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THE PRESIDENT HAS SEEN *[Handwritten initials]*

THE WHITE HOUSE

WASHINGTON

January 21, 1975

MEMORANDUM TO THE PRESIDENT

THROUGH: DONALD RUMSFELD

FROM: ROBERT A. GOLDWIN *RAJ*

RRS

In our meeting on Sunday, you asked me to write down the argument I gave on the subject of the presidential veto, partly derived from The Federalist. I have done it in the form of Q & A.

Q. There has been a lot of criticism of your threat to veto any new spending legislation. Can you explain that threat, and especially how it is consistent with your other statements that you seek conciliation and compromise with Congress?

A. Yes, I think it is important to understand why the Constitution gives the President the veto power. As I see the veto, it is not a threat but a means for any President to work in cooperation with the Congress.

The veto, as provided in the Constitution gives the President an occasional role in the legislative process, just as some other constitutional provisions, like advice and consent, give Congress a role in the executive process.

My view of the veto, the best and most constructive use of it, is that it does not pit the President against the Congress in a test of strength, nor does it substitute executive will and judgment for legislative will and judgment. A veto that can be overridden enables the Congress and the President to interact on the most important matters before the decision becomes final.



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If the President thinks the Congress has acted too hastily, he can make them take more time and reconsider. If the President thinks that the deliberation was incomplete, that there were arguments or facts that should have been considered but were not, he can present those facts and arguments to Congress as part of his veto. And finally, if the majority is narrow, and perhaps not truly national, as sometimes happens through the ordinary working of the majority-rule system, the President by veto brings into effect the constitutional requirement that passage be by two-thirds. Such a majority is sure to be truly national, as befits a very important decision.

Now, in my Message to the Congress, I said, "I will not hesitate to veto any new spending programs." And I will not hesitate, especially if I think they were adopted too hastily, with incomplete deliberation, or with less than a truly national majority. By vetoing I will assure that additional time is given to the question, that more deliberation takes place, and test whether a decisive majority exists in opposition to my views.

At the root of this stand is my conviction that high levels of spending are in themselves a national danger, which we must face promptly or suffer the consequences. And use of the veto is a constitutional means to bring this danger to the attention of the Congress and the people.

If I am sustained in these vetoes, I am convinced that a good purpose will be served. If I am overridden, I will regret it, but I am convinced that I will have done what the Constitution intended--thorough congressional deliberation and action in good time, expressing the will and judgment of the nation.

I will judge my success not by keeping score on how many times my veto is sustained, but rather by judging how well my cooperation with the Congress serves the national interest.

