

Organizing the Presidency

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BOOK REVIEW

Organizing the Presidency. STEPHEN HESS. Washington, D.C.: The Brookings Institution. 1976. Pp. ix, 228, \$10.95 hardcover, \$3.95 paper.

As a candidate, the would-be President reaches out for constituents and constituencies, defining his goals and demonstrating his ability to reconcile competing goals. He exhibits his honorable scars—and points out his opponent's less honorable ones. Throughout the campaign he speaks in the subjunctive, or at best in the future indicative. But once he is successful, there eventually comes a time when he must make things happen. He must not only choose, but he must impose his choices on the body politic; he must make those choices in the face of his responsibility to carry them out, as nearly as he can.

Of all the sets of difficulties that a President and a presidential candidate have to confront, this set is probably the most complex. This is so primarily because the President is at such an extraordinary distance from those who will actually execute his policies—or distort or frustrate them—by quite specific actions. In fact, the Chief Executive does not execute anything. He may be dealing with a cabinet officer who deals with a bureau chief who deals with a division chief who deals with a section chief who deals with a branch chief who deals with an individual who may (or may not) make something happen, approximately consistent with the original instruction.

But even this description is vastly oversimplified. The overwhelming majority of government decisions are initiated at the lower levels of the system; that is, most decisionmaking is interstitial. The effectiveness of the decision will depend much of the time on the integration of a number of parallel or related decisions in other parts of the bureaucracy, without the intervention of high-level officialdom. Only a minute proportion of even high-level conflicts across the hierarchy can be treated as “Presidential,” in that they merit the personal attention of the President. But somehow the President must superimpose on this closely woven fabric of day-to-day decisionmaking the overall pattern of his own decisions and his own policies, within all the constraints that shape that pattern.

In attempting to meet his responsibilities, a President encounters two kinds of difficulties, no matter how broad his powers of comprehension, and how unflagging his energies. He cannot by himself collect and retain enough information to decide where to intervene, and he cannot by himself prepare and transmit enough instructions (including follow-up and amendatory instructions) to assure that his interventions are effective. Thus he needs additional eyes and ears, and additional arms and legs.

But his helpers create new difficulties for him. If he relies on too many additional eyes and ears, each pair will reflect only a very partial vision of the world. If he relies on too many additional arms and legs, each set will tend to become enmeshed in the particular set of operations that it is expediting—and he will have more trouble keeping track of them. And if he uses different groups of individuals as eyes and ears and as arms and legs, the first group will lack the perspective that comes from responsibility, while the second group will lack the judgment that comes from objectivity.

The question immediately arises, why can't the President simply rely on his immediate line subordinates—his cabinet officers and independent agency heads? Of course he does rely on them very heavily to execute his policies, and properly so. But more and more critical decisions cut across established agency lines. The military budget is first formulated in the Defense Department, but it also involves the Department of State, and the Arms Control and Disarmament Agency, not to mention the Council of Economic Advisers, as well as all the other departments and agencies that are competing for scarce funds. Farm subsidies have been and still are primarily the concern of the Department of Agriculture, but they are also a major concern of the Departments of State and Treasury. And job training programs may be a battleground between the Labor Department and the Department of Health, Education and Welfare.

As an alternative to relying on line subordinates, the President can turn to his Office of Management and Budget (OMB) to allocate resources and to assign or reassign responsibilities. But management decisions are not in fact separable from policy decisions, and budgets are bottom-line statements of policy preferences and priorities. Unless OMB can maintain a highly empathetic relationship with the President, it cannot fully reflect his views. Maintaining that relationship requires almost constant contact between the President and OMB in the process of turning policies into priorities and then into budgetary decisions. It is essentially an

iterative process in which needs are totalled, and successive reductions in the total are apportioned among its components. And it absorbs an enormous amount of the President's time and energy.

Given all these difficulties, a President can simply withdraw into the relatively passive role of judge rather than leader. He can establish the political equivalent of the judicial requirement of a case or controversy, and insist that the parties in interest within his Administration take the initiative in bringing their unresolved disputes to him. The danger, of course, is that most disputants will choose to stay out of court, and instead resolve their disputes by splitting the difference proportionately to their relative power positions. That makes for a quiet life for everyone, at least in the short run, but it also makes hash of the President's program, even in the short run.

When two or more agency heads agree that they want to take their differences to the Oval Office, someone has to decide whether the controversy merits presidential attention. It is an appropriate and manageable job for the President's staff to filter out those controversies that are not in fact "Presidential," and to send the antagonists back to reconcile their differences among themselves. The gatekeeper function is a legitimate staff function, although it must of course be subject to an ultimate right of appeal from the presidential assistant to the President himself. But exercising that right of appeal means using up precious capital, and everyone involved knows it.

The more difficult problem arises when the parties are disinclined to bring their disagreement to the White House, although that is where it ought to be settled in order to effectuate the policies of the President. White House staff may be able to encourage an appeal, but they cannot compel it without severely damaging their relationships with line officials—particularly if they find that what they believe to be the President's policies are being frustrated by a line official overruling one of his own subordinates. For a presidential assistant to raise an issue that an agency head doesn't wish to have raised is really to interfere in management. And it is an interference for which the right of appeal to the President offers no real remedy. There is an enormous difference between a presidential assistant saying to an agency head, "I don't think this matter is ripe for the President's attention," and saying "I want to take this to the President, even though you are satisfied to handle it yourself."

Another way for the President to surface issues that could

stymie his program is for him to appoint an interagency task force, designating the head of one of the component agencies as chairperson, with executive powers. That individual, then, is in effect delegated the powers of the President with respect to a subject matter that cuts across several departments and agencies; he has direct access to the resources of all the relevant parts of government. The selection of the chair will necessarily bias the task force in the direction of that person's primary responsibilities, and may create some direct conflicts of interest. But by the same token those responsibilities will lend authority to the execution of the task at hand. By designating the head of an executive agency as the chief executive officer of the task force, the President can emphasize his intention that the task force should take his policy and make it happen, in the face of whatever practical obstacles it might encounter. He is effectively saying to the task force and to its leader: "I expect you to move ahead from where we are now." But he must at the same time give that leader sufficient access to himself so that he will not be told too late: "You can't get there from here."

Another instrument available to the President is the panel of outside advisers. It is clearly not an implementation device, but perhaps equally important, it is one of the best ways for a President to find out that he can't achieve a goal he has set for himself and for the country, at least by the means or schedule that he has chosen. The Wise Men convened by Lyndon Johnson before the turnaround in his Vietnam policy constituted such a group. Even Wise Men have their biases, of course, but at least they may fall somewhere outside the structure of biases within the Administration—unless a President selects them only to reinforce his own biases.

A President can accomplish nothing, or virtually nothing, without the cooperation of the legislative branch, and much, if not most, of his time is spent in attempting to persuade the legislative leadership and individual legislators to fall in with his plans and programs—or to accept reasonable compromises. Again, depending on the level of detail and the extent to which the particular problem fits the way in which the Executive Branch happens to be organized, he can delegate some of these responsibilities to agency heads and to members of the White House staff.

Lastly, in a federal system, a President works directly with other levels of government—governors, mayors, and local political leaders—to accomplish his objectives by persuasion, by the astute distribution of benefits, and even occasionally by threats. He also

works with business and labor leaders, and such a large number of diverse special interest groups that he has to rely on White House staff, agency heads, and others down the line in the bureaucracy to maintain his contacts and to accomplish his objectives.

This quick sketch of the various ways in which the President can make things happen within the government and in the country suggests that he must work through many different and overlapping lines of authority, persuasion, and oversight, and that he cannot rely either on his own staff in the White House or on his line officers in the departments and agencies to divide up their helping roles in any formal fashion. Indeed the division between line and staff is applicable only in the most general way.

The "line-ness" or "staff-ness" of a particular position varies with the times and with the character of the incumbent in the position. Both line and staff officers need to have some reasonable expectation of what will be demanded of them by their President. A minimum level of predictability helps them to do their jobs without using up too much of the President's time in giving instructions. But mostly they need to be prepared to live with flexible ad hoc-ery, to fill in where they are needed, and to pull back where the President has tapped a different resource. As a general rule, people whose primary responsibility is to manage resources (*i.e.*, agency heads) are better equipped to figure out how to apply those resources to the particular problems that concern the President, while people whose primary responsibility is to manage problems (*i.e.*, White House staff) are better equipped to figure out what resources should be applied to the problems that concern the President, and to report on how effectively the resources are being used. But unless the resource manager is regularly exposed to the world of the problem manager, his own concerns will be limited to the protection and expansion of the resources he manages. And unless the problem manager is regularly exposed to the world of the resource manager, he will lose sight of the severe limitations on the resources available for problem solving.

In his careful and insightful study of the organization of the presidency, Stephen Hess touches on all these problems, from a background of White House experiences recollected in tranquility. He traces the growth and expansion of the White House staff through six presidencies, from Roosevelt through Nixon, noting the interplay between the idiosyncracies of presidential personality and the imperatives of increasing societal interdependence and governmental complexity. With characteristic intuition, Hess ob-

serves that “[w]hile boredom . . . is seldom mentioned in discussions of the presidency, it is a key factor in determining who gets to see Presidents and how they choose to receive information.”¹ About the Nixon interlude, he concludes that “[i]n the end, a Greta Garbo conception of the presidency was unsuited to democratic leadership, which must depend on keeping in touch with the other actors in the governing process.”² He recognizes that “[t]he President is the nation’s chief political officer. He tries to stay astride a process that is quintessentially political, and the political process primarily concerns distribution, not production. It decides who gets how much of what is available, not how to make more available at less cost.”³

Mr. Hess points up the limits of what organization can do, and the more stringent limits on what the White House staff can do: “[It] is not a sufficient fulcrum to move the weight of the federal establishment.”⁴ He properly rejects a number of simple, or rather simplistic, solutions to the managerial problem—to choose a President who is a manager rather than a policymaker; to shunt off essential governmental functions to the states or to the private sector; to consolidate existing agencies—although he recognizes the virtues of functional reorganization.

He has his own solution to offer, conveniently capsulized in one sentence:

The chief conclusion of this study is that effective presidential leadership in the immediate future is likely to result only from creating more nearly collegial administrations in which Presidents rely on their Cabinet officers as the principal sources of advice and hold them personally accountable—in the British sense of “the doctrine of ministerial responsibility”—for the operations of the different segments of government.⁵

His proposition is further spelled out with a number of specific suggestions to improve the functioning of the Cabinet—*e.g.*, reconstituting its makeup, limiting its size, and providing an adequate secretariat.

But this solution still seems inadequate. The President can share some kinds of problems with his Cabinet, others with his

¹ P. 213.

² P. 8.

³ P. 147 (emphasis in original).

⁴ P. 153.

⁵ P. 154 (original in italics).

staff, and still others through a variety of ad hoc arrangements. There are more problems on earth (let alone in heaven) that a President must deal with than were ever dreamt of in a Cabinet secretary's philosophy.

Cabinet officers cannot help being more concerned with the operations of their departments than with any other aspect of government. In fiscal year 1975 even the smallest domestic cabinet department, the Department of Commerce, had a budget of \$1.6 billion and a work force of 36,000 employees.⁶ The average departmental budget during the same year was \$26 billion, and the average work force was over 300,000.⁷ It is not so much that cabinet officers cannot see the forest for the trees—although they may have some difficulty in seeing beyond the horizons of their own departments. It is rather that their occupational bias leads them to focus on what government institutions can do, more than on what citizens need from government. They see the forest of government agencies, with budgets and tables of organization and programs—and problems—more vividly than they see the forest of private institutions and individuals with needs and hopes and aspirations—and problems. Of course, there will be individual cabinet officers who do not fit this pattern. But the longer they are on the job the more they are likely to be forced into it. Even for the most farsighted manager, the institution that he manages and its parallel institutions in society are bound to be more real than the universe those institutions serve.

Mr. Hess suggests an analogy to the British Cabinet,⁸ but that analogy is a distant one, both because the members of the British Cabinet are elected politicians, serving in the legislative branch, and because the British civil service extends up through a level of management in each department, which our civil service does not even attempt to reach. Whether we would have been better off if we had adopted the British parliamentary system is a debatable question. But at any rate, we are not about to change our institutions for a different set.

A restructured cabinet, organized and regularly reorganized around the most important functions of the federal government today, and avoiding, so far as possible, the perpetuation of client-

⁶ BUREAU OF THE CENSUS, STATISTICAL ABSTRACT OF THE UNITED STATES 228, 243 (1975).

⁷ *Id.*

⁸ See, e.g., p. 209.

oriented agencies, might ease some of the President's burdens. But neither the Cabinet nor the White House staff nor the component agencies of the Executive Office of the President can be the chosen instrument of presidential power. Each component must be restrained from its natural tendency toward expansion in size and power, and each must be reined in by the President, exercising his managerial and political talents in playing them off against each other. Only thus can he preserve the genius of the Presidential system.

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