

Originally Processed With FOIA(s):
S

FOIA Number:
S

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Speechwriting, White House Office of
Series: Speech File Backup Files
Subseries: Chron File, 1989-1993

OA/ID Number: 13755
Folder ID Number: 13755-013

Folder Title:
Princeton University 5/10/91 [OA 8322] [10]

Stack:	Row:	Section:	Shelf:	Position:
G	26	21	4	1

Princeton University

Vice President for Public Affairs
223 Nassau Hall
Princeton, New Jersey 08544

April 3, 1991

To: Carol Blymire
From: Bob Durkee *BD*
Subject: Background for the President's Remarks

There are probably lots of things you would like to know that this letter and the enclosed materials will not tell you, but perhaps this will get you started. If you have questions or would like additional materials, please give me a call at 609-258-6428. (Should you ever need it, my home number is 609-924-8699.)

Honorary Degree Ceremony

We expect that the President's visit will begin in Nassau Hall, where he will be presented with an honorary degree. I have circled Nassau Hall on both of the enclosed maps, a large map that shows the new buildings being dedicated and a smaller, older map that does not. (The smaller map is in the booklet entitled, "Campus.")

Nassau Hall is the most historic building on campus. The College of New Jersey was founded in 1746 as the fourth colonial college (following Harvard, William & Mary, and Yale), but it did not move to Princeton until 1756. (It became Princeton University in 1896 at a ceremony in which a faculty member named Woodrow Wilson delivered the address and gave the University its motto of "Princeton in the Nation's Service.")

The two original buildings were Nassau Hall and what was then the President's home, now known as Maclean House. Nassau Hall included all the classrooms, dormitories, dining halls, prayer room, and everything else an infant college required. Nassau Hall also played a central role in the Revolutionary War Battle of Princeton, and housed the Continental Congress, making Princeton the young nation's capital for four months in 1783. I will say more about the building later when I turn to a fuller discussion of history.

The honorary degree ceremony will be brief (15-20 minutes). The Dean of the Chapel will deliver an invocation, the chairman of our Trustee Executive Committee (James A. Henderson, President of Cummins Engine) will deliver greetings, the degree citation

will be read, our President Shapiro will confer the degree, the President will be invited to make a brief response if he would like, and the Dean of the Chapel will pronounce a benediction.

Dedication Ceremony

Following the honorary degree ceremony, the President will be transported to Fisher/Bendheim Halls for a brief tour with the architect, the major donors, and the chairs of the relevant departments. Following the tour, the outdoor ceremony will begin.

The location from which the President will speak is marked by an X on the large map. Immediately behind him will be the two connected buildings that are being dedicated: Bendheim Hall, the new home for our Center of International Studies, and Fisher Hall, the new home of our Economics Department. To his right will be Corwin Hall, the home of our Department of Politics, and to his left is Robertson Hall, the home of our Woodrow Wilson School of Public and International Affairs. (Robertson Hall is the building that was dedicated by President Johnson in 1966.) The President will be looking out into the Woodrow Wilson School plaza toward the reflecting pool and its "Fountain of Freedom" sculpture. On the back of the "Campus" booklet, I have marked a photo that looks into the plaza from the opposite direction. In addition to sharing the plaza, Bendheim, Fisher, Corwin, and Robertson Halls are all connected by underground pathways, so this truly is an integrated complex for the several departments, at Princeton that explore affairs of state and the international order from a variety of disciplinary -- and interdisciplinary -- perspectives.

*last time sitting Pres.
spoke at Princeton*

(If you look one block to your right from Fisher Hall on the large map, you will see a space that I have marked with BB. When the President was an undergraduate at Yale, that was the site of the Princeton baseball field on which he played. It is now home to our Third World Center and our School of Engineering and Applied Science.)

The dedication ceremony itself will probably begin with words of greeting by Mr. Henderson and an invocation. President Shapiro then will speak for approximately ten minutes about the significance of the occasion, thanking the donors who have made these new and improved spaces possible and introducing the President (whom he knows from his service on the President's Council of Advisors on Science and Technology). Our hope is that the President will then speak for somewhere between twenty minutes and a half hour on a theme that draws inspiration from the teaching and research that will take place in these two new buildings: teaching and research spanning a broad range of

public and international affairs, but focusing on the development of an improved world order, evolving relationships among nations, and matters affecting both the domestic and the international economy. The ceremony will then conclude with a benediction.

The Spaces Being Dedicated

The focus of the dedication ceremony is on Bendheim and Fisher Halls. Although physically connected and sharing service facilities, the two halls are architecturally distinct and each has its own entrance. The two buildings provide a total of 50,000 square feet of space. (The enclosed, somewhat dated, pamphlet on the Center of International Studies shows an artist's conception of the building. The portion to the left, opening onto the plaza, is Bendheim Hall; the section to the right, with the multi-story bay area opening onto Prospect Avenue, is Fisher Hall.)

- **Bendheim Hall**, the new home of the Center of International Studies, is named for Robert A. Bendheim '37, long-time President of the textile manufacturing firm of M. Lowenstein & Sons.

- **Fisher Hall**, the new home of the Department of Economics, is the gift of Donald and Doris Fisher, co-founders of the Gap group of retail clothing stores, and their sons Robert J. Fisher '76, William S. Fisher '79, and John J. Fisher '83.

Also being dedicated are:

- **Jacoby Library**, in Fisher Hall, which will serve the Economics Department. It is named for Robert E. Jacoby '51, former CEO and Chairman of the advertising firm Ted Bates Worldwide.

- **Scudder Plaza**, the outdoor area immediately in front of the location at which the President will speak, was given in honor of Edward W. Scudder, Sr. '03 by his sons, Edward W. Scudder, Jr. '35 and Richard B. Scudder '35. The Scudders have had distinguished careers in newspaper publishing with The Newark Evening News and other papers. Note the description of the plaza in the enclosed booklet entitled, "Vistas."

- **The Vincent and Celia Scully Library** in Robertson Hall serves the Woodrow Wilson School. The library was renovated and named in honor of his parents by John H. Scully '66, a general partner of San Francisco Partners and Texas Partners, both affiliated with the Robert M. Bass Group. John Scully is currently a Princeton Trustee.

The architect for these projects is Robert Venturi '47 of the Philadelphia firm of Venturi, Rauch, and Scott Brown. Venturi is an important and internationally prominent architect who has designed two other major buildings in recent years at Princeton, both of which have received a gold medal from the American Institute of Architects. (See the photo just above the Wilson School plaza on the back of the "Campus" booklet.) I can provide more information about Bob Venturi if you think that would be helpful.

History

Unfortunately we have no history that seems exactly right for your purposes. But I will sketch some of the major developments here and then refer you to some of the enclosed materials. (The most useful of the enclosed materials probably will be the pamphlet entitled, "Princeton's President's: An Historical Sketch of the University." We are in the process of reprinting and updating this pamphlet, which was first produced in the mid-1970s, but we won't be changing anything prior to 1972. I also have included pamphlets on Nassau Hall, Princeton in the American Revolution, George Washington at Princeton, Einstein at Princeton, and Woodrow Wilson.)

As I mentioned earlier, Princeton University began as the College of New Jersey in 1746. We began in Elizabeth, moved to Newark, and in 1756 came to Princeton and Nassau Hall, the largest stone building in the colonies. The hall was named for England's King William III, of the house of Orange-Nassau, an ancestry that gave us not only the name of our principal building (and the main street in town), but later our school color of orange which, when striped with black, resulted in our mascot being the tiger.

Princeton's President John Witherspoon was the only clergyman and the only college president to sign the Declaration of Independence. Princeton became an important site during the American Revolution, with Nassau Hall at various times housing troops from both armies. After the war, as I indicated earlier, the Congress met in Nassau Hall for four months in the summer of 1783; it was here that they officially thanked Washington for his leadership during the war, received the news of the signing of the definitive treaty of peace with England, and welcomed the first foreign minister -- from the Netherlands -- accredited to the United States. At the Constitutional Convention of 1787 there were more alumni of Princeton than any other college or university: nine men representing six different states. The most prominent, of course, was James Madison (Class of 1771), who upon completion of his undergraduate studies had become Princeton's first graduate student. After serving as the fourth President of

the United States, Madison subsequently became the first president of our alumni association, from its founding in 1826 until his death ten years later.

The next critical period in Princeton's history occurred in the latter years of the 19th century when it was transformed from a college into a university. Much of this transformation can be attributed to President James McCosh, who left office in 1898. In 1902, Princeton named Woodrow Wilson its President, and during the next eight years much of the foundation of modern-day Princeton was developed. It would be almost impossible to overestimate Wilson's impact on shaping today's Princeton. From Nassau Hall, Wilson went on to become Governor of New Jersey and then President of the United States.

In recent years, Princeton has solidified its position as one of the world's leading universities, while also substantially diversifying its faculty and student body. (Like Yale, we have been coeducational since 1969.) Many of Princeton's departments rank either as the best or among the best in the world. (Our strengths range from mathematics, economics, and physics to philosophy, history, and African American Studies.) But Princeton is unique among research universities in the following respects:

(1) It is much smaller than other major research universities. We have only 4,500 undergraduates and 1,800 graduate students. They come from every state and some 70 foreign countries.

(2) Our proportion of undergraduates is unusually high, reflecting a traditional commitment to the education of undergraduates that is much more characteristic of a college than a university. Each senior at Princeton is required to submit a thesis or comparable project.

(3) Almost all of our graduate students are candidates for the Ph.D. (as opposed to master's or professional degrees) and almost all of our departments are in the arts and sciences. Our only professional schools are engineering, architecture, and public and international affairs; we do not have schools of law, medicine, business, divinity, education, etc.

So we are a relatively small, primarily arts and sciences university with a special emphasis on undergraduate education in a strongly residential setting (95+ of our undergraduates and 70+ of our graduate students live on campus) populated by faculty at the very top of their fields and students who survive one of the most competitive admission processes in the country. (This year we admitted 15.9% of our undergraduate applicants.)

Our graduates typically assume positions of leadership in a variety of fields. In the Department of State, for example, post-World War II Princetonians have included Secretaries James Baker '52, George Shultz '42, and John Foster Dulles '08, as well as undersecretary Nicholas Katzenbach '43. Jim Baker also served as Secretary of the Treasury; George Shultz served as Secretary of the Treasury, Secretary of Labor, and director of OMB; and Nick Katzenbach was Attorney General. Other recent Princetonians of Cabinet rank have included Frank Carlucci '52, Donald Rumsfeld '54, William Ruckelshaus '55, John Sawhill '58, and Admiral William Crowe *65, former chairman of the Joint Chiefs of Staff. Ruckelshaus and Sawhill are current Trustees and Admiral Crowe will be our baccalaureate speaker at this year's Commencement. Five members of the United States Senate are Princeton graduates (Pell '40, Sarbanes '54, Danforth '58, Bond '60, and Bradley '65), as are two recent Governors of New Jersey (Byrne '49 and Kean '57). Two other "politically prominent" alumni are Queen Noor of Jordan (Lisa Halaby '73) and the Foreign Minister of Saudi Arabia (Saud al Faisal '64).

Altogether, 18 Nobel Prize winners have been associated with Princeton in one way or another. Other names of prominent alumni include two-time Democratic presidential candidate Adlai Stevenson '22; six-time Socialist candidate Norman Thomas '05; ambassador and author George Kennan '25; former Federal Reserve Chairman Paul Volcker '49 (currently on our faculty); Librarian of Congress James Billington '50; television producer and former State Department spokesman Hodding Carter III '57 (a current Trustee); political commentator George Will *68; Good Morning America host Charles Gibson '65; actor Jimmy Stewart '32; actress Brooke Shields '87; authors F. Scott Fitzgerald '17, Eugene O'Neill '10, and Booth Tarkington '93; producer Joshua Logan '31; artist Frank Stella '58; astronaut Charles Conrad '53; former baseball commissioner Bowie Kuhn '48; John D. III ('29) and Laurance ('32) Rockefeller; Malcolm Forbes '43; Carl Icahn '57; and Ralph Nader '55. The enclosed list includes a few other names. In addition, I thought you might be interested in a collection of alumni profiles published two years ago by our student newspaper under the title, In the Nation's Service. (One of the 26 alumni in the book is Robert Venturi, the architect for the buildings being dedicated.)

In addition to the materials already mentioned, I enclose a copy of President Shapiro's annual report for this year on the topic of "Teaching at Princeton." Among other things, it includes a brief historical perspective that you may find of interest. I also have enclosed a book called Conversations on the Character of Princeton that may provide some useful perspectives. Finally, I enclose a booklet of basic facts and figures entitled, "A Princeton Profile;" some further background on the Woodrow Wilson School and the Economics Department; and some general introductory materials from our Admission Office.

- 7 -

Please call if there is other information that you want or need. As I hope you know, we of course will be delighted with any favorable references that the President is able to make to Princeton. But our even greater hope is that the President will see this event as an opportunity to develop and extend the ideas about the role of the United States in a new world order that are emerging as central themes and goals of his presidency.

Thanks for your help!

REAGAN AND BUSH: EXECUTIVE ETHICS

President Bush made his first week in office "ethics week." In his first public speech after the Inaugural Address he urged his audience to pursue missions of public service proudly and unselfishly. He empaneled an outside commission of experts to review the ethics rules for the executive branch (as well as Congress) and to provide recommendations for reform. He convened his top aides and advised them to adhere to the highest standards. He admonished them not to talk out of school to the news media; he asked them to follow ethics laws applying to the executive branch. When during his first month in office, two of Bush's closest associates -- White House Counsel Boyden Gray and Secretary of State of James Baker -- came under ethics criticism involving their personal finances, both officials quickly altered their situations in order to satisfy relevant rules. All of this "was in welcome contrast to recent [i.e., Reagan] history," intoned an approving Washington Post.

A cynic might argue that Bush's early emphasis on ethics was designed simply to score political points with the Washington political culture.¹ Yet objectively considered, the effort Bush commenced during his first week is what a President who takes his office seriously must do. Simply put, the execution of office

requires that a President take responsibility for a certain kind of ethics. This responsibility has existed since the presidency of George Washington. The intervening years, particularly the past three decades, have supplied additional content to the ethics that is today in a President's care. "We are in a new era on these matters," President Bush has said, correctly. It diminishes this ethics to identify it strictly with "government ethics." It is broader than that, and more demanding that. It deserves a new term: executive ethics. And for the President as well as those who work under him, it requires a certain kind of character -- executive character.

I

The Constitution vests the executive power in a single person, the President. The framers rejected the idea of a "plural" executive -- one made up of several persons, a council or committee -- precisely because it diffused responsibility, thus making it more difficult for the people to precisely fix accountability for exercises of the executive power, which are necessarily controversial. As Alexander Hamilton put it, a plural executive "tends to conceal faults and destroy responsibility." Thus, by constitutional design, the President alone is responsible for exercises of executive power. But the President cannot do his job alone; he must have assistants. And they must be his assistants. As Charles Thach put it in his classic study of the presidency, the President must have the

"sole right" to administrative headship, i.e., the sole right to appoint and control principal officers. It follows that these officers are ultimately the President's responsibility. James Wilson, whose influence on the creation of the presidency was substantial, put it simply: The President is "responsible for every nomination he makes."²

What, in regard to his nominees, is the President responsible for? The answer, in the broadest sense, is their behavior. This includes behavior in the specific terms of the job, that is, the competence of the officer in performing the assigned work. Thus, if someone is simply not doing the expected job, he is a candidate for replacement; when President Bush replaced Education Secretary Lauro Cavazos with former Tennessee Governor Lamar Alexander, he was taking due responsibility. No one claimed, of course, that Cavazos's conduct was unethical or criminal. Had such charges been made, however, Bush would have been responsible for addressing them; a President's responsibility for his subordinates' conduct in office extends to actions subject to judgment by the growing body of ethics law, both criminal and civil. It is this body of law that defines what is conventionally known as "government ethics," and in recent years it has generated numerous ethics cases, not to mention major controversy.

To say the President is responsible for the behavior of his aides in terms of the ethics laws is not to say that the President is personally responsible for malfeasance he is not a

party to; Ronald Reagan could not be prosecuted for the charges on which Oliver North, for example, was indicted. But the President is responsible for responding to and appropriately dealing with charges of malfeasance made against his chief aides. This is not the President's only or highest duty, of course. But most cases of alleged misconduct do not involve national security or other higher duties. That is why, in most cases, allegations of malfeasance demand resolution on their own terms. In most cases, the issue for a President is, or should be: "How should I respond on the merits to this allegation?" The answer is, it depends. It depends on many things, beginning with the specificity, credibility, and seriousness of the allegation. But the one invariable is the President's responsibility for responding to the allegation; even under the independent counsel law, the President has (albeit minimal) some duty. Whatever has happened, has happened on his watch. Under the Constitution and in accord with its design, it is equally an execution of office to fire an incompetent Cabinet official as it is to investigate charges of an official's misconduct and take appropriate action.

The Constitution explicitly commits to the President the responsibility of taking care that the laws are "faithfully executed." In light of the large body of statutory and regulatory law developed over two centuries, the Take Care Clause has important implications for the President and his responsibility for dealing with alleged misconduct. There are three kinds of law the President is responsible for enforcing

upon executive officials: law applying to all citizens; law applying to all government officials; and law applying only to the executive branch or only to certain parts of it.

No President could be expected personally to enforce this body of law everywhere in the executive branch. Long ago Presidents turned to subordinates to handle most allegations of misconduct, pursuant to the relevant law, whether civil or criminal, whether statutory or regulatory. Today, there are numerous ethics and other "watch-dog" agencies within the executive branch, employing hundreds of investigators. While only the exceptional case comes, or should come to the President, how the President views appropriate conduct in office has an impact on attitudes and behavior "down below." In this regard, Bush's quick resolution of the ethics issues involving top aides Boyden Gray and James Baker sent a message down through the administration. The very fact that Gray and Baker, both close to Bush, had to change their ways showed officials throughout the Bush administration that there were, as Gray put it, "no favorites here."³

The Constitution does not leave executive ethics entirely to the President. Congress exclusively possesses the impeachment power, and through its use and other means it can attempt to expose malfeasance and prod Presidents and Cabinet members to do their duties under the relevant law. Of course, as the full stretch of our political history shows, Congress can also take unjustified "ethics" aim, often for purely partisan reasons, at a

President or a Cabinet member.

Still, it is the President who has the immediate responsibility for executive ethics. When President Washington confronted his Secretary of State with charges of treasonous behavior and fired him (unjustifiably, as it turned out), he was acting in accord with this understanding of presidential duty. So was President Garfield, almost a century later, when he insisted that his Attorney General investigate criminal charges against his presidential campaign manager (who was indicted and ultimately acquitted). So was his successor, President Cleveland, when he demanded a conflict-of-interest investigation of his Attorney General (who was not charged with any wrongdoing). So was President Theodore Roosevelt, when he forced the resignation of the commissioner of the General Land Office, upon learning that he had suppressed reports of a land-fraud ring. And so was President Coolidge, when he fired his Attorney General on grounds of misconduct. There are many examples, just as there are many examples on the other side, as consider Presidents Buchanan, Grant, and Harding, who were generally lax when it came to responding to alleged misconduct on the part of top-ranking aides.

II

No administration since the American founding has escaped charges of misconduct as defined by contemporaneous ethics norms. But prior to the Nixon presidency, such allegations -- and even

the realities -- were for the most part a minor feature of political life. In Responses of the Presidents to Charges of Misconduct historian C. Vann Woodward compared them to "a slight cold or a passing headache."⁴ Grant's ethics headache was more than that and had much to do with his political demise. But the fact remains that executive-branch malfeasance never led to a President's resignation from office -- until the tenure of Richard Nixon. Nixon had the bad luck of being President during a political tide that swept against executive power. Indeed, it may well be that the "slight colds" experienced by previous Presidents would have led to terminal illnesses had they served when Nixon did. The fact is, the political environment in which Presidents now must execute the office in regard to ethics is significantly different from previous ones. As President Bush said, "We are in a new era." Those who would intelligently cope with it must first understand it.

What helped produce the new era was distrust of the presidency itself. Wariness of executive power has been a feature of American political life since the creation of the presidency in 1787. But the depth of distrust in the late Sixties and Seventies was unprecedented. In part, the distrust grew from the general skepticism about authority that characterized the Sixties. In part, too, it was fueled by the great cleavage of passion about the Vietnam War, which was registered in an unprecedented turn in White House press relations. By late 1967, according to James Deakin of the St.

Louis Post-Dispatch, "the relationship between the President and the Washington press corps ha[d] settled into a pattern of chronic disbelief." This did not change with Nixon's election; indeed, because he was more conservative than Johnson, Nixon was especially despised in certain influential circles. The fact that he got the smallest proportion of the popular vote of any President since 1912 led many political elites to deny his legitimacy as President and attempt to annul the election result. Columnist David Broder perceptively wrote in 1969 that "the men and the movement that broke Lyndon Johnson's authority in 1968 are out to break Richard M. Nixon . . . The likelihood is that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around." Nixon's participation in the cover-up of the nation's most notorious "third-rate burglary" made the task even easier. Watergate came to stand not simply for small crime but an attack on constitutional liberties. It not only drove Nixon from office but fed the growing distrust of the presidency as an institution. The balance of the Seventies was devoted to institutional reforms largely directed at the "imperial presidency." The three most important were: the Budget and Impoundment Control Act, the War Powers Resolution, and the Ethics in Government Act, which established, for the first time ever, a system of court-appointed special prosecutors (later called independent counsels) to investigate allegations of executive-branch wrongdoing.

As discussed in the previous chapter, the firing of Special

Prosecutor Archibald Cox was the specific event that led to the special prosecutor law. The stated theory behind the law was that the nation needed a way of insulating a special prosecutor from presidential interference. Significantly, the new law effectively required investigation of allegations that in ordinary circumstances would not have been pursued. And it empowered special prosecutors as no ordinary prosecutor ever had been. The new system of special prosecutors -- who came to be called independent counsels in 1983 -- reflected not just the deep distrust of the presidency but also a belief that every last bit of executive malfeasance should be uncovered and punished, virtually without regard to other considerations. Indeed, in the Seventies, finding and prosecuting executive vice became an almost absolute good in our political culture.

The unprecedented distrust of the presidency coincided with an increasing concern about conflicts of interest. Such concern proceeds from an unassailable principle, namely that public office is a public trust.⁵ Regulation against conflict of interest thus is regulation before the event. It is an effort to prevent the actual crime of violating the public trust. More precisely, it is an effort to prevent the temptation that might lead to such crime. One can go to exceptional lengths to prevent this kind of temptation; Plato forbade his philosopher kings from holding any personal economic interests whatever. But any society that focuses on conflict of interest is likely to be relatively healthy; a society worried about a coup d'etat might

laugh at ethicists inveighing against conflicts of interest.

Concern about conflict of interest was evident in the original Constitution, which -- to cite two obvious examples -- forbids members of Congress from accepting government positions where the "emoluments" of office "shall have been encreased" during a member's term, and from accepting "any present, Emolument, Office, or Title . . . from any King, Prince or foreign State." The former provision eliminates the possible conflict a member might have between his own financial interest and the public interest. The latter eliminates the possible conflict a member might have between the American interest and a foreign interest. Both provisions, in different ways, stand as sentinels protecting the interest of the United States. Similarly, the first Congress passed law forbidding the Treasury Secretary from investing in government securities, thus foreclosing any possible conflict of interest that might arise between the official's public and personal financial interests. Not until 1853, however, in response to the then prevailing "spoils system," did Congress enact the first major conflict-of-interest law. That was the first of five such laws passed over the next 20 years. Most of the provisions, all of which applied to members of the executive branch but only a few to Congress, imposed criminal penalties. After World War II public concern about conflict of interest intensified, thanks in large part to the growth of government and its expanding reach into the American economy. In 1951 a Senate subcommittee recommended a

tightening of conflict of interest restraints. And in 1953 the Senate Armed Services Committee forced Charles Wilson, president of General Motors whom President Eisenhower had nominated as Secretary of Defense, to dispose of his GM holdings as a price for confirmation. Other Eisenhower officials were subject to heightened ethics scrutiny by Congress and the media. The most famous (or infamous) of these was Eisenhower's chief of staff, Sherman Adams, who in 1958 eventually resigned office after months of questions about his relationships with a New England financier. A sign of the times, in 1960 Harvard University Press published Conflict of Interest and Federal Service and in 1961 a companion volume, Federal Conflict of Interest.⁶ The first was a comprehensive study of conflict of interest law, the second a digest of same. The books, which remain the most important in their field, provided the learning essential to the 1962 recodification of the conflict of interest statutes.

In 1965 President Johnson issued Executive Order 11222, still in effect. The order covers a broader range of conduct than the criminal law and applies throughout (and of course only to) the executive branch. Entitled "Standards of Ethical Conduct for Government Officers and Employees," it says that officials should "avoid any action, whether or not specifically prohibited . . . which might result in, or create" -- and here is the important phrase -- "the appearance" of "using public office for private gain"; "giving preferential treatment to any organization or person"; "impeding government efficiency or economy"; "losing

complete independence or impartiality of action"; "making a government decision outside of official channels"; or "affecting adversely the confidence of the public in the integrity of the government." Executive Order 11222, since revised, established a new standard -- a demanding if often standardless standard (demanding because it can be standardless) -- against which executive branch conduct could be "measured" by not only formally designated ethics authorities but also the media. The order officially ratified "appearances" -- and especially the appearance of a conflict of interest -- as a matter of official concern.

President Carter sought to further eliminate conflicts of interest and their appearances from the executive branch. Vowing to "restore the confidence of the American people in their own government," Carter laid down strict conflict-of-interest guidelines for top appointees, covering public disclosure of financial assets, divestiture of assets that could create conflicts of interest, and restrictions on post-government employment. Taking the lead, Carter placed most of his financial holdings in a trust and leased his farmland and the family business, the point being, as Carter himself said, to ensure that "whatever happens here in Plains, based on my decisions concerning agriculture, will not affect my income one way or the other." Plato would have demanded more, but as it was Carter went further than any previous President ever had. Congress codified the Carter guidelines in the Ethics in Government Act.

Parallel with these developments was a related one.

Regulating against conflicts of interest or even their appearance could not be done without public knowledge as to what they might be. Disclosure of relevant information thus was necessary. The 1965 executive order required Cabinet-level and other top advisers to file with the Civil Service confidential statements listing ownerships, stocks, and other sources of income. In 1971 the White House started requiring presidential appointees to submit confidential financial statements and information on future employment agreements. Meanwhile, some Senate committees began asking prospective appointees -- the nominees they would have to pass on -- to fill out financial questionnaires. Until 1978, however, the amount of disclosed information actually put into the public domain was small. The Ethics in Government Act not only required more information but also total disclosure. And not only presidential appointees but also other high-ranking executive officers were required to file. An officer now had to report, among other things, the source, type, and amount of earned income other than government salary, various facts about personal and even family finances (involving real estate holdings, stocks, bonds or other securities), and any "gifts" of transportation, lobbying, food or entertainment. The new law also defined the requirements of a qualified blind trust and created an Office of Government Ethics within the executive branch for the purpose of determining (among other things) whether proposed trusts of this kind were bona fide. Here the

new law provided for various civil penalties, including fines for those who knowingly and willfully falsified a report or failed to file. The reports were to be reviewed by designated ethics authorities and corrected as necessary before, of course, being made available to the public through the news media.

Absent a media ready to report the disclosed information and generally pursue charges of executive misconduct, the "new era" might not have emerged. Watergate occurred at a time in which the national news media, and television in particular, was experiencing a rise both in prestige and influence that had begun in the Sixties, with the Kennedy presidency. Watergate accelerated the media's rise, ratifying journalism's self-described role as the watchdog that exists to ferret out official wrongdoing. No longer did members of the Fourth Estate operate as some had in the past, as unacknowledged but proud adjuncts to the executive branch.⁷ Watergate ended any possibility that journalism would maintain that posture. Henceforth journalists tended to be adjuncts to the criminal justice system and the ethics agencies. Sharing the leading characteristic of the new environment -- distrust of the executive -- they tended to join the ranks of the new ethics police that enforced the "law" against the Presidents and their aides. That these were Republican Presidents, almost exclusively, made the watchdog role more attractive to the many Washington journalists with liberal political sympathies. Summarizing a trend, Richard Harwood of the Washington Post wrote in 1989 that after Vietnam the "press

drifted into a relentlessly adversarial and hostile posture toward the presidency" even as it began to regard Congress in a better light. Because of "its role in opposing the war, in forcing the resignation of Richard Nixon and in other crusades and endeavors," said Harwood, Congress "became in the minds of many journalists the White Knight of Washington, the last, best bulwark of democracy."⁸ That many of the ethics laws (not to mention civil rights and other laws) did not apply to Congress did not interest a media aiming to expose malfeasance in the executive branch.

One provision in the Ethics in Government Act of 1978 well symbolized the new era in government ethics. This was the provision making it a crime for a former government official, during his first year in the private sector, to lobby his former agency on any issue in which he had "personally and substantially" participated. The most important addition to the conflict of interest laws since their recodification, this provision applied only to the executive branch.

The Carter administration had its own troubles in the new ethics culture. The Management and Budget Director, Bert Lance, had difficulty complying with Carter's ethics guidelines and eventually resigned office following a congressional investigation into his finances. Two of Carter's closest aides - Chief of Staff Hamilton Jordan and 1980 campaign advisor Tim Kraft -- became the first individuals to be investigated under the special prosecutor law (for allegedly using cocaine, charges

that ordinarily would not have been pursued). In 1979, the Carter Justice Department appointed a special prosecutor to investigate the Carter Peanut Warehouse Case, which involved the President's brother, Billy Carter. (There was no prosecution.) In an earlier day, Lance probably would have been confirmed, Jordan and Kraft would not have been investigated, and Billy Carter would have been left alone. Ironically, the new era in created scandal.

III

Ronald Reagan did not undertake to execute the presidential office in regard to executive ethics; he had no strategy for coping in the new era, and his young administration was soon bewildered by it. In his history of the first two Reagan years, Laurence Barrett of Time magazine observed that "if you judged only by the headlines, the Reagan administration supplied as much grist as the scandal mills of Washington could handle."⁹ For example, a \$1,000 gratuity intended for the First Lady was intercepted by the President's first National Security Adviser, Richard Allen, placed in a safe, and then apparently forgotten; a small amount of money, and no apparent evil, but the administration had an "appearance" problem. Another example: Attorney General Smith, who accepted a \$50,000 severance bonus from a steel company. Smith had served on its board of directors, but Smith took the money soon after becoming Attorney General -- an act of jaywalking in the new era. Smith quickly

returned the money once the stories cascaded in upon him, explaining that he wished to "dispel all of the concerns raised in the press." Also, an independent counsel was named -- the first in the Reagan years -- to review corruption charges against Labor Secretary Ray Donovan (relating to matters occurring before he took office). Still, as Barrett put it, the first Reagan years contained no "red-meat scandal," no Watergate.¹⁰

In 1984, the new ethics era began manifesting a more political side as congressional Democrats used charges of malfeasance as political tools against the Reagan executive. The Democratic majority on the House Judiciary Committee composed a 1200-page report on congressional testimony given by the Justice Department's Theodore B. Olson that led to an independent counsel investigation (but no prosecution). Edwin Meese, Reagan's choice to succeed Smith as Attorney General, had his 1984 confirmation hearings effectively postponed for a year because of allegations of wrongdoing first made by Senate Judiciary Committee Democrats. An independent counsel reviewed some 11 charges involving Meese's financial affairs and his financial disclosure forms, finding no basis for prosecution.

The administration endured much rougher ethics weather in the second term. In 1986, Michael Deaver and Lyn Nofziger, both now in the private sector, were accused of violating the 1978 addition to the criminal code that prohibited lobbying within a year after leaving the government; independent counsels were duly appointed, and Deaver was eventually convicted of perjury.

Nofziger was convicted of violating the new post-government lobbying ban. On appeal, his conviction was overturned; the court ruled that the anti-lobbying law was vague. In the final years of the Reagan administration, there was the independent counsel investigation of Iran-Contra (discussed at greater length in the next chapter) and a second independent counsel investigation of Ed Meese. (In 1990, an independent counsel was named to investigate allegations made against Samuel Pierce, Reagan's Secretary of Housing and Urban Development, where serious crimes of embezzlement and theft were committed by political and career officials alike.¹¹) The partisan criticism of Reagan increased. In 1987 Sen. Dale Bumpers declared, "I doubt seriously whether any administration has had more people leave under disgrace or indictment." In 1988 Rep. Patricia Schroeder put out a list of 242 "individuals appointed by or serving in the Reagan administration who have been the subject of charges of unethical conduct."¹²

Had Reagan known about his own eight years in office what Bush was able to observe, he might have executed the office in regard to ethics as Bush did, announcing early on an "ethics week," giving a major public speech (employing his rhetorical presidency), insisting on the most ethical conduct from his top aides, and emphasizing that they should insist on the same from their subordinates. Leadership of this kind would not have prevented the special prosecutor investigation (commenced in late 1981) of Labor Secretary Raymond Donovan, because the conduct at

issue occurred before Donovan entered the government. On the other hand, the kind of concerns that would have led Reagan to adopt an such an ethics strategy might have led him to appoint someone other than Donovan. In any event, it is probable that such a strategy would have worked a preventive effect. Putting to one side the Iran-Contra affair, whose complicated roots include presidential failure to administer foreign policy and bitter political division between Congress and the executive over Central America (and which is discussed in the next chapter), whether all of the other "ethics" problems would have been avoided is obviously doubtful. One reason is human nature. Another is that the ethics culture in the Eighties was such that almost all the precautions imaginable would not have prevented certain things from happening. The obvious example is the independent counsel investigation of Theodore Olson, who served as one of Reagan's top legal advisers from 1981 through 1984. Olson was investigated solely as a result of congressional testimony he gave regarding an assertion of executive privilege; there was never a hint of any personal corruption on Olson's part. Congressional Democrats effectively compelled a criminal inquiry that but for the political use of the independent counsel statute would never have occurred. Still, had Reagan exerted some leadership, he would almost surely have prevented some of the problems his administration later encountered, which did weaken his ability to govern. Reagan's personal involvement often made a difference with those below him, and there is no

reason to think it would not have here. A Reagan gospel on executive ethics might have fostered a different atmosphere within the administration. The virtues necessary to avoid ethics violations, as defined in the "new era," might have been in greater supply. There would have been more awareness of the ethics rules, more caution about actions subject to unfriendly interpretation, more prudence in the way relationships were carried on with private friends and associates. In short, there would have been more displays of common sense, more instances of good judgment, more executive character.

To say that Reagan should have executed the office in this fashion is, of course, to ask for a different President. Ethics, for Reagan, suggested the problem of big government. In speech after speech, over three decades, Reagan had observed that big government resulted in waste, fraud, and abuse. Reagan had a point, but he was unable to admit the possibility of malfeasance or even of poor judgment on the part of those who worked for him. Reagan biographer Lou Cannon observes that Reagan "assumed that everyone who worked for him was of the highest caliber."¹³ That is why Reagan felt he did not need to remind them to behave ethically or act wisely. And when his aides were investigated on ethics grounds, Reagan typically defended them by saying that the allegations constituted an attack on him. There was truth in that, but not the total truth.

Lou Cannon has well summarized Reagan's views. "Whenever I put the ethics question to him," Cannon told me, "Reagan

responded in one of two ways. He either talked about the size of government and the need to cut it down. Or, as he did in the cases of Donovan and Meese, he dismissed the allegations as attacks upon him that are politically inspired."¹⁴

IV

The two ethics cases involving one of Reagan's closest aides, Edwin Meese III, suggest both the nature of the new ethics era and the kind of virtues needed to avoid entrapment in it.¹⁵ Here is material to reflect on -- for Presidents and their aides alike.

We see, to begin with, the often partisan nature of the new era in the first Meese investigation, in 1984. For had Meese not been nominated to succeed Smith, he would not have come under formal ethics scrutiny; his political opponents in Congress would not have been motivated to call for one. At the same time, Meese's own actions, when measured by the new standards, gave his opponents an opportunity. Meese's wife had borrowed \$15,000, interest-free, to buy stock. Meese had failed to report the loan on his financial disclosure forms. Meese also had offered the man who lent the money a job as one of his White House assistants. The independent counsel found no evidence that this and other loans the Meeses got from various people who later got federal jobs were bribes for the positions. Meese meanwhile drew lessons for himself. This experience, he said in a public statement, "has taught me a great deal about the special

circumstances of official life in Washington and the need for constant vigilance and sensitivity, not only to actual conduct but also to how conduct may be perceived." During the confirmation hearing in early 1985, Meese sounded the same themes as he told the Senate Judiciary Committee that he had learned a great deal "about how people view things, or how people might view things."

And I can assure you [Meese continued] that I have a much higher level of sensitivity to these matters now than I did when I arrived in Washington. And I can assure you that I would take great pains to avoid any kind of a situation or circumstance that might give rise to a misunderstanding or a misinterpretation of my acts or what I intended.

Meese had been inattentive to ethics rules and, by his own admission, insensitive to "appearances." He had offered a job to someone to whom he and his wife were in debt, an offer that could be construed by others in a negative light. Obviously, the better judgment would have been to avoid a relationship subject to harsh assessment.¹⁶ In sum, Meese had been sloppy; he had, in effect, left a shirt-tail hanging out -- where it was easily reached by political opponents.

Ironically, before Meese spoke his repentant words before the Judiciary Committee, he already had behaved in a way that

would in time attract the attention of a second independent counsel. While White House Counselor in 1981, Meese was approached by his close friend, E. Robert Wallach, who asked him to help a private corporation, the Welbilt Electronic Die Corporation (later called Wedtech) obtain a government contract. Meese agreed to help, and through his aides, assisted Welbilt in procuring the contract. In early 1987 officials of that company who had pleaded guilty to certain crimes tried to implicate Meese in the scandal then enveloping Wedtech. In May 1987 Independent Counsel James McKay began an investigation into whether Meese had violated federal conflict of interest laws. By late fall McKay had substantially concluded his inquiry. Still, consistent with the post-Watergate impulse to investigate exhaustively, as would not have been done in ordinary circumstances, McKay broadened his inquiry into other aspects of Meese's public and private life, most of them involving his friend Bob Wallach, who in 1989 was convicted and sentenced to six years in federal prison for Wedtech-related activities.¹⁷ Various new questions were probed over the winter of 1987 and the spring of 1988; media leaks became routine. Here was another characteristic of the new ethics era: the tandem-like probing of an individual by the independent counsel and the press. Meese endured a media trial of sorts, without the ability to present in any orderly way his side. Finally, in July 1988, when McKay filed his sealed report with the special court, Meese held a press conference to announce both his complete "vindication" and intention to resign. When

the McKay report was unsealed, however, the public learned its conclusion that Meese had "probably" committed crimes (notably, and characteristically of the new ethics era, the putative crimes were not related to the original Wedtech inquiry) but that prosecution was not warranted.¹⁸ Soon thereafter a former Meese aide, William Weld, who headed Justice's Criminal Division until early 1988 (and is now Governor of Massachusetts), told a Senate panel that had he been the prosecutor, he would have presented the case for indictment. In early September, the Office of Government Ethics, apparently infuriated by Meese's use of the word "vindication," issued a lengthy statement drawing on Executive Order 11222. OGE faulted Meese for, among other things, "inattention" to new ethics rules and a failure to take "care" that "acts are not misinterpreted." "A major purpose of this memorandum," said OGE, "is to remind and inform that simply avoiding criminal conduct is not the mark of public service. The duties imposed by non-criminal standards are far harder to discharge. They may even be strange and seem overly restrictive . . . [but] they must not be ignored." Finally, at the end of 1988 Meese's successor, Richard Thornburgh, issued the Justice Department's own internal ethics agency's report, which concluded that Meese violated both Executive Order 11222 and the Department's own Standards of Conduct.

Had Meese exercised better judgment in his relationships with Bob Wallach, the second independent counsel investigation probably would not have been triggered. The supplication of a

close friend is often the most easily acted upon and the least easily resisted. Yet what is done for a friend by an executive branch official can lead to enormous problems, particularly in the new ethics era.

Meese's experience raises the critical question for a President of whether a top aide should remain in office while under official investigation, especially by an independent counsel. At the outset of McKay's investigation Meese announced that he would stay in office during its pendency. This decision reflected Reagan's judgment that an official should not resign unless indicted. And this judgment in turn reflected a principled consideration: That no one should be driven out of office on the basis of mere allegation, that there is a due process that ought to be observed, and that to abort this process by premature resignation might be understood as an admission of guilt. Having taken the position he did, Meese could not have resigned before McKay concluded his work. The question for the future is not whether Meese should have resigned but whether the Reagan principle is sufficient for deciding future cases like Meese's. Staying in office, as Meese did during the 14 months of the investigation, served the Reagan principle, but it also had negative consequences that future Presidents must weigh in the balance.

An obvious one is that remaining in office while under formal investigation can incur damage to personal reputation greater than what otherwise would be endured. The incentive to

leak and publish leaked information is not as strong when the target of an investigation is no longer in office. A second consequence -- and, from the standpoint of the presidency, a more important one -- is that the officeholder's institution can suffer. On December 1, 1987, when McKay had basically concluded his inquiry into the Wedtech matter, Meese's attorneys asked that he announce the end of the investigation. They argued that it was "in the national interest that public speculation over the prospects of the person occupying this office be laid to rest promptly. The Attorney Generalship and the Department of Justice would be improvidently harmed if public speculation is permitted to endure any longer than is absolutely necessary." Meese's attorneys thus recognized that the person cannot be separated from the position, that investigation of the leader of a Cabinet agency can damage the institution. That happened. The harmful impact of the investigation and speculation was less on routine work than on the Department's ability to advance initiatives -- to govern. In a previous chapter we observed that the White House, because Meese was under investigation, did not allow him to manage the Bork nomination, as otherwise would have happened. The administration did not have its fullest amount of energy in the executive. National Review well summarized the problem when it observed that the Justice Department's ability under Meese to push "good causes and good people" was "nil."¹⁸

Meese's presence in office also became an increasing political liability to the President, and the liability

effectively transferred to George Bush in his bid for the presidency. To Meese's credit, and the Bush campaign's relief, he resigned at the earliest possible opportunity. McKay filed his report two weeks before the Democratic Convention; had McKay not done so, and had Meese still been in office through July, the Democrats would have made more of an issue of the Republicans' Attorney General. Meese refused to concede that his resignation had anything to do with the Bush campaign or that he had been asked to step down by Bush or his aides. Peter Teeley, Bush's press secretary at the time, says the campaign definitely wanted Meese out of office.²⁰ Whatever Meese's motivations for leaving office, an action can be judged by its consequences; his departure was an act of executive character.

Future Presidents will surely want aides who leave office at least when Meese did; on the other hand, future Presidents may wish to revise the Reagan policy by announcing, at the start of their administrations, that aides under independent counsel investigation must take a leave of absence for the sake of energetic government.

Meese could have served 58 months as Attorney General, from March 1984 to January 1989. He lost the first 11 months because of the first investigation. Some 14 months of his actual tenure were spent under the cloud of the second investigation. And he left office five months before the end of the administration. Thus, Meese served 28 months free of any investigations of him; 28 out of 58, less than half. His public career, limited in

length and effectiveness by ethics inquiries, stands as a sobering reminder of the importance of good judgment in the new era.

V

As the foregoing analysis suggests, there is another kind of behavior that a President is responsible for. This is behavior that compromises the conditions of energetic government. Incompetence on the job and malfeasance as defined by the ethics law (and charges of same) can do that; the Nixon administration was less energetic as a result of Watergate, to say the least, and we have already noted the loss of energy in the Reagan presidency resulting from the Meese inquiries. But other kinds of behavior also drain away energy. For example: Presidential aides who speak without authority either to Congress or the media. While responding to and appropriately dealing with such conduct is no easy task, the President who takes his office seriously will recognize this as his responsibility.

David Stockman was the child prodigy of the Reagan administration. Only 34 and already a two-term Congressman when President Reagan appointed him in 1981 to head the Office of Management and Budget, Stockman managed within his first weeks on the job to conduct a comprehensive review of the Fiscal Year 1982 budget and to secure approval for much of it on Capitol Hill. Drawing on his enormous knowledge of the budget and huge reserves of energy, Stockman, a libertarian conservative, rapidly became

the President's central economic policy maker and was widely seen as one of the administration's most able figures. Newsweek, in a typical accolade, marveled at his "buzz-saw intellect." By year's end, however, Stockman had become a different story. It transpired that from December 1980 through September 1981 Stockman had periodically eaten breakfast with the Washington Post's William Greider at the Hay Adams Hotel, a block from the White House. Over eggs and bacon Stockman shared with Greider his private thoughts about the effort to enact the President's tax and spending policies. The result was an article in the December 1981 Atlantic Monthly that revealed Stockman's concerns and doubts about Reaganomics and his frustrations with the political process.²¹ "None of us really understands what's going on with all these numbers," he told Greider at one point. "Kemp-Roth was always a Trojan horse to bring down the top [marginal income tax] rate," he also said. And: "It's kind of hard to sell 'trickle down' . . . so the supply-side formula was the only way to get a tax policy that was really 'trickle down.' Supply side is 'trickle down' theory." "The Education of David Stockman," as the article was headlined, was Stockman's statement -- some would say confession -- that the very economic program he had worked to establish was flawed. A gleeful Gary Hart read the entire article into the Congressional Record as soon as it became public, on November 10. The piece stunned Stockman's administration colleagues, but he was not asked to leave. Stockman grew obsessed with the mounting budget deficits, issuing

apocalyptic warnings about their impact upon the economy. He became the administration's leading exponent of tax increases to close the widening gap between outlays and receipts. Finally leaving office in 1985, he published the following year The Triumph of Politics, a deeply pessimistic memoir in which he undertook to explain, as the subtitle had it, Why the Reagan Revolution Failed.²² By "the triumph of politics," Stockman meant that the ordinary politics of our system had blocked necessary spending cuts and stopped necessary revenue increases, letting the deficits grow and grow. Stockman concluded that politicians of all stripes were unprincipled and self-interested but nonetheless accurate barometers of the electorate who protect the nation from zealots like himself. Stockman got an advance in excess of \$2 million and heavy gunfire from former colleagues -- "a masterpiece of distortion" was how Martin Anderson described it.²³

Stockman's career is usually studied for reasons of economic policy. But it's also worth looking at for what it teaches about the kind of behavior executive officials should not strive to emulate.

Stockman did not like government. He was an economic libertarian who in fact saw government and the institutions of government, including the presidency, as things to be manipulated in order to further his ideology, his "Grand Doctrine," as he called it.

"When his appointment as budget director first seemed

likely," wrote William Greider in the Atlantic,

he had agreed to meet with me from time to time and relate, off the record, his private account of the great political struggle ahead. The particulars of these conversations were not to be reported until later, after the season's battles were over, but a cynic familiar with how Washington works would understand that the arrangement had obvious symbiotic value. . . . I benefitted from an informed view of policy discussions of the new administration; Stockman, a student of history, was contributing to history's record and perhaps influencing its conclusions. For him, our meetings were another channel -- among many he used -- to the press. The older generation of orthodox Republicans distrusted the press; Stockman was one of the younger 'new' conservatives who cultivated contacts with columnists and reporters, who saw the news media as another useful tool in political combat. 'We believe our ideas have intellectual respectability, and we think the press will recognize that,' he said.' The traditional Republicans probably sensed, even if they didn't know it, that their ideas lacked intellectual respectability.'"

In The Triumph of Politics, Stockman wrote that he used Greider, "a friend and a committed liberal" who had "an open mind," as a "sounding board week in and week out in order to test 'our'

arguments and learn 'their' objections." He clearly wanted a story to be written, and it is clear that Greider had him pegged, correctly, as someone who wanted to use the news media to advance his views. "We were engaged in a battle of ideas," wrote Stockman. "The Reagan Revolution could never be won unless the establishment politicians and opinion makers gave our ideas a fair hearing. They had to be convinced . . . Which was why I had been talking to Bill Greider." Stockman said he had a different understanding of the ground rules, actually a non-understanding. "[W]e had gotten so absorbed in the argument between our side and theirs that we hadn't clarified the ground rules about quotations." Stockman said he was "furious" at Greider for using the quotes, especially the one describing Kemp-Roth as a "trojan horse." After the story broke, Greider told a reporter that in September Stockman had told him he could publish the article.

Executive character requires knowing the ground rules for engaging the media; it also requites prudence in how one talks to the media, even on background or off the record. And executive character requires consistency. Stockman also ate breakfast in the first months of 1981 (and at the Hay Adams, evidently a Stockman hang-out) with Columnist Robert Novak. In 1986 Novak wrote that Stockman "had been telling William Greider almost exactly the opposite of what he had told me." "I could not tell," said Novak, "when David was or was not telling the truth."

Should Stockman have been talking with Greider at all?

There is a dark view of Stockman's intentions which holds that through publication of the article he wanted to "replace the President's [economic] program" with "a new one that had himself at the center."²⁴ Thus, in this view, when Stockman told Greider to publish, he did so because he thought he had won the internal administration fight over economic policy and that the President soon would be cutting back substantially the tax cut approved in the summer. Stockman thought the article, appearing at a time when he had prevailed within, would solidify the victory and repudiate once and for all the "crackpot theories" that had found "their way [Stockman told Greider] into the legislative channels." Some who hold this view even have speculated that the ambitious Stockman was trying, through these means, to tout himself as someone of presidential material. As it happened, the President decided not to repudiate the Kemp-Roth tax cut. So when the article appeared in November, Stockman's comments about the tax cut came at a time when it was still in tact, as it would in fact remain.

If the dark view of Stockman is true, if Stockman was that scheming, Stockman should have been dismissed as soon as the article appeared. Yet even on a more benign reading of his breakfasting with Greider, on a reading that accepts as true his explanation of his purposes, he should have been dismissed. Granting that Stockman wanted to engage the battle of ideas through the media, he apparently never contemplated the risks involved. Quite apart from whether he might be misquoted, or

quoted when he did not want to be -- both important considerations -- there was the President to consider, specifically whether what he, Stockman, might say would damage his ability to govern. In our system of government, a President is his top aides; the concept of the unitary executive means at least this much. While achieving practical unity is always a hard task, the difficulty does not relieve the President or his aides of the duty to at least try.

In his memoir, Stockman shows no sign of having matured in his understanding of the kind of issue presented by his discussions with William Greider. There he excoriates fellow government officials for "leaking" to the media. But he offers no principle by which one might define a leak or when it might be justified. For Stockman, the propriety of leaking evidently turns upon who does it, and whether the person's ideology is the correct one, not on any set of considerations that factor in the presidency itself. Stockman did not take the presidency seriously as an institution to be protected and preserved.

Seldom does experience so conclusively teach a lesson as unquestionably as does the Stockman experience in his breakfasts with William Greider. No one exercising the executive power should do as Stockman did. Nor should a President, faced with a Stockman-like situation, indulge such an aide, as Reagan did.

By all accounts, Reagan's top aides, with one exception, wanted Stockman fired. The exception was Chief of Staff James Baker, who thought it would be harder for Reagan to run the

government without Stockman, and who also believed firing Stockman would give credibility to certain of the things the budget director had told Greider, and perhaps even motivate him to become a leading outside critic of the administration.²⁵ Baker won out; Stockman would stay.

Lore has it that an angry President took the young Stockman to the "woodshed." But as we know from Stockman's memoir, among other sources, no such thing happened. Stockman had lunch with Reagan. The President did not flog but sympathized with Stockman, telling him he had been "a victim of sabotage by the press." He asked him to stay on, adding that "the fellas think this is getting out of control. They want you to write up a statement explaining all this and go before the press this afternoon." Following Baker's instruction, Stockman simply made up the woodshed story, thus shifting media attention from the substance of what he had said to his loyalty. There was now the human story, that of the young aide who had been reprimanded but not fired by the kindly President he had embarrassed. And the colorful "woodshed" metaphor ensured that it would play in this way, as, for example, it did in Time, whose headline was, "A Visit to the Woodshed." "I played out the script that the White House public relations men had designed," Stockman explained in his memoir. "And the Atlantic scandal soon faded away."

Journalistic accounts of this episode written after 1986, and thus after Stockman had explained what really happened, typically include admiration for the administration's public

relations skill. Consider the treatment by Hedrick Smith, in his acclaimed book on Washington, The Power Game. "The way the Reagan White House handled those damaging revelations [Stockman's] is a classic lesson in snuffing out bad news before it damages the president."²⁸

But that is not the lesson for those who wish to faithfully execute the presidential office. For one thing, there is the matter of honesty. Stockman lied, but his lie did not protect a life or the nation's security. And James Baker was an accomplice in the deceit. No good purpose was served by their behavior. To the contrary, it damaged the presidency. While working in the near-term to divert attention away from the substance of what Stockman had said, the woodshed story in the long-term only encouraged disrespect for the President on the part of his top aides -- as well as more anti-Reagan talk by those aides, to the media. Had the President dismissed Stockman, that would have sent a clear message throughout the administration that talk out of school, against the President and his programs, would not have been tolerated. It would have tightened up an administration that by the end of 1981 was splintering into factions that competed against each other through the media. This continued throughout Reagan's two terms, weakening the conditions of energetic government. Reagan's leaky vessel of state became so much a part of the Washington scene that an astounded Mark Shields, a liberal columnist, wrote in the January 14, 1983 Washington Post a piece titled, "Leak, Leak, Sink, Sink." "[T]he

Democrats would love to take credit for the job done on Reagan. But they cannot. The unfavorable picture of Ronald Reagan has been created and developed by Ronald Reagan's own advisors." Shields observed that the unceasing attack upon the President from within his own ranks was "no tribute to the President's managerial duties." It was also no tribute to his character as President.

James David Barber's The Presidential Character, first published in 1972, has encouraged professional and lay observers alike to see Presidents in terms of certain personality "types" ("active-active, active-passive, passive-active, passive-passive").²⁷ One unfortunate consequence of his work is that it directs attention away from the institutional nature of the office and the behavior it demands, both on the part of the President and his aides -- whoever the President is, and whoever his aides are. Barber's is not the only way to think about presidential character.

The original purpose of the presidency was in large part to provide the American government with the energy it lacked under the Articles of Confederation. An energetic, independent executive was needed both to administer the government and to be a countervailing political force (when necessary) against Congress.²⁸ Energy was unquestionably the precious commodity in the new political order, and the issue that faces every President is how energy is most wisely used and most effectively protected under the Constitution.

Presidential aides must take care not to engage in behavior that damages unity in the presidency and compromises the conditions of energetic government. But it is the President who is ultimately responsible for such behavior. A President who comprehends this responsibility will be prepared to deal with aides whose behavior drains away energy. Had Reagan comprehended his responsibility in November 1981, he would have disallowed the "woodshed" hoax and dismissed David Stockman.

VI

The President is responsible for the behavior of his aides and his own). But who is he responsible to? The answer, ultimately, is the people. The people will judge how a given President has met his responsibility for ethics. They will do so by voting, if they have the chance. If they incline toward a negative judgment regarding charges of malfeasance, or a President's reaction to such, they can ask Congress to impeach a President (or, as the case may be, an executive officer).

The wise and conscientious President obviously will seek to prevent ethics problems of all kinds. That, clearly, was Bush's intention at the start of his tenure. But if problems do occur, a wise and conscientious President must not shrink from taking appropriate action. Reagan's predisposition to see his aides as "victims" (recall that he thought Stockman a victim of the media) and to dismiss any ethics charges against them as politically motivated, cannot be recommended. A President must be willing to

address the merits and, unless there are overwhelming reasons to the contrary, let the chips fall where they may. His reputation, his political effectiveness, and even his faithfulness to the office itself are at stake.

In the fall of 1990, George Bush discharged the Air Force Chief of Staff, Michael Dugan, after he made unauthorized remarks to the news media regarding military strategy in the Persian Gulf. Bush's swift action prevented additional behavior like Dugan's that could have undermined the military's effort in the Persian Gulf. In the terms of The Federalist, we may say that Bush retained the executive energy necessary to conduct a successful Operation Desert Storm. In this act Bush showed presidential character. Future Presidents, not to mention those many who aspire to work for a President, would do well to take note of the Bush example.

1. It bears noting that in 1987, while Vice President, Bush became one of the few Reagan administration officials willing to be self-critical. "Our own administration," he said in a commencement speech at Albion College, "has been the victim of individuals who haven't had the judgment to put the public's business above their own selfish interests."

2. J. Elliott, The Debates in the Several State Conventions on the Adoption of the Federal Constitution 480 (2d ed. 1836).

3. Boyden Gray, in an interview with the author, February 25, 1990.

4. C. Vann Woodward, ed., Responses of the Presidents to Charges of Misconduct (New York: Alfred Knopf) 1974), p. ix.

5. Reflection on this principle leads initially not to conflict of interest concerns but more immediate ones, such as treason and bribery. These are the only crimes explicitly mentioned in the Constitution, and for good reason: in the dawn of a new government, lines must be drawn against the most serious threats. Acts of treason are obviously not in the public, that is, the American interest, and any government that tolerated treason would soon disintegrate. As for bribery, its essential element is a payment to influence official action. Bribery assumes a quid for a quo. A public official, upon receiving money (or value in kind) from a private party, agrees and thus is expected to take certain official action that benefits his partner in crime. A government that did not outlaw bribery would soon find itself sold out to private interests.

In the scale of things, conflict of interest is a matter less serious than treason or bribery. Consider what is involved: A public official receives a large sum of money from a government contractor. But there is no agreement or discussion about the contractor's receiving a benefit, as occurs with bribery. The official may or may not give a contract to the donor, but suppose he does not. On what theory would receiving the money be wrong? It cannot be on a theory of bribery, obviously, or theft (which is also violative of the public trust but which depends solely on what a government official does with government property, not on any relationship with a private party). The only theory on which receiving the money would be wrong is that the gift creates a conflict of interest likely to warp the official's judgment or to create the appearance of improper influence.

6. Cites

7. Fred Graham, formerly of CBS, has observed that in 1965 there was "a close affinity" between the media and the presidency. Graham himself was a speechwriter for Labor Secretary Willard Wurtz from 1963 to 1965. He left that job to become law correspondent for the New York Times. See my interview with Graham in "Presswatch," The American Spectator, July 1990, p. --.

8. The Washington Post, May 14, 1990.

9. Laurence I. Barrett, Gambling with History: Reagan in the White House (New York, Penguin Books: 1984), p. 456.

10. Id., p. 457.

11. This investigation was still ongoing in 1991.

12. Bumpers was wrong (consider the Grant and Nixon administrations, and note that changing political and legal standards make comparisons difficult, at best). And Schroeder was grossly misleading (she listed only those against whom allegations in media accounts had been made; no effort was made to find out what had become of the charges, and in many instances they came to nothing). Bumpers and Schroeder were representative types in the "ethics wars" -- a form of politics by other means -- that characterized the Reagan years. Bumpers and Schroeder sought partisan advantage as Democrats and institutional edge for a Congress controlled by Democrats, a fact not lost on Republican Rep. Newt Gingrich, who filed the ethics charge that led to House Speaker Jim Wright's resignation in 1989.

13. Lou Cannon, in an interview with the author.

14. Id.

15. When Meese came to the Justice Department in 1985, he asked me to head the Office of Public Affairs. (I had served as a special assistant to Attorney General William French Smith from 1983 to 1985.) I served under Meese as the Department's chief spokesman until May 1988, when he asked me to leave. (See note 19, below.) At that time Meese was under investigation by an independent counsel. Two months later, after the independent counsel closed out his inquiry (he did not seek an indictment), Meese announced his resignation.

16. Quite apart from any "ethics" problem, there was the more serious managerial problem raised by such a job offer; does a manager still have the necessary authority to manage an employee to whom he is in debt?

17. In early 1991, the decision was appealed.

18. Report of Independent Counsel In Re Edwin Meese III, July 5, 1988, p. 27, 29. The "crimes" involved Meese's participation in telecommunications matters before the Justice Department and his failure to disclose the sale of securities on his 1985 federal income tax return.

19. Morale of political appointees at the highest levels inside the Department dropped. The Meese-Wallach relationship in particular was inexplicable to many senior officials, including me. One morning in early spring, the second ranking official in the Department, Arnold Burns, and Weld, the head of the Criminal Division, startled Washington, with the abrupt announcement of their resignation. It was a protest, albeit a silent one -- no public explanation was offered -- its purpose being to force the President to force Meese out of office. Given the President's constant defense of Meese, I did not see how that could have worked, and it did not. Yet the resignations of Reagan appointees, hand-picked Meese associates, indicated the disarray within the Department.

On May 13, a Friday, I was surprised when Meese, in a brief conversation in his office, asked me to leave. He had concluded that I was not defending him well enough and could not be relied upon to defend him in the future. He asked me to leave within 30 days, and said that "of course" we'll "fete" you -- give you a party. That was not for me. I left on Monday, with Meese justifying his action to the media on grounds that it makes sense to "change leadership" every now and then, just as the Baltimore Orioles had done in firing its Manager, Cal Ripken, who had opened the season with 13 straight losses. As a baseball fan, I took some consolation that Meese used a baseball analogy, although it was ill-considered: the Orioles proceeded to lose six more games under Ripken's replacement.

My story was but a footnote in the scheme of things. It is worth noting here because it illustrates the institutional consequences of remaining in a Cabinet office while under formal investigation. Such an investigation is enormously self-preoccupying. My regret was that people who had joined together in causes larger than themselves had been sundered over matters much smaller.

20. Pete Teeley, in an interview with the author.

21. William Greider, "The Education of David Stockman," Atlantic Monthly, December 1981.

22. David A. Stockman, The Triumph of Politics: Why the Reagan Revolution (New York: Harper & Row, 1986).

23. Martin Anderson, Revolution, p. 236.
24. Paul Craig Roberts, The Supply-Side Revolution, p. 192.
25. Bob Schieffer and Gary Paul Gates, The Acting President, (New York: Dutton, 1989), p. 145.
26. Hedrick Smith, The Power Game: How Washington Works, p. 359.
27. James David Barber, The Presidential Character, 1972.
28. Again, see Herbert Storing's insightful Introduction to Charles C. Thach, The Creation of the Presidency 1775-1789: A Study in Constitutional History (Baltimore, The Johns Hopkins Press, 1969).

TO: CAROLUMS
FROM: QOG
SUBJECT: 4/19/91 MEETING WITH TONY RE: PRINCETON

- Book: The Imperial Congress (put out by Heritage)
- Subject: Congressional micromanagement
- Should be historical and practical; theory and specific examples
- should be pretty aggressive, forceful -- executive branch has been kicked around long enough, now we're going to kick back
- example: Congressional staff size (compare with worst example of weapons system)
- tie in with Congress and foreign policy (for international angle)
- Ede H. will get memos from Cabinet departments over next few days; NSC will send outlines
- Woodrow Wilson School -- find out about specific study program on the Presidency
- recent literature on Congressional powers run amuk
- contact Gordon C. (from Wall Street Journal); have send out all he's written --
- term limitations, etc. (tie in with specific Administration policy suggestions -- check to find out what we're supporting)
- talk to: Boyden; Roger; Pinkerton; McClure; Mark Davis
- quotes from various Presidents over the ages on dealing with Congress

SPECIAL FEATURE

March 1991

\$1.97



An Angel on High

PAGE 191

WHAT YOUNG RUSSIANS REALLY THINK

PAGE 49

How Lucky People Get That Way

PAGE 128

The Best Way to Clean Up Congress

PAGE 112

Reader's Digest

World's Most Widely Read Magazine

What Young Russians Really Think	Exclusive	49
The Barber's Son	Fred Bauer	55
A Bet on Planet Earth	New York Times Magazine	61
Breaking the IRA's American Connection		
Stepping Out—At 10,000 Feet	John Barron	65
When to Keep Your Mouth Shut	Smithsonian	72
Children of the Light	Jean Parvin	79
Why Our Hair Turns Gray	"Closer to the Light"	83
Floating Inferno	Lowell Ponte	87
What I Learned on the Road	Rudolph Chelminski	90
Caught in a Deadly Maze!	Charles Kuralt	99
Rules to Explain Everything	Drama in Real Life	103
The Best Way to Clean Up Congress	"The New Official Rules"	110
Shaneen Finds a Home	Rowland Evans & Robert Novak	112
I Still See Daniel	Woman's Day	117
How Lucky People Get That Way	The Freeman	123
Of Time and Hot Water	Ralph K. Bennett	128
Ike: The Man Behind the Soldier	American Health	133
Beware of Health Hype	Edward Ziegler	136
Madeline Cartwright Brings Hope to Class	"Health Fact, Health Fiction"	141
Birds on the Wing	"Childhood's Future"	148
Sex Secrets About Men Women Should Know	Backpacker	157
That's Outrageous!	From the book	177
SPECIAL FEATURE	A compilation	187
An Angel on High	Henry Hurt	191

Snapshot of America, 9
Crimes of Mingo County, 19
The Last Diet You'll Ever Need, 37

Day's Work, 15 ■ Word Power, 31 ■ Personal Glimpses, 47 ■ Life in These United States, 59 ■ Laughter, the Best Medicine, 77 ■ Campus Comedy, 97 ■ News of Medicine, 121 ■ Toward More Picturesque Speech, 135 ■ Quotable Quotes, 145 ■ Points to Ponder, 161 ■ Notes From All Over, 183

70th Year • Over 28 million copies in 15 languages bought monthly

Limiting the number of terms lawmakers can serve
is an idea whose time has come

The Best Way to Clean Up Congress

BY ROWLAND EVANS & ROBERT NOVAK

A RECENT Gallup Poll showed that only 24 percent of Americans approve of the way Congress is doing its job. Here are three reasons:

- Rep. Frank Annunzio (D., Ill.), first elected in 1964. Annunzio is one of the most powerful members of Congress. Thanks to his seniority in the House, he chairs the Financial Institutions Subcommittee, which drafts the legislation regulating the nation's savings-and-loan institutions. But rather than regulate them, Annunzio has received generous political contributions from the S&Ls—including \$3000 from indicted Lincoln Savings and Loan executive Charles Keating and two associates. Through the mid-1980s and as recently as last October, Annunzio fought to delay S&L regulations, thus contributing to the subsequent

\$500-billion or more debacle.

- Jack Brooks (D., Texas), chairman of the House Judiciary Committee. After seeing combat as a teen-ager in World War II, Brooks went immediately into politics—four years in the state legislature, then 38 years on Capitol Hill. He boasts far-reaching influence over business, criminal justice and the courts. Without family fortune or work in the private sector, he has amassed bank and timber holdings worth \$2 million to \$3.5 million.

- Rep. Jamie Whitten (D., Miss.), chairman of the House Appropriations Subcommittee on Agriculture for 40 years. Whitten has dispensed hundreds of billions of dollars in federal largess. The nine Presidents and ten Secretaries of Agriculture who have served during that time have had only transitory control. Whitten, notes *Congres-*

sional Quarterly, is the “permanent Secretary of Agriculture.”

Typically, all three of these legislators were re-elected last fall. Says former President Ronald Reagan: “There is less turnover in the House than in the Supreme Soviet.”

Indeed, Congress has stacked the deck so decisively in favor of incumbents that only 15 House members and one Senator were defeated last fall. With a re-election rate of 96 percent, we run the risk of creating a separate governing class.

The automatic return of incumbents has already created an Imperial Congress. Focused on winning term after term, lawmakers have forged intimate links with the special-interest groups that finance their campaigns. Fearful of offending these crucial supporters, members of Congress have refused to make the tough decisions required to curb government spending. Presidents come and go, but committee chairmen stay on to control the purse strings and the legislative agenda.

Incensed by the situation, the public is expressing a growing interest in term limitation—most commonly 12 years for Senators and Representatives. A Gallup survey shows 70 percent of Americans in favor of term limitation, with overwhelming support in virtually all groups, regardless of party, ideology or income. Says Martin Plissner, executive political director for CBS News, “Seldom have I seen an issue on which there was so little demographic variation.”

Sponsors of Congressional term limitation view it as a return to the values of the early American Republic, in which a citizen legislator would serve in Washington for a spell and then return home. Abraham Lincoln, a Representative for the first time in 1847, was eager for a second term “if it should so happen that nobody else wishes to be elected.” But somebody did, and Lincoln went back to Illinois to await his destiny.

Regular turnover attracted people with diverse backgrounds who had no intention of spending their entire lives in Congress. “Now you have people who go to Washington, never have another job and never come home,” says Vice President Dan Quayle, who has supported term limits since he was first elected to the House of Representatives. “That’s not good for the country, and it’s one of the reasons for the cynicism voters express today.”

In Lincoln’s time, fewer than two percent of the House served more than 12 years. Members of Congress were visitors to Washington who kept their principal residences back home in their districts. Today 34 percent have spent more than 12 years in office, and a majority are Washington-area residents, many of whose children are born, raised and educated in the nation’s capital and its suburbs.

A simmering issue for the past couple of years, the move for term limitation came to a boil in 1990. With the built-in powers of incum-

bency all but assuring them re-election, House members defied popular opinion in 1989 by voting to hike their salaries from \$89,500 to \$125,100. Then they raised taxes!

Public frustration was reflected last fall when three states passed initiatives to limit state legislators' terms. A 12-year cap was set in Oklahoma by 67 percent of the voters. In Colorado, an eight-year limit for all state officials, including legislators, passed with 71 percent in favor. The margin of victory in the California vote—52 percent—was closer, but that was largely because Willie Brown, a 26-year State Assembly veteran, and David Roberti, his counterpart in the State Senate, hit up special-interest groups and corporate supporters of the state's governing establishment to raise over \$4 million for a media blitz against term limitation.

Opponents argue that Congressional term limitation will:

1. *Restrict voter choice.* But how much choice do voters really have? According to Common Cause, a nonpartisan public-interest group, of the 406 House incumbents seeking re-election last year, 79 had no major-party opposition. Another 168 had opponents who had raised less than \$25,000 by three weeks before the election, and 124 others had opponents who had raised more than \$25,000 but less than half the amounts the incumbents had. Only 35 races were remotely competitive. People don't vote for unknown candidates.

2. *Disrupt the way Congress works.* That's precisely the point. "Limiting terms would limit abuse of the Congressional seniority system by rotating power," says *The Wall Street Journal's* John Fund. "It would open the political process." As Harry Truman once put it, Congressional limits would "help cure senility and seniority—both terrible legislative diseases."

3. *Deprive Americans of experienced legislators.* To *New Republic* editor Hendrik Hertzberg, this "would be a cost worth paying to be rid of the much larger number of time-servers who have learned nothing from longevity in office except cynicism and complacency." Congressmen obliged to seek other employment could run for other political office—federal, state or hometown. They could even try the private sector. As former Sen. Bill Armstrong (R., Colo.) said, "We have forgotten that, in a civic sense, returning home is as important as coming to Washington in the first place."

4. *Shift power to lobbyists and the Congressional bureaucracy.* Nonsense, says Fund: "It's the most senior members who are most dependent on staff and lobbyists, not the freshmen. And there is nothing to prevent a reduction in the growth of staffers from accompanying term limits."

Indeed, Congress could use some pruning: last year, as it was raising taxes, it increased its own budget by 11 percent. Its staff has doubled to

New Faces Needed

IMAGINE IF members of Congress knew from the first day that they could not parlay their service into careers, no matter how they pandered to special-interest groups or cleverly marshaled the advantages of incumbency. We would then see applied to the nation's problems the kind of intellectual honesty and courage so often lacking these days.

There is something to be said about the value of long experience. But is that experience being put to the best use? A \$3-trillion national debt and vast oceans of wasteful spending say it is not. We need a regular turnover in Congress so that fresh ideas can be brought to bear.

—New Hampshire State Senator Gordon Humphrey, who, keeping a campaign promise made when he was first elected to the U.S. Senate, declined last fall to seek a third term in Washington.

almost 20,000 since the late 1960s.

Lobbyists would lose power, as Maureen Anderson of the California Nurses Association confessed in explaining why she opposed term limitation: "It would be a great burden on us to re-educate the entire legislature every year."

5. *Oust veteran Democratic lawmakers as part of a Republican plot.* Many Democrats disagree. "This is not a Republican issue," says liberal Oklahoma Democrat Cleta Mitchell, a former state legislator and leader in the national movement. "We need to elect more idealistic newcomers and fewer cynical veterans."

Indeed, term limitation will weed out Republican as well as Democratic hangers-on. Rep. Silvio Conte (R., Mass.), for instance, was elected to the Massachusetts State Senate in 1950 and has been on the public payroll ever since. First sent to Congress in 1959, he has been re-elected handily every two years, often without opposition. Accord-

ing to the *Boston Globe*, although he occasionally rails against the "fat" in federal budgets, he is revered by Massachusetts state officials for "delivering the goods" in federal largess for Massachusetts.

Some California liberals, like Los Angeles attorney Mickey Kantor, publicly favor term limits. Colorado's sweeping term limitation was endorsed by the often liberal *Denver Post* and Democratic Rep. Ben Nighthorse Campbell.

ASKING members of Congress to impose term limitations on themselves through a Constitutional amendment could be asking for a political miracle. Still, the battle is being led in Washington by Rep. Bill McCollum (R., Fla.). To give the amendment some chance of approval, it contains a grandfather clause assuring all current incumbents the possibility of another 12 years on top of the years they have already served. President Bush has indicated he

READER'S DIGEST

would support such an amendment on term limitation.

The conventional wisdom is that Congress will bottle up the Constitutional amendment. But former House Democratic Whip Tony Coelho, who opposes term limitation, sees the idea sweeping the nation. "Challengers will pledge to support term limits, so incumbents

will have to follow suit. We could have it in the Constitution by the end of the decade."

If so, Capitol Hill would have a very different look. A much wider variety of talent would be available for service. With their energy and a fresh approach, they could open the way to fundamental changes in the way we are governed.

Reprints of this article are available. See page 218.

Calling Cards

WE RECEIVED some new flowers at our garden center, one of which no one could identify. The man who sets up our ad for the newspaper said to the manager, "What's the name of this little purple flower?"

"It must be a purple damn-if-I-know," the manager answered.

Sure enough, when the ad appeared, listed among the marigolds and portulaca was a "purple damifino."

—Contributed by June Smith

TWO HUSKY SWEDES, one tall and the other even taller, were participating in a wilderness-adventure trip that included participants from various countries. Both men were named Lars, so the problem arose as to how to distinguish between them. "I have it," said one of the group. "Let's call them 'Lars' and 'Extra Lars.'"

—Contributed by Mary Eckhart

Only in New York

TWO MEN were taking a coffee break in the Federal Building in downtown Manhattan. An acquaintance dashed in, out of breath and agitated. "You won't believe this," the breathless man began. "I was almost killed on the way to work this morning."

Panting, he went on: "I had just walked out of the deli where I buy an egg sandwich every morning. A police car with its sirens and lights on was chasing another car and stopped it. The guys in both cars tumbled out. There was shouting, ordering, threats. Guns were drawn. For crying out loud, shots were fired! I was right in the line of fire. I could hear the bullets whiz right over my head. Garbage pails were knocked over, glass shattered, cars and trucks mounted the sidewalk to get to safety. I tell you I'm lucky to be alive!"

Obviously concerned, one man finally spoke.

"You eat an egg sandwich every morning?" he asked.

—Ben Ruggiero, quoted by Ron Alexander in *New York Times*

FEDERAL ELECTION COMMISSION
FAX Transmittal

Date:

April 30, 1991

To:

Carole^{oops} Blymire

FAX #:

456 - 6218

From:

Richard Zanfardino

FAX #:

(202) 376-5280

Telephone #:

376 - 3140

Page Count:

(including cover sheet)

3



Financial Activity of Congressional Campaigns - 1986-1990

	No. of Candid	Net 1/ Receipts	Individual Contrib	Other Cmte's	Pet's	Candidate Contrib	Pet	Candidate Loans	Pet	Other Loans	Pet	Net 2/ Disburse	Cash on Hand
House													
1990	1374	\$283.62	\$129.26	\$109.48	38.57%	\$4.43	1.56%	\$20.89	7.36%	\$1.23	0.43%	\$264.07	\$78.37
1988	1368	\$275.97	\$128.70	\$102.35	37.09%	\$5.11	1.85%	\$22.70	8.23%	\$1.36	0.49%	\$255.05	\$65.16
1986	1442	\$257.13	\$127.27	\$87.22	33.92%	\$4.63	1.80%	\$20.85	8.11%	\$1.87	0.73%	\$238.72	\$49.55
Democrats													
1990	705	\$163.17	\$66.08	\$72.79	44.61%	\$1.50	0.92%	\$11.60	7.11%	\$0.76	0.47%	\$150.84	\$50.58
1988	745	\$159.93	\$65.30	\$67.58	42.26%	\$3.26	2.04%	\$13.90	8.69%	\$1.17	0.73%	\$145.11	\$41.71
1986	844	\$139.89	\$63.40	\$54.72	39.12%	\$2.52	1.80%	\$10.17	7.27%	\$1.55	1.11%	\$128.67	\$28.18
Incumbents													
1990	249	\$111.35	\$42.29	\$58.60	52.63%	\$0.06	0.05%	\$1.72	1.54%	\$0.93	0.30%	\$99.70	\$49.76
1988	248	\$102.53	\$40.46	\$53.36	52.04%	\$0.05	0.05%	\$1.44	1.40%	\$0.81	0.79%	\$98.85	\$40.67
1986	235	\$89.51	\$35.50	\$40.97	49.06%	\$0.31	0.37%	\$0.98	1.17%	\$0.59	0.71%	\$73.10	\$28.17
Challengers													
1990	314	\$20.00	\$9.85	\$4.84	24.20%	\$0.80	4.00%	\$3.75	18.75%	\$0.07	0.35%	\$19.63	\$0.42
1988	368	\$29.45	\$14.20	\$7.80	26.49%	\$0.95	3.23%	\$5.21	17.69%	\$0.13	0.44%	\$28.88	\$0.53
1986	430	\$25.37	\$13.02	\$6.65	26.01%	\$0.99	3.87%	\$3.68	14.39%	\$0.19	0.74%	\$25.34	\$0.35
Open Seats													
1990	142	\$31.82	\$13.94	\$9.35	29.38%	\$0.64	2.01%	\$6.13	19.26%	\$0.36	1.13%	\$31.51	\$0.40
1988	129	\$27.95	\$10.64	\$6.42	22.97%	\$2.26	8.09%	\$7.25	25.94%	\$0.23	0.82%	\$27.38	\$0.51
1986	179	\$30.81	\$14.88	\$7.10	23.04%	\$1.22	3.96%	\$5.51	17.88%	\$0.77	2.50%	\$30.23	\$0.66
Republicans													
1990	569	\$120.65	\$63.18	\$36.69	30.41%	\$2.93	2.43%	\$9.28	7.69%	\$0.47	0.39%	\$113.23	\$27.79
1988	623	\$116.04	\$63.40	\$34.77	29.95%	\$1.85	1.59%	\$8.80	7.58%	\$0.19	0.16%	\$109.94	\$23.45
1986	598	\$117.24	\$63.87	\$32.50	27.72%	\$2.11	1.80%	\$10.68	9.11%	\$0.32	0.27%	\$110.05	\$20.37
Incumbents													
1990	160	\$70.05	\$35.62	\$28.81	41.13%	\$0.03	0.04%	\$0.36	0.51%	\$0.08	0.11%	\$63.27	\$27.17
1988	164	\$72.46	\$37.97	\$28.68	39.58%	\$0.08	0.12%	\$0.77	1.06%	\$0.06	0.08%	\$67.11	\$22.74
1986	160	\$65.78	\$35.38	\$24.83	37.75%	\$0.11	0.17%	\$0.54	0.82%	\$0.08	0.12%	\$58.98	\$19.73
Challengers													
1990	377	\$26.53	\$14.73	\$2.74	10.33%	\$2.37	8.95%	\$4.97	18.73%	\$0.21	0.79%	\$26.13	\$0.41
1988	336	\$22.02	\$12.68	\$2.28	10.35%	\$0.86	3.91%	\$4.55	20.66%	\$0.05	0.23%	\$21.69	\$0.33
1986	320	\$23.54	\$13.21	\$2.42	10.26%	\$1.27	5.40%	\$5.12	21.75%	\$0.15	0.64%	\$23.37	\$0.34
Open Seats													
1990	132	\$24.07	\$12.83	\$5.14	21.35%	\$0.53	2.20%	\$3.95	16.41%	\$0.18	0.75%	\$23.83	\$0.21
1988	123	\$21.56	\$12.75	\$3.81	17.67%	\$0.90	4.17%	\$3.48	16.14%	\$0.08	0.37%	\$21.20	\$0.38
1986	118	\$27.92	\$15.28	\$5.25	18.80%	\$0.73	2.61%	\$5.02	17.98%	\$0.09	0.32%	\$27.70	\$0.30

(in Millions of Dollars)

Financial Activity of Congressional Campaigns - 1986-1990

		No. of Candid.	Net Receipts	Individual Contrib.	Other Cmte's Contrib.	Candidate Contrib.	Candidate Pct.	Other Contrib.	Candidate Pct.	Other Loans	Pct.	Net Disburse	Cash on Hand
Senate													
1990	151	\$186.25	\$119.57	64.20%	\$40.97	22.00%	\$2.38	1.28%	\$9.96	5.35%	\$0.95	\$180.08	\$19.06
1988	158	\$198.72	\$127.62	64.22%	\$46.03	23.16%	\$6.73	3.39%	\$8.15	4.10%	\$0.80	\$200.84	\$9.82
1986	219	\$214.32	\$140.04	65.34%	\$45.29	21.13%	\$1.92	0.90%	\$12.96	6.05%	\$0.89	\$211.59	\$10.63
Democrats													
1990	82	\$89.56	\$58.55	65.38%	\$20.64	23.05%	\$2.04	2.28%	\$3.60	4.02%	\$0.75	\$87.62	\$9.74
1988	79	\$107.40	\$67.02	62.40%	\$24.48	22.79%	\$6.53	6.08%	\$3.79	3.63%	\$0.73	\$107.60	\$5.91
1986	127	\$91.85	\$56.23	61.22%	\$20.18	21.97%	\$0.47	0.51%	\$9.83	10.70%	\$0.31	\$88.95	\$4.22
Incumbents													
1990	17	\$63.58	\$43.12	67.82%	\$17.01	26.75%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	\$61.50	\$9.54
1988	15	\$51.00	\$32.56	63.84%	\$15.27	28.94%	\$0.00	0.00%	\$0.33	0.65%	\$0.10	\$51.86	\$5.03
1986	9	\$26.30	\$17.50	66.54%	\$7.31	27.79%	\$0.13	0.49%	\$0.37	1.41%	\$0.00	\$24.41	\$3.13
Challengers													
1990	56	\$21.33	\$13.22	61.98%	\$3.01	14.11%	\$1.52	7.13%	\$2.41	11.30%	\$0.73	\$21.51	\$0.16
1988	43	\$28.53	\$20.40	71.50%	\$4.82	16.89%	\$0.22	0.77%	\$1.69	5.92%	\$0.58	\$28.18	\$0.29
1986	75	\$40.44	\$22.87	56.55%	\$8.02	19.83%	\$0.24	0.58%	\$6.97	17.24%	\$0.05	\$39.82	\$0.89
Open Seats 4/													
1990	9	\$4.65	\$2.21	47.53%	\$0.62	13.33%	\$0.52	11.18%	\$1.19	25.59%	\$0.02	\$4.81	\$0.04
1988	21	\$27.87	\$14.06	50.45%	\$4.39	15.75%	\$6.31	22.64%	\$1.77	8.35%	\$0.05	\$27.56	\$0.59
1986	43	\$25.11	\$15.86	63.16%	\$4.85	19.32%	\$0.10	0.40%	\$2.49	9.92%	\$0.26	\$24.72	\$0.40
Republicans													
1990	69	\$96.69	\$61.02	63.11%	\$20.33	21.03%	\$0.34	0.35%	\$6.36	6.58%	\$0.20	\$92.46	\$9.32
1988	79	\$91.32	\$60.60	66.36%	\$21.55	23.60%	\$0.20	0.22%	\$4.36	4.77%	\$0.07	\$93.24	\$3.91
1986	92	\$122.47	\$83.81	68.43%	\$25.11	20.50%	\$1.45	1.16%	\$3.13	2.56%	\$0.58	\$122.64	\$6.41
Incumbents													
1990	15	\$55.18	\$38.35	69.50%	\$12.18	22.07%	\$0.00	0.00%	\$0.00	0.00%	\$0.01	\$52.00	\$8.23
1988	12	\$47.27	\$31.63	66.91%	\$13.40	28.35%	\$0.00	0.00%	\$0.10	0.21%	\$0.00	\$49.41	\$2.91
1986	18	\$64.00	\$43.59	68.11%	\$16.38	25.59%	\$0.00	0.00%	\$0.00	0.00%	\$0.10	\$64.88	\$5.73
Challengers													
1990	47	\$33.54	\$18.97	56.56%	\$5.29	15.77%	\$0.34	1.01%	\$6.11	11.82%	\$0.19	\$33.13	\$0.45
1988	51	\$27.31	\$18.80	68.84%	\$3.33	12.19%	\$0.15	0.55%	\$3.76	13.77%	\$0.04	\$27.40	\$0.32
1986	46	\$26.67	\$19.95	74.80%	\$2.18	8.17%	\$0.25	0.94%	\$2.03	7.61%	\$0.28	\$26.35	\$0.34
Open Seats 4/													
1990	7	\$7.97	\$3.70	46.42%	\$2.86	35.88%	\$0.00	0.00%	\$0.25	3.14%	\$0.00	\$7.33	\$0.64
1988	16	\$16.74	\$10.17	60.75%	\$4.82	28.79%	\$0.05	0.30%	\$0.50	2.98%	\$0.03	\$16.43	\$0.68
1986	28	\$31.80	\$20.27	63.74%	\$6.55	20.60%	\$1.20	3.77%	\$1.10	3.46%	\$0.20	\$31.41	\$0.34

(In Millions of Dollars)

- redating binary
- long - short put, etc. -
- enoy → GB - overvalued binary (not listed)
- pr. peren -
- bank of America?

TE

✓ veto power (21) =

- only Pr. power within zone 2 -
- institution put of legal. power of P - share in power
- veto only in 2nd inst - only by law, power to Pr. power
- only by family content
- use them by to prevent C - P relation, in action
- setting - sig. judge of law - in moment of need -
- defense

TE
Book

Pr. admin power (independent council)

- expires 1992

- And. Council - covers 88 or 90
- aimed at creating only - Pr. & 100 miles -
- 1789 - while power vested in / man - has to be able to resist in your office -
- (hist. of the case - the power of law)
- has - long sig. - over central bank - exec. bank - will remove your power -
- July any Pr. ' central to assist & remove -
- And. Council - attack - law of exec. - can't assist - Hamilton -
- limit of law and states at exec.

GB etc - aimed at law that change the law -
- i.e. And. Resolving Act -

- veto in very interesting - big thing -

- every - Pres. (1 pm)
- Deliberate - 1535 pm (Khan) - want to be given off.
(insulted us - melody)

- Pres. - at 535 - lots of 2nd things - not
Surren visit -

- France can agree

- veto - in not every, but deliberate

he says - ultra long, it's like 2nd thing -

- sig. idea to veto - for Pres. to defend not

- veto - melody - think not white alone - of
that and Const. - don't reduce effort

- veto = 1/2 way before

2) black pay of bad case (people (R) +
Heinrich Jahn and his - they had
public party

a) Const. team - not yet Sep. Ct. -
FCC - if understood

b) Pres. Const. team

- Carol

- Comm. adds - say out what can agree in -
our idea for Pres. that Pres. & how will present -

TE. The Const. m

- Cong. is by in very Pres. prerog. -

regulate to be that suggested order
(the one by suggested order - deliberate)

- That of representative - think seem to be
independent of exec. branch -

of how Cong.
is not to be rep. of power -

— Washburn, HWP, Rusty 5 — all kept —

3/

is not one anywhere power to get at (Heath Smith)
(in cage - all get out the power)

— Canyon reform —

T₂ dry - dry - power not yet taken up. →
 even less - into budget, don't off for red,
 but to see. back - winter to get into
 positive diff in spec. of low - cost
 should be... →

- Bryan - exasperated

— condition attributed to contract —

vet

• Subject matter (include in report not syllabus -)

- Computer net. driven $\rightarrow$ Def. Syst.

- ~~ask~~ dog - protection lang. - get best press -

- most imp. part is not thinking, but use of power -
not also

- power in how we are - not just we are it is

~~rec. per - 5 hrs def~~

- power of price

→ Jeff. - white gravel - n. 535 corners

- Printing is 50 kg in 2 years -

- Thatscher -

Manjiv -

- Why Congress then to play the Exec. (Wm.?)
 - Exec. power in

- genuine thought in Cong. -
 - direct to people
 - parallel from people - 535

- even to some rep. get from the people

- defining government defining moment -

* - what in Pr. all about?

- In Const. -
 P. 1. only officer in 3 branches
 none within yielded it -
 art. 6 - refers to "oath" -

- 1st Laff - the first part -
 the office is here done -

Case & Justice don't take over -

- Partly in layer the art. 2 -
 see not clear in definition

per se power -
 (Must at v. Const. in sense of Const.) -

- Law is not enough - in gen. not particular

collaboration necessary
- civil
- (no - return to the w/ appearance)

- important

- More knowledge
lucky
\$ - 2041

- In. per (get max test & I-C)

- Most people's & in - per. from

- you - per. on city elements

C-I-C

- / long lead

"the best way in to press states
"change in the nation!"

(open, broken -

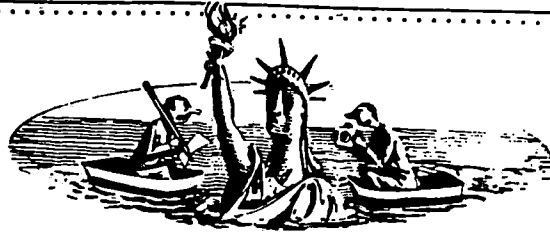
power

- American for 178 & 2 m - being covered -
(bills passed for - T-2)



- French with deliberation give

PRESSWATCH



THE POWER EXECUTIVE

by Terry Eastland

Following President Bush's televised address to Congress and the nation on March 6, Dan Rather commented that the President of the United States has many powers but that his principal power is the power to persuade. The power to persuade? It's nowhere mentioned in the Constitution, and whatever else Bush was trying to do in his speech that night, he didn't need Peggy Noonan's help. He didn't have to persuade anyone of anything. He could have read names from a phone book and still retained the nation's admiration.

What helped get Bush where he was in early March was the well-equipped office he sat in. "As commander-in-chief," Bush said that night, "I can report to you: Our armed forces fought with honor and valor. As President, I can report to the nation: Aggression is defeated." It would have been impolitic, but Bush could have added: "And the presidency itself has been vindicated."

This was one of the major stories of the Persian Gulf War, but with few exceptions the media did not see it. To be sure, the *Wall Street Journal*, the *New York Times*, and the *Washington Post*, among others, published detailed pieces depicting the Bush Administration's even-month effort to oust Saddam Hussein from Kuwait. There were numerous profiles of Bush the War President, discussing his personal character and style of leadership, and there were, remarkably enough, editorials and op-eds saluting the President for his undeniable achievement, some written by people not known for toasting Bush unsway with an intention to burn.

In all this coverage, I found only one news analysis that explicitly noted that one of the winners of the Gulf conflict was the presidency as an institution. Making this point, the *Economist* observed, "There will be fewer questions about the power of the commander-in-chief in the future, and less talk of the War Powers Act."

As for opinion writers, only two understood the central importance of the presidential office—Charles Krauthammer and the *Wall Street Journal's* L. Gordon Crovitz. Pointedly noting that Bush did not really use the bully pulpit, Krauthammer showed how the President employed the formal powers of office to rally "a reluctant nation to a successful war." Crovitz observed that Bush had used his powers to "out-flank" Iraq, in the process recovering presidential dominance in foreign policy.

A press less ignorant about the presidency as an institution would have seen the exercise of executive power as the constant theme in the series of U.S. actions taken in the wake of Iraq's invasion of Kuwait.

First, there was the freezing of Kuwaiti assets to keep them out of Iraqi hands, then the drafting of the crucial first United Nations Security Council resolution—Number 660—which condemned the invasion and demanded Iraq's withdrawal. Then there was the diplomacy to get the Saudis to agree to a large-scale deployment of U.S. troops, followed by efforts to recruit Egypt, Morocco, and others into the alliance. Gen. Norman Schwarzkopf was sent to the Gulf, 230,000 troops in tow. There was more U.N. work, then a doubling of troops in early November. There was the diplomacy to get the U.N. resolution setting the January 15 deadline and authorizing the use of force. There was the legislative effort to get Congress to pass the resolution authorizing military action. Then, on January 16, there were the first bombs on Baghdad. When the Soviet Union tried to negotiate a peace on unsatisfactory terms, there was the delicate diplomatic effort to keep Mikhail Gorbachev at bay and the pressure on Saddam. When the latter refused to pull out, there was the ground war that forced the end.

On each of these occasions—whether dispatching diplomats or troops or bombs or bullets—the President took action pursuant to his formal powers.

Only once did he propose to involve Congress—when he sought the resolution authorizing force—and even then he denied that its participation was necessary. Of course, Bush could have been thrown off course. Arab states could have refused to join the coalition at the outset or else seceded from it later on. The U.N. could have declined the role Bush sought for it. Gorbachev could have refused to butt out when Bush asked him to. For that matter, the actual war itself might not have gone so well. But, it was Bush who had the unique authority to do all of these things, not because of his rhetoric or his approval ratings but because of the Constitution.

The President is the commander-in-chief as well as the nation's chief diplomat, and he has the duty to take care that the laws are faithfully executed. In addition, he is vested with the execu-

tive power, which (to the consternation of many) eludes precise definition. It's all there in Article II of the Constitution.

It is, of course, important to point out that Bush *used* these powers. In his brilliant treatment of executive power, *Taming the Prince*, Harvard's Harvey C. Mansfield, Jr. correctly emphasizes that the Constitution does not determine the behavior of those who govern under it. "Every president has to define the office for himself." Still, it matters that Bush was positioned by the office he held to do what he did. Congress could not have done what the President did; Congress and the President are co-equal in power, but their powers are different, a point the media seldom appreciate.

The legislative power is the genius of our government, but the framers of the Constitution realized that Congress could not be the source of energy in government, and that without energy there could be neither good administration nor effective foreign policy. The presidency was created to supply this energy. In its unity (the executive power is vested in one person) the President can act swiftly (freezing assets, sending troops) and diplomatically (in the Middle East, in the United Nations, in Moscow) and decisively (Colin Powell: "First we will cut it off; then we will kill it"). Imagine Congress, a body of 535, trying to do any of these things. It does other things (as George Mitchell might say: "First we will tax it; that should kill it"). The point is, Congress is institutionally ill-equipped to run foreign policy.

Not that it doesn't try, and, consistent with the trend since Vietnam, some members tried hard during Desert Shield. After Bush sent an additional 150,000 troops in November, some told the White House that only Congress could order such a large deployment, forgetting what Bush himself pointed out as he pulled a copy of the Constitution from his suit pocket. As uniquely reported by the presidential-power-savvy Gordon Crovitz, Bush told congress-



Terry Eastland is resident fellow at the Ethics and Public Policy Center.

THE AMERICAN SPECTATOR MAY 1991

SARKES TARZIAN INC



WRCB CHANNEL 3 CHATTAHOOCHEE, ALABAMA

KTVN CHANNEL 2 BIRMINGHAM, ALABAMA

WTTS 92.3 FM BIRMINGHAM, ALABAMA

WGCL 1370 AM BIRMINGHAM, ALABAMA

WAJI 95.4 FM FORT RAINIER, ALABAMA

CENTRAL OFFICE, BOX 62 BIRMINGHAM, ALABAMA 35202
TELEPHONE 812-332-7251

Providing the Best Radio and Television Service

men that under the Constitution only Congress can declare war, but only the President is commander-in-chief. Unable to get their way politically, some members of Congress sued, arguing that the congressional power to declare war meant that it had to give approval to what Bush had done; the judge in the case said the issue wasn't ripe (actually this banana had turned brown; the troops were already there). And up through the second week in January a sizable contingent in Congress continued to insist on staying with economic sanctions only; no military force, please.

In the end, of course, Congress passed the resolution authorizing military force. But contrary to what many in the media said at the time, that vote did not reveal a deliberative Congress so much as one that could not do otherwise. Congress had been outflanked by a President who had skillfully used his formal powers. Just as, in the end, Iraq was.

With few exceptions, the media remained unimpressed by this extraordinary triumph of presidential power or by its implications for the execution of American foreign policy. Indeed, readers of the news analyses of the *New York Times* were apt to take away a different message. On November 14, when congressional objection to the additional deployment was mounting, R. W. Apple, Jr. wrote that Bush was learning that limitations on presidential power apply in foreign policy as well as domestic affairs. After the war, neither Apple nor anyone else at the *Times* took the egg off the newspaper's face with the kind of analysis subsequent events demanded.

If the *Times* is an accurate barometer, the media have yet to figure out that kicking the Vietnam syndrome has required demonstration not only of American military might but also of a presidential might that puts Congress in its foreign policy place. The 1973 War Powers Act, which Bush technically violated by sending troops to Saudi Arabia without consulting Congress, is now virtually a dead letter.

Also dead, in an important respect, is the Democratic party. The media have provided plenty of stories on its postwar difficulties, given the position of most congressional Democrats against the use of force. But perhaps because of their own blindness to the nature and importance of executive power, the media have not penetrated to the deepest level of insight: the war revealed the Democratic party as not merely anti-war, but anti-executive. It is inherent in the very idea of the executive that at some point he must use force, given recalcitrant human nature. So consistently against force for more than three decades, and then so conspicuously against it when

there was a clearly just war, the Democrats simply lack the mentality to be an executive party. Though unremarked by the media, this is as serious a problem as a political party can have. It is, at bottom, why the image of Michael Dukakis riding in a tank was so laughable in 1988—and is even more so today. The Democrats are a congressional party that would have been at home under the Articles of Confederation—when there was no presidency.

Dan Rather's remark about the power to persuade was not something that oddly popped from his mouth. It is axiomatic among most members of the media that the power to persuade really is the President's most important.

Two definitions of this power are currently in use. One is a mainly rhetorical definition: the President uses speeches to rally public opinion to his side. Ronald Reagan and his speechwriters helped popularize this understanding of the power to persuade, i.e., the rhetorical presidency. The other definition, more sophisticated, is drawn from Richard Neustadt's book *Presidential Power*, first published in 1960 and a bedside bible for most White House reporters. Neustadt argues that the President must acquire and use personal power in order to secure his formal powers of office; the latter are not central to his work, though they may be useful, in a subordinate way, to what he calls "the persuasive process."

These definitions imply an interest in the personal abilities of a President and also in approval ratings (on the theory that ratings indicate how a President has done at persuasion), even as they give short shrift to the formal powers of office—the very ones Bush used so skillfully from August 2 through February. The influence of these definitions among the media helps explain the complaint made unremittably during the fall that Bush had not been a good enough communicator.

Consider the litany on this score by the *Washington Post*, when polls in November showed that less than a majority of Americans believed Bush had explained the situation well enough "so that you understand why troops are there." Jim Hoagland, the paper's chief foreign correspondent, wrote on November 4 that we had the right Gulf policy but "the wrong President" because Bush, who has "limitations" in speechmaking, had not made "a clear and ideally inspirational statement to the nation to explain the goals of the potentially bloody conflict we may be approaching." On November 15, the *Post* reminded its readers that Bush was no Great Communicator in a story headlined: "President Struggles to Ar-

ticulate Goals." On December 2, another of the paper's correspondents, George Wilson, sang the same chorus: Bush was "still groping for a rallying cry to get teenagers and their parents to believe it is worth risking their lives to free Kuwait, save gulf oil or topple Saddam." Bush's rhetorical inability, it appeared, would do in his effort; he just didn't have the right stuff. Obviously, the power to persuade was the most important presidential power.

As it happened, of course, Bush turned out not to be the Great Communicator but the Great Liberator. It was not rhetoric impressive enough for the *Washington Post* that rallied Americans to Bush's side, and the United States to victory in the Gulf. Rather it was what he *did*. As Charles Krauthammer wrote, Bush took unilateral actions "that were bold and, to the extent anyone had considered them at all, generally unpopular at the time. Yet each action reshaped the debate and in time came to be seen [emphasis mine] as necessary if not inevitable—and correct." One example: Three days before he deployed the troops in August, the Gallup Poll reported that 56 percent of Americans opposed such a move; after he gave the order, 81 percent approved. A second example: Ten days before the ground war, the CBS/*New York Times* poll found just 11 percent of Americans in favor of starting one; the day after it was launched, some 75 percent approved. Krauthammer's conclusion: "As a shaper of public opinion, the bully pulpit is overrated. The powers of the presidency, if skillfully deployed, are enough to move the nation. Government schools will be studying Bush's march through Washington." A fair question is whether a press that understands power in terms of speeches and approval ratings will do the same.

The *Economist*, in marvelous understatement, observed, "The press has not had a good war." One reason it did not is that its nature was revealed in a context for comparison in which it was bound to be the loser.

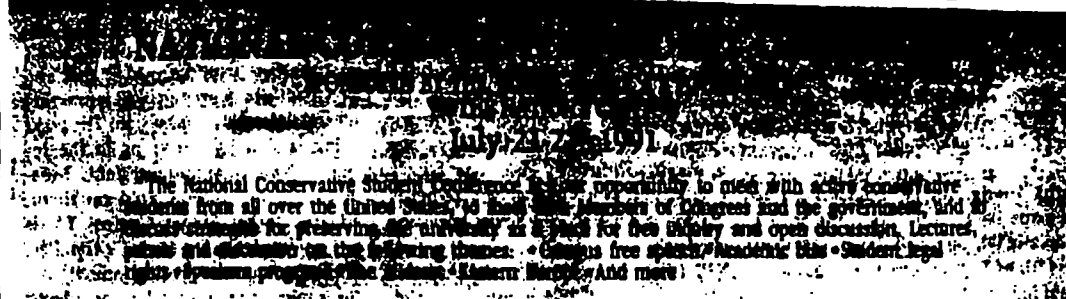
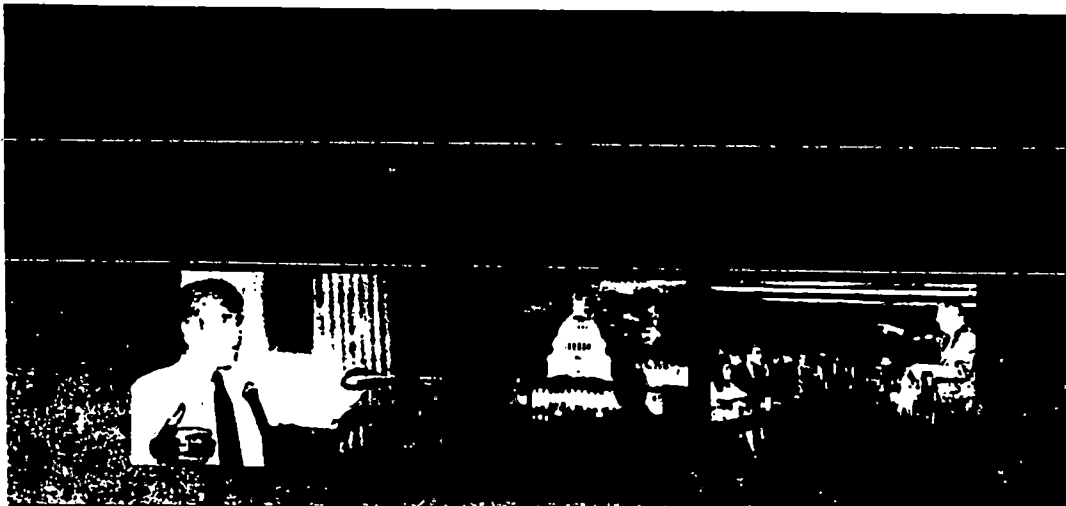
The military is a collective enterprise that represents the nation in a life-and-death struggle over important ends. "Duty, honor, country" capture its ideals. By contrast, the media, when they report a story, are not a collective enterprise but many individuals in competition; that is why, in Saudi Arabia, some news organizations resisted the "pool" system that collectivized the journalism from the front. What the media typically struggle over isn't life-and-death but the story itself. If reporters do risk their lives, it's typically for the sake of the story (Bob Simon), not for the nation that the military represents. The press has no analogue to

duty, honor, country; it is not constrained by heroic ends. Of course, the media will argue that they represent the nation as proxies for the general public; but the proxies the people are more concerned about are the ones in uniform. That is why the public accepts censorship during a war, as it did in this one. It is also why the public is upset when the press complains about censorship, as it did in this one.

The media play a vital role in American democracy, but not the leading one, and seldom the heroic one. Such is the lot for those who are not doers, but observers. When General Schwarzkopf asked a reporter during his fifty-seven-minute *Mother of All Briefings* whether the man had ever been in a minefield (the answer was "no"), he in an instant revealed the difference between the military and the me-

dia—on worldwide television, no less.

Congress is not the only institution that has fallen a notch or two in the wake of a remarkable display of presidential power. For the first time since Vietnam and Watergate, the media suddenly find themselves less favored, if not less monied. For those who want to parse the complete meaning of kicking the Vietnam syndrome, there may be something here. □



These are just a few of the opportunities afforded to the students who attended the annual Young America's Foundation's National Conservative Student Conference: A photo opportunity and meeting in the office of Senate Republican leader Robert Dole. An address in the Capitol by Jack Kemp. An extended evening with former U.S. Attorney General Ed Meese. Lectures by top-rate conservative academics. A private briefing at the White House.

"one of the most successful
summertime activities"
NATIONAL REVIEW

YOUNG AMERICA'S

"invaluable"
RONALD REAGAN

Please send information on The National Conservative Student Conference and an application to:

Name _____
Street _____
City _____ State _____ Zip _____

Mail to: National Conference, Young America's Foundation
110 Elden Street, Herndon, Virginia 22070 703-318-9608