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THE FORD WHITE HOUSE
A Miller Center Conference Chaired by Herbert J. Storing

THIRD SESSION

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Richard B. Cheney—White House chief of staff, 1975–77; assistant to the President, 1975–77; deputy assistant to the President, 1974–75.

James E. Connor—secretary to the Cabinet, 1975–77; staff secretary to the President, 1975–77.

Robert A. Goldwin—special consultant to the President, 1974–76; advisor to the secretary of defense, 1976.

Jerry H. Jones—deputy assistant to the President, 1976–77; special assistant to the President and director of the Scheduling and Advance Office, 1975–76.

James T. Lynn—director of the Office of Management and Budget, 1975–77; secretary of housing and urban development, 1973–75.

John O. Marsh Jr.—counselor to the President, 1974–77.

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Donald H. Rumsfeld—assistant to the President and member of his Cabinet, 1974–75; secretary of defense, 1975–77.

Brent Scowcroft—assistant to the President for national security affairs, 1975–77; deputy assistant to the President for national security affairs, 1973–75.

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Herbert J. Storing: I have a couple of things that I'd like to do. Let me mention two first. I do want to be sure that everybody gets an opportunity or takes an opportunity before we close to at least state questions that you might think we should or should have talked about that we haven't talked about. In other words, I would like to lay it down as a rule that nobody may leave and then after he leaves say, "What we should have talked about there was so and so," without at least having said that at some time, so that we have that on the agenda. I won't guarantee that we will in fact have talked about all those questions, but I really want any judgments you may have of that kind.

But I think before coming to that, I would like to—I originally opened the discussion with a question that invited the response of the people from the Ford White House and may have somewhat discouraged some of the others from jumping in as quickly as they might otherwise have done. So I'd like to open the floor with special invitation to the people here from the University of Virginia to see if they have comments, or reactions, or questions that we ought to be discussing that we haven't. So let me do that.

Laurin L. Henry: Well, OK, let me push the Steve Hess argument and perhaps see how far that goes. Accepting what Jim Lynn was saying about the likelihood that department heads are not always going to think presidential and accepting that, no matter how we push the pieces around, the federal government is not going to be organized so that everything is in nice neat places, Hess is pushing two arguments. First, granting you've got to have the staff process to bring these things together, how do you keep that mill from grinding fire and fire and fire? Now, as I understand what he's saying, Hess says one way you do it is by ruthlessly, almost arbitrarily, limiting the number of people in the White House so that of necessity they have to pick and choose, exercise the staff coordination only on the most central and crucial issues. I think he's saying, secondly, that to the extent that you build these staff processes, you make them more acceptable and legitimate, if you append them more directly from the department heads or the cabinet itself as a collectivity rather than having them depend from the President himself in a personal fashion. I'm not arguing for that position, but I'd like some reaction to that to test the outer limits of the Hess argument.

James E. Connor: Let's start with the proposal to "ruthlessly limit the number." I mentioned earlier, most discussions of the White House staff proceed on a total ignorance of what the numbers really were, and they compound that with a complete lack of understanding of what those people do who are, in fact, in the White House. You've got 485 people in the Ford White House, with maybe 25 detailees. Fully half of those people are engaged, more than half, three-

quarters of those people are engaged in essentially clerical functions, as the secretaries to the staff officials and that whole group called the operating offices. They do not have formal career protection but they have de facto career protection. So the real numbers are down even from that 400 or 500 number well into the range of below 100 people. In that number you have people who are engaged in certain kinds of activities that I think everyone would agree really ought to be appropriately done in the White House. One is liaison with the Congress. You have some number of people who are going to be doing that. If you count up how many people you need to deal with 535 people, all of whom think they are important, you've got to have somebody to answer their calls and answer their letters and hold their hands. It turns out you have to have about 15 or so people to do that.

Donald H. Rumsfeld: All of whom *are* important. [*laughter*]

Connor: I think I'll stick with my description.

James T. Lynn: They *are* important.

Connor: Well, some of them may not even know what they are voting on.

Robert A. Goldwin: Jim [Connor], in those numbers, are you including the Domestic Council staff?

Connor: No.

Goldwin: OMB?

Connor: No.

Goldwin: Council of Economic Advisers?

Connor: No.

Lynn: But OMB isn't any bigger than it was.

Connor: OMB has not grown at all in years. In fact, it's smaller than it was in 1946. There's a press office, some substantial number of whom are engaged in the care and feeding of the press. Now that doesn't have anything to do with policy coordination, cabinet officers making decisions, and the like, It's making sure that the reporters don't get lost.

Storing: That's not quite true, that it's not pertinent to this broader thesis, because if I remember one of the arguments is precisely that the press office tends to centralize the information function in the government as a whole. It is either an instrument of that or the cause of it. So it's connected to this broader question.

. . . [Inaudible] . . .

Storing: Maybe not, but it's a fact, it's a phenomenon. It may not be bad, but the argument at least is that the control and release of information in the U.S. government tends more and more

to be channeled through the White House. And that may be right or it may be wrong, but it's argued anyway that that's a change.

Goldwin: Herb [Storing], simple facts show that that's wrong. Take the press office of the Defense Department or HEW. They're 20 or 30 times bigger than the press office of the White House.

Richard B. Cheney: The PR [press relations] shop at Defense has more people than the whole White House staff.

Goldwin: This notion of centralizing doesn't come from the staff size.

Storing: Then the question would not be in terms of numbers. I mean, what kind of policies—you may well be quite right, but is it true that major policies that might at one time have been announced by a cabinet officer or his press people now tend to get announced by the White House? Now I mean that may simply not be true.

Rumsfeld: Compared to what? The answer is, yes, compared to the Johnson administration.

Connor: Compared to the Eisenhower, Kennedy, Truman, and Roosevelt administrations—no.

Brent Scowcroft: But I think that the real fact is that it's not dependent on the size. It's dependent on the President's judgment as to where it's most effective to have it announced. Size is irrelevant.

Connor: It is also dependent on another phenomenon which has nothing to do—and on this I want to be very careful—with the Hess structural, numerical arguments. It is a function of the way in which media can focus on a President and ask questions and get answers. Things which would not play if they came out of the department or agency will play if they come out of the White House. So that although certain of those phenomena may be taking place, there is more attention to the presidency. It is not a function of structure or numbers. And when you make these grandiose arguments about it, you've missed the damn point.

Lynn: I'll give you the practical side. The major newspapers have reporters that cover the White House and other reporters who cover departments and agencies. I think there's a healthy competitive instinct between the two on who gets the story. And I recall that in the Ford administration, we made a conscious effort more and more to—when questions were asked at a White House press briefing about something that was happening in a department, to have the press officer say, "Go to the department and find out about it, or *we'll* go to the department and get an answer from the department." And it would be published as a departmental answer. The White House press corps did not like that one bit because they didn't want the story coming from the Defense Department reporter; the White House reporter wanted it to come from the White House reporter. So having once been in this over a period of many years, even when you have the right bias to move it out into the departments and agencies—and I recall discussions on this, Dick [Cheney]—it was very, very hard to implement because the White House press corps didn't want it implemented. So I'm just giving you the practical side of it.

Rumsfeld: Since you said you didn't want people to leave and then said they should have said something—the problem I have with the Hess discussion around the table is that it seems to me that it's an inappropriate vehicle to set the parameters of any discussion on this subject. We've been talking about effort and technique—I'm not talking about his analytical stuff in the beginning, but the end of it where he's got these five new ways to solve the problems of the world. It seems to me that the times, the environment, the expectations that exist when one goes in, the press appetite is one, what has been the personality of the President, as well as the approach or the technique or the effort are all important. And the effectiveness of what actually happens as a result is what's really important. If that's good or bad, it's perfectly appropriate to look back and say what were the things that contributed to that good or bad result. But to be led down a channel that suggests that organizational charts or the things that he focuses on at the end of his book are the answer as to why something turns out good or bad—if your measure is effectiveness, I think it's chasing the wrong rabbit or at least it's looking at too little of the whole picture.

Cheney: I think most of us who served in the Ford White House agree with that view.

Rumsfeld: Which makes it right. [*laughter*]

Herbert Stein: I think that we have ignored that nothing has been said about a very dominant fact here, which is the change in the function of government, the expansion in the role of government, and the increased concern about interactions. That is, there was a time when the Department of Agriculture had an agricultural policy. It was not then a sub-branch of inflation policy, environment policy, energy policy, and so on. And if somebody had to look at all these interactions, it requires a central body, and that central body is going to be much bigger than it used to be. When this fellow from the new transition staff talked to me about how to organize economic policymaking in the White House, I said, "Well, it depends. If you're going to have a Milton Friedman kind of policy, you'll need two or three people. If you're going to have a [Wassily Wassilyevich] Leontiev kind of policy, you need 400 people." I don't think there's any way to get around that. And we are moving more in the direction where we are concerned about what everything does to everything else.

Storing: And that's because we're doing more things.

Stein: Well, yes, we're doing more things, and we're taking more responsibility. So I think this is a case where form follows function and that we are concerned about the inflation impact of everything, the environmental impact of everything, the energy impact of everything, the equal rights impact of everything, the women impact of everything. All of those interactions require geometrical multiplication. It's like one of Leontiev's tables: it increases by the square. And so I think that has a lot to do with the size of the staff.

Jerry H. Jones: It seems to me Hess is hoping that we can go back to a golden era that somehow wipes clean all of these bad things that have happened in the office of the presidency. I don't think he recognizes a whole series of things, partially internal and partially external, which have caused a lot of forces to come to bear—for example, the role of the bureaucracy. We haven't talked about that at all, but the fact is that Roosevelt added a whole bunch of people, and we've added a whole bunch of people every term of the presidency since then, and the thing has gotten

to be a monster. The science of bureaucratic mechanics is something that nobody understands very well yet, but we've got a very few people on the very top strata of those departments, it's a huge iceberg, and the world doesn't work like you think it ought to. You punch button A and Z happens.

So there is this bureaucracy that isn't led; it sort of leads you, often. Somehow when you're sitting in the White House, you have a terrific need to see if you can't make those son-of-a-guns do what we're trying to do. After all, this man was elected President. I don't think that pre-Roosevelt the presidents had to face this massive resistance out there, or bloc, or mind of its own. Somebody has to look at what the bureaucracy does, and what it does to the little, thin layer of political officers, and try to understand it and how it impacts on the President. I know Kennedy felt that he couldn't manage the State Department. Both in the Nixon and Ford administrations, we felt that the departments and agencies must be terribly dumb or must be acting against the President's self-interest because they did a lot of things that weren't helping us over there. Your impulse is to try to do something to fix it, and one of the ways that you fix it is you pull it into yourself. And Hess doesn't address how those cabinet officers are going to lift that problem.

Then there are a whole bunch of other things that come. Let me give you two examples. Seems to me all the presidents before Roosevelt didn't have to deal with television, information explosion, modern technology on communications and information transfer, and those have had a big impact on being able to centralize decision-making. If you had to send a messenger with a note every time you wanted to talk to a cabinet officer, it's a lot easier to delegate it to him. Now, you can centralize more effectively, for example. The television camera is a bear. People all over the United States watching [TV news anchor] Walter Cronkite can be fed a political message every night, and that political message is extremely powerful. There's a huge incentive as President to try to have a consistent message go out, and the inconsistencies that you get suddenly become very glaring and become politically troublesome, and you have to try to do something about it to put out the same messages.

The world has changed. The golden era that was pre-Roosevelt is gone forever, and I'm not clear that it was ever there in the first place, but certainly these things—and I think there are other ones—have a big impact. Let me add one more: politics. Politics is very different in this country now than it used to be. You know, Pony Express, very slow. Political parties were fairly strong.

Congressional leadership had some sort of control over Congress, so a President could cut a deal with the Congress and hope that you could make something go. Now you can't cut deals up there anymore, or at least we couldn't, because if the leadership agreed to it, you might get the opposite vote two days later. So politics has changed, and technology has had—information systems, people's evolution—Herb [Stein] was saying something a moment ago about the interactions. Well, one thing that's happened is that everyone suddenly sees—and it's sort of become conventional wisdom—that everything relates to everything. Well, we used to live in a simple world where everything didn't relate to everything, and then something would happen off there and you explained it through failure or something. But now we explain it that the President made a bad judgment on letting Arthur Burns [chair of the Federal Reserve Board, 1970–78] expand the money supply too fast. People are beginning—and the population, society, is beginning—to be able to see interactions, and as you see interactions, the world gets incredibly more complex.

My sense is that it probably is going to get a lot worse before it gets better, and the same goes for party organization. You used to be able to drum up party support out there, but frankly political parties don't meet all that much anymore, and they don't provide a counterforce to not only the Congress but also the President and his cabinet. It's amazing, cabinet officers that you find these days, even governors, don't appreciate the political impact of what it is they're doing out there, or so it seems. Now they may be misguided. There are some really super cabinet officers; there are some that are pretty good, but there are many that aren't. If you don't start thinking about these impacts, from outside and inside, on the presidency, you miss the whole point.

Storing: I wanted to ask about another thing, the relatively small number of political appointees in connection with this question of controlling the bureaucracy. Is that an important consideration? Is that a point in the government at which it would make sense to think about changes? Would it make much difference in controlling the bureaucracy or guiding the bureaucracy if there were a significantly larger number than there is now of political appointees?

Jones: Well, I read your little note in here that one of Nixon's aims was to destroy the merit system, and I was for 18 months his personnel director. I've got to say, the imbalance of the bureaucracy power versus the political appointee power is extraordinarily out of kilter and that it does have to be addressed. It would help a great deal to add more people who would be responsive to that.

Cheney: The number of political leaders in the administration, it seems to me, isn't nearly as important as the fact that there's absolutely nothing you can do without an enormous investment in time and personal resources about reorganizing the bureaucracy and reducing it. There was a piece in the [*Washington*] *Post* recently that somebody had analyzed the Department of Agriculture and showed that out of 45,000 people in the course of a year, 44,996—all but four—got merit increases that year. A merit increase is for quality performance.

They probably spent 10 man-years of effort to keep the four people from getting the merit increase. [*laughter*] It's the inability to deal with a bureaucracy in a fashion that gives you anything that remotely resembles a personnel policy. You don't have a personnel policy. It just doesn't exist.

Storing: And it wouldn't significantly help if your political appointees were two or three levels down lower in the bureaucracy?

Cheney: It would help, sure. But you've still got the problem of all those people underneath.

Lynn: What the Turkish government reportedly does is, in any given year the head of the agency has the right without restriction, other than doing it on political biases—in other words, you can't do it because you're Republican or Democrat or Independent—to can 1 percent of the employees of the department without cause. For the purpose of the idea, it wouldn't make any difference whether it was 1 percent, one-half of 1 percent, a quarter of 1 percent. The idea is that those that really do know that they're substandard would all wonder whether they might be the one or 10 or 50 that could get fired. So therefore it would give them some encouragement to at least raise themselves above that marginal level to get out of the danger zone.

Storing: By the way, you know, the original civil service law was perfectly rational in this respect, providing for no restriction on removal. The idea was, you protect the appointment.

Lynn: This, like all things, is a very complex subject because some of the very things that we are doing now in the name of ethics are things that, in my judgment, are destroying an incentive for talented, vigorous, bright, able young people coming into the government that we had for years.

Let me give you an example. The SEC [Securities and Exchange Commission] overall has a quite competent staff and, as things go in a larger organization, so does IRS [Internal Revenue Service], and in their policy side, and so on. One of the reasons why you would attract bright young people to the SEC, the Antitrust Division of the Justice Department, or to the FTC [Federal Trade Commission] or tax division was, they knew if they came into the government, they had two tracks available to them. One, they might decide to stay—they liked it, and being involved in public policy and important issues was worth the sacrifice in pay that would be entailed. But another reason was, many of them looked upon it as the best degree, ticket, when they left to go out and make a heck of a good living.

Now, today, it's put the other way. It's, quote, "revolving doors," unquote—and there is something very sinister about having gotten part of your training in an agency. We even see coming into laws things like in the Consumer Product Safety Act, that if you served there you can't have anything to do with the federal government in those areas for a minimum of two years after you leave. Now, I'm a great believer in our academic system, and I love professors dearly, but I would like to see people getting that training to have some sympathy for the problem of people in government when they come out into the private for-profit sector. There's got to be balance brought to that. What I used to say in the speeches was sound: we have many people in the government we don't deserve. And I mean that at both ends. We have many people we don't deserve because they're not competent; and we have many people we don't deserve who are supercompetent, who have made real sacrifices by not going into the private sector. And there were many people of that kind.

One of the basic problems, I agree with Dick [Cheney], is that if you want to can somebody, it takes an extraordinary investment in time to do it. The Civil Service Commission will be supportive. The courts will be supportive. But you've got to build a case like nobody's business before you actually go about the firing. But part of the problem in the federal government is that we have never worked out for ourselves a permanent management system. The people down the line in middle management are not measured by the job of management that they do. Very rarely has a President given a signal to his cabinet or to the agency heads that although day-to-day management is not my function as President, I want to pick people partially for their managerial ability with increasing parts of their time being spent on it as you move down into the shops. They're going to be measured on those management abilities: on how they turn on people with incentive, how they come up with systems so that you can recognize people that aren't performing, and so on. And I really think we tend to be too simplified about whether it's a career job or not. I saw an awful lot of Schedule Cs [lowest-level political appointees] who frankly didn't do a terribly good job. And in many cases it wasn't because they weren't able, it wasn't because they didn't care, but because they weren't turned on by proper management techniques—that management was not given the kind of priority it should be. Now again, I think there were efforts made at that: for example, President Nixon's proposal, that we should have an

executive management layer, like a teacher—you have five years, but at the end of the five years you come up for review—a technique where if someone really is bad that you could do something about it. What I'm saying is, I don't think it's as simple as career or noncareer.

But what you're getting at in the asking of these questions again is, in my humble judgment, the need for the staff—and Steve [Hess] says this—that the need for how many, quote, "specialists" you have, the need for people who have straight-up interests for the President to tell it to him straight, whether out of OMB or out of the Domestic Council staff, depends totally on the quality of the people that you're bringing in at the cabinet and departmental level, and what kind of a priority the President gives to various functions of those people, what he expects of them, and canning them, darn it, if they don't perform. And what we here are a bunch of ad hoc arrangements, some of which will always be necessary. But the degree to which you have them will depend totally on what those qualities are of those cabinet and agency people and how much a President clearly gives signals to them on what their priorities ought to be and what he expects of them. And all the rest of it falls into place when you do that. But it also involves, as I say, that very delicate business of having to say every so often, Charlie or Jane or whatever it may be, you can't hack it. You're a lovely person and you're a great success in the private sector as a teacher, as an entrepreneur, as a foundation head, but this just isn't your thing.

John O. Marsh Jr.: I think you have to play the ball where it lies. I don't think you're going to find people are going to do that. The cost is too high to fire people, the way the system is set up.

Lynn: That's why I said one thing we might all work on are better ways of gracefully moving someone out of a job, and that includes public acceptance principles, of getting it to a point where it can be done without making it impossible politically for the firer. To work in that area could be extremely useful.

David A. Shannon: Have there been studies made—and I'm not a political scientist—have there been studies made of the government bureaucracy here and comparable nations?

Unidentified Speaker: Sure.

Shannon: Can we learn anything from them?

Lynn: On this kind of a problem? Well, all I know is that when you sit down and eavesdrop on heads-of-state conversations, or if you're a cabinet officer and talk to your counterpart, whether it's in the Soviet Union or England, you'll find exactly the same thing in varying degrees.

Jones: Yes, but we've got one structural problem in our government that makes it very different from the structural problems in a parliamentary-type system. When you're a prime minister, you have a majority, and your fellow ministers are part of the parliament and also managers of different pieces of the bureaucracy. Our bureaucrats, our departments and agencies, have at least two power centers to answer to and to play off against each other: they have the executive—the President, his staff, his appointees—and they've got the congressional committees—their oversight committees, and so on.

One of the things that may make us more sensitive to this question is that these people are there. We were always in the minority position in the Congress, and who they were playing off against

in the Congress were opponents of ours often. And that playoff was very painful because you found yourself getting faked out by the bureaucrats in order to get along all right on the Hill. The fact is, the guys on the Hill are in charge of those committees, and those staff fellows on the Hill are in charge of those committees, much longer than we're ever in charge of the executive branch. You sort of find the center of gravity favoring them, and there are very different ideas, often, between those committee chairmen and a conservative administration as to what ought to be done. And that's quite different from, obviously, a parliamentary system.

James W. Ceaser: I just want to raise, I think, the obvious point. From the point of view of people in the administration, the problem is, how do we get control of the bureaucracy? But one should ask initially whether it's the prerogative of the administration to get full control over the bureaucracy.

Lynn: Define what you mean by "control." I am very serious. If you define control as meaning attempting to see that people comport themselves in accordance with the politics and programs enunciated by the President of the United States, you darn well better get control.

Joseph M. Bessette: But what about the policies and programs in statutes?

Lynn: Now, wait a minute. I'm assuming that what the President of the United States has directed is consistent with the law of the land. And if you can prove that someone down the line is doing things that are inconsistent with the policies and programs, legal policies and programs of the President of the United States, you can can him. Because that is what the system is based on. Now if you mean control over them in the sense that they are never going to utter a word in a meeting in trying to change some policy, nobody's for that.

Ceaser: I'm speaking of interpretation of policies which are congressional laws and in which a bureau may have some discretion. Is it his obligation to exercise that discretion in the spirit of the prevailing President, or in his own spirit, or in the spirit of what he Congress to be?

Cheney: For the most part in the executive branch, not speaking on regulatory agencies because they're a separate problem, I would argue very strongly that he's got to carry out his authority to the best of his ability in line with what he thinks the President wants him to be.

Stein: Well, the law doesn't usually delegate authority to a bureau head.

Storing: Your point is well taken.

Lynn: In writing a regulation you can interpret a statute five different ways.

Cheney: If you don't have that fundamental linkage—that is, the concept of the extent that an individual official in the executive branch is going to exercise his authority in accordance to the President's wishes—then you've totally broken down any sense of accountability at all. Nobody ever votes for that bureau chief or that GS-15 [high-level career federal employee] down in the depths of the organization. He is accountable to absolutely no one. The President is the only guy with his name on the ballot and everybody else is a hired guy. And once you begin to argue that that bureaucrat has the right to thwart presidential intent—you've destroyed the whole concept of how the democratic system operates.

Ceaser: No, I think, I'm very sympathetic to this argument, but I'm quite aware that there are different arguments as to accountability and as to the President's prerogative. I thought that this other view should be voiced because we're all beginning with the assumption, which really comes out of the Brownlow Commission report, that the executive agent, the executive bureaucracy, is the President's. There have been different theories in American politics as to whether that's true and very different understandings of accountability, accountability to professional standards, accountability to Congress, and the like. I just raised this, I personally don't want to press it. There are instances where obviously we saw in the Nixon administration where accountability to professional standards might have offered a salutary check against the executive.

Cheney: That wasn't a problem in the bureaucracy. That was a problem among the political appointees in the administration.

Storing: It is also a fact that an awful lot of statutory authority is vested not in the President but in the departments or agencies or secretaries. So that on that basis there is an argument—you see, I mentioned at the outset this Jackson versus Whig view. You know the Whig view—against Jackson's notion, which was sort of like the notion you've been putting, Dick [Cheney], which is that the administration was his hands and fingers, therefore he had the right to fire the secretary of the treasury. The Whig view was the army is the army of the country, not of Jackson; the administration is the administration of the country, not of Jackson. Now, again, neither do I want to simply press that argument, but there is a pretty respectable argument.

Lynn: A part of that is on the basis of convenience in the sense that everyone knows that if you say "the President of the United States shall," and they do that in many cases for a number of reasons—one is you want flexibility in a President to move around delegation of authority. But in most cases where it looks like a matter purely within a given department, what's the use of giving it to the President when you know the first thing you're going to have to do is create more paper, an executive order, that delegates it to the cabinet head. And being practical about it, if you look at the certificate you got, say, as a cabinet officer, it says, "trusting in the integrity, judgment, and so on of the gentleman from Ohio," you are to serve at the pleasure of the President of the United States and "for the time being"—those are the words. Congress knows when it passes a law that, sure, a secretary can do something contrary to what the President wants him to—but the reason for that "for the time being" is that if he gets too far off the reservation, the President *is* the person that's accountable to the people ultimately through the elective process, and that secretary can go. So to try to draw a line on other than regulatory functions that require a kind of a lawlike decision and say the President shouldn't get into the act really bothers me. Let me give you one of the best examples that I tried to get things generated on and never did.

Storing: Jim [Lynn], just before you do, I just want to insert that that doctrine that you say bothers you is a modern doctrine. I mean it comes from the *Myers* case [*Myers v. United States*, 272 U.S. 52, 1926], and prior to the *Myers* case it was not by any means clear—

Lynn: Well, let me give you a very good example. We seem to have a theory in this country that when it comes to antitrust policy and the bringing of antitrust lawsuits on new theories, for example, that that should reside in the assistant attorney general in the Justice Department. And

not only should the President of the United States not have a say about that, but, ye gods, the assistant attorney general shouldn't even consult the attorney general with regard to it. Now, I say to you that where those decisions involve macroeconomic matters that can be of importance to the economy of the country or could involve some overall policy with regard to deregulation, that it is a perfectly appropriate thing for the issue to be reviewed by the attorney general and, on his judgment or by memo from the President setting forth where he wants to be advised, to be reviewed by the President. It should be part of the established policy.

Steven E. Rhoads: If it's on the record.

Lynn: Yes. If what's on the record, the fact that he's consulted? Or do you want the *Wall Street Journal* sitting in the meeting? Just that they consulted him?

Rhoads: Well, what I was objecting to was the notion that—

Lynn: That it's covert?

Rhoads: Yes.

Lynn: Well, I'm saying to you the way I wanted to do it was by an executive order from the President making it clear that that's what was to happen, that this is my decision and you're going to follow it, and that this process shall be followed on as to process anything that will affect the economy or you may think we will have reason to believe will affect it in this way, or has a sensitivity in international affairs that will be of interest to other departments, et cetera. That things of that nature must come to the attention of the President of the United States. That's exactly what's reflected—

Cheney: He's literally accountable to no one in terms of making those decisions. The American people can't hold him accountable for what he decides to do in a particular case. But somehow his position is automatically less suspect than that of the President because the President's a politician and a political figure.

Storing: On the other hand, on the accountability point that you mentioned, a couple things: after all, in many of these cases there *is* another line of accountability—namely, through the congressional committees. So it's not simply true that a bureau chief who resists presidential interpretation of the statute, it's not simply true that he's not accountable in any sense because if he doesn't have some support in Congress, it's likely to be hard, for just the reasons you described, for him to maintain.

Then that raises the question of what this sort of Brownlow Commission [President's Committee on Administrative Management, 1936–37] view of a hierarchical President—here's the President, here's the administration, and in an ideal world, when the President says, "do it," then it's done—but where exactly does that leave the Congress in the system if you were to—

Lynn: Congress can get into any darn thing they please.

Storing: But you don't like that.

Lynn: That's my basic point—

Storing: And that's legitimate?

Lynn: —and they do, but they get into the wrong things. That's the problem. [*laughter*]

Stein: If Congress wants something to be outside this hierarchy, they can set up something like the Board of Governors of the Federal Reserve.

Storing: That also is a matter that would be in dispute constitutionally, how far the Constitution—

Lynn: When I made a controversial decision that supported a presidential policy, I knew it wouldn't be more than two hours after it happened that hearings would be scheduled on it. So as far as the practical side of it is concerned, you knew you had oversight from two places: one above you, the President, and the other, the Hill. That's how it works in practical effect. And there's nothing wrong with that. I don't like sometimes the congressional sense of priorities—they'll often do it on the basis of what's news rather than on what's important. But to have it that way? Of course it ought to be that way.

Marsh: Let me mention something about what I think is a very discernible trend, which I think we're going to have to address because it's going to ultimately reflect on what are the necessary powers that we want the President to have, and are those powers being impeded in any way because of changes. There's a growing trend in this country to what has been described as "congressional assertiveness" and even might be described as a trend toward congressional government.

That is going to increase, in my opinion, and I think we can see and point to instances where this congressional assertiveness is injecting itself into the area and province of the executive branch to the point that it impacts adversely on the effectiveness of policy in this country: the Jackson–Vanik amendment on the trade bill [Trade Act of 1974] is an example. The problems that we have on the Greek-Turkish situation is another example. Many of the legislative overviews under the one-house veto of federal regulations is another. The growing role that the Congress is playing in the investigative sense. We're at a time where there's a confluence of certain forces in this country. One, the age-old questions that were raised during the New Deal days of the role of the federal system. The Social Security system, which we see now as vital to our society—nevertheless, it did centralize power in government. In the 1950s, this was obscured by the states' rights arguments, which were so often and, unfortunately, related to questions of race, but it's been accelerated the last decade by two other events: South Vietnam and Watergate.

Now those three things, I believe, have broken down an ancient concept in this government that we refer to as "comity"—simply the courtesy between the branches of government—so that now it's going to be interesting to see in the Carter administration whether or not they're going to be able to form a policy that they can execute, because their reasons for not achieving the success of their goal cannot be laid to the fact that there's one branch on Capitol Hill and another branch on Pennsylvania Avenue. Very senior people in the Carter administration are very much aware of this, but we see several assertions of this congressional power already in the Carter administration. Number one, the withdrawal of the $50 [per-person tax] rebate. I think the

President was wise to have done that, but he was going to lose it. The Congress interprets his change on the [federal] water project system as a congressional victory; that's another. In our time frame, we had the subpoena of the secretary of state by a Select Committee of the House, the Pike Committee [on intelligence, 1975–76]. We got into a terrible question as to what information could we withhold under what we deemed to be executive privilege, which is an area you're going to have to address as to confidentiality of presidential memoranda that flow in and out of the White House and to what degree. What are the areas of information that should be available to the public? These are very key questions.

The Carter administration made the decision that they were not going to fund the construction of the hospital to educate doctors for the military service. How did the Congress respond to that? That subcommittee, as I understand, responded by voting, 8-0, to subpoena their own administration's witness to come up and tell them who made the recommendation to build or not to build that hospital. Those are elements of congressional assertion that I don't think are going to go away, and they raise the question of how effective can you be.

For example, through the GAO [Government Accountability Office], the subcommittee and the International Affairs Committee of the House made a study as to whether or not the Congress felt they were adequately informed in crisis management, so to speak, in the evacuation of Da Nang [March 27–29, 1975], of South Vietnam [Operation FREQUENT WIND, April 4-September 16, 1975]; the *Mayaguez* incident [Cambodia, May 12–15, 1975]; and Lebanon [invasion by Syria, January 22, 1976]—on those four areas. About 280 members responded, and of that number about 85 percent felt they did not have adequate information. They felt that they should consider having a congressional watch center where they would receive the information that the executive branch would receive during periods of crisis to know what was developing on the international scene in order for this government to be more responsive.

Those are some of the great areas that will have to be addressed because, in my experience in working with the war powers, you do not have the opportunity to get consensus among congressional leaders when they're in recess, for example. I can recall trying to notify members of Congress who were in five or six countries overseas and not a single one in the District of Columbia. Those are some of the big areas that we're going to have to talk about: the relationship and role of the Congress to the executive branch in the next decade.

Scowcroft: I think this could be one of the central areas that the Center might want to look into: the power of the presidency and its relationship to other—

Storing: You know, it's a very interesting point because of course the dominant academic view has been that the thrust in the direction of a stronger President is just invincible, and that although—

Lynn: It's changed so in the last—

Storing: Well, that is the question, whether the change is—and I'll say I'd be open on this one—whether the change is a wrinkle or whether it represents, as has been suggested, a sort of more fundamental thing.

Lynn: I think it's a pendulum that is swinging the other way, and it is continuing to swing even with the new administration. For example, one appropriation subcommittee resolution said, "Thou will not cut the '77 money for the water project." He hadn't even proposed cutting the money. But this kind of relationship between the executive branch and the legislative, the signals back and forth, the irate calling of the witnesses as to who killed Cock Robin. *Who was the person that advised the President on this? We want the paper that went in to the President.* This isn't any aberration; this is just a thing that's swinging back.

Let me give you one of the best ones. There was a proposal that all new regulations by an agency shall lie before the committee in the House or the Senate for at least 60 days before they become effective. Now what follows from that is if Congress were going to carry out an oversight function, they damn well better have about the same kind of staff with the same expertise as the branch did. They ought to take all the time to read all of the hearings and all of the fact sheets, and they ought to have the benefit, should they not, of all the internal option memoranda that were used to prepare those regulations. That means getting into the day-by-day regulation.

Now I don't blame the Congress in many of these areas for wanting to do more, because on the one hand they've seen sometimes, what they consider, at least, an abuse of flexibility. On the other hand, they do not want to write the laws rigidly because they know that the work under the law has to evolve. So the compromise positions are one-house vetoes, which is a way of having a halfway house, and the other way is the kind of other procedure that I just described. As things become more complex, they don't want to give up total flexibility to the executive. And on the other hand, they realize they could put the whole country in a straitjacket if they write a law that has infinite detail.

Bessette: But on this point isn't it the case that it still remains fundamentally true that the executive branch has certain capacities and certain qualities and the legislative branch has certain capacities and other qualities. And the great capacity of the executive branch is for action. And presumably, or in principle, the capacity of the legislative branch is to deliberate and to reason about actions taken in other places. Isn't it the case that that really establishes the parameters in which this struggle occurs? And the example of that would be the energy policy that Carter recently came out with. It's clear that Congress didn't have the institutional capacity to develop a policy like that and probably not the political inclinations to take the heat. So doesn't that indicate that there are these various capacities, or qualities, of each branch which are related essentially to their constitutional nature, the one and the many, and that that really establishes the ground rules, or the parameters, in which this struggle will occur?

Lynn: I think I agree with some of that, but one thing you haven't mentioned is, there is no good reason under the Constitution why the Congress could not be a bigger contributor and more powerful on overall broad policy formulation and programmatic formulation. And—

Bessette: But there is, because there are 535 of them, split in two.

Lynn: Now hear me out a minute. What has developed over the years in the executive branch are these coordinating mechanisms. And the coordinating mechanisms are things like the NSC, the task force, the budget reviews where people are brought together and competing viewpoints are brought in one room—the task force on drug abuse, on crime, on Vietnam refugees, whatever it

may be. The Hill, due to its own structures, doesn't have that. Every standing committee looks at it with blinders on: "I don't want to hear what the competing priorities or missions are."

Now the Budget Office was the first move toward trying to get a coordinated viewpoint. But the budget process, where you don't have one tiebreaker as you do in the executive branch, therefore requires some overall coordinating mechanism to develop the policy and the programs that are brought into the budget process. That's why I said during the lunch break to somebody, one of the most exciting and important developments, in my judgment, on Capitol Hill in the last 25 years is [Thomas P.] Tip O'Neill's present efforts to form this umbrella committee on energy, which will have the funneling job. We've talked about pyramids. This is an hourglass when they get the overall comprehensive proposals from Carter. They have the decision-making on what committees get what. They try to coordinate the actions of the standing committees. It comes back to the overall umbrella committee, but here's where I don't quite like what they're doing. The bill that goes to the floor will represent, if there's a difference between the standing committee and the umbrella committee, the views of the standing committee. But the umbrella committee can put forth its own alternative proposal. I would have done it the other way around.

If Congress will come up with more of those kinds of umbrella coordinating mechanisms, one of the things you will find is there will be less need for a lot of the White House staff organizations that you have, and let me explain why. Because if those kinds of umbrella organizations on the Hill can be made to work, they will come up with what at least an executive believes is more rational policy. And they will, over a period of time. You'll crawl first and then walk in doing it. But one of the reasons why you have the inner White House staff is that the cabinet officers have to deal with those heads of state in the standing committees who don't look at anybody else's jurisdiction. They get mad if a policy is put together by a cabinet officer dealing in liaison with some other cabinet officer because it doesn't jibe with the mission of their particular committee. The White House responds to the cabinet officer playing the game of the narrow jurisdiction of his department and the Hill by proposing a flaky proposal that isn't coordinated, and the White House has to respond with the only coordinating mechanism in town. So it isn't necessarily the nature of the beast that you have to have what—

Bessette: But there's one fundamental problem—namely, that in Congress there isn't the same incentive for that individual congressman to vote in accordance with the umbrella committee's decision about the overall policy that there is in the executive branch.

Lynn: Oh, I agree with that.

Bessette: Because you still have some control down through a certain level.

Storing: Especially without party discipline.

Bessette: Without party discipline and without leadership.

Shannon: I said the first time I spoke that I'm not a political scientist; I'm an historian. And the idea that the assertiveness of Congress is not likely to go away, I thoroughly agree, but I don't think it's anything new. It's been there a long, long time.

Well, even when FDR was President. I don't think FDR understood organized labor, and it was [Senator] Robert Wagner that got the NLRB [National Labor Relations Board] through against the President's real wishes, but he wouldn't speak out against it. He didn't come out for it until it passed the Senate with 19 dissenting votes. As for hemming the President in and getting legislation in that he didn't really want or getting [inaudible], look at the Neutrality Acts, 1935 and thereafter. Then you get back in the 19th century, remember the impeachment of Andrew Johnson. That was even more absurd. And I think it would be a mess if we didn't have an assertive Congress. It's a question of how they're assertive, what's the wisdom of their assertiveness.

Connor: I think it's a very useful point that Mr. Shannon made. It seems to me that in carrying out this discussion you've got to keep two very different things in mind. One is the historical viewpoint of the relations over time between executives and legislatures; it's not nearly as clear that things are one way or another. The second is what I'd call fashions of the presidency, the currently fashionable ideology, whatever that happens to be. And I think that in that line, to me at least, it is not clear which way that pendulum is swinging regardless of which way the congressional-presidential pendulum is swinging.

If you will, [American historians] Dick Neustadt's attitude, Arthur Schlesinger's attitude, MacGregor Burns's attitude, in retrospect they're not very different from attitudes about the Supreme Court in the '30s. They are attitudes that glorify institutions that are presumably generating the policy outputs that the particular writer of the article happens to think are very good. It is not surprising that you get very negative attitudes on the presidency appearing on the parts of the writers who are not congenial to Richard Nixon's policy, programs, approaches, beliefs, behavior.

I think what's going to be interesting to see in the future is whether or not the fashion shift moves back again with a Carter in the White House. Or maybe Carter won't meet the needs, and maybe the fashion will continue. It seems to me there is a very big difference between the fashions of what people are saying is legitimate about a presidency—a presidency has got to be strong, a presidency has got to be weak—and the actuality of the continuing struggle between institutions, each of which is trying to take advantage of the other, probably as they were set out to do.

Frans R. Bax: I have a follow-up on all of these comments, particularly on Mr. Shannon's. There's no question that Congress is asserting its role in the government, I think more in recent years than it had in the years prior to the most recent years. But to call this a return to congressional government and to draw an analogy between this period and, say, the 1870s, I think is not paying enough attention to the difference in the historical context. Today the Congress in almost every example you can cite of its assertiveness is reacting to presidential initiatives, actions taken by the President, to his proposals and so on. In previous eras where we've spoken of congressional assertiveness, it has been much more the case that the Congress has been proposing initiatives, ignoring those of the President, or, alternatively, in the absence of any initiative taken by the President for whatever reason he has not to take the initiative.

I think in terms of the Congress's structure today, also, this decentralized mode of operation, which has been in existence for 50 years or so, is the reason why we need not worry about

congressional government. The problem we have to focus on is how we can create a system of government, a legislative-executive system, where Congress does not impede itself or intrude itself excessively into administration.

This raises a question, I think, in terms of how the White House and its decision process should be structured. How can the President structure his decision process so as to enhance the possibility that relations with the Congress will not lead to unfortunate intrusions into administration? I see two different answers to this. One is the whole idea of more open Presidential decisions: turn away from the White House staff, rely on cabinet officers who can go up to the Hill and testify, who have to go up and testify, and try to rebuild comity and trust. I personally don't think that is as effective as another method, and that would be to create a system whereby the President can come forth with concisely and persuasively packaged initiatives which can be sold and taken to the Hill where they will garner support. The congressmen aren't ready on their own to create initiatives. They are very ready, if they see one that is put together effectively, to follow it and perhaps tack on a few amendments here and there but not obstruct it.

The difficulty is that that system of effective coordination at the presidential level has broken down. The difference between congressional government I think—

Lynn: Well, let me give you a golden rule on how to package something that will get ready acceptance in the Congress. If you package a new initiative that involves more money or tax cuts—although since tax cuts are always a threat to spending more money, they're more careful about that because they don't want it to get in the way of the increased spending—you will win, and you will have good liaison. On the other hand, if you want to package anything that's going to cause grief back home in the district, there isn't any genius that you can use other than one—and this shows a quality of a particular presidency—which is to go back home to get to the people of the United States and explain, as President Carter is trying to do at the present time—we tried too, I think he's doing a quite good job however in this regard—that we do have this crisis, it's a difficult problem, and we've got to address it.

But there is your basic problem. The basic problem is for a President to get enough of a consensus of what people will say to their congressmen and what they write in letters that the Congress will respond to their people back home, not the President. And I don't know that there's anything wrong with that, but that's the basic point. No matter how well you package it—whether you do the most beautiful job of charts, graphs, et cetera, you can consult for 20 weeks with a congressman or a senator, you can take each one of them on one-on-one for 30 months—and it won't do you any good on a tough issue unless you've gone to the people, and the people understand the issue, and that congressman or senator feels secure in voting with you. And it's as simple as that.

Goldwin: Much of this struggle we've been talking about between Congress and the executive, I suppose, was foreseen by the authors of *The Federalist*, who wrote of ambition counteracting ambition and connecting the interests of the man in office with the constitutional rights of the office. That kind of conflict and competition was intended, but it aggravates everybody. When it goes too far one way or the other, there is a concern. The thing that I worry about, and I can only sense it—I think those of you who had the kind of experience in the White House that I did not have could speak more knowledgeably about this—what I worry about is that now, for a variety

of reasons, the bureaucracy can always figure out a way to benefit from the struggle between the executive and the Congress. As a result, bureaucratic projects acquire a life of their own, vast programs that have no traceable legislative basis.

I can give you some examples. For instance, the affirmative action program [to provide equal access for underrepresented groups in society] has no legislative basis. It started with an executive order which had no details in it other than the phrase "affirmative action." It got fleshed out by the Labor Department in an order having to do primarily with building contractors who had federal contracts; the details were spelled out in terms of employment practices, promotion practices, and so on. In that labor order, HEW was delegated to draw up similar regulations for institutions of higher education who were federal contractors. HEW, then, several years later, finished drawing up higher education guidelines which introduced the phrases "numerical goals" and "timetables" for the first time. And that has become identified as the meaning of affirmative action. Everybody knows now what a massive impact that has had on higher education throughout the country, and now no one can undo it. The President could conceivably just say, "My executive order is canceled and everything else depending on it is canceled." But imagine the uproar that would cause. It has a life of its own without ever having been through any kind of congressional hearings, deliberations, debates, votes, or anything else that usually is the basis for a very large program.

I'll give another example. The Internal Revenue Service has developed a program that applies to all private schools. All private schools are required to show that they have a racially nondiscriminatory policy in hiring of employees and faculty and in admission of students, as a condition for obtaining or maintaining a tax-exempt certificate. Now that applies to every private school, from nurseries on up through the highest levels of graduate education. The school doesn't have to be a federal contractor; it applied to every private school because they all have to have tax exemption to survive. That has no legislative basis and no executive order basis. There was a federal court decision in the state of Mississippi, and it applied only to the state of Mississippi and to states with a similar history of dual school systems. And on that basis, IRS persuaded the counsel of the Treasury and the secretary of the Treasury into thinking that they were required by court order to undertake an affirmative action program. It was only after the order was adopted that it became clear there was no court mandate, that the best you could say was that it does not conflict with a court decision that had much narrower scope. Now, any administration would seem to be against racial nondiscrimination if they tried to undo it.

So it seems to me that the bureaucracy has acquired a kind of legislating, deliberating, and acting role. I think it has something to do with competition of the executive and legislative branches. And it has to do, too, with the tendency of both to try to increase the size of their staffs to cope with the other. Each time they do increase their staffs, they get more bureaucrats who generate more programs on their own without any real democratic authorization. And so you get larger congressional staffs, larger executive staffs to cope with them, and pretty soon they are doing as much legislating and acting as either the Congress or the people who think of themselves as the administration.

Storing: It also has a lot to do with the point that Herb Stein made about the quantitative increase in the work the government is doing.

Stein: I think that's a very important point that Bob Goldwin has just made. But in addition, there is a lot of lawmaking going on in the administrative branch and with some legislative authority. That is, Congress passes legislation that gives the administration so much discretion that everybody is making legislation. Then Congress wants to see how that works out. And EPA [Environmental Protection Agency] is a great example. They have legislative authority, but they're affecting everybody's lives in a very discretionary way. Somebody in Congress wants to watch that, but of course those 535 congressmen can't watch it, so you get an enormous staff there and you have the bureaucratic government on both sides with the legislation and administration totally confused.

Jones: One thing I observed there in the White House, which distressed me, and I think comes to bear on this point, is that each special interest is so jealous of immediate advantage, and this is probably not new—I think it's new in scope—that they're immediately all over the executive branch and the legislative branch with their interest if something happens. There's sort of been a breakdown of restraint, if you will, in our society on what the government is expected to do for people, so let's just throw some buzzwords out. There is a rising expectation; there's no question about it. There is a thought that the government can do a bunch of things that, in my personal experience, I don't think it's capable of doing, or at least the way it's put together now.

We're seeing both the executive branch, in terms of the President, and we're seeing the legislators reacting to this attitude in the society. From that comes, this is how these people get elected, so you see the President scrambling to use every possible tool and advantage he can use to feed that attitude, and you see the legislators doing it. The way a new congressman from Colorado, say, keeps getting elected is that he becomes a showman, and he suddenly isn't one of the group that's a member of a party and with a program in Congress. And you see the President suddenly—and I think Carter's done a marvelous thing on it—begin to practice what I call "perception politics," where the perceptions that you're trying to generate are feeding back to the people precisely what they want to hear, which is often quite immature.

The point of it is that I think the forces at work in our society today are sort of forcing these confrontations and this freelance business, and I don't see a stop to it. I, frankly, don't quite know how an executive can manage policy and make the tough choices that we have to make. Energy's a good example. Alan Greenspan, who isn't here today, used to say—very accurately—that long-range benefits are always sacrificed to short-range benefits and that our political system works today to force us to make those sacrifices in the government.

Cheney: The Congress is very well oriented to producing short-term benefits for long-term hidden costs. They're great at increasing Social Security benefits levels, more welfare programs, more spending on public service–centered jobs, and so forth. They are generally very bad, given their short time horizon, two-year cycles—

Bessette: Well, half have six-year cycles.

Cheney: —at imposing costs now for long-term benefits that are going to arrive in 1985 or 1990. And one of the institutional problems between the two places is that Presidents to some extent *are* forced to think in those terms and that Congress isn't.

Goldwin: It's hard to run for office on the slogan, "Fly later, pay now."

Bessette: But nonetheless, don't Presidents, because they are the center of attention, because they have long-term reputations to worry about, don't they concern themselves with that fact, especially in the second term, say, when they don't have to worry about reelection? What else is there to fight for besides your final reputation?

Henry: This discussion in the last few minutes raises the question whether we are talking about the most important things. If we are in an era of perception politics, then maybe we ought to shift our thinking and assume that the principal output of the presidency is not correct decisions, like we were talking about this morning, but it's symbols and [inaudible] interpretation. And just conceivably, if the apparatus around the President spends an equivalent effort, let's say on things like value analysis, public opinion analysis, dynamics of public opinion, the flexibility of symbols, and the compatibility of certain symbols with correct policy among certain symbols with not very good policy, maybe that is really the job of the President in the next couple of decades—to some extent supersede but not completely replace the kind of decision analysis exercises that we've been going through and which most of the people around the table were mostly involved with during the Ford administration.

Lynn: Don't let the lack of discussion of the other lead to an assumption that there wasn't one heck of a lot of time spent—

Henry: I'm sure it was, but the question is, was that kind of discussion as professional, or as serious, or deep, or systematic as the decision analysis?

. . . [Inaudible] . . .

Goldwin: When the questions were whether there's going to be enough energy, or whether we'd have troops in the right place, or whether prices would be going up or down, on such matters the deliberations were very professional. As to the questions of how the public would receive decisions and how we ought to describe them to the public, you could tell, and I'm sure they all agree, they were all amateurs.

Marsh: Bob raises a point, which was a question that I had raised. One of the things that I think we need to address, or you all will want to, is how you work with the Fourth Estate and its role in the operation of the presidency. But the point about whether decisions are right or wrong, this is the area that concerns me about what I call "congressional assertiveness." I'll be the first to say that I campaigned very successfully for eight years on the platform that it was necessary to curb the power of the executive branch of government. I happen to believe that, and I also happen to believe that the Congress is absolutely the preeminent branch between the three branches. But I'm concerned about whether or not the assertiveness moves into the area of the operation of the executive branch of government in a way that impedes the executive branch to effectively deal with the problems that are of immediate concern, that very principally impact, as I've seen, the field of foreign affairs.

We're down the road of the Jackson-Vanik type of amendment, the Angolan situation [Angola Crisis, 1974–75], the injection into the intelligence process, the war powers consultation provisions. These are not the areas in which the assertiveness of Congress is helpful to the

effective operation of government, and that concerns me. What we've got to do is develop a role and relationship between the two branches that protects the integrity of both. And I don't see it going that way.

* * *

Scowcroft: One argument goes counter to what Joe [Bessette] was saying about the proper roles, consultative as opposed to the operational role, and Congress has, I think engaged itself in the operational role—

Bessette: I wouldn't deny that.

Scowcroft: —more preeminently than they have in the consultation.

Frederick E. Nolting Jr.: We're inclined to take a perhaps more relaxed viewpoint about this trend towards congressional assertiveness. Wouldn't you think, for example, the War Powers Resolution of 1973 [the War Powers Act], it seems to me that that was a direct reaction to Vietnam.

And it would be probably removed from the books or modified in the direction of the Senate version as time goes on and Vietnam fades in the public memory. It seems to me that it is beginning to swing the other way.

Marsh: The problem with it though is, can we wait that long? I'm glad to see the pendulum beginning to swing the other way toward the Congress, and I think that's helpful. But you take the war powers thing. We used the war powers—let's see, Da Nang, Phnom Penh, Saigon, *Mayaguez*, and Lebanon twice, right? In each of those instances, if something had gone wrong—in particular, *Mayaguez*, we saw at one point that it looked like it might be going wrong—the President would have been held up to tremendous congressional criticism because you found, as you sought to involve these people in the process, that they really were not that anxious to be involved in it to where they were a participant in the policy decision that was made, particularly when it began to be a question of applying armed force.

I can recall—and everybody here that was present during that time—during the evacuation of Saigon [April 29–30, 1975], the President received tremendous pressure to bring that evacuation off earlier than he did, and that was played right out to the end of the string, to the last chopper. I can recall very vividly that that could have gone bad there in Saigon very, very easily, and yet I know that the President would have been subjected to tremendous criticism had it been. Many of the people in the Congress with whom he had to consult before he took those measures, I don't know that they would have wanted to have been in a position to have stood up and defended it, whether they felt they could have or not.

Cheney: Well, what they do though, they complain if you don't consult; if you *do* consult in advance and get agreement—I'm thinking now of Angola, the situation we had with Angola in the Senate—frequently when the time comes to stand up and be counted, when the decision is criticized, none of them are there. It won't be sort of outright denial that they were involved in the process at all, but they all head for the cloakroom when it comes time to stand up and be counted.

Scowcroft: Well, I think that was basically true of Vietnam—

Cheney: They're totally nonaccountable.

Scowcroft: —which led to the War Powers Act. It was not that the Congress didn't know what was going on in Vietnam, however many games [President] Johnson may have played from time to time. There was vote after vote after vote. Not only about the Tonkin Gulf Resolution [1964] but budget after budget where Congress had a chance to weigh in. It was only when it started to become unpopular that the Congress started to bail out. And I think that's inevitably going to be true in this sort of area.

Cheney: The one thing to mention in line with your caveat not to go without bringing something up—we touched on it previously in a couple of places—as the politics of perception. Someone mentioned our relationship with the Fourth Estate. There's a whole area there where I think the literature is very weak in terms of the impacts, your communications needs, and your relationship with the press, and how you organize the staff of the White House and what percentage or portion of your resources—not only in terms of bodies but in terms of the percentage of everybody's time—is devoted to basic fundamental communications, press relations, and it is enormous. If you look just at the press office you'd be misled because that's only about 10 percent of the White House staff, but that's still a lot, relatively speaking. And the impact of television, the fact that you've got no choice but to communicate through the press whatever it is you're trying to convey to the country to provide leadership—it turns the operation into show business, I guess is the best way to put it. It's important to be able to communicate and convey, but so much of our activities and our efforts were just dominated not with, quote, "policy decisions," but with policy decisions with everything wrapped around that and the question of what its impact would be on the public, how it would be perceived, how do we get the nets [television networks] to cover it, what kind of coverage will they give it, what time of day should we do it, what program are we going to knock off—is it going to be *Bonanza*, is it going to be *Police Woman*—

Lynn: Or a football game. That's a real bummer.

Cheney: —or a football game. I don't think those things have ever been adequately dealt with in terms of looking at the presidency. There's a tendency to look at the press and talk about First Amendment freedoms and so forth and news management. But the fact of the matter is if you don't try to manage the news and if you don't have an awful lot of resources internally devoted to that question of what the viewers will see on the tube [television] in the evening, there's no way you can begin to be effective in terms of the policies.

Lynn: A conflict I have and partially it's a political conflict in my own mind—I answered a little earlier that you can have the most concisely prepared papers and the best proposals in the world, but if you don't get to the people so they in tum communicate with the Congress, you don't have a chance. So one side of that point is to be charismatic, imaginative, and win the press, and win the tube, by way of getting your story across to America. And we can talk about good ways to do that. The problem is to the extent that the executive branch is the focal point for that, rather than if you read the Constitution on the legislation, it really initiates on Capitol Hill, it doesn't initiate with the executive branch. When you read it that way—that hasn't been the way for a long

while—you are giving an incumbent an enormous tool politically. And I keep saying to myself, I always have one view when my man is in, another view when the other fellow is in, which is perfectly human. Is there some way of balancing this off between the two branches in a way that, to some extent, you can ease my dilemma in this regard? Because the President's opportunity to get his viewpoint across to the people is, as I say, somehow bothersome to me when measured against congressional efforts in this regard.

Now, the problem in part is, again, that the process in the legislature is so fractionated, there's no way even if a [television] network, or others, or the media, wants to present comparable time on the tube and so on that they can do it or get the ratings if they do it. But that *is* a problem to me, and I have to admit I don't have any solutions to it—which ties in with what you're saying, Dick [Cheney], looked at from the other side.

Cheney: Yes, there's a tendency to look at the White House and say, OK, here's the White House and here's the Congress, in relation to the Congress, and there's sort of a nice neat dividing line there, and much of the debate takes place over who crosses over the dividing line. Maybe the press is a little bit different in the sense that you live with them. They're in the building—it's almost an incestuous relationship—you get on the airplane and they've got the 10 seats in the back end of the aircraft; you go overseas on a foreign trip, and there's one plane for the President and his staff and two planeloads full of press guys. And when it comes time to talk about policy, I would argue that—I know the President himself has said this—we often felt we made excellent policy, but we were unable to get it across because somehow the communications system broke down. And I can't stress strongly enough the need in my view, to the extent that you have an academic interest in studying the presidency, that whole area is ripe.

Storing: Let me ask a follow-up. To what extent is an important consideration there—I know this is a delicate subject—the way in which the speechwriting function is integrated into the rest of what goes on? One has the impression that Presidents have differed a lot in this respect. In some, the speechwriting function is the core of thinking in the White House. In others, it's something that's done at some later point.

Cheney: Well, in our perspectives, one of the problems we always had, frankly, was trying to integrate the speechwriting process with the policy process. And with the political process. The simplistic view of it would be to say, you sit down, you look at the options paper, you make a decision, and then you write a speech and explain what it is you're going to do. In reality what happens is that oftentimes the speech process ends up driving the policy process. It surfaces when it comes time to sit down and put it on paper and to get the secretary of the treasury to agree with the chairman of the CEA and the director of OMB on exactly what that policy decision meant. Issues are raised through the process that have to then be resolved by the President and almost becomes an integral part of the policymaking process. Ideally, that's the way it works. And it was a problem for us.

Scowcroft: I think it's one of the things we did the least well, frankly.

Lynn: It could become in effect a second review of the policy, and it can be without as good a system for that review. And many of the finer points that led to the original decision-making can

get lost in that second review because the speech-review process wasn't put together in the way that afforded all those niceties of the system. And that can be a very difficult time.

Paul H. O'Neill: Here's something to be expanded just a little bit because it's not just speechwriting. My observation would be it becomes a matter of staging because you've got to have such a perfect lip for television to pick it up in 45 seconds. Nobody cares about the 45-minute speech anymore. You've got to have two sentences that convey—crystal clear—complicated subjects.

Cheney: A classic example of how you can get harmed, how not to do it, was campaign stuff which we developed and had written: the definitive Ford administration's statement on agriculture policies which was issued during the campaign. And [inaudible] keep it in mind that the vast majority of the American people derived their views on what happened that day on the campaign trail from the evening news. And we were at the University of Iowa. The President stood up, had been through long days of campaigning, and made a very normal slip: he said it's great to be here at the University of Ohio. Of course everybody broke up, roared and laughed and clapped. He corrected himself humorously and went on with it. That night on all three [television] networks the only thing you saw about the coverage ever on television of that speech was the blooper. Not one word about the substance of what he wanted to do in terms of agricultural policy. And you have to live with that. That's the nature of the beast as such that we poured a hell of a lot of time and effort into conveying what he felt was something very important to the American people, a fundamental part of the political process and the electoral process, and what we got was a TV blooper.

O'Neill: There's a problem related to that. Living with the media has a really interesting effect because they get tired of the President's message. After they've seen it two times, it isn't news to them anymore, so they stop covering it. When he goes around the country, all you see is the movement of the President and not coverage of the substance of what he's saying because to them it's all old hat. They've already heard it.

Storing: Part of this is, of course, technical. I mean the way the news is summed up. I often think of the Lincoln-Douglas debates where those men were out there and they would talk for three hours in the afternoon, a close, tightly reasoned argument before hundreds of farmers and people who came, then they'd break for dinner, and then another three or four hours in the evening.

Cheney: CBS would give it 30 seconds. [*laughter*]

Storing: Well, CBS would give it 30 seconds assuming we had anyone who could do it.

Lynn: You know the great media put-on that says, "Moses came down with the Ten Commandments today, the two most important of which were—" [*laughter*]

Rhoads: Actually, Herb [Storing], you raised just the subject I had in mind, you know, the talk that we made good decisions but we couldn't get them across. And immediately everybody thinks that the problem must have been with our press relations. It would be interesting to kind of explore in more detail what you think *they* were. But the one thing the President can control absolutely is what he says. I wonder if there isn't a connection perhaps between the one

substantive problem you saw with the President, inability to kind of take a broad conceptual view, and the fact that there weren't any kind of big memorable speeches which the news media would have to react to, a new view of government or something that they just couldn't avoid. And if—

Cheney: Our communications problem was not just a press problem. I think that would be an inaccurate statement.

Rhoads: Then was it just the inarticulateness of the President? Was it also the fact that—

Goldwin: It's something deeper, I think, and it has to do with the state of political rhetoric, understanding what it is and what its function ought to be. There is a notion that whenever anything has to be written in the White House, you have to have a writer. And there were people who were there because they're thought to have facility for writing, and no other known talent or reason for being there. On the other side of it, none of the leading persons in the White House thought of themselves as writers, although many of them, when pressed—when some statement was required on short notice and something had to be hammered out—turned out to be as good as the ones who were thought of as writers. Now, that disjunction of the ones who were thought to have a high level of judgment and of responsibility, on the one hand, and the ones who were asked to do the writing, on the other hand, is, if not the root the problem, a clear symptom of what the problem is. Unless political people at the highest levels feel that a part of their training and responsibility, as they rise to high levels of office, should include writing of their own and other people's public utterances, we will not have a better level of political discourse.

Cheney: I think you've got to be a little bit careful here to distinguish between communications very broadly defined and the written word or the, quote, "speech." We spent an awful lot of time finding ways to communicate besides when he stands up and gives speech. We had problems sometimes with the speeches. Sometimes we had great speeches, when he was sworn in and the Kansas City acceptance address. On other occasions we would do other things, like the budget briefing he did, January 1976. It was just a masterful piece. It wasn't the country at large so much as it was directed directly to Washington press corps. At that point it totally put to rest the whole question we then were faced with politically, which is the bungler, stumbler, hit-your-head-on-the-helicopter type of image. We did it very deliberately.

Goldwin: That budget briefing is an example of what I think one could strive for, and that is a President, through long practice—which was what he was displaying in the budget briefing—capable of expressing himself in his own words at the highest level on major issues.

Stein: I'd also like to say something else about the interaction between speeches and policies. It's not only that making a speech provides the occasion for articulating a policy that has been agreed upon. It is often the occasion for forcing the development of a policy. That is, you know that the President has to make a speech every once in a while. He can't make a speech unless he says something. You cannot consider that he says something these days unless it's a program for spending a billion dollars. This gentleman said, well, was the President unable, was the President's difficulty in communicating the result of something in his technique or because he didn't have any new philosophy of government to convey? I think that's very typical. If he had a new philosophy of government to convey, he would have gotten on [television] at prime time.

But suppose he just wanted to convey his devotion to the old philosophy, and it's a very good old philosophy, and a very good old-time religion economics. That doesn't sell.

Lynn: It's not news.

Cheney: It isn't innovative.

Stein: So the media drives the character of policy in activist, dramatic, zigzag direction. There are many speeches I remember when first it was decided to have a speech on a certain date and then it was said, *Well, now what will our policy be to, you know, pump this up?* And that's not a good way to make policy.

Connor: I think that Herb [Stein] is alluding to something here that ought to be explored in an awful lot of detail. We had experience with it; Carter's having it now. It is the way in which decisions are made or in which symbols are cast in order to achieve what the President needs in terms of conveying his general message. I need to get time on the nets. I need to get a headline. Because if I don't do that, if I come out with something that makes a reasonable amount of sense and is issued as a statement, it clearly will not appear on the nets, it appears in a relatively few newspapers and then generally back with truss [underwear] ads. And then you are asked, why hasn't he done anything about this? The Ford administration—every administration—has had the frustration of being accused of not doing anything on important issues. You say, well, we did the following things back then. The funniest reaction is from the guy in the press you tell that to. He says, well, we didn't know about it. If the fact that they didn't know, that it wasn't cast in the kind of a setting which would ring all their bells, was our fundamental problem

Now it may be a fundamental problem, but if that is the case, then I think everybody has to start thinking very carefully of the implications of that. If the only things that become facts are things which are elaborated in a certain kind of way, then you find yourself with a definition of government that gets kind of scary.

Jones: Well, let me just put an anchor on that point. The point that Jim made particularly before is that there are very strong forces on the President to develop almost a Hollywood set, and we did it. The set is to help you communicate things that you are trying to do substantively. But what begins to happen to you is that the Hollywood business outruns policy, and then you have, people say, this huge White House staff beating the departments to death. Well, that isn't true. The huge White House staff is manning the set and writing the next screenplay.

Lynn: Let me give you a bet as to what is going on right now. The commitment has been made that by May 1, all of the energy legislation will be delivered to the Congress of the United States. Now there's a commitment that's been made. But unless [James R.] Jim Schlesinger and his three guys have been writing it all in his own department without any interagency coordination, they won't meet the schedule. They haven't begun yet to have any kind of a coordinated approach to flushing out those broad proposals. One example is the proposal that every person that gets utility services will now have a loan program from his friendly utility company to pay for a retrofit on all his energy-related equipment, and in turn the utility will have the power to go to Fanny Mae or Freddie Mac [federally backed home mortgage companies created by Congress in 1968 and 1970, respectively] and get the money from the market through the federal system.

There is a set of subissues in there that is absolutely enormous. Now, the President said he's going to have the legislation by May 1, and his instinct is absolutely right. The Hollywood side of it is to keep that movement going, get something new to the press so that they will not say, well, that was yesterday's news and incidentally Amy [Carter] is putting a roof on her treehouse. [*laughter*] And to get that, he's got to keep that momentum going. But these decisions are things that ought to be taking appreciable time. And that's just the best example I can come up with currently as to what I think is happening when you mentioned Hollywood.

Jones: Let's take the Hollywood set thing a little further. If you really get into perception politics and figure that your control over national policy depends on that communications process through the set matter, then what happens is your cabinet officers become walk-on players. You call them over and walk them on when you need them on the set. And a whole bunch of other things are driven that way, so what you get is—rather than, as we were talking before, the lovely, ordered decision process—a circus master. And you're trying to blend all of this stuff in order to communicate properly, and it distorts the heck out of the way, let's say, what topics are addressed. The press often sets the agenda; you don't set it often. How you communicate—it sort of is how you treat your cabinet officers. They become people that you run out there as opposed to strong power centers themselves.

Lynn: Or it may make sense for the President to go to XYZ University. It is the right time to do that, so now let's do something on education. It may not be the right time, in a substantive priority sense, to do education, but the scheduling process controls. He's going to be at that institute of higher education, so now the whole process will go to work to come up with something in the higher education field. And then cabinet officers salivate and say, "Three new programs, that's what we need." And you've got to fight that.

O'Neill: If you think this really is a continuing thing, I'd remind you of [actor] John Chandler, the day with the President—I don't know how many of you caught it and really focused on it, but it was just fascinating to me. I almost stood up and laughed when they had a shot of [economist Charles Louis] Charlie Schultze saying to the President, "Now, Mr. President, before we get into the details, there are a couple of important points I want to say to you. You see, the combination of too much private demand and too much government spending can give us runaway inflation." I made a note to myself to send Charlie a letter, saying, "If that's really the stage you're at—" [*laughter*] Dick is right, this really merits a deep inquiry because this drive to communicate that way begins to distort things that people were writing down in the late 1700s because they couldn't foresee our requirements.

Bessette: I had a couple of questions on the apparent drive to communicate something on every issue. What is the reason for the drive? Is it basically electoral, or does it have to do with generating public support that then gets back to Congress with policies?

Lynn: Both.

Bessette: Do you get more backing for the legislative program by going over the heads of Congress?

Lynn: You've got it. You've got it.

Bessette: But the other side of that is that you had a Republican President and a Democratic Congress, which meant that some of the usual mechanisms for getting a program through were not there.

Lynn: A congressman or a senator will buy the program if he thinks either (*a*) it will help back home or (*b*) it will not be decisive in his losing back home. To get to the second one, you may, on one-on-one with him, convince him. But if he's in doubt as to whether it can be really material the next time around, you can sit with him for 20 months and it won't make any difference. You can get a little crass and there may be something he wants more, too, and he'll take a chance because you gave him something else. But in the main, when you get to that kind of issue, energy, when you get to the split-personality-of-the-American-people issues—like they want to have spending cut down, they want taxes reduced, they want inflation under control, on the one hand, but they also want their favorite program, you know, *don't do as I do but do as I tell you* kind of thing—if you're trying to sell, as President Ford was in October of 1974, *I am going to balance the budget within three years, I am going to slow the growth of federal spending to thus and so and this is going to be tough to do, and I'm going to cut taxes*—the only way you're really going to carry out that policy, and it's going to take time to do it, is to hammer that home to the American people.

Cheney: We found during the campaign that their information circuits are overloaded most of the time. And from the standpoint of political leadership from the presidency, and I don't want to put a value on what they've got stored in their heads, but a lot of it's useless and their attention span is very short.

We found during the campaign that the President had taken a position consistently, well over a year, for tax cuts—we had tax legislation pending on the Hill, and we had special messages and addresses to the Congress, and so on and so forth, it went on and on and on and on. And in October [1976] just before the election you'd still get poll results back that 50 percent of the American people didn't know he was for tax cuts, didn't know what his position was on taxes. You know, and you'd literally broken your back to convey that very basic fundamental message that a voter ought to care about. In this day and age, given all the other stuff that's impinging on the private citizen whose attention you want to get, and you're competing with [TV show] *Mary Hartman* and whatever else you've got to worry about, you can only get him for maybe 30 seconds a night on the evening news, and he's probably going to see that maybe twice a week. And you end up to some extent really screwing the message all out of shape just to get that 30-second segment in.

Storing: Yes, that's worrisome.

Cheney: But it's a fact.

Storing: Well, facts are very often worrisome.

Lynn: If you'd down with [Joseph Lester] Jody Powell [Jr., Carter's press secretary], he'd tell you—I'm sure if he told it, too, straight up—that that is exactly what they're coping with, but in my judgment are handling quite well.

Jones: But the point about perception politics is that you don't even have to. What you're trying to do is leave a little quick image that you hope will take root. What you say doesn't have to be true, your decisions don't have to be right. There's no premium at all on effectiveness or any of the other standards we've been talking about. It's impressions and perceptions. That's an incredible reason. There doesn't even have to be logic.

Storing: One of the things I think we might sometime do is a study of presidential rhetoric because characteristically, although Nixon was an exception and maybe to some extent Ford, presidential rhetoric these days is a series of one-sentence paragraphs, no one of which is connected in any rational way with one that precedes it or follows it.

Lynn: Because each one can be a 12-second segment.

Storing: That's right, exactly.

Connor: That's why you write them that way.

Storing: Well, I'm not sure because I think—

Connor: That *is* why you write them that way, let me tell you. You don't write a 38-word sentence that is nicely balanced to convey a complex idea because they are going to take some segment of that. They're going to take nine of the words, and you don't know which nine they're going to take. So you get very good at—

Storing: Yes, although one might make an argument, one might respond to this, I admit, absolutely massive concern by wondering whether there isn't a preoccupation with only one piece of your audience or your news media—namely, that TV network—and whether there isn't in fact another, or a whole lot of other audiences, for example, that very small but conceivably influential group of people who might read a reasoned statement and who might in turn influence other people.

. . . [Inaudible] . . .

Connor: I was just going to say that there are two dangers that you face with the perception politics. It's obvious what danger you face if you don't do it well; you don't get elected. The danger you face if you do it well and continue to do it is, what are we really conveying, what are those images? We may convey a favorable image, but is that not a part of the process of raising expectations which can only be dashed? I think that as a society we've got to be very concerned about the way in which that leads. What occurs as we move more and more toward less substantive ideas, away from a three-hour debate in which you may only understand part of it, but you know they said this and they said that—to a quick notion of strength, warm, puppy dog feelings, you name it? There are things that the political system may be trying to convey to people which it can never deliver. And so we've put ourselves in a kind of manic-depressive situation. We become elated, but the way in which we become elated—that's right—we go through our manic phase and what causes the manic phase can only lead to a depressive phase.

Goldwin: That goes back to Herb Stein's argument, that that kind of politicking is most inappropriate for the person who refuses to offer wild new programs of multi-billion-dollar spending—so, if your message is a conservative one, the medium is all wrong.

Connor: I'm not sure. Here's where I think Carter is going to be very interesting to watch. Because what Carter may be doing is playing a very big gamble on conveying his set of expectations, which *are* brand new, bold, et cetera, but in terms of the actions being taken, not particularly brand new or bold. It's going to be a very interesting kind of game to see. Maybe he can play a quasi-conservative presidency in fiscal terms with very liberal rhetoric, I think.

Stein: I just wanted to insert the notion that there are motivations for presidential speeches other than political—everything is political—but I think there are occasions when he is speaking not in an attempt to get any support for himself or for legislation of Congress but to have an effect on the country. And I think mainly of a number of economic speeches where the President thought that he could have some effect on the behavior of the private economy by his speeches, especially by creating confidence—that is the general term—to explain the situation to the country, to explain what he is doing, not with the intention of asking for any support, but just to kind of calm down the country. And I think a lot of those early Vietnam speeches were of that character in '69 and '70, to maybe get the students out of Lafayette Park, just to settle things down. There are motives for communication other than what might seem the more instrumental ones.

I think you were right in saying that maybe we have been exaggerating with this nine-word segment on TV. Mr. Nixon certainly thought there was an big audience out there of people sitting on tractors listening to the radio, and he liked to talk to them at noon.

Cheney: I don't want to beat the subject to death, but on the question of playing to television versus other media forms, the fact of the matter is there are two or three newspapers that do a good job of covering the White House in terms of fairly detailed coverage, highly competent people who are very professional and experienced in the business. You're talking about the *New York Times* and the *Washington Post* and maybe one or two others, the *Wall Street Journal* sometimes. A handful of people. The other two things you're left with are the wire services, which tend to dominate what goes into most [newspapers] throughout the country and television. You try to cover everybody when you do an event. You try to have a detailed fact sheet or prepare a pre-released text that the *New York Times* can print in its entirety. But when the man stands up to do it, you're worried about the background, camera angles, and what segment of it is going to come out in the news. If you got yourself locked into the situation where you didn't give sufficient attention to television and to the nine-word segment, you'd get [inaudible] in terms of trying to convey anything to the country because you can get the opinion leaders, but Joe Sixpack is never going to get the message.

Storing: Gentlemen, we're at 4:30 p.m. and I didn't give you a break. I suggest you think of delivering yourself of your final thoughts.

Connor: In thinking about the Ford presidency, you've got to be very cautious—all of us, those who were parts of it and those looking at. Dick Neustadt said you can really only judge a presidency in its third, fifth, and six years. The reason he says this is because it's learning what

the hell it's all about, how to do things, in the first two. You've got a third year where it's shaken down. The fourth year's out because you're in the middle of an election. The fifth and sixth, you've won the election presumably and you're going ahead. Seventh and eighth, lame duck, everybody's starting to discount you, thinking about what's going on next.

The Ford administration in its last year was simultaneously in its second and fourth year. It was never in a third and fifth year. I think those of us who were inside began to see it shake down as it went along. we never saw what that third and fifth and sixth years would be. And it's very hard to make a judgment of it. I think we all should be cautious about it.

Goldwin: I'm not sure if Neustadt's right on how you should judge a President, though. My family used to be in the restaurant business. And restaurants always have rush hours and slow hours. The test of a restaurant is how it performs in the rush hour under the greatest strain. It's easy to be good when there's no pressure. But when everybody is overworked and rushed, that's when you should be judged. Neustadt picked the years when, as the saying goes, you can be a statesman, not a politician. I think the test of an administration is how it performs under the greatest pressure.

Connor: I think what he's saying is that first there is a period of learning and shaking down in an administration that goes well beyond 100 days, or six months, or whatever.

Goldwin: Well, one of the tests for Presidents is how they perform in the shake-down period. Every administration seems to have a great crisis early, and they must handle that. Every administration knows, at least since the Bay of Pigs [failed invasion of Cuba by U.S.-supported Cuban exiles, April 17, 1961], that in the first few months they had better be on guard, because something horrendous is going to occur, something that's a test.

Cheney: The WIN program [Work Incentive Program, enacted as part of the Social Security Amendments of 1967]. [*laughter*]

Paul T. David: I'd like to comment in terms of this conversation that's just been going, that I think that much of what is going on today, especially the remarks of the last few minutes, relates to what might be called life cycle theory. Every administration has a life cycle which it goes through, a series of repetitive events that will go with the calendar, the election calendar in particular, but also the budget calendar, the message calendar, and all the rest. As far as I know, no one has ever written an article on life cycle theory. I've delivered a lecture on it every year for the last several years with one page of notes. But it does seem to me that this is a subject that could lend itself to being rather specifically exploited in ways that, as far as I know, never have been. I think the remarks of Dick Neustadt are very much in point, but he's never written them up that way.

Scowcroft: Well, we haven't really had a standard one since Eisenhower in terms of the constitutional presidential term.

David: Well, Nixon's first term, he had a full four years.

Scowcroft: No, I'm thinking of an eight-year cycle where you go through the first building four years, and through the lame duck—

James H. Cavanaugh: Through five or six or whatever.

Storing: Further comments, gentlemen?

Marsh: One area you might want to give some thought to is the fact that Mr. Ford was able—under the situation in his last two years, where the congressional majorities were against him on a 2-to-1 basis—to avoid confrontation with the Congress, maintain a substantial degree of communication, and, on balance, when you look at it, had rather remarkable success with a number of his legislative proposals that he really sent to Congress, which I think probably goes back to the fact that he did maintain his ties with the leadership of both the House and Senate and on both sides of the aisle.

Ceaser: I just had one final comment [inaudible] on the Ford staff, the point that Hess brings up: incoming staff is so heavily influenced and recruited by the President's election campaign, and that this staff was so differently formed. I think, as a consequence, there's a different sort of person who related to the President in a different way, and it seems to me an altogether healthier one than the staff which is formed out of the presidential campaign. And I had some worries about that.

Nolting: Herbert, one thing I think that hasn't been discussed, and probably there is not time to discuss it, is the influence and importance of the federal judiciary on the President and particularly the Supreme Court in its decisions, and the direction in which they move towards, in the last five or six years, towards more assertive action, not only in terms of decision but in terms of attempts to run schools, and prisons, and other things of that sort. I just flag that because it's an important part of this which we haven't touched.

Storing: Both in respect to participation in active administration and also of course with respect to the presidency itself.

Stein: I'd like to generalize the point that Mr. Ceaser made about looking at the people and the qualities, the qualifications of staff people and whether it's possible to predict and select who will be useful staff people. Because I remember first coming into the White House and seeing all these advance men and ad men and so on. But many of them tum out to be very able people. But it would not have been predictable, it seems to me, and I think most academics would have thought what I thought. And I think that's a subject—What is it that makes a good staff person?—is worth some investigation.

Storing: The answer may be very simple: you can't tell.

Stein: Yes, maybe so.

Henry: Another constitutional query: Does the Ford-Rockefeller experience prove once again the old historical adage that even with the best intentions, no useful work can be found for the vice president?

Connor: Yes. [*laughter*]

. . . [Inaudible] . . .

Cheney: That was a fascinating relationship to watch develop. And I would have to say that we did try exceedingly hard to carve out a substantial area of responsibility for the vice president. The President and the vice president, in spite of some difficulties that developed structurally in terms of how that worked between the two of them—there was, at the end of their time in office, a much closer and warmer relationship than between any two other people in the administration. But institutionally I would have to agree with Jim [Connor]. The problem when you try to put a vice president in the role is you're always trying to fit him somehow in staff operations inside the White House. And the fact of the matter is, you've got a different set of criteria for selecting a vice president than you do staff. And by virtue of the fact that he is a constitutional officer, that he isn't subject to the same kinds of—that it's a different relationship, that other staff people oftentimes will defer to him as vice president, rather than treat him as a staff person and argue and debate with him and so forth. There are just some very basic fundamental problems there in trying to make that work.

Connor: And the only other alternative you've got for him is some kind of a line position, and it seems to me you've got your lines pretty well filled. You have cabinet officers—there has been considerable discussion about them—they by and large have the line responsibilities. And every one of them is entitled by virtue of the piece of paper on his wall to appeal directly to the President and not to go through a line of someone else in the system.

Lynn: But the way your question was put, I'd have to put it this way. I think you are fortunate if you can have a vice president, given all the factors that surround that choice, who is substantially younger than you are, who is not posed as a present threat to you, and you're running a second time. And if that person has a particular area of expertise or background that is important to you, as long as you do not make the error of formalizing what those areas are of that person, that is the place where having somebody that's a free agent and able to come in and talk is useful.

I think a vice president can be very useful. And the more useful he is, the less the press will be able to pin him down how he was being useful. But he has a vested interest in the success of this President because he sees himself trying to run on it in eight years. On the other hand, he does have his own problems. He might want, as the administration may go sour, to have some distance between the President and him. The more quiet that fellow is, the more there is some room, fireworks go off. But a good vice president can be eyes and ears to hear what's going on, and maybe, like a management consultant has as his greatest advantage, he doesn't know that much about every subject and therefore can ask a question that fundamentally may seem stupid to the people who've been immersed in the subject, but it may be exactly the right question to ask.

Goldwin: Why didn't the announced plan work for Nelson Rockefeller to be the head of the Domestic Council?

Lynn: Because you should never, never let your President and, in my own judgment, your vice president get in that kind of position where as they're digging for the stories as to who killed Cock Robin, who was on each side of the issue, who got support—did the vice president win or lose?

Cheney: You can afford to have a staff member lose.

Lynn: That's right, but never put the vice president in a position where he—

Goldwin: Is that why it didn't work?

Marsh: Yes, representatives of the vice president's staff did take part and participate in the presidential senior staff meeting.

Cheney: It's just one of several reasons. You simply can't paint it in simply totally black-and-white terms, that it worked or didn't work. I don't know quite know how to say it, but it's a matter of, if you believe in the staff system the way most of us talked about it today, which is a structure, and the idea of the give and take of ideas, and an idea that goes into that system has to get shot at by its enemies and its opponents—taking a man or woman who's vice president of the United States and putting him into that has an impact not only on them, in terms of whatever advice they may give, but it also has an impact on the others in process because they react to the vice president very differently than they do to the director of OMB or their colleagues on the staff.

And the other thing I'd have to say is, if the vice president has a very general, vague kind of thing like Jim [Lynn] is talking about, it's easy to forget about him when it's time to sit down and solve a problem. If there's a foreign policy crisis, you know you've got to have the secretary of state, secretary of defense, and the head of the NSC there. If you've got a budget problem, you want Lynn. If you have an HEW problem, you want the guy from HEW. But the vice president doesn't automatically fit into any one of these responsibilities. He's got to be a floater. And once you're a floater, then the extent to which people automatically bring you in rely upon you and use you is different.

Connor: There's plenty of room for relatively low-level floaters in the system, people who can move from problem to problem, can get into fights and arguments and can afford to lose arguments. A high-level floater in the system—a super high level, which is the vice president—that doesn't fit into the system.

Scowcroft: I think in the sense that the question was asked, the answer has got to be negative. However useful the relationship can be, I think in the sense that you ask the question, it appears to us to be negative. Although I think, fairly, we have to say that the present administration is trying very hard and in a somewhat different way to make it work.

Cheney: [Walter F.] Mondale's got a unique set of qualifications in the sense that—this is just my own view from the outside—that he's the resident expert on the Hill. The people that Carter brought with him that are close in his personal staff have no knowledge of the Hill. Even the guy who runs congressional relations has no knowledge of the Hill except what he has acquired since getting in the job. And the vice president now currently is able to be enormously helpful in managing congressional relations, in a sense, in a way that is due to this very special circumstance—

Lynn: But it is the kind of thing where your advice can be given quietly to the President, where you don't have to be in a win-lose relationship, because it can go to strategy and tactics which, in and of themselves, aren't necessarily news—like, *Mr. President, I think before you do that you ought to call Mr. X.*

Cavanaugh: Well, that goes back exactly to the point that Dick [Cheney] made earlier that when you have a national security problem, you call for the secretary of state and your NSC man. What they're facing now is when they have a congressional problem, they only have one man to call on who knows it and that's the vice president. So they're calling on him.

Cheney: They need him. He's the best in the building on the subject.

Scowcroft: As a matter of fact, he's one of the most expert in government, not just congressional relations.

David: The Mondale thing reminds me of a question I've had in mind during the day as a result of reading the Hess book. The last part of the book of course is heavily on describing, trying to make the presidency more collegial by using the cabinet, with no reference whatever of the leadership meetings with Congress, what I always have assumed were collegial, at least they're a bunch of people that the President can't fire, that he's under some constitutional compulsion now to see once a week when Congress is in session, which has been going on since 1937 as a habit.

Nevertheless, somehow they don't seem to be taken very importantly in the literature. We once had a doctoral candidate here who did a doctoral dissertation on the leadership meetings, at least that was what we tried to get him to do. He spent a year in Washington during which he did a good deal of interviewing, but we had great trouble keeping him on the track. Apparently everybody told him they weren't very important and shouldn't be studied much.

Ceaser: All the more reason for his dissertation. [*laughter*]

Lynn: I think you'll find that a good deal can depend today on who the particular leadership is, because there again the media comes into this. After every leadership meeting out on the lawn, the camera is set up and so is the radio, and the people in the leadership have no opportunity to digest what they've heard, to really get ready, or to not skewer the President's position even if they're inclined not to skewer it. And we have opposite parties, of course. There can be at least a little tilting because of that. And also the view of the leadership toward that President: is he someone we can trust in this meeting to have a frank discussion and that neither side is going to go out either deliberately or, more likely, in a perfectly innocent way and say something that was intended to be kept confidential in that meeting? And I've been to some meetings of the leadership where they have been quite useful, I've thought. And they tended to be smaller rather than larger. The less staff sitting around the room—

Cheney: Wouldn't you agree, Jim [Lynn], that one of our problems was that to some extent the concept of leadership was weak? That is to say that oftentimes we'd call the leadership in with the expectation that we would be able to reach an agreement. More often than not we were trying to persuade them to see things our way, agree to support such and such, or to get a bill out, or whatever it might be. But oftentimes they weren't in a position to even give us a definitive response at all because they weren't—and I don't mean this to refer necessarily to the individuals—but they weren't strong leaders.

Scowcroft: Well, I think this new phenomenon is one which needs to be investigated and that is that the congressional leadership is a far cry from the Sam Rayburn–Lyndon Johnson kind of leadership, both in each house itself and within the committees. Each chairman is now looking

back over his shoulder to see whether or not he's going to be voted out. This is something very new, I think.

Cavanaugh: That's a phenomenon that we all saw during the Ford presidency: the Democratic caucus and, in its emergence, the committee chairmen who once could make a commitment and keep it, no longer can do that.

Scowcroft: They cannot deliver anymore.

Lynn: That's why as I said earlier, although I realize it has certain pie-in-the-sky aspects to it, that unless they can come up with some kind of an umbrella task force committee kind of idea that does not represent a permanent threat either to the leadership as we state it on the masthead or the committee people—although it may be a terrible diminution of their authority on that particular set of issues—there isn't any way that we can know where to go to get anything done, or that President Carter knows where to get it done. That's why the energy umbrella, as I say, is so very important.

I remember when President Ford came out with his comprehensive energy package in January of 1975. And I would dare to say it was at least as comprehensive as the one we've just seen from the Carter administration from the standpoint of all things that it touched upon and dealt with. We dealt with things in some areas quite differently and other areas the same. I remember the frustration of sitting there with the leadership where they were talking about getting back to us with their views. And they never got back to us. It became perfectly obvious to them when they went back to the Hill there was no way they could organize it.

Cavanaugh: They had no mechanism to deal with it. It was a very comprehensive program.

. . . [Inaudible] . . .

Lynn: They said, "All we want is 60 days, Mr. President," and there was even a little negotiation on how many days. And I could see, looking at other people's eyes around there, they didn't want to get pinned down to any date. And we're trying to give a signal to [U.S. Representative] John [Jacob] Rhodes get off of that 60-day bit.

Nolting: What sort of congressional action would be acquired for that umbrella thing?

Lynn: They just do it by their own rules. He's already announced it, and he's already appointed [U.S. Representatives Thomas William Ludlow] Lud Ashley and John [Bayard] Anderson.

Cheney: It's not done to help the President, basically it's done to give [Tip] O'Neill great flexibility.

Lynn: It gives him a process to be able to exercise some control, but it does another thing politically. Tip senses, I believe, they can't afford to have Carter in a position of saying that we're in a total disarray because we didn't do anything. And yet Tip thinks, and I agree with him, this is the only conceivable way that has any chance of succeeding—of not being put in a politically vulnerable position. So it's both enhancing his leadership, yes, but that—if you look at it just in the public interest—is absolutely essential to getting anything done.

Jones: In the spirit of saying things that you think ought to be said, let me say two more things. One we discussed this morning, around the edges of it but I think it should be emphasized, at least from my viewpoint. The personality— psychological structure and the personality—and the values, and the character of the President have an incredible impact on the White House, who's there, what their values are, and how they work together. If you get sucked into thinking that somehow institutions determine that, I just don't believe it. The personality of that guy is overriding in how he operates. That's my view from having watched Nixon and Ford.

President Ford had an incredible personality. He was a man that was able to encounter all kinds of events, in a fast sequence, without, as far as I could ever see, one flicker of anxiety. If he had a neurosis, I never saw it. One of the tragedies, I think, that we have in this country—and we sort of touched on a lot of reasons for it—is that the kind of guys that strive to be President have neuroses. And not only do they have neuroses, they don't know what those neuroses are, often, because almost by definition, the guy running for President can't have gone through analysis because he would have lost. [*laughter*] And I think this personality aspect of the presidency is incredible.

I said earlier I thought President Ford's decisions were probably better than President Nixon's. Probably the key to that was not how we had the staff system working, but it was his personality, and the fact that he lacked neuroses and was able to deal—I won't say totally objectively, because I don't think people are totally objective, but he was a hell of a lot more objective than the presidents that I've been able to watch in my adult life, when I sort of had an inkling as to what was going on. Of course, those aren't very good examples: Lyndon [Johnson] and President Nixon and President Ford. But I think [James David] Barber has something in his book [*The Presidential Character*, 1972]. There is a lot to it. It has to be studied more. I'm of the view that President Nixon had his problems because of President Nixon. I don't think he could lay it off on Ehrlichman or Haldeman or [Charles Wendell] Colson [Nixon's director of the Office of Public Liaison, 1970–73]. Those guys didn't even have to be there. They were there because the President wanted them there, and they were doing pretty much, I think, what he wanted them to do.

President Ford ran a presidency that was minus those things. I'm not sure that he would have ever been elected president, or even run. I'm not sure that people without those neurotic drives get there, and that's a hell of a problem in our society, I'm afraid. I'm afraid it also applies to the Congress and to the Senate, because I think those people have the same problems. If you all want to really study the presidency, I think you ought to take a good look at that one, and get some psychiatrists in here on your staff.

The next point is that any sophisticated politician probably would have said the day President Ford took office that he never had a chance and that there were too many chips stacked against him, that somehow there was no way that he could possibly win an election. I knew a lot of people in the White House for months after he took office that didn't think he had a chance to win. Almost the miracle of the Ford presidency is that given the burdens coming in, which Jim talked about in terms of the cycle—there was never time to learn the presidency. The staff that he brought with him didn't have time to learn the presidency. The Watergate legacy was incredible. The recession would have killed anybody off, even without Watergate. And on and on.

You could list 200 reasons why the guy didn't have a prayer. The miracle of it all was that he almost beat Carter. That merits some study and some thought. I have a lot of ideas on why that happened, but that is an important thing to look at and try to understand. How come a guy who didn't have a chance, or shouldn't have had a chance, almost won it?

Storing: We will make note of these questions that have been put, and record them and convene you again in a year's time, and give you the answers to all of them. [*laughter*]

At some points in the conversation one wonders how on earth the American government system works at all, and why it does such a reasonably good job, as in fact it does, given all the problems that seem to be built into it. And part of the answer, I think it's fair to say is, reflecting what Fritz [Nolting] said in opening the session, is the quality of an awful lot of the people who work in it, including many of those sitting around this table.

I thank you very much for your participation. I found it extremely illuminating and helpful. I hope others of you have too.

[END THIRD SESSION]