

Commentary

Line-item Veto Cuts Two Ways

Added powers open door to abuses

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Despite overseeing a massive increase in federal spending, a congressional election year has President Bush trying to reclaim an image as a fiscal conservative.

Recently, he proposed a new line-item veto law "to bring this important tool of fiscal discipline to Washington." It is being promoted as a way to excise special-interest pork and waste from federal budgets, while being reworked enough that it is expected to survive the Supreme Court scrutiny that overturned it during the Clinton administration.

Unfortunately, however, there is reason to question the effectiveness of a line-item veto in the hands of a president who has not vetoed a single bill since taking office. Further, while presidents could use line-item vetoes to rein in federal expansion by cutting out budgetary pork, they could also use them to further expand government. And that alternative may be more likely.

The line-item veto could shrink unnecessary government, in the hands of a president determined to use it for that purpose, by eliminating the ability of those in Congress to deliver on their logrolling agreements. The president could void the legislative payoff to any party to pork trading "contracts," reducing incentives for those in Congress to create them. It would sharply erode the power of the

current contract enforcers — committee and subcommittee chairmen — to make the necessary mutual commitments credible.

While a line-item veto could therefore reduce congressional pork, it would increase presidential power. The president would become the only ultimate enforcer of congressional negotiations, and so would have to be included in every logrolling agreement, giving him vastly increased leverage over legislation. That leverage could just as easily be used to grow government as shrink it. Using a line-item veto to grow government simply requires the president to threaten carefully targeted vetoes, unless Congress passed his desired legislation. He could make every item in any bill that benefited any recalcitrant legislator disappear, unless he was given what he wanted. And that would expand the government whenever what he wanted was "more."

Despite claims that a president represents the people rather than special interests, every president has plenty of special interests. He wants to help swing constituencies at the expense of others whose votes won't change. He wants to use his leverage to help states with "at-risk" candidates from his party and punish those with similarly situated opponents. And the president has personal and regional spending priorities, as well.

A line-item veto would also drastically change the power of congressional minorities. When the president belongs to the minority party in Congress,

it would give that party far more power over legislation, but if the president's party has a congressional majority, as is currently the case, a line-item veto would decimate minority party power. The minority's only power to advance their agenda is by making legislative deals in exchange for support of strongly favored policies, but their part of any such deal could always be voided by the president.

Is a line-item veto more likely to shrink or grow government in George Bush's hands? His expansions have been far more evident than his contractions, so far. And its potential to increase budgets has hardly gone unrecognized. For instance, in 1996, Al Gore said that the Clinton administration was planning to use the added leverage it provided to restore benefits it didn't want cut by the historic welfare reform bill being forced on it after two vetoes.

Supporting a line-item veto seems like a good way to prove one's commitment to cut federal pork. But it only works that way with a president determined to make America more fiscally prudent. It would also give more power to a president determined to grow the government further. Which would happen more frequently under George Bush? And what about future presidents? Its potential for serious abuse makes a line-item veto a very questionable "solution" to federal fiscal irresponsibility.

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Useful fiscal tool can curb spending

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President Bush's recent request for a line-item veto was a mere blip in the inside news pages, but the implications are much more important than the news play suggests.

In 1996, Congress approved a line-item veto, which would have allowed the president to cancel specific spending items without killing the entire bill. Most state governors have this power. President Bill Clinton used it more than 80 times before it was invalidated by the Supreme Court.

The court said that under the Constitution, the president must either sign a bill or send it back to Congress. Justice John Paul Stevens, writing for the majority, said the only way to change the president's role in "determining the text of what may become a law" is through a constitutional amendment.

Well, maybe, maybe not. Strictly speaking, what Bush asked for last week wouldn't be a true item veto, as the concept is known at the state level, where the power typically is granted through the state constitution. Rather, what Bush is seeking is enhanced rescission authority, which is Capitol Hill gibberish for the power to curb spending.

Boy, if anything is needed in Washington these days, it's somebody with power *not* to spend. But under the current system, almost no one has it.

In 1974, Congress — emboldened by President Richard Nixon's political decline — passed the Budget Control Act, which all but eliminated a president's authority to cut back on pork-barrel spending.

Under the law, the president can "rescind" spending items

by sending specific requests to Congress. If Congress agrees — by majority vote — then the appropriation is zapped. But if our lawmakers simply do nothing, the money is spent.

The White House's current proposal would force Congress to vote on rescissions, a change that would shift the political dynamic for particular spending items.

Much waste and pork slides by because it's added to large bills dealing with essential spending. If the president could peel away those earmarks, many wouldn't draw enough support to stand on their own.

Opponents argue that the money-saving potential isn't large, relative to the huge size of the federal budget. President Clinton's use of the item veto saved about \$2 billion. At the time, the federal budget was \$1.7 trillion.

President Bush's most recent budget request totals nearly \$2.8 trillion, but the thousands of earmarks in last year's budget added up to \$47 billion. Not a huge slice of the overall pie — but still more than 10 percent of the expected budget deficit of about \$400 billion.

Those who oppose an item veto on the grounds that it wouldn't cure Washington's spending addiction are missing the point.

Agreed: The really big money is in entitlements, which aren't subject to annual appropriations. Enhanced rescission authority — or the item veto, or whatever you want to call it — wouldn't be a cure-all. No single cure-all exists, and if the power was given to President Bush, there's no assurance he would use it. He hasn't vetoed a single bill.

Even so, such a change would tip the balance in the right direction. It would give more weight to the president, the only person in the two

political branches of our system who represents the entire country rather than particular states or congressional districts.

I would argue that giving the president this power would be worthwhile even if the fiscal impact is minimal. As a taxpayer, it's demoralizing to see the government spend millions of dollars on pickle or maple syrup research, or local art-gallery restoration — to cite some of the earmarks from a late-1990s budget. Cutting back on pork is an end in itself, even if the total cuts aren't fiscally earth-shaking.

Would enhanced rescission pass muster with the courts? The chances are good.

In striking down the '96 law, the Supreme Court said the president lacked the power to change a law enacted by Congress. But Under Bush's proposal, Congress would retain the last word: The lawmakers would have to vote.

Justices Antonin Scalia, Stephen Breyer and Sandra Day O'Connor dissented when the court struck down the '96 law. Chief Justice William Rehnquist and Justices David Souter, Anthony Kennedy, Clarence Thomas, Ruth Bader Ginsburg and Stevens were in the majority.

There's no way of knowing whether John Roberts, now chief justice, and the newest justice, Samuel Alito, favor enhanced rescission authority. Assuming they do, one member would have to be peeled from the previous majority.

It's well worth a try. The 1974 budget act was a classic policy error with major long-term consequences, as we can see from the inexorable increase in wasteful budgetary earmarks.

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MICHAEL S. WIRTZ / Inquirer Staff Photographer

Jennifer Anyayo and Abitimo Odongkara dance at home in Germantown six days after Jennifer's surgery. Abitimo is Jennifer's guardian in the United States.



MICHAEL S. WIRTZ / Inquirer Staff Photographer

Abitimo Odongkara visits with Jennifer Anyayo a day after surgery at Fairfax Hospital in Fairfax, Va. The 15-year-old girl suffered severe burns to her face, chest and arms in war-torn northern Uganda. She is undergoing treatment to alter the disfigurement.

Pure face emerging from scars of war

Carolyn Davis

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War's wounds can happen all at once, in a few minutes, as flames sear a child's tender skin. That was the case with 15-year-old Jennifer Anyayo, who six years ago suffered severe burns to her face, chest and left arm. She is just one of the victims from two decades of fighting in her native northern Uganda.

Her wounds are being repaired in small steps that make big differences.

On March 8, Craig Dufresne, a reconstructive and plastic surgeon at Fairfax Hospital, INOVA Health Systems, in Fairfax, Va., operated on Jennifer for the second time since she came to the United States on Dec. 24. The young girl was much

more at ease before this procedure. She laughed at jokes with her beloved "Uncle" Aaron Odongkara, a member of the family hosting her in Philadelphia. Odongkara's mother, Abitimo, is Jennifer's guardian in the United States.

I met Jennifer in Uganda while reporting on the civil war there. Arrangements were made for her to come to the United States, live in Philadelphia, and travel to metro Washington for surgery.

During the first procedure in January, Dufresne placed sacks called tissue expanders under her scalp and chest skin. In the following weeks, he injected saline solution into them to create tissue he would use to rebuild her face.

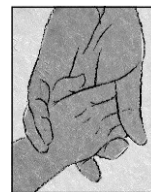
As it turned out, the procedure would net

ONLINE EXTRA

For slideshows and updates chronicling Jennifer's journey, go to <http://go.philly.com/jennifer>

Dufresne more tissue from her scalp than from her chest, where the incision opened prematurely and the expanders slipped out. But he is a calm, skilled surgeon admired by his colleagues. He was disappointed, but determined to do as much as he could.

So were others at the hospital who know Jennifer's story. Asma Yassin, a native of war-torn Somalia, was at Dufresne's side as the surgical technologist.



All Join Hands

All Join Hands is an Editorial Board series on violence against children

"I feel bad for her," she said. "I know what war is like."

The surgery began about 1 p.m. Dufresne removed the scalp expander and gently tugged down the new tissue. Jennifer's hairline, which had been burned off to the top of her head, moved lower.

Small motions by Dufresne; big differences for Jennifer. Soon, her hairline was mostly back to where it had been before the attack.

Elan Reisin, another surgeon, removed nasty scar

tissue on her chest. It wasn't easy. Scar tissue is like rock.

Dufresne next turned to Jennifer's cheeks. Scarring had pulled her skin away from her eyes, leaving them with little protection.

He made small incisions around her nose and created small pockets under the skin. Into these, he slipped specially shaped high-density polyethylene implants and attached them to bone with tiny screws.

Suddenly, Jennifer had cheeks — a supermodel's cheeks, thanks to the implants that eventually will become part of her body.

Dufresne pulled up the extra chest tissue to loosen her cheek skin and give Jennifer an unscarred chin.

Loosening her cheeks may be the most important thing he did for her that day: The newly flexible skin should

protect her remaining eyesight.

Finally, the doctors used expanded scalp tissue to begin rebuilding her nose. They make progress: Jennifer now has a distinct nose bridge.

By 3:30 p.m., the surgery was done. Dufresne will decide his next steps later.

Jennifer was in more pain than after the first procedure. But when she returned to Philadelphia two days later, she was jubilant.

Many wounds remain. But I am struck by how these surgeries slowly are revealing the pure face of a 15-year-old.

For previous stories, audio, photos, Carolyn Davis' diary, and background on Jennifer Anyayo, go to <http://go.philly.com/jennifer>. Contact Carolyn Davis at 215-854-4214 or cdavis@phillynews.com