"Signing On and Sounding Off:

Presidential Signing Statements in the Eisenhower Administration, 1953-61"

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ABSTRACT

This article represents an important step in understanding early, modern presidents' strategic use of signing statements by taking a sharp focus on the presidency of Dwight D. Eisenhower. In contrast to recent presidents who have used the instrument increasingly to challenge legislative provisions, Eisenhower's use of signing statements was rather complex—from political credit-claiming, explaining the provisions of bills to the American public, and reinforcing his views on the federal-state balance of power—to maintaining bipartisan relations on foreign policy, shaping implementation of congressional bills, and selectively criticizing Congress for overspending. The theoretical framework devotes particular attention to the interplay of contexts—electoral, institutional, and economic—on Eisenhower's use of signing statements by policy area across his two terms.

I. INTRODUCTION

Presidential "signing statements"—the public declarations presidents make when signing bills into law—have become an increasing focal point of controversy among legal scholars and political scientists in recent years. The practice, per se, of presidents making proclamations to celebrate new legislation or to criticize bills is scarcely novel. Chief executives have done so on occasion since the 1800s. However, beginning with the presidency of Ronald Reagan in 1981, successive chief executives began making extensive use of signing statements for a different purpose: To challenge elements of bills with which they disagree, offer interpretations of legislative intent, and in some cases, to use the bully pulpit to signal their refusal to enforce legislative provisions that allegedly violated their constitutional prerogatives (Cooper 2002; Halstead 2007). The polemic arguably reached a crescendo under George W. Bush (2001-2008), who utilized signing statements more expansively than any US president to challenge parts of bills rather than veto them outright—a practice critics believed was tantamount to an unconstitutional line-item veto. Bush used signing statements to object to more than 130 bills and more than 1,200 specific legislative provisions, drawing rebukes from the American Bar Association, sparking a lively debate among legal and presidency scholars, and prompting congressional hearings on proposals to curb the practice.[1]

There are few systematic, empirical studies that track presidents' use of signing statements prior to the Reagan presidency (Conley 2011). Scholars typically cite anecdotal evidence without covering the entirety of signing statements within a single presidency or across time. Louis Fisher traces the first incident to Andrew Jackson, who, in 1830, refused to enforce a provision of a public works bill (Fisher 1997, 132). According to T.J. Halstead of the Congressional Research Service, presidents used signing statements only infrequently through

the end of the 19th century. By 1950, however, Halstead contends that they had become "common instruments" (Halstead 2007, 2). The scattered literature raises a pivotal question: Where does earlier chief executives' use of signing statements fit within the current controversy?

This article represents an important step in understanding early, modern presidents' strategic use of signing statements by taking a sharp focus on the presidency of Dwight D. Eisenhower. Using the *Public Papers of the Presidents* for the period 1953-61, this research analyzes the 139 signing statements made by President Eisenhower over the course of his two terms.[2] The signing statements were classified by policy area and then categorized by what the president had to say about the bill. The content analysis constructs a five-fold category for the statements, including the occasions when Eisenhower offered his interpretation of how to implement the law, lauded congressional action, explained the nature and provisions of the bill to the public, chided Congress, or claimed credit for his administration's legislative proposals.

This research accentuates a theoretical approach guided by perspectives on presidential power and prerogative that traverse studies of executive-legislative relations, the "rhetorical presidency," and the "administrative presidency." As such, the article paints a rather complex picture of Eisenhower's use of signing statements for a variety of purposes—from political credit-claiming, explaining the provisions of bills to the American public, and reinforcing his views on the federal-state balance of power—to maintaining bipartisan relations on foreign policy, shaping implementation of congressional bills, and selectively criticizing Congress for overspending. The theoretical framework devotes particular attention to the interplay of contexts—electoral, institutional, and economic—on Eisenhower's use of signing statements by policy area across his two terms.

The article commences with a brief overview of Eisenhower's particular style of congressional and rhetorical leadership vis-à-vis general perspectives on the strategic use of presidential signing statements. The second section details the methodology used to catalogue Eisenhower's signing statements, and outlines a set of hypotheses. The subsequent section provides a detailed analysis of signing statements by policy area. The concluding section discusses the significance of Eisenhower's particular use of signing statements in the longer view of the modern presidency.

II. The Strategic Use of Presidential Signing Statements: Theory, Practice & the Eisenhower Presidency

As a purely discretionary activity, presidential signing statements convey important information about broader dynamics of executive-legislative relations and the rhetorical style of American chief executives that measures of presidential-congressional conflict and concurrence, as well as speechmaking, do not address. Given the large number of bills passed by Congress each year, presidents select the bills on which they wish to issue signing statements *strategically*. Moreover, unlike press conferences during which presidents may have to maneuver through impromptu questions, signing statements are *formal events* for which they can craft, in advance, calibrated communications to a target audience and stay "on message."

What can presidents hope to accomplish through signing statements? In 1993 Assistant Attorney General Walter Dellinger (1993) wrote a memo to Clinton White House Counsel Bernard Nussbaum citing evidence that every president since Franklin D. Roosevelt had used at least one signing statement to *challenge legislation.* Dellinger contended that signing statements served at least three potentially important purposes: 1) explaining the provisions of bills to the public; 2) interpreting provisions for executive branch officials who must administer them; and,

3) informing Congress and the public when the president believed that provisions were unconstitutional.

Dellinger's first point charges the president with the task of "teacher-in-chief," just as when he perceives benefits in taking to television to address the electorate on his agenda goals, or accentuates pressing issues before Congress in his State of the Union Address (see Smith 2000, 78-104). Many bills are extraordinarily complex. When they issue signing statements, presidents may attempt to expound on certain provisions, in particular, to frame press coverage of the significance of key provisions of the bill. Dellinger's second point addresses the implementation of bills and signals the president can send about how agencies should administer the law. This point emphasizes the "administrative presidency," described by Richard Nathan (1983) as the prerogative power of the chief executive to effect implementation of bills and agency rulemaking to meet his agenda objectives. Finally, Dellinger's last point underscores the president's ability to dispute provisions of bills that allegedly conflict with the Constitution. Alternatively, when provisions of a bill are vague, the president may offer his own interpretation of legislative intent in administering the law.

To Dellinger's list it is possible to add at least several additional, more purely *political* uses of signing statements, all of which scholars of the presidency should find relatively intuitive. The first is to allow the president to take credit for major laws and draw attention to the White House's accomplishments in concert with Congress. The second is to criticize Congress for omitting presidential priorities or adding legislative provisions to which the president objects. Such statements can send important signals to Congress and shape the future legislative agenda. Finally, presidents may wish to congratulate Congress for major bills, stress bipartisanship in the final outcome, or otherwise seek to claim a modicum of credit for

legislation that they supported but did not form a core component of their legislative agenda (see Conley 2002). To do so is not only to accentuate the importance of good public policy but also to insure their place in history.

Let us briefly contextualize Dwight Eisenhower's relations with Congress and his general rhetorical style in order to highlight how his approach to presidential leadership may have influenced the use of signing statements for various purposes.

Eisenhower's Relations with Congress

The halcyon days of the "textbook Congress" of the 1950s, combined with Eisenhower's unique approach to legislative leadership, provided a basis for generally smooth inter-branch relations. With the creation of an Office of Congressional Relations (which would become institutionalized), Eisenhower sought to "create a mechanism for maintaining friendly relations with Congress, point it in the right direction and let it run, taking personal control only during critical moments or during turbulence" (Collier 1994, 320)." But equally important was the relationship Eisenhower fostered with leaders on both sides of the aisle. Always respectful of Congress's coordinate constitutional role, Eisenhower took care not to announce legislative proposals without first vetting them with leaders of both parties. On the Republican side Eisenhower met regularly with Charles Halleck in the House, and following Robert Taft's death in 1953, Everett Dirksen in the Senate, to win support for his policy stances (Scheele 1993, 137). The president's close relationship with Democratic leaders became paramount after the 1954 mid-term elections turned out thin Republican majorities in both chambers and heralded six years of divided government with Democrats in charge on Capitol Hill. "Although the Republicans had congressional control for only two of the eight years," writes Gordon Hoxie, "Eisenhower got along so well with the Democratic leaders of both the House, Sam Rayburn,

and the Senate, Lyndon Johnson, as to be an embarrassment to the Democratic party" (Hoxie 1988, 415).

The impact of divided government on Eisenhower's relations with Congress—or indeed, the advantages of unified party control of national institutions for the president—appear rather limited compared to his successors in the last quarter century. Today, the success of the president's legislative agenda is largely contingent upon party control of Congress. Yet parties in Congress in the 1950s were far less ideologically polarized compared to the 1980s, 1990s, or beyond 2000, and party control was not *the* defining feature of Eisenhower's relative success on Capitol Hill. Congressional Republicans were internally fractured over domestic and foreign affairs, divided as they were between liberal northeasterners and the conservative, isolationist Taft wing of the party. The regional split between liberal northern Democrats and their conservative southern counterparts, from civil rights to fiscal issues, similarly proved a hindrance to party unity.

Eisenhower was therefore able to draw support from various factions in Congress across policy issues for his legislative stands, whatever the partisan configuration of national institutions. Sometimes he turned to the *conservative coalition* of Republicans and southern Democrats—a frequent *de facto* majority—on domestic spending or to uphold his vetoes. On other issues, such as civil rights or foreign affairs, he could cobble together coalitions with the support of liberal internationalists and moderates on both sides of the aisle. Under unified government Eisenhower's roll-call success rate averaged 85 percent from 1953-54. During the extended period of divided government from 1955-60 he averaged a respectable 54 percent success rate, and he turned to the veto relatively infrequently (Congressional Quarterly Almanacs, 1953-1960).

The configuration of voting blocs in Congress corresponded well to Eisenhower's moderate policy predispositions. First, the president readily admitted that he was "not very much of a partisan" (Public Papers 1954, 246) and was rather uncomfortable in the role of "party leader" (Mayer 1964, 496-98). Second, he had a relatively circumscribed legislative agenda and did not even put forth one in 1953. His broad objectives included an internationalist foreign policy, thwarting deficit spending, and keeping the growth of the federal government minimal. He accepted the basic tenets of the New Deal and believed the most a Republican president could be expected to do was "that he retard the movement toward enlarging government and that he work to change public expectations of government" (Cotter 1983, 259). Finally, Eisenhower's preference for a "hidden-hand" approach to leadership by maneuvering behind the scenes served him well (Greenstein 1982). Whether he was dealing with the likes of red-baiter Joseph McCarthy or instructing the White House Congressional Liaison Office to quietly conduct headcounts of upcoming votes (Conley and Yon 2007), Eisenhower placed a premium on avoiding overt public conflict with Congress whenever possible.

Still, Eisenhower's presidency was not without significant conflict with Congress at times. Major legislation on agriculture (the soil bank) and housing issues caused the White House some consternation, prompting veto showdowns (Conley 2002, 99-100). Moreover, the economic recession that began in 1957 enabled significant Democratic gains in the 1958 mid-term elections and complicated the president's fiscal policy goals (Morgan 1990). Finally, restive liberal Democrats increasingly mounted challenges to Eisenhower's view of limited government in the social realm by the end of his second term (see Sundquist 1968).

The key point is that Eisenhower's "above the fray" approach to legislative leadership obliged him to walk a fine line between cooperation and conflict with members and leaders on

Capitol Hill, whether the president was concerned about policy matters, the fate of his co-partisans in the mid-term elections of 1954 and 1958, or his own reelection in 1956 and historical legacy upon leaving office in 1961. The president needed to find devices by which he could selectively criticize Congress at times while appearing "statesmanlike." Similarly, he required instruments by which he could point out his administration's accomplishments, congratulate Congress on its own work in the spirit of bipartisanship, and occasionally explicate complicated bills to a skeptical public while appearing more as a "head of state" rather than a partisan mouthpiece. The next section underscores that the formal mechanism of signing statements provided a means and a venue to achieve these objectives, and fit well with Eisenhower's rhetorical style.

Eisenhower's Rhetorical Style and the Use of Signing Statements

The practice of "going public" (Kernell 2006)—appealing over the heads of members of Congress directly to the people via the media—was scarcely consonant with Eisenhower's leadership style. It is little wonder, then, that the president typically eschewed such a communication strategy, whether he wished to persuade members on Capitol Hill, chastise Congress, or claim credit for his administration's legislative accomplishments. Moreover, Eisenhower did not have the charismatic speaking style that would define presidents such as Kennedy or Reagan. As Medhurst (1993, 4) explains, "As the first true television president, Ike's oratory would be remembered, if at all, for its syntactical complexities, verbal ambiguities, and lackluster style."

The discomfitures of Eisenhower's rhetorical style were particularly evident during press conferences. He was poorly skilled at off-the-cuff remarks and seemingly uncomfortable at impromptu question-and-answer forums. Whether by happenstance—or by design to confuse the

press over complicated issues such as national security that he did not wish to discuss—the president was often evasive or ambiguous in his response to reporters (Bose and Greenstein 2002, 1987). His perplexing oratory and odd syntax were scarcely "telegenic." It is thus little wonder that Eisenhower curtailed press gatherings significantly compared to his predecessors (Kernell 2006, 93-4).

The disjuncture between Eisenhower's *written* and oral communication skills was, however, palpable. The president, R. Gordon Hoxie contends, "could plan his own ideas on paper with brilliance, charm, clarity, cogency, depth, and succinctness" (Hoxie 1988, 428). Further,

> The Eisenhower Library files contain many letters and memoranda he composed, some marked 'private and confidential,' others classified for security purposes, reflecting the clean, hard writing, and by extension, thinking…[that included] dispassionate, closely reasoned assessments of contemporary issues and personalities that belie the amiable, informal, and often vague usages of his press conference discourse (Greenstein 1982, 20).

The formal trappings of speechmaking, then, suited Eisenhower's rhetorical style much more than the give-and-take of press conferences, which the media began to televise in 1955 (Kernell 2006, 93). Eisenhower "put serious effort into his addresses" and "seemed to view speeches more as state documents than as a means of galvanizing his audiences" (Greenstein 2000, 54).

Indeed, signing statements may be considered a type of "state document." The president could draw up the statement with the input of his advisors and frame the issues with careful thought and deliberation, which suited his leadership style. He could choose to issue the statement publicly (as in a Rose Garden ceremony), or without an appearance. Regardless, the statement was recorded in the *Weekly Compilation of Presidential Documents* and ultimately in the *Public Papers of the President* where members of Congress, the press, the public, and agencies charged with implementing the bill could examine his comments in detail.

III. Data and Method

Eisenhower's signing statements from 1953-61 were drawn from the *Public Papers of the President.* A total of 139 signing statements were uncovered. They range annually in frequency from a high of 31 (1954) to a low of eight and one for 1960 and 1961, respectively.

The signing statements were content-analyzed by the author and classified by the president's "action"—what he had to say about the bill—as well as by policy area. The five-fold "action" category includes: 1) interpretation of how the bill should be implemented; 2) lauding Congress for passage of the bill; 3) explanation of the bill; 4) criticizing Congress; and, 5) claiming credit for the bill's passage with explicit reference to the bill as part of the administration's program. In most cases Eisenhower's statement on the bill was clear and straightforward, which facilitated categorization. In the handful of cases for which Eisenhower's action traversed more than one category (e.g., lauded the bill generally but criticized select elements) the statement was folded into a single category by comparing the relative length of prose dedicated to lauding the bill, criticizing, etc., and placing it in the relevant single category. These few cases are explained in further detail in the analysis.

The statements were then classified according to policy area. The eight-fold category includes 1) foreign/defense; 2) trade; 3) appropriations/budget; 4) regulatory; 5) agriculture; 6) infrastructure; 7) social; and, 8) general government. The full data set of the classification of signing statements by date, policy area, and action is available from the author at http://www.clas.ufl.edu/users/rconley.

Hypotheses

From the "action" and policy classifications a number of plausible hypotheses about Eisenhower's use of signing statements may be generated. Electoral and institutional contexts—

particularly divided government from 1955-60—and the president's policy predispositions are thought to account for much of his strategic use of signing statements.

Perhaps the most intuitive hypothesis concerns the "two presidencies" thesis in the Eisenhower years. Wildavsky (1998) contended that presidents were more likely to succeed in Congress on foreign policy matters than on domestic affairs. Analysis of roll-call votes in the Eisenhower presidency confirmed Wildavsky's theory. In the 1980s Wildavsky revisited the thesis and contended that the phenomenon dissipated in the 1960s and beyond, and was "time and culture bound" to the Eisenhower era (Oldfield and Wildavsky 1989). Eisenhower's internationalist views, the dangers of the Cold War, and his unimpeachable military record in World War II buttressed congressional deference to the president in foreign affairs and bolstered his foreign policy roll-call victory ratio. As a result, one might expect that Eisenhower would not only emphasize foreign policy matters in his signing statements[3] but also have reason to be more laudatory of Congress—and more frequently claim credit for his administration's accomplishments in this policy realm compared to others.

By contrast Eisenhower might be expected to have used signing statements to rebuke Congress more frequently on budget and appropriations bills, particularly under divided government from 1955-60. "President Eisenhower," write Bozeman and Straussman (1982, 512), "did not have built-in inflationary pressures, growing uncontrollables, and huge entitlement programs." Still, the president "perceived an explicit connection between big federal spending, particularly deficit budgets, and inflation." Eisenhower's notion of a "New Republicanism," which sought to balance the excess federal spending of the New Deal with the enlargement of the private sector, was an incremental approach to growth (Alexander 1975, 160). In essence, the president was willing to exchange high levels of economic expansion spurred by federal

spending for the "invisible hand" of market forces to determine growth rates and keep inflation low. Even during the 1957-58 recession Eisenhower sought to beat back Democratic efforts aimed at combating unemployment through federal spending (Morgan 1993, 127). Although largely successful on that front, the huge Democratic majorities of the 86th Congress (1959-60) increased the pressure on the president's goal of balancing the budget. Thus, it is reasonable to expect that throughout the six years of divided government Eisenhower faced—and particularly during his last two years—he would have been more sharply critical of congressional efforts to increase federal spending. It follows that Eisenhower may also have used signing statement occasions to emphasize his view of the appropriate balance in state-federal power and competences, particularly on infrastructure issues that dominated elements of the national policy agenda with rapid urbanization in the 1950s.

Eisenhower and Congress also faced the complex task of updating the regulatory framework of New Deal programs and moving beyond them in light of the realities of the 1950s. A host of regulatory bills were passed from 1953-60, with the bulk coming in 1956 and 1957. These included labor standards, airline certification, federal pension plans (railroads), and environmental issues, among others. It is reasonable to expect that Eisenhower used signing statements to explain the complexities of the bills to the public and to the agencies charged with administering the bills.

Finally, congressional and presidential electoral cycles may also account for more general patterns in Eisenhower's use of signing statements. It is plausible that the president would laud Congress more from 1953-54, in the run-up to the mid-term elections, when Republicans had the majority on Capitol Hill, and criticize Congress more frequently in advance of the 1958 mid-term elections as Democrats sought to enlarge their majority. By contrast, the president might be

expected to emphasize his administration's accomplishments in 1956 as he sought reelection. Finally, one might reasonably anticipate that Eisenhower would accentuate credit claiming—and perhaps bipartisanship—in the final years of his presidency as he looked toward his historical legacy upon leaving office.

IV. Analysis

The analysis commences with a descriptive overview of signing statements for the entire period from 1953-61. Figure 1 shows the total percent of statements by policy area (*n*=139) as well as the total number by policy domain. A "two presidencies" effect does indeed emerge from these data if *single-category domestic policy areas* are juxtaposed with foreign and defense policy. A plurality of statements, approximately one-fifth of the total, centered on foreign and defense policy matters. Examples of such bills include the Pakistan Wheat Aid Act (1953), Refugee Relief Act (1953), reenlistment bonuses for members of the armed services (1954), Joint Resolution on the defense of Formosa (1955), career incentives for military physicians (1956), conveyance of property to Panama (1957), and the defense reorganization and defense education bills (1958).

[Figure 1]

The "two presidencies" effect, however, evaporates if separate domestic policy categories are merged. Together, infrastructure and regulatory statements comprise 31 percent of the total number of statements (15.8% and 15.1%, respectively), with budget and appropriations bills constituting an additional 14 percent. Eisenhower emphasized infrastructure frequently, including the Federal Aid Highway Act (1954) and a host of land, water reclamation, and bridge construction issues across his two terms. Similarly, the president accentuated regulatory bills in his signing statements. Examples include customs simplification (1953), railroad retirement

benefits (1954), bank holding companies (1956), water pollution (1956), certification of air carriers (1957), and veterans' home, farm and business loans (1959). There is no particular common thread to Eisenhower's statements on appropriations. To cite just a few examples, they spanned controversial issues such as a postal raise (1953) to repeat bills on mutual security appropriations (1956, 1957) and three bills concerning the Atomic Energy Commission (1955, 1957, 1958).

About one-eighth of Eisenhower's signing statements focused on agricultural issues. The bills reflect the significant challenges in this policy realm in the 1950s, including the president's plans for a "soil bank" and foot-and-mouth disease outbreaks. Most occurred in his first term, and included such issues as the Farm Credit Act (1953), amending the Agriculture Adjustment Act of 1938 (1954), Mexican migrant farmer protections (1954), the Agriculture Acts of 1954 and 1956, as well as the issues of brucellosis (1956) and taxes on gasoline for farmers (1956).

Approximately one-quarter of Eisenhower's signing statements constituted general governmental issues (10.1%), social policy (8.6%), and trade bills (5.8%). The general government category includes those bills not easily classifiable in other specific policy domains, including symbolic legislation such as the display of the American flag (1953) and the addition of "under God" in the pledge of allegiance (1954), as well as more substantive issues such as unemployment compensation in the District of Columbia (1954), benefits for government employees (1954), library services (1956), and Alaska statehood (1958). Signing statements on social policy frequently concerned housing bills (1954, 1955, 1957), Social Security (1954, 1956, 1958), and various health and unemployment compensation bills. Finally, Eisenhower mentioned trade bills only infrequently. Examples include the Trade Agreements Extension (1955, 1958), the Sugar Act extension (1956), and the Cuban Sugar Quota bill (1960).

Figure 2 shows trends in Eisenhower's comments on bills over time. He most frequently criticized Congress, sought credit for bills that were part of the administration's program, or lauded Congress (explanatory and interpretive statements are discussed in the next subsection). The trend line for the "criticize" action category is consistent with the hypothesis that Eisenhower was more likely to chastise Congress under divided government. When Republicans held the majority on Capitol Hill from 1953-54, Eisenhower used signing statements to criticize Congress less than a third of the time. The figure fluctuated between 35-40 percent from 1955-56, and then steadily mounted over the course of his second term, reaching a peak in 1959 at more than half of all signing statements. The president was far less critical of Congress in his last year of office—perhaps as he looked to his historical legacy and focused attention on issues such as the Soviets' capture of the U-2 spy plane that ultimately quashed hopes for a significant US-Soviet arms reduction agreement.

[Figure 2]

Indeed, Figure 2 shows that Eisenhower was more laudatory of Congress in 1960 than for any other year of his presidency. He congratulated Congress on bills such as Food for Peace (India), the Civil Rights Act of 1960, and the Mutual Security Act of 1960. The trend is a bit deceptive, however, as it must be noted that Eisenhower issued fewer signing statements in 1960 (notwithstanding 1961 when he left office) compared to any other year—a total of just eight (see Appendix 1). More substantively significant are his laudatory comments toward the second session of the 83rd Congress in 1954. With Republicans in control of Congress by thin majorities, Eisenhower used signing statements to laud Congress 41 percent of the time—and he issued more signing statements, 31, than for any other year in his presidency. Thus, there is at least some confirmation that signing statements were used strategically to bolster the image of

the Republican-led Congress's policy achievements, even if the electorate spurned Eisenhower's arguments and returned Democratic majorities in the mid-term congressional elections of 1954.

Interestingly, Eisenhower claimed credit for policy accomplishments most in 1953—but it must be noted that he only issued a total of nine statements (Appendix 1). Eisenhower did not have a formal legislative agenda in 1953, and did not fashion one until prompted by his staff in 1954. Credit-claiming for bills concerning tideland oil reserves (Submerged Lands Act), the Pakistan Wheat Aid, the Farm Credit Act, and the Refugee Relief Act were at least in part an effort to compensate for criticism of his circumscribed first-year legislative agenda. There is little evidence, however, that Eisenhower used credit-claiming signing statements as a means to bolster his 1956 campaign for reelection. Slightly more than a fifth of all signing statements that year entailed credit claiming, which more than a third of all signing statements were critical of Congress. Given public esteem for Eisenhower during the 1956 campaign—combined with a series of foreign policy crises in Asia that produced a rally effect—the president had little cause to laud his own record. Gallup reports that Eisenhower's public approval hovered around 70 percent for most of 1956, and reached a peak of 79 percent for his two terms a month after his reelection.

[Table 1]

Table 1 paints a more intricate picture of the substance of Eisenhower's signing statements by policy area from 1953-61. The Chi-square (χ^2) statistic, calculated on the basis of the tabular data, is highly significant at p=.003 but leaves to the analyst the interpretation of the "directionality" of the relationship between "action" and policy area. Fortunately, the pattern is relatively straightforward from visual inspection of the cells. Eisenhower was twice as likely to laud Congress or claim credit for achievements in foreign policy, underscoring yet again a "two

presidencies" effect. Similarly, the president frequently lauded Congress on general government bills, and often claimed credit for agriculture and social policy legislation. By contrast, Eisenhower overwhelmingly used signing statements on appropriations/budget matters to criticize Congress. In the few cases that Eisenhower used to interpret the implementation of legislation, he did so most frequently on regulatory and infrastructure bills. Let us now take a closer look at the central themes within policy areas that Eisenhower emphasized.

Signing On: Praising Congress and Claiming Credit

More than any other policy area, Eisenhower praised Congress or sought credit for legislation in foreign and defense policy. He typically stressed U.S. engagement in world affairs and/or strong bilateral relations as part of his internationalist approach to foreign policy, as well as defense policies aimed at buttressing a strong and streamlined military. There was also a frequent bipartisan tone to his comments.

Several bills exemplify Eisenhower's approach to congratulating Congress. When he signed the Food for Peace bill in 1960 the president noted that the agreement placed the United States and India as equal partners in the "world community," while "The food that we make available under our special programs today will be reflected in India's accelerated progress tomorrow" (Public Papers 1960, 396). On the Joint Resolution on the Defense of Formosa (1955), he thanked members of Congress and its leaders for "great patriotic service" while indicating his willingness to "support a United Nations effort to end the present hostilities" (Public Papers 1955, 215). In celebrating congressional authorization to convey property to Panama (1957), Eisenhower contended that the bill was imperative to honor treaty obligations and demonstrated "the friendship and esteem the United States has always held for the Republic of Panama" (Public Papers 1957, 637). Similarly, in signing the bill to pay for Danish vessels in

World War II (1958), the president stated that he was "particularly gratified" at congressional action resolving a problem outstanding for 17 years, while noting the "patience and understanding traditionally characterizing relations between the United States and Denmark, its close ally" (Public Papers 1958, 458).

In commending Congress for legislative action on defense matters, Eisenhower often focused attention on the benefits to members of the armed services. In signing the Survivor Benefit Program (1956), the president posited that the bill gave "a measure of financial security to the families of our soldiers, sailors, airmen, and marines" that would allow them to confront the hazards of military service with greater certainty (Public Papers 1956, 637). In a like manner, Eisenhower called the bill that provided housing for military personnel and their dependents (1954) a "start on the larger task of assuring to our trained men and women in uniform the advantages and opportunities and inducements necessary to make them wish to remain permanently in their country's service" (Public Papers 1954, 804).

When he claimed credit for foreign and defense policy legislation linked to the administration's agenda, Eisenhower took pains to emphasize bipartisanship and had few qualms about letting Congress—whichever party was in the majority—share in the credit. Eisenhower cited the emergency Refugee Relief Act (1953) as "abundant proof of the progress that teamwork between the legislative and executive branches of Government can achieve" and "a stirring example of bipartisan statesmanship" (Public Papers 1953, 557). Upon signing the Joint Resolution on the Middle East (1957), the president contended that the bill expressed the "determination of the legislative and executive branches of the Government to assist the nations in the general Middle East to maintain their independence" (Public Papers 1957, 187) in the face of communist threats. On the Defense Reorganization Bill (1958) Eisenhower "warmly"

congratulated Democratic Chairmen Richard Russell (Senate) and Carl Vinson (House of Representatives), contending that the "Armed Services Committees of both Houses have done a praiseworthy job on this important legislation," (Public Papers 1958, 564) which the president stated had met every one of his administration's recommendations.

In addition to foreign and defense policy, Eisenhower frequently claimed credit for accomplishments in agricultural policy—so long as Congress hewed to his recommendations. He sought to place himself on the side of farmers while emphasizing a less intrusive role by Washington in regulating agriculture. The president called the Farm Credit Act (1953), which established a system to oversee credit to farmers, "another milestone in our march toward an agriculture that is productive, profitable, responsible, and free from excessive regulation" (Public Papers 1953, 546). A year later, he posited that the central feature of the Agricultural Act (1954), flexible price supports, would provide farmers "greater freedom instead of the rapidly increasing regimentation and Federal domination they were sure to suffer under a continuation of the present system of rigid price supports" (Public Papers 1954, 776). In his tripartite signing statement on the School Milk Program, Brucellosis, and taxes on gasoline used by farmers (1956), Eisenhower highlighted Federal-state cooperation on the two former bills, and the importance of "relieving the farmer of the Federal tax on purchases of gasoline used on the farm" (Public Papers 1956, 355) as a means of lowering production costs.

Finally, Eisenhower also actively sought to claim credit for social policy legislation. Most of his positive statements occurred in his first term in office. The president's credit-claiming opportunities in housing, Social Security, and health issues reflect in part his policy moderation and acceptance of the New Deal. These statements also preempted Democrats' potential criticism of Eisenhower's conservative fiscal policy while underscoring that the

Republican president—the first since Hoover—could govern effectively. Eisenhower called the Housing Act (1954) "one of our major legislative goals" that would raise housing standards, insure slum clearance, and stimulate the nation's construction industry (Public Papers 1954, 675). Moreover, he lauded the Housing Amendment Acts (1955) as a continuation of the administration's policy to clear slums and spur private industry, though he noted Congress failed to adhere to several recommendations he had made for the construction of low-rent housing units (Public Papers 1955, 777). Finally, the president solidified his commitment to Social Security with the Amendments (1958) that aimed to strengthen the trust funds for Old Age, Survivors, and Disability Insurance (OASDI). He noted that the bill increased payments to recipients, which was "vital to the economic security of the American people" and to allow recipients to "remain financially sound and self-supporting" (Public Papers 1958, 661).

Sounding Off

Budget and appropriations bills, followed by legislation dealing with infrastructure issues, far and away drew Eisenhower's sharpest criticism of Congress. The effect of divided government is palpable: Of his 13 critical statements on budget matters, *all* came after the 1954 mid-term elections returned control of Capitol Hill to Democrats. Almost universally the president chided Congress for alleged fiscal irresponsibility, either by adding spending he had not requested or underfunding projects in his budget requests. Frequently he noted that he signed such bills only "with great reluctance." On infrastructure bills, Eisenhower was particularly concerned about maintaining balance in federal-state relationships.

Several examples underscore Eisenhower's frustration with Congress on budget bills. One of the most critical statements the president made on was on the fiscal year 1959 Department of Defense Appropriations Act (1958). Eisenhower lambasted Congress not only for

spending more than $1 billion more than he requested but also for departing from past policy by imposing floors on the number of reserve personnel, which the president contended would produce "waste and rigidity" inappropriate to a modern defense establishment (Public Papers 1958, 635). Similarly, in the appropriations bill for the Army Corps of Engineers (1956) the president cited his concern over the significant number of new construction starts that required considerable financial commitment in the future, noting that Congress had increased the number of projects twice in two years (Public Papers 1956, 590). On the other hand, in the public works appropriations bill for 1955, the president chided Congress for spending *less* than he had requested for the Atomic Energy Commission (AEC). The amount provided in the bill was some $144 million less than the president's request, which he argued "could seriously interfere" with the production of both weapons and peaceful applications of nuclear technology, including electricity production (Public Papers 1955, 697).

Of all the appropriations bills, Eisenhower came closest to challenging Congress on Labor and Health, Education, and Welfare (1959). The legislation raised the appropriated amount by $106 million (36%) over the previous fiscal year. The president believed that the funds were being diverted away from necessary programs on the front lines of medical care towards undesirable programs for medical research. As such, he elucidated that he was instructing the Secretary of Health, Education and Welfare (HEW), as well as the Surgeon General, to review carefully new training programs to insure that they met his administration's objectives. Further, Eisenhower took issue with new construction projects—particularly pollution programs—that he felt would be better handled at the state level. He clarified his intention to direct the Secretary of HEW to allow the states to have first priority over wastewater

treatment projects. Despite his considerable reservations about the bill, the president stopped short of challenging its implementation. He noted:

> A national budget demands hard choices just as does a family budget. The recognition of a need is the beginning, not the end, of any budget-making process. I recognize, however, that in reconciling competing demands within the total framework of a sound fiscal policy, Congress, as well as the Executive Branch, has responsibility for the exercise of judgment. Therefore, even though I disagree in this instance with the manner in which that judgment has been exercised, I do not feel that I should withhold my approval of this bill (Public Papers 1959,585).

Eisenhower frequently used his criticism of infrastructure bills to elaborate his view on the appropriate balance of federal-state responsibilities. For example, on the Lake Texoma Bridge construction bill (1955) and the Red River Flood Control Project (1955) the president posited that the federal government was assuming an unwarranted share of the fiscal responsibility for the projects (Public Papers 1955, 698 and 755). Even the Federal Highway Act (1958)—which created the Interstate Highway System for which Eisenhower is credited—drew the president's misgivings. The president admonished Congress for violating a 50-50 cost-sharing plan between the federal government and the states while providing federal financing for secondary road construction. Eisenhower viewed these provisions as setting a "dangerous precedent for the future," which he would oppose in subsequent legislation (Public Papers 1958, 323).

Matters of "Interpretation": Regulatory and Infrastructure Bills

If his successors in the last three decades have frequently used the prerogative of signing statements to challenge legislation by offering their own interpretation of the implementation of bills, Eisenhower engaged in such practices very sparingly. And he did so most of the time on regulatory and infrastructure bills where congressional intent was less obvious compared to most other bills.

Three regulatory bills drew Eisenhower's interpretation of the implementation of legislation. On the Water Pollution Act Amendments (1956) the president criticized a provision of the bill that furnished grants to localities to pay for water sewage treatment. Although he lauded the goals of the bill generally, Eisenhower made it clear that the administration would develop guidelines as to the distribution of grants. He urged that "no community with sufficient resources to construct a needed sewage treatment project without Federal aid, postpone that construction simply because of the prospect of a possible Federal grant" (Public Papers 1956, 592).

The Fish and Wildlife Act (1956) is one of the rare instances where Eisenhower actually disavowed a legislative provision. He viewed the bill generally as a mandate for the Department of the Interior to regulate policies affecting fish and game. However, he took issue with a provision mandating representation by the United States at international conventions regarding fish and wildlife policies and did not interpret the provision as a "directive." Eisenhower argued that section 8 of the bill, "If they were to be so construed they would, in my judgment, be unconstitutional as limitations on the authority of the President of the United States to conduct negotiations with other governments through agents designated by him or at his discretion" (Public Papers 1956, 672).

Infrastructure bills also most frequently drew interpretative comments from the president. The Santa Margarita River bill (1954) grew out of a water usage dispute between the federal government and a local California utility company. Eisenhower was clear in his view that notwithstanding other provisions of the legislation, the Secretary of the Navy retained the authority over the feasibility of the construction of a dam and all subsequent operations of a dam on the river. He further elaborated that nothing in the bill abrogated the United States' claim to

use of water resources of the Santa Margarita (Public Papers 1954, 668-69). Moreover, on the Washita River Basin Reclamation Project bill (1956), Eisenhower sought to insure that a provision in the legislation that included technical instructions for cost allocations between the federal and state levels not be construed as a precedent for future financing of such projects, but rather regarded the provision "as a recognition of the special circumstances and acceptance of the result of the extensive negotiations between the Federal agencies and local interests which were conducted in the development of the project" (Public Papers 1956, 260). Finally, in the Federal Airport Act (1959) Eisenhower similarly sought to guarantee administrative flexibility in the implementation of provisions. The bill focused broadly on air travel safety and prohibited federal funds for the construction of parking lots, lounges, and other types of projects. Eisenhower elucidated that in his view, the Federal Aviation Administrator had broad latitude, based on the legislative history of the bill, to determine precisely what types of construction projects were essential to air travel safety or "convenience or comfort of persons using airports for public aviation purposes" (Public Papers 1959, 484).

V. CONCLUSION: LESSONS FOR THE TWENTY-FIRST CENTURY

This analysis of signing statements in the Eisenhower administration paints a rich and multifaceted portrait of an overlooked element of the 34th president's public presidency with respect to congressional relations. Eisenhower utilized signing statements strategically for political *and* policy purposes. This research does not so much conflict with the theory of Eisenhower's "hidden hand" approach to leadership as it complements our understanding of his particular view of the public presidency. Dismissed for his odd locutions and undistinguished speaking style, Eisenhower is rarely held up as an exemplar of the requisites of the media-savvy

president in the modern age. Yet, as with his well-documented actions "behind the scenes" in the White House, there is more to his use of signing statements than meets the eye.

Signing statements were instruments of credit claiming for administration bills, occasions to solidify bipartisanship between the branches on foreign policy, and opportunities for measured criticism of Congress without compromising the president's "above the fray" leadership style. They also served as documents that explained provisions of bills to aid the speedy implementation of legislation—and occasionally, a mechanism to interpret provisions to avoid compromising the president's authority either at the time or in future legislation.

Eisenhower's strategic use of signing statements reflects an era of the modern presidency when American chief executives were far less willing, or felt far less of a need, to arrogate the authority of Congress and claim unbounded prerogative as "chief legislator" to act unilaterally as the final arbitrator of the constitutionality of legislation or determine single-handedly the benefits of congressional policymaking. It is this point that sets Eisenhower apart most significantly from presidents in the last three decades. On very few occasions did Eisenhower directly challenge provisions of bills. In keeping with essential tenets of a philosophy that viewed Congress and the executive as coordinate under the Constitution, Eisenhower's approach appears almost anachronistic, conflicting as it does with the proponents of the "unitary presidency."

Herein lays the central lesson of Eisenhower's use of signing statements not only for his successors in the twentieth century, but also for those of the twenty-first century: Moderation, not only in frequency, but in tone. At the polar extreme, presidents' strategic rhetorical interactions vis-à-vis Congress can be utilized to undermine the legitimacy of the legislative branch. When he chose to critique Congress, Eisenhower did so *without* diminishing the legislature's prerogative or co-equal constitutional status. Unlike Ronald Reagan or George W.

Bush, Eisenhower never claimed unfettered authority to refuse to implement elements of bills with which he disagreed—in fact, on multiple occasions he made his objections well known but nonetheless pledged to carry out congressional intent.

Of course, it is vital to recognize that for Eisenhower the institutional context of policymaking in Congress was far different than it is today. The deference Eisenhower showed toward Congress in the domestic realm was frequently reciprocated, particularly in the realm of foreign policy. Eisenhower's successors have had to contend not only with increasing congressional challenges to presidential authority in the legislative sphere following the "postreform" Congress of the 1970s, but also a far more polarized and cohesive majority in Congress following Reagan's two terms. To be sure, the combination of Watergate and the legacy of the Vietnam War formed the basis for a resurgent Congress, from budgetary matters to foreign policy, just as Reagan's legislative agenda pushed major organizational changes by the Democratic majority to halt the president's policy objectives (Sundquist 1981; Conley 2002, chapter 4).

As James Pfiffner (2009, 198) rightly notes, it was during the Ford and Carter presidencies that presidents began using signing statements more frequently as a policy tool. While Eisenhower only issued about17 signing statements each year, the figure was triple for Carter, and quadruple for Ford. Reagan, George H.W. Bush, Bill Clinton, and George W. Bush continued the pace. But it is not simply a matter of comparing *how many* signing statements Eisenhower's successors made, but rather *what* they said.

Beginning with Ford, presidents increasingly sought to use this rhetorical device to protect their institutional prerogatives by raising constitutional objections to legislation and in the 1970s, to Congress's use of legislative vetoes (Conley 2011). However, during the Reagan and

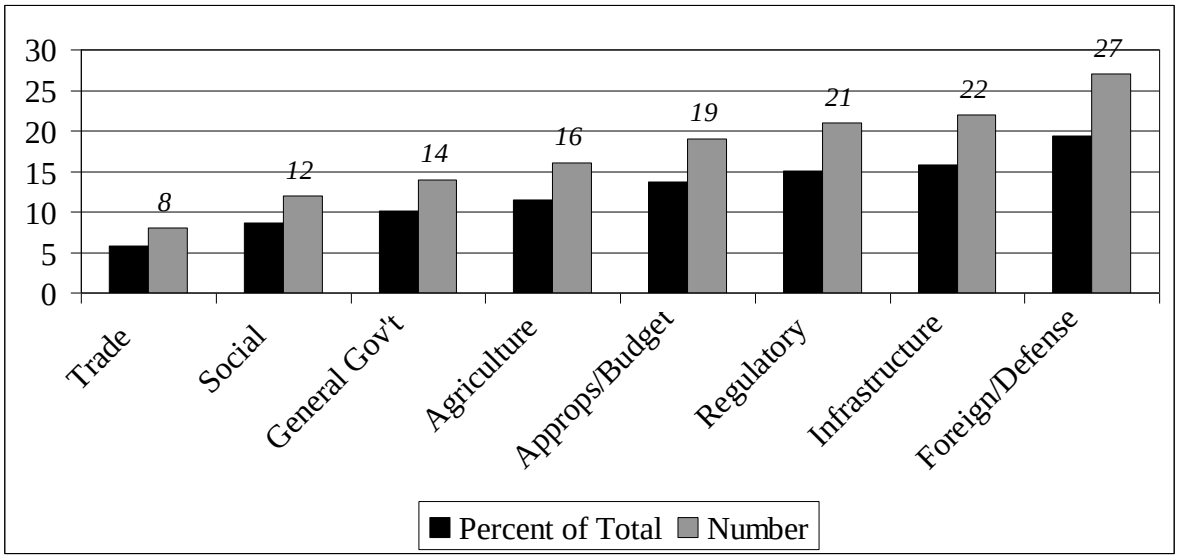
George W. Bush presidencies, in particular, the use of signing statements arguably took aim at a different objective—the solidify the *superiority* of the executive over Congress in policymaking by refusing to carry out legislative provisions, which is tantamount to an unconstitutional line-item veto. Recent presidents appear to carry out this strategy when they do not expect Congress to challenge them (Kelly and Marshall 2010). Regardless, the strategy reflects a form of institutional partisanship, if not executive narcissism—that the president's view should always prevail. The net result has added to hyper-partisanship under conditions of divided government, but most disturbingly, has undermined the legitimacy of the legislative branch already reeling from a lack of public trust in the new millennium.

Does Obama's use of signing statements reflect a return to the moderation of this tool notable in the Eisenhower presidency? Upon taking office, Obama issued a memorandum to White House staff to study "nullifying" his predecessor's signing statements and vowed that he planned to "rarely seek to impose his own interpretation on pending legislation with a statement when he signs it." He further promised that he would "issue signing statements to address constitutional concerns only when it is appropriate to do so as a means of discharging my constitutional responsibilities" (Shear 2009).

Early in his term it appeared to some observers that President Obama shirked his promise. He issued a total of 8 statements during his first year and stirred recriminations that he was following in his predecessor's footsteps when he challenged legislation (Savage 2009). Thereafter Obama the White House elucidated that the president would "sometimes sign bills containing provisions it deems problematic without issuing a signing statement that challenges those sections" (Savage 2010). Subsequently Obama issued a total of only 12 signing statements from 2010 through October 2012, most of which proved non-controversial. As Garvey (2011)

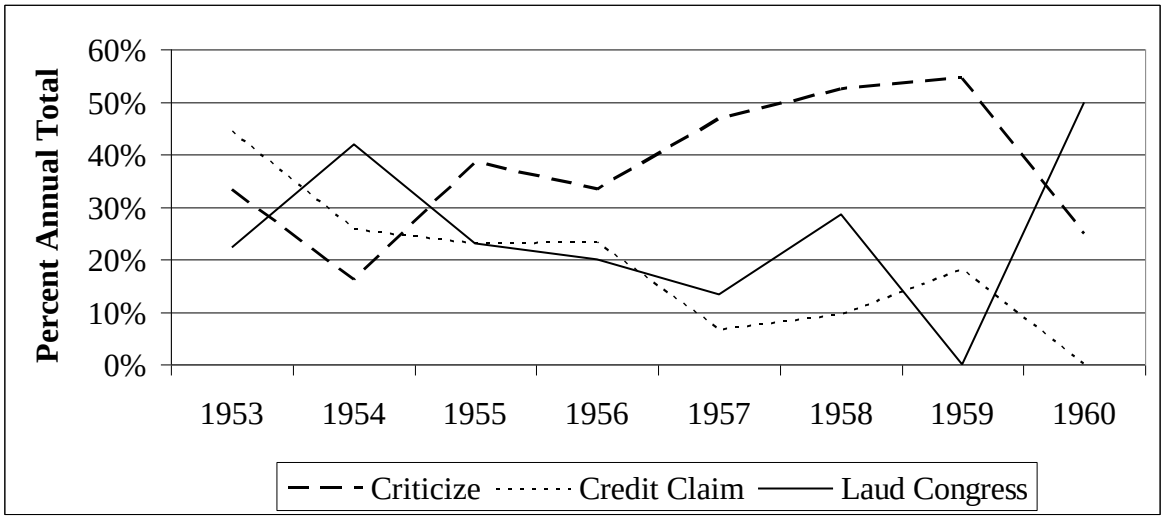
suggests, other interpretative devices such as statements of administration policy provided an alternative strategy to register concern with legislation while circumventing the more provocative public rhetoric of George W. Bush's presidency. Whether Obama's more tempered approach to signing statements survives his presidency and marks a return to the Eisenhower legacy remains to be seen. The implications are tangible, not only for presidential power but also for the evolution of constitutional government and the management of policy conflict between national institutions.

Figure 1
Total Signing Statements by Policy Area, 1953-61



Source: compiled by author.

Figure 2
Percent Annual Total Signing Statements by Action, 1953-60



Source: Compiled by author.

Table 1
Signing Statements by Policy Area and Action, 1953-61

Policy area	Criticize	Laud Congress	Credit Claim	Explanatory	Interpret	*Row Totals*
Foreign/Defense	7	8	9	2	1	*27*
Trade	1	3	2	2	0	*8*
Agriculture	4	5	6	0	1	*16*
Regulatory	8	1	2	7	3	*21*
Infrastructure	9	4	2	4	3	*22*
Social	3	4	5	0	0	*12*
Appropriations/Budget	13	4	0	1	1	*19*
General Government	4	7	2	0	1	*14*
Column Totals	*49*	*36*	*28*	*16*	*10*	*139*

χ^2=53.05, 28 d.f. (p =.003)

Appendix 1
Signing Statements by Year and Policy Area

Year	Foreign/ Defense	Infrastructure	Regulatory	Budget	Agriculture	General Gov't	Social	Trade	*Row Totals*
1953	2	0	3	0	1	2	0	1	*9*
1954	6	7	2	1	5	5	4	1	*31*
1955	2	3	0	3	1	1	1	2	*13*
1956	2	4	8	4	5	1	5	1	*30*
1957	4	2	2	4	2	0	1	0	*15*
1958	6	3	3	4	0	3	1	1	*21*
1959	1	2	3	2	1	1	0	1	*11*
1960	3	1	0	1	1	1	0	1	*8*
1961	1	0	0	0	0	0	0	0	*1*
Column Totals	*27*	*22*	*21*	*19*	*16*	*14*	*12*	*8*	*139*

χ^2=51.06, 56 d.f. (p =.66)

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NOTES

[1] In 2006 the Senate Judiciary Committee held hearings on a proposal by Arlen Specter (D-PA), S. 3731, the "Presidential Signing Statements Act" of 2006, which would have instructed federal courts not to give such statements any weight and to instruct Congress to file suit to determine the constitutionality of signing statements.

[2] The analysis covers the period 1953-61. However, Eisenhower only issued a single signing statement in 1961 before leaving office.

[3] Presidents are also thought to emphasize foreign policy in public addresses. On this point, see Lewis (1997).