals of 1937 in terms of presidential representation: "By democracy we mean getting things done that we, the American people, want done in the general interest… The President is indeed the one and only national officer representative of the entire nation." President's Committee on Administrative Management, *Report of the President's Committee on Administrative Management with Studies of Administrative Management in the Federal Government*, 74th Congress, 2nd Session (Washington D.C., 1937), 1.
[138] Howell and Moe, *Relic*. Compared to executives of other nations, the U.S. presidency remains low on both the non-legislative and legislative power scales. Shugart and Carey, *Presidents and Assemblies*, 155, Table 8.2.
[139] Keith Whittington distinguishes constitutional construction from interpretation, listing what he views as prominent examples of construction. See *Constitutional Construction: Divided Powers and Constitutional Meaning* (Cambridge, Mass., 1999), 9-12, Table 1.2.
[140] Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344, 88 Stat. 297, July 12, 1974).
[141] William J. Clinton, "Remarks on Signing the Line Item Veto Act and an Exchange With Reporters," April 9, 1996, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=52648.
[142] *Clinton v. City of New York*, 524 U.S. 417 (1998). Subsequently, there have been continued efforts from presidents and some in Congress to find a way to pass a line item veto subject to congressional approval. The debate on the topic "tends to divide less along party lines than Constitutional ideology." Lucy Madison, "15 years after its brief existence, line-item veto eludes presidents," *CBS News*, August 10, 2012, http://www.cbsnews.com/news/15-years-after-its-brief-existence-line-item-veto-eludes-presidents/. Rep. Paul Ryan (R-WI) sponsored both the 2006 and 2012 bills that passed the House. Rep. Chris Van Hollen (D-MD) was the other sponsor in 2012. These bills would allow the president to identify parts of the budget to cut out and put the recommendations before Congress, but would require Congress's approval. George W. Bush, "Statement on House of Representatives Passage of Legislative Line Item Veto Legislation," June 22, 2006, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=187; Pete Kasperowicz, "In 254-173 vote, House passes 'expedited line-item veto' bill to curb spending," *The Hill*, February 8, 2012, http://thehill.com/blogs/floor-action/house/209521-in-254-173-vote-house-passes-expedited-line-item-veto-bill-to-curb-spending. In proposing a fast track line item veto power, subject to congressional approval, President George W. Bush noted that forty-three governors possessed a version of this power. George W. Bush, "Message to the Congress Transmitting a Legislative Proposal To Give the President a Line-Item Veto," March 6, 2006, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=65327.
[143] Only four regular appropriations bills passed on time between fiscal year 1977 and 2015, necessitating the frequent use of continuing resolutions. James V. Saturno, Bill Heniff, Jr., and Megan S. Lynch, "The Congressional Appropriations Process: An Introduction," Report 7-5700, *Congressional Research Service*, November 30, 2016, 13. There have been eighteen government shutdowns between 1995 and 2013. Eric Chemi, "Start Getting Ready for the Next Government Shutdown," *Bloomberg*, October 10, 2013, https://www.bloomberg.com/news/articles/2013-10-10/start-getting-ready-for-the-next-government-shutdown. Budget Control Act of 2011 (P.L. 112-25, 125 Stat. 240, August 2, 2011); Lori Montgomery and Paul Kane, "Supercommittee announces failure in effort to tame debt," *Washington Post*, November 21, 2011, https://www.washingtonpost.com/business/economy/debt-committee-failure-will-become-official-with-written-joint-statement/2011/11/21/gIQAfRmCiN_story.html?utm_term=.2a9091cad4aa. Sen. Olympia Snowe (R-ME) stated that failure "represents yet another regrettable milestone in Congress's steady march toward abject in-effectiveness." For a more general discussion of problems with the budget process, see Louis Fisher, "Presidential Budgetary Duties," *Presidential Studies Quarterly* 42, no. 4 (December 2012): 768-770, 783-787; James A. Thurber, "The Dynamics and Dysfunction of the Congressional Budget Process: From Inception to Deadlock," in *Congress Reconsidered*, 10th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Thousand Oaks, Calif., 2012), 334-339.
[144] For example, consider George W. Bush's criticism against the Senate for not acting on the 2006 bill. "I believe Congress can make the President's job more effective in dealing with bad spending habits if they gave me the line-item veto… The Senate really needs to get the line-item veto to my desk. If Senators from both political parties are truly interested in helping maintain fiscal discipline in Washington, DC, and they want to see budgetary reform, one way to do so is to work in concert with the executive branch and pass the line-item veto." George W. Bush,

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"Remarks on the National Economy and the Federal Budget," October 11, 2006, *The American Presidency Project*, http://www.presidency.ucsb.edu/ws/index.php?pid=24086. On resistance to the reform, one reporter noted, "lawmakers in charge of the Senate Appropriations Committee are not eager to cede any control." Jim Rutenberg, "President to Press for Line-Item Veto Power," *New York Times*, June 28, 2006, http://www.nytimes.com/2006/06/28/washington/28bush.html.