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## The 4-Letter Word That Can Boost Obama's Chances: V-E-T-O

By: Ben W. Heineman Jr.

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*Can the president win re-election by pledging to block Republicans?*



If the Republicans were to retain the House, retake the Senate and regain the presidency, the nation would face a one-party government (as it has many times in the past, including in 2009). Plus: A "conservative" Supreme Court is not likely to impose constitutional constraints on "conservative" congressional or executive initiatives.

One way to block future Republican legislation repealing or altering current law is, of course, the filibuster (which can only be ended by 60 Senate votes). But, a second and more powerful check is through a presidential veto, which can only be over-riden by a two-thirds vote in each house (e.g. 67 Senate votes).

At the moment, the Republicans appear highly likely to retain control of the House, with 214 seats safe or leaning Republican (compared to 172 seats safe or leaning Democratic) and the GOP needing only 4 of 49 current toss-ups for a controlling majority, according to the current Real Clear Politics [analysis](#).

So, too, the Republicans are poised to retake the Senate, overturning the current Democratic/Independent majority of 53-47. Again, according to [Real Clear Politics](#), the Republicans have 47 safe, likely, or leaning seats and the Democrats 45, with eight toss-ups. If the Republicans win four of the toss-ups, they control the Senate. As University of Virginia political scientist, Larry Sabato, [said](#) last month, it "appears that the Senate is the Republicans' to lose." Depending on the size of any Republican majority, and the number of conservative Democrats, the GOP could have the 60 votes necessary for cloture to end a filibuster.

Virtually all observers expect a close presidential election. And why not?

Unemployment, as everyone knows, is over 9 percent and, per most economists, is not likely to improve much, if at all, before November, 2012. According to a recent poll from Rasmussen Reports, the president has a 45 percent approval rating and a 54 disapproval rating. Another recent Rasmussen poll shows that 15 percent of Americans think the nation is on the right track and 78 percent believe it is on the wrong track. The misery index (unemployment plus latest reported consumer price index) is 13, the highest it has been in nearly 20 years. And, although he bests current individual Republican candidates in head-to-head polls, the president loses as often as he wins in recent generic "Republican" v. Obama polls.

Obviously, to win re-election President Obama must woo back independent voters who currently dislike him. But he must also get significant turn-out, as he did in 2008, from blocs of voters who won't vote Republican but are disaffected, disappointed or disinterested and may stay home -- e.g. large numbers of young, black, Hispanic and women voters. In 2008, 132.6 million Americans voted in federal elections (57 percent of the voting age population). In 2010, 90.6 million Americans voted (37.8 percent of the voting age population) and created a large GOP House majority, a typical large drop-off from a presidential to a purely congressional election year (in this case a decline of 40

million voters). Independent voters and turn-out in a handful of key states are thus essential for the president.

So, does the presidential veto in Barack Obama's hands after the 2012 election -- when both houses of Congress could well be Republican -- affect those key voters?

There are two basic arguments that might have appeal. First, is the general idea that divided government is good, because it is a check on the extremes from both parties -- and either drives decisions to the middle or, at the least, stops action and thereby does no harm. Although there is lots of debate in the political science world about voters' views on divided government, it appears that some voters, especially independents who might make a difference, do care about it.

Second, there is the particular fear that significant pillars of public policy that many take for granted would be knocked down by a Republican House and Senate: laws regulating markets, health and safety laws, civil rights laws, environmental laws, Obamacare, recent financial service regulation and, most profoundly, a significant reversal of the governmental role in protecting public goods in a mixed economy. People from the center to the left should be just as opposed to repealing our current structure of laws as they were supportive during the last three years in expanding it.

Can these ideas be connected to the importance of retaining the veto in the hands of President Obama, in a way that creates political leverage? Obviously, the president would use the importance of divided government to support election of at-risk Democratic Senators (a first check on the Republican House), rather than campaigning as if the Senate were going to be lost (and the veto check were needed). (Never mind that it was the Republicans in 2008 who were extolling the virtues of divided government in the elections -- this is just a product of the pendulum swing in party politics as electoral power goes back and forth). Skillful surrogates, however, could use the veto issue. Obviously, too, it is very early in the race and how a powerful veto check might play out tactically a year from now is hard to discern through the fog of the initial skirmishing.

It is not, however, hard to imagine Republican candidates, dependent on an energized Tea Party or other "less government" groups, taking positions which would give independents great concern and arouse centrist, not just left-of-center Democrats. It is also possible (though more difficult) to imagine a senatorial map that is different than the electoral college map -- that the Senate could go Republican but Obama could still cobble together a victory.

And, if such an outcome appeared plausible after next Labor Day, the veto -- that four letter word enshrined in the Constitution -- could turn out to be an important appeal to broad groups of independent and disaffected Democrats, though hardly the only one, in support of President Obama's re-election. But, for some of those less than enthusiastic about the Obama presidency but who care deeply about the pillars of current law and the critical importance of checks and balances as Congressional power flows to the Republicans and ebbs from the Democrats, the appeal should be more immediate. The veto argument could overcome their present disaffection and be a call to arms today when faced, as they are, with the distinct possibility of a Republican president, House and Senate (and a "conservative" Supreme Court).

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