



Written by [Joe Wolverton, II, J.D.](#) on February 14, 2012

House Passes Line-Item Veto; Senate Support Grows

As [reported by *The New American*](#), Republican Ryan and Democrat Chris Van Hollen (D-Md.) united in this latest proffer of unconstitutional power by cosponsoring the [Expedited Line-Item Veto and Rescissions Act of 2011](#), a bill endowing the White House with the prerogative of mandating an up-or-down vote on any budget expenditure that the President deems unacceptable.



On Wednesday, February 8, following a debate on the floor by the entire chamber, the House [voted on the line-item measure and passed it 254-173](#). The bill was supported by 57 Democrats, while 41 Republicans voted against it.

Although passage of the bill was a foregone conclusion, given Congress' propensity for ceding its power to the President, during floor debate Van Hollen took time to assuage the fears of colleagues and constituents worried about the violation of the separation of powers. Van Hollen declared that the constitutionality "question needs to be put to rest," because Congress would maintain the right to have the last word through the approval process provided for in the legislation.

That's not much of a comfort particularly in light of the very accurate observation made by [The John Birch Society in an alert](#) sent to members: "H.R. 3521 dramatically and unilaterally enhances the power of the Executive Branch."

As with so many issues with implications for the Constitution and freedom, The John Birch Society is out in front of the Expedited Line-Item Veto and Rescissions Act of 2011, as well.

In the action alert referred to above, The John Birch Society referred to Congress' last successful attempt to give the line-item veto power to the President. As readers may remember, that attempt to pull off the tyrannical pas de deux was struck down by the Supreme Court in its landmark 6-3 ruling in the case of [Clinton v. City of New York](#), 524 U.S. 417 (1998). In that decision the Supreme Court held:

Although the Constitution expressly authorizes the President to play a role in the process of enacting statutes, it is silent on the subject of the unilateral presidential action that either repeals or amends parts of duly enacted statutes.

Without an express enumeration of power, the departments of the federal government — legislative, judicial, or executive — may not act without violating the Constitution and setting their feet on the road to tyranny that James Madison sagaciously signaled over 200 years ago when he wrote in the *Federalist Papers* that blending the powers of the three separate branches of government will "destroy all symmetry and beauty of form, and ... expose some of the essential parts of this edifice [the Constitution] to the danger of being crushed by the disproportionate weight of other parts."

There can be no safety in this unconstitutional demolition of the walls separating the departments of government. Regardless of the promise that the line-item veto will enable the federal government to



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team up and tackle the bloated budget, Congress will never solve the problem of runaway federal spending until they first admit that the constant constitutional violations are the problem, not a lack of power. As The John Birch Society wrote:

Congressmen, like alcoholics, first need to admit they are at fault for the gigantic deficit and the indescribable national debt. Then they must get busy and realistically slash the spending. But, apparently, members of Congress just want to be well-paid, well-perked figureheads, and turn the country over to the Executive Branch, against all the warnings of the Founding Fathers, inflating the importance of the presidency in the process.

With passage of H.R. 3521, a companion version of the bill will now be deliberated by the Senate. In what should come as no surprise, [S. 102](#) (the Senate version of the House bill) benefits from bipartisan support. The measure is cosponsored by familiar friends of an all-powerful executive: Senator John McCain (R-Ariz.) on the Republican side and Tom Carper (D-Del.) for the Democratic Party. There are currently 43 cosponsors signed onto the proposal.

In a statement encouraging the Senate to take up the measure, McCain said, "With a \$15 trillion national debt and record-low approval ratings of Washington, I can't think of a better time so show some fiscal restraint and help end wasteful pork-barrel spending."

Despite the legislative line-item love fest, there is discord at the top of the two parties. As [reported by The Hill](#):

Senate Majority Leader Harry Reid (D-Nev.) has not staked out a position on the bill and no plans for a markup in the Senate Budget panel have been set. Senate Minority Leader Mitch McConnell (R-Ky.), however, does support the bill, his office said Wednesday.

As has become their custom, Congress likely will try to bury this constitutional insult inside some other bill, improving its chances of passage without lengthy debate on the merits of the line-item power itself. Again, from *The Hill*: "Aides said Wednesday that sponsors will try to offer the bill as an amendment to must-pass legislation soon."

"You know how hard it is to move anything as a standalone over here," one aide said.

Although previously uncommitted, the [White House has released a statement](#) announcing that it "strongly supports" passage of the bill, applauding Congress' efforts in "helping to eliminate unnecessary spending and discouraging waste." The statement pointed out that the current bill was similar to a line-item veto proposal sent to Congress by President Obama in May 2010.

Although passed by a comfortable margin by the House of Representatives, the Senate bill will face a slightly more difficult road. In 2007, for example, a line-item bill supported by former Senator Judd Gregg (R-N.H.) managed to garner only 49 votes, 11 votes short of the 60 needed to break a filibuster being led by opponents, mostly from the Democratic Party.

Times have changed, however, and both houses of Congress have consistently demonstrated their willingness to feed the President's insatiable appetite for power.

This increases the urgency for every American to contact their federal Senators and remind them of the oath they each took to "preserve, protect, and defend the Constitution" and that they will be held accountable for their allegiance to that vow.

Photo of Paul Ryan: AP Images



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