

VETO OF H.J. RES. 338

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

VETOING

H.J. RES. 338, A JOINT RESOLUTION TO CORRECT PUBLIC LAW
98-63 DUE TO AN ERROR IN THE ENROLLMENT OF H.R. 3069



SEPTEMBER 12, 1983.—Message and accompanying papers ordered to be
printed

U.S. GOVERNMENT PRINTING OFFICE

11-011 O

WASHINGTON : 1983

To the House of Representatives:

I am returning herewith without my approval H.J. Res. 338. This bill was originally included in the 1983 Supplemental Appropriation bill, which I recently signed (P.L. 98-63), but was separately passed because it was inadvertently omitted from the enrolled version of that bill. Normally such bills passed as a result of enrollment errors are signed as a matter of course. I am taking this unusual action because of the extraordinarily important constitutional principles raised by this particular measure.

H.J. Res. 338 appropriates \$20 million for the purpose of providing a source of funds from which the Secretary of Education could comply with the June 30, 1983 order issued in *United States v. Board of Education of the City of Chicago*, No. 80C5124 (N.D. Ill.), if the order is upheld on appeal. The case was brought by the United States to desegregate the Chicago school system. The court ordered the United States to provide a minimum of \$14.6 million and froze more than \$250 million appropriated by Congress for other educational programs in order to meet expenses incurred by the Chicago Board of Education in carrying out its constitutional responsibilities to desegregate its school system. The court enjoined the Department of Education from providing grants to hundreds of other worthy grantees under several programs of national significance, including grants intended to facilitate local desegregation efforts and others intended to follow up on the report of the National Commission on Excellence in Education.

I well understand the reasons motivating the Congress to pass this legislation. Under the order of the court in Chicago, other education programs throughout the country were denied the funding they rightfully expected to receive. The Chicago court's ostensible purpose in issuing this order was to provide a source of funds for the implementation of its decree. Congress hoped by the passage of this legislation to induce the court to release the funds that were impounded by the court. But I believe that the better course is to seek swift reversal of the district court's order.

This veto is not premised on a desire to protect the Federal budget. It is based upon my conviction that the Constitution and its process of separated powers and checks and balances does not permit the judiciary to determine spending priorities or to reallocate funds appropriated by Congress. Those are exclusively the functions of the Legislative and Executive branches, and the use of judicial decrees to assume such powers raises problems of profound constitutional significance.

If finally ordered to pay additional funds to the Board of Education of the City of Chicago, the Federal government will of course do so. It is inappropriate, however, for a court to withhold millions of dollars worth of unrelated and necessary education programs to enforce its orders.

Under these circumstances, I must reluctantly veto this bill.

RONALD REAGAN.

THE WHITE HOUSE, August 13, 1983.