

# **EXECUTIVE/CONGRESSIONAL LIAISON IN A POST COLD WAR ERA**

Anthony J. Eksterowicz & Glenn P. Hastedt\*

The demands placed upon the President and Congress in a post-Cold War era are dramatically different and more complicated than in the Cold War era. The policy-making environment has changed. Issues no longer divide neatly into foreign and domestic policy contexts. Policy-making is more complicated, in part, due to the blended international-domestic context of issues which has implications for executive/legislative relations.

While it is true that presidents can and will attempt to practice domination of the Congress when making public policy, the nature of the new environment makes it less likely that they will regularly succeed. Because of the complexity of issues, there is a need to revisit the mechanics of executive/legislative liaisons in this new era. This essay represents such an attempt.

First, we examine the changes that impact presidential policy-making in the post-Cold War era. Second, we review the ongoing debate in presidential literature concerning executive dominance over the Congress. Third, we briefly examine the modern history of presidential/congressional foreign policy interactions and note changes in these interactions. Fourth, we present a brief history of the White House Congressional Liaison Office in both the Cold War and the post-Cold War eras. We specifically examine and analyze the Carter and Clinton administrations. Finally, we present a new working model of a post-Cold War White House Congressional Liaison Office. This model views such an office as playing an important role in executive/legislative strategy and not merely functioning as a tactical offshoot for White House advisors.

## **THE NEW POLITICAL ENVIRONMENT**

The past thirty-five years have transformed the political environment within which the modern presidency operates. During this period, the United States found itself in the throes of almost constant social and

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political change. The modern Civil Rights movement virtually guaranteed the political mobilization of African Americans. Sexual revolution forced a change in the nation's mores and led to the mobilization of women as a force in American politics. The 1970's ushered in a modern environmental movement with its effects felt throughout the domestic political scene. The Vietnam War and subsequent international economic disturbances, especially concerning energy issues, led to a sense of diminished American optimism in both public and private institutions.<sup>192</sup> During the same time, the foreign policy consensus constructed upon the containment of communism began to unravel. When the Cold War ended, and with it the doctrine of containment, the centerpiece of America's post World War II national security policy became outdated almost overnight.<sup>193</sup> The policy of detente in the 1970's might have contributed to Gorbachev's reforms in the 1980's.<sup>194</sup>

Simultaneously, the increasing interdependence of the world's economies brought forward a new series of international actors and policy challenges.<sup>195</sup> Perhaps the greatest challenge remains the preservation of domestic democratic traditions and institutions while coping with an unstable international arena, where formerly autocratic states grapple with democracy. At least one scholar has asked if democracy can adapt and survive in such a transnational milieu.<sup>196</sup>

These domestic and international changes are social, cultural, economic, and political in nature, and they have had a profound impact upon our governing structures. During the past thirty-five years we have witnessed an increase in what Theodore Lowi termed interest group liberalism.<sup>197</sup> The demand side of American politics has become fragmented by the growth of interest groups, Political Action Committees (PAC), and interest research foundations.<sup>198</sup> Simultaneously, political

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<sup>192</sup> See SEYMOUR M. LIPSET & AMP WILLIAM SCHNEIDER, *THE CONFIDENCE GAP: BUSINESS, LABOR AND GOVERNMENT IN THE PUBLIC MIND* *passim* (1987).

<sup>193</sup> See James N. Rosenau & Ole R. Holsti, *U.S. Leadership in a Shrinking World: The Breakdown of Consensus and the Emergence of Conflicting Belief Systems*, 35 *WORLD POL.* 368 (1983).

<sup>194</sup> Anthony Eksterowicz & Glenn Hastedt, *Congress, The Presidency and World Order: The Interplay of International and Domestic Politics*, 19 *THE J. OF SOC., POL. AND ECON. STUD.* 359, 371-73 (1994).

<sup>195</sup> See also Joseph S. Nye, Jr., *What New World Order?* 71 *FOREIGN AFF.* 83 (1992); Richard Rosencrance, *A New Concert of Powers*, 71 *FOREIGN AFF.* 64 (1992). See generally SEYOM BROWN, *NEW FORCES IN WORLD POLITICS* *passim* (1974); *TRANSNATIONAL RELATIONS AND WORLD POLITICS* *passim* (Robert O. Keohnae & Joseph S. Nye, Jr. eds., 1970).

<sup>196</sup> Robert A. Dahl, *A Democratic Dilemma: Systems Effectiveness versus Citizen Participation*, 109 *POL. SCI. Q.* 23 (1994).

<sup>197</sup> Theodore J. Lowi, *THE END OF LIBERALISM* *passim* (1969).

<sup>198</sup> *Id.* See also LARRY SABATO, *PAC POWER* *passim* (1985).

parties, long the arbiters on the demand side of politics, have become weaker and less effective as conduits for the policy desires of citizens.<sup>199</sup>

There is, of course, debate within both interest group and political party literature because not everyone agrees that interest groups are a powerful and growing phenomenon in American politics.<sup>200</sup> Likewise, not everyone agrees that American political parties are in decline.<sup>201</sup>

Despite opposing viewpoints, there is no denying the fragmentation problem that special interest politics presents for presidents in times of great national debt. The same problem also affects party cohesion when making difficult and unpleasant budget decisions.<sup>202</sup>

Beyond the divisive effect of interest groups in the 1970's, new campaign finance laws were introduced that had the effect of emphasizing the financial power of interest groups and their associated PACs at the expense of political parties during a political campaign.<sup>203</sup> Indeed, campaign finance reform was one direct result of the 1970's Watergate political scandals.

Watergate itself had profound effects upon the fragmenting of executive/legislative relations. In the early 1970's many predominately young liberals were elected to Congress. They were concerned about the abuse of power in the Nixon White House, but were initially relatively powerless in Congress. Their aim was to increase their power in Congress and then enact reforms to bring executive/legislative relations back to some semblance of balance.

These young representatives and senators achieved their goal of increasing their power by expanding the subcommittee structure to spread power in both Houses more evenly,<sup>204</sup> thus, showing their willingness to confront modern presidents in both domestic and foreign policy.

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<sup>199</sup> CLIFTON MCCLESKEY, *POLITICAL POWER AND AMERICAN DEMOCRACY* 1-19 (1989).

<sup>200</sup> Paul E. Peterson, *The Rise and Fall of Special Interest Politics*, 105 *POL. SCI. Q.* 539 (1991).

<sup>201</sup> See LARRY J. SABATO, *THE PARTY'S JUST BEGUN* *passim* (1989).

<sup>202</sup> E.g., Eric Pianin and John F. Harris, *Clinton Proposal Stirs GOP Warmth, Democratic Wrath*, *THE WASH. POST*, June 15, 1995, at A23; Kevin Merida, *Senate Rejects Gramm Bid to Bar Affirmative Action Set-Asides*, *THE WASH. POST*, July 21, 1995, at A13. President Clinton angered many liberal democrats by submitting an alternative to the Republican congressional budget. Senator Dole created a policy rift between Republicans over his attempt to review federal affirmative action guidelines and policies. See Kevin Merida, *Winding Down from a Whirlwind*, *THE WASH. POST*, Nov. 23, 1993, at A19.

<sup>203</sup> See ELISABETH DREW, *POLITICS AND MONEY: THE NEW ROAD TO CORRUPTION* *passim* (1993).

<sup>204</sup> See CONGRESS RECONSIDERED *passim* (Lawrence Dodd & Bruch Oppenheimer eds., 2d ed. 1981).

Although, the young representatives and senators achieved their goal of regaining a balance of power, it is shortsighted to argue that this congressional reassertion of power alone caused a new executive/legislative relationship. A more appropriate conclusion is that the post-Nixon Congress reflected the general changes occurring in society and the ultimate result of these changes was a more competitive relationship between the President and the Congress.

These social, cultural, economic, and political changes occurred amid tremendous technological changes in our society. During this time the United States entered the computer age. New communication technologies such as cable, satellite television, and video taping affected how the public received the news and how politicians conducted their campaigns. In the 1970's, Congress, itself, embarked upon the computer age. Of all the reforms that Congress initiated, none was more powerful than its own computerization, which balanced the information flow between the executive and legislative branches.<sup>205</sup> Computerization also captured the essence of the more competitive executive/legislative relationship.

One can argue whether the War Powers Act or the Budget Impoundment Control Act increased or decreased presidential or congressional powers. One can argue whether any of the congressional reforms from the 1970's forced a more competitive executive/legislative relationship. These arguments, however, would fail to capture the main reason behind increased executive/legislative competition: that of a more balanced competition for information between the two branches. All of this has impacted the presidency and presidential policy-making.

## **PRESIDENTIAL OR CONGRESSIONAL POLICY DOMINANCE?**

The American presidency during the Cold War period exhibited characteristics rooted in Hamiltonian thought. The Cold War era presidency favored a strong executive because, as Hamilton noted, "Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks."<sup>206</sup>

The most influential Cold War scholar espousing the acquisition, maintenance, and use of personal presidential power was Richard

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<sup>205</sup> Stephen E. Frantzich, *COMPUTERS IN CONGRESS: THE POLITICS OF INFORMATION passim* (1982); Stephen Frantzich, *Communications and Congress, in THE COMMUNICATIONS REVOLUTION IN POLITICS* 88-101 (Gerald Benjamin ed., 1982); Thomas P. Southwick, *Computers Aid Congress in Work, Politics*, 35 Cong. Q. Wkly. Rep. 1045 (1977).

<sup>206</sup> THE FEDERALIST No. 70 (Alexander Hamilton).

Neustadt in his classic work, *Presidential Power*.<sup>207</sup> Neustadt favored activist presidents who acquired and used power to achieve their public policy agendas. During the Cold War period, concentration of power preserved and protected national security interests. Such a model for governing seemed to fit American national security needs.<sup>208</sup> The Vietnam War and the subsequent governmental scandals under the rubric of Watergate seemed to illustrate just where such a model of presidential government could lead. Congress moved to reassert a balance of power quickly so that, even by 1975, the Academy of Political Science entitled its annual proceedings *Congress Against the President*.<sup>209</sup> Thus, a great debate ensued over the wisdom of congressionally balancing presidential power. So great was the concern over the Congressional reassertion of power, that by the 1980's some scholars and commentators were warning not of an imperial presidency but of an imperiled presidency. Thomas Cronin noted:

Such defenders of a powerful presidency as Samuel Huntington and columnist Robert Novack wondered how a government could conduct a coherent foreign policy if legislative ascendancy really meant the development of a Congress into a second United States government. Could the United States afford to have two foreign policies? A nation cannot long retain a leadership role in the world unless its own leadership is both clear and decisive. They argued, too, that congressional decisions - including foreign policy decisions - must be based entirely on domestic politics, which is why Congress cannot conduct foreign policy.<sup>210</sup>

The congressional reforms of the 1970's have touched off an explosive debate within political literature over two issues: (1) whether congressional restraints encumber the modern presidency, and (2) just what such a situation meant for governing. Some scholars have noted that the only way a modern president can govern effectively is with the consent and prior consultation of the Congress across the policy spectrum. Such consultation might imply the institution of a parliamentary system.<sup>211</sup> Other scholars have argued for a multi-party system of

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<sup>207</sup> RICHARD E. NEUSTADT, *PRESIDENTIAL POWER: THE POLITICS OF LEADERSHIP FROM FDR TO CARTER* (1980).

<sup>208</sup> See MICHAEL S. SHERRY, *IN THE SHADOWS OF WAR: THE UNITED STATES SINCE THE 1930s passim* (1995) (discussing the effect of the Cold War on American society).

<sup>209</sup> *Congress Against the President*.

<sup>210</sup> Thomas E. Cronin, *A Resurgent Congress and the Imperial Presidency*, 95 *POL. SCI. Q.*, 231-32 (1980).

<sup>211</sup> See MICHAEL L. MEZEY, *CONGRESS, THE PRESIDENT & AMP PUBLIC POLICY*, 206-211 (1989).

competitive elections as a safeguard against unbridled executive power.<sup>212</sup> Still others have argued that despite the congressional reforms of the 1970's nothing much has changed; and that the President is still the dominant actor in the public policy system especially in foreign affairs.<sup>213</sup> As Paul E. Peterson stated:

. . . [T]he changes in American politics during the post-Vietnam era did not eliminate the distinction between foreign and domestic political arenas - primarily because the nature of the international system precludes it. To respond to external threats, the United States needs a relatively centralized, coordinated foreign policy-making system. Because of this international reality, presidents remain the most potent political force in the making of foreign policy. Though Congress began to play a more important role in the years following the Vietnam War, especially when the executive's capacity to defend the national interest was diminished, the primary locus of decision making remained in presidential hands.<sup>214</sup>

Peterson notes in his article the debate surrounding presidential power. For example, Peterson points out President Bush's apparent foreign policy triumphs during the Persian Gulf War, including his domination of Congress during the Persian Gulf War. However, while Bush essentially got what he wanted during the war, the conduct of the war was tempered not only by the memory of Vietnam, but by the close vote in the Senate. The Senate essentially informed the President that it would not support a long and protracted war. One could argue that the conduct of the war reflected not presidential dominance but Congress reaction to presidential moves.

As another example, Peterson mentions the Reagan Administration's successful conclusion of the START and INF arms negotiations. Similar to the tone-setting role Congress played in the Persian Gulf War, Congress aided in forcing the President to begin negotiations with the Soviets.<sup>215</sup> Even today there are warnings concerning the effect of Congress on START I and START II. While the present Congress wants to disregard the ABM Treaty, Michael Krepon has expressed concern about the effects of such a move upon both START I and START II.<sup>216</sup>

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<sup>212</sup> See, e.g., Theodore J. Lowi, *Presidential Power: Restoring the Balance*, 100 *Pol. Sci. Q.* 185 (1985).

<sup>213</sup> Paul E. Peterson, *The President's Dominance in Foreign Policy Making*, 109 *POL. SCI. Q.* 215, 217 (1994).

<sup>214</sup> *Id.*

<sup>215</sup> *Id.*

<sup>216</sup> Michael Krepon, *Treaty Trashing*, *THE WASH. POST*, July 24, 1995, at A21.

When one considers domestic issues, such as the budget, executive/legislative complexities also arise. In 1974, Congress took back some budget power with the institution of the Budget Impoundment Control Act.<sup>217</sup> This Act effectively disallowed presidential impoundments of congressionally authorized monies.<sup>218</sup> It also set up a strict process of rescissions and deferrals.<sup>219</sup> Ever since the implementation of this reform there has been a lack of executive/legislative consensus over budgeting issues, resulting in strategies like Gramm-Rudman-Hollings.<sup>220</sup> If anyone believes in presidential dominance regarding budget issues, one need look no farther than the 1990 budget summit and compromise which many observers believe cost President Bush the 1992 election.<sup>221</sup>

Things have not changed much under the Clinton Administration. During the summer of 1995, the Administration found itself responding to Republican budget initiatives. Such proposals challenge the old notion that the president proposes and the Congress disposes of budget initiatives. Ann Devroy notes:

[I]n the end, the [P]resident may have little leverage to do more than slow down and temper the Republican direction. "We are dealing with a work product that is written from their perspective, not ours," said White House press secretary Michael McCurry. He said Clinton cannot change the Republican direction - and in some cases, agrees with it - but he can sand off the rough edges and preserve and protect some pieces of his agenda.<sup>222</sup>

Ms. Devroy's assessment comes just five years after most budget scholars argued that the 1990 Budget Enforcement Act would increase the President's budget powers. Thurber and Durst concluded, "[U]nder the 1990 budget agreement, Congress has abdicated its role as guardian of the purse and has lost some of its ability to make policy in favor of a more congenial budget process."<sup>223</sup> The current political process, however, is subject to quick changes. The Republican control of Congress after the

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<sup>217</sup> Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, 88 Stat. 297.

<sup>218</sup> *Id.*

<sup>219</sup> *Id.*

<sup>220</sup> Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. No. 99-177, 99 Stat. 1037.

<sup>221</sup> See, e.g., AARON WILDAVSKY, *THE NEW POLITICS OF THE BUDGETARY PROCESS*, 483-97 (2d ed. 1992).

<sup>222</sup> Ann Devroy, *President Approves Rescissions Measure: Process May Offer Glimpse of Future Showdowns*, *THE WASH. POST*, July 28, 1995, at A16.

<sup>223</sup> James A. Thurber and Samantha L. Durst, *The 1990 Budget Enforcement Act: The Decline of Congressional Accountability*, in *CONGRESS RECONSIDERED* 391 (Lawrence C. Dodd & Bruce I. Oppenheimer eds., 5th ed., 1993).

1994 midterm elections is a case in point. This shift in party control of Congress has led to the budget predicament in the Clinton Administration and has tempered even the most certain of the scholarly budget predictions.

Whether the President is dominant in the policy process is important in deciding what future presidents should do to achieve the goals of their parties' platform or their personal agenda. If the presidency maintains its autonomy, perhaps future presidents only need better political strategies or more determined presidential will. If, on the other hand, the executive/congressional policy environment has become more balanced and competitive, then the modern President needs more effective tools aimed at inter-branch cooperation. On paper the tools of the modern presidency seem formidable, but in practice a more balanced view is in order.

## **PRESIDENTIAL-CONGRESSIONAL FOREIGN POLICY INTERACTION**

A closer examination of post World War II presidential-congressional policy interaction in the area of foreign affairs sheds light on the debate over the extent to which the President dominates the policy-making process. In no policy area is the claim to presidential dominance made more forcefully than it is in foreign affairs. Yet, if we look closely, we find that broad assertions of presidential dominance or decline confuse more than they enlighten. What emerges is a great deal of variation in presidential-congressional relations; variation that requires a managerial capacity at both ends of Pennsylvania Avenue if issues are to be dealt with quickly and effectively. By examining presidential-congressional relations from three different perspectives, one gains an appreciation of the extent to which variations in these relations invalidate claims of presidential or congressional dominance.

## **DIFFERENCES OVER TIME**

First, one can trace variations in presidential-congressional relations over time. Particularly enlightening is Frans Bax's account of these relations from the beginning of the Cold War through the end of U.S. involvement in Vietnam, a period identified as one of presidential dominance.<sup>224</sup>

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<sup>224</sup> Frans R. Bax, *The Legislative-Executive Relationship in Foreign Policy: New Partnership or New Competition?*, 20 ORBIS 881 (1977).



Bax argues that, from 1943 to 1950-51, a period of presidential-congressional accommodation existed. This state of relations was noted for the close consultation between the two branches brought on by the Republican dominated Congress' refusal to accept presidential dominance.<sup>225</sup> The issue which ignited this Republican rebellion was Roosevelt's plan to act on the United Nations Relief and Rehabilitation Administration via executive agreement. Led by Senator Arthur Vandenberg, Republicans forced Roosevelt to submit the UNRRA program to Congress for its approval.<sup>226</sup>

A different presidential-congressional relationship existed between 1951-1955. Antagonism, more than presidential dominance, marked this period. Foreign policy issues such as Republican accusations that Truman administration lost China and mismanaged the Korean War, played a major role in the 1952 presidential campaign. More than partisan politics was involved in the presidential-congressional antagonistic relationship. Institutional rivalries were also present, as evidence by Republican and Democratic support for the Bricker amendment. The Bricker amendment, if passed, would have limited a president's power to use executive agreements to evade congressional disapproval of foreign policy initiatives.

Presidential-congressional relations took on still a different quality over the next ten years. From the mid-1950's until the mid-1960's, Congress was essentially a passive player that did little more than legitimize presidential foreign policy decisions. Bax defines this period as one of acquiescence. The President dominated foreign policy and consultation with Congress on foreign policy was rare.

The lesson learned from the presidential domination of Congress is the three-part foundation on which congressional acquiescence to presidential foreign policy leadership rested. First, the basic legislation necessary for the President to pursue a foreign policy of containment was already established. Most foreign policy undertakings did not need Congressional approval. Second, a consensus existed that containment was the correct foreign policy for the United States so there was little reason to challenge the President. Disagreements were largely over the details of implementing containment, and these questions were thought best left to the discretion of the executive branch.<sup>227</sup> Third, Congress considered itself inferior to the President in terms of its competence to deal with foreign policy matters. If these truly are the foundations on which presidential dominance is built, the prospects for continued (or renewed) presidential dominance in the post Cold War era seems slight.

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<sup>225</sup> *Id.* at 885

<sup>226</sup> The Private Papers of Senator Vandenberg 67-74 (Arthur H. Vandenberg, Jr. 1952).

<sup>227</sup> Bax, *supra* note 33.

Following the period of presidential dominance, presidential-congressional relations entered a period of ambiguity. Congress as an institution remained compliant. Individual members of Congress, however, began to voice opposition to presidential dominance in foreign policy. The most visible opponent was Senator William Fulbright, who used his position on the Senate Foreign Relations Committee to hold hearings questioning U.S. policy on Vietnam. Conservative opposition also emerged. Members of the Senate Armed Services Committee publicly argued that the President was not using enough military force to win the war in Vietnam.<sup>228</sup>

As the Vietnam War dragged on, and American involvement became deeper and more controversial, presidential-congressional relations became increasingly acrimonious. Instead of individuals challenging presidential foreign policy dominance, Congress as an institution moved against the President. The Congressional challenge had less to do with the content of the President's policy (over which they remained divided) than it did with the constitutionality of his actions. Bax argues that this constitutional challenge is a legacy of the earlier period of acquiescence and the breakdown in presidential-congressional consultative mechanisms.<sup>229</sup> Viewed in this light, not only are the preconditions for presidential dominance difficult to achieve, but presidential dominance itself may be undesirable because of the problems it creates once it is no longer present.

### DIFFERENCE WITHIN A POLICY AREA

Insight into the reality of presidential dominance over Congress in making foreign policy is gained by tracing one issue over time. Paul Stockton has done so for the military budget.<sup>230</sup> His study suggests a need to rethink our ideas about congressional activism in this area, and, by extension, to rethink our ideas about the challenge confronting presidents who wish to dominate the foreign policy decision-making process.<sup>231</sup>

The standard complaint of critics regarding congressional involvement in defense budgetary matters is Congress proclivity to engage in "micromanagement."<sup>232</sup> Driven by a desire to protect constituent interests and bolster their prospects for reelection, Congress traditionally focuses

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<sup>228</sup> *Id.*

<sup>229</sup> *Id.*

<sup>230</sup> Paul Stockton, *Beyond Management: Congressional Budgeting for a Post-Cold War Military*, 110 POL. SCI. Q. 233 (1995).

<sup>231</sup> *Id.* at 234.

<sup>232</sup> *Id.* at 235.

on the minutia of the defense budget rather than its strategic underpinning. Concern for where money is spent and who benefits from a defense appropriation drive out concern for why the money is being spent or how a particular weapons system fits into the overall U.S. national security strategy. Many commentators add that the very structure of Congress, its system of committees and subcommittees with overlapping jurisdictions, and the political nature of the decision-making process is an almost insurmountable barrier to any form of strategic input by Congress.<sup>233</sup>

Stockton notes that in spite of the continuance of these incentives, Congress has begun to show a willingness and ability to move beyond micromanagement. No longer is its attention solely directed to the details of the military budget. Also being scrutinized are the premises and strategies behind spending requests. In 1990, Senator Sam Nunn of the Senate Armed Services Committee spoke directly to the need of reorienting American military policy.<sup>234</sup> Two years later, Congressman Les Aspin of the House Armed Services Committee issued a set of proposals on restructuring American military forces.<sup>235</sup> Republican Senators John Warner and William Cohen also have offered plans for reshaping U.S. forces in the post-Cold War world.<sup>236</sup> Finally, Senator Robert Dole and Congressman Leon Pannetta used their positions as chairs of the Senate and House Budget Committees to hold hearings on defense strategy and force posture issues.<sup>237</sup>

Congress' changing orientation in the politics of passing military budgets is significant for those who think of presidential-congressional relations in terms of presidential dominance. Traditional congressional micromanagement of the military budget did not threaten presidential dominance because details of policy rather than the policy itself was being scrutinized. Moreover, in dispensing budgetary favors, the President was in a position to gain as much political benefit from the construction of additional aircraft, ships, or missiles as were members of Congress.<sup>238</sup> The new version of congressional micromanagement cuts to the heart of the question of who dominates the policy process. At stake is the ability to decide the basic outline of American defense policy for decades.

Not only have the stakes been raised by this new micromanagement, but the techniques used by presidents to ensure domination of the policy process may be far less effective. Increased spending on pet military projects - an activity that fits in well with the traditional

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<sup>233</sup> *Id.* at 236.

<sup>234</sup> *Id.* at 238.

<sup>235</sup> *Id.*

<sup>236</sup> *Id.*

<sup>237</sup> *Id.*

<sup>238</sup> See Michael Krepon, *Conclusions*, in *THE POLITICS OF ARMS CONTROL TREATY RATIFICATION*, 399, 400 (Michael Krepon & Dan Caldwell eds., 1991).

micromanagement outlook of Congress - was a heavily relied upon instrument of presidential dominance.<sup>239</sup> Kennedy helped assure the passage of the Limited Test Ban Treaty by providing funds for additional underground tests; possibly allowing atmospheric tests if the Soviet Union broke the terms of the treaty; and maintain modern nuclear weapons' laboratories. According to Nixon's Secretary of Defense, Melvin Laird, the price for Senate approval of the SALT I Treaty was funding for the Trident submarine program, the B-1 bomber, sea-launched cruise missiles, and other strategic defenses that were permissible under the ABM Treaty.<sup>240</sup> President Carter sought to ensure Senate support for SALT II by going ahead with a version of the MX missile system, a futuristic bomber, long-range theater nuclear forces, and new cruise missiles.<sup>241</sup> Each of these programs became lines in a budget that Congress expected to exert significant control over in the future.

A shift of some in Congress from budgetary micromanagement to strategic micromanagement also reduces the effectiveness of these traditional strategies because it does not address the core issues of this new group. The demand for strategic input is not likely to be mollified by a strategy that promises only periodic or one-time consultation. Such was the case in SALT I when the Nixon administration agreed that in SALT II the number of weapons each side would be allowed to retain would be made part of the treaty rather than placed in an executive agreement.<sup>242</sup> Strategic input is an ongoing process and requires continuous consultation. Those in Congress seeking to influence strategic choices are likely to demand a mechanism for doing so as the price for their cooperation.

## DIFFERENCES WITHIN AN ADMINISTRATION

Finally, problems with characterizing presidential-congressional relations cast in terms of presidential dominance come into focus when examining in detail each administration's relations with Congress. Bruce Jentleson has done this for the Reagan administration and a single

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<sup>239</sup> See Benjamin S. Loeb, *The Limited Test Ban Treaty*, in *THE POLITICS OF ARMS CONTROL THEORY RATIFICATION* 167, 199 (Michael Krepon & Dan Caldwell eds., 1991).

<sup>240</sup> See Alan Platt, *The Anti-Ballistic Missile Treaty*, in *THE POLITICS OF ARMS CONTROL THEORY RATIFICATION*, 229, 254 (Michael Krepon & Dan Caldwell eds., 1991).

<sup>241</sup> See Dan Caldwell, *The Salt II Treaty*, in *THE POLITICS OF ARMS CONTROL THEORY RATIFICATION*, 229, 254 (Michael Krepon & Dan Caldwell eds., 1991).

<sup>242</sup> See Stephen J. Flanagan, *The Domestic Politics of SALT II*, in *THE POLITICS OF ARMS CONTROL THEORY RATIFICATION*, 229, 254 (Michael Krepon & Dan Caldwell eds., 1991).

descriptive phase cannot capture the complexity that emerges.<sup>243</sup> Jentleson found four distinct patterns to presidential-congressional relations during those eight years: confrontation, institutional competition, constructive promises, and bipartisan cooperation.<sup>244</sup> First, presidential-congressional relations during the Reagan administration were characterized by confrontation. Most prominent among these issues were regional conflicts involving Nicaragua, South Africa, and arms sales to Saudi Arabia.<sup>245</sup> Jentleson characterized the second set of issues as involving institutional competition. Issues decided by institutional competition centered on State Department authorization bills and foreign aid legislation.<sup>246</sup> Presidential-congressional relations were also characterized by constructive compromises. Jentleson cites military aid for El Salvador and the leadership crisis in the Philippines as prime examples of constructive compromise.<sup>247</sup> Finally, foreign policy issues were dealt with in a framework of bipartisan cooperation exemplified by relations with the Soviet Union and China and the use of military force against aggressor states in regional conflicts.<sup>248</sup> This bipartisan spirit, however, emerged late in the Reagan Administration.

The presence of multiple patterns of presidential-congressional relations in the foreign policy area within a single administration speaks against continued reliance on traditional types of coordination devices in dealing with Congress. No longer can the State Department, Defense Department, or National Security advisors be expected to be the instruments of coordination between the White House and Congress. No matter how many congressional briefings they give, reports they write, or questions they answer, these organizations are more outward than inward looking in how they define their tasks. They continue to operate by a decision-making logic rooted in notions of presidential dominance. The highest priority is assigned to composing solutions to foreign policy problems, and only then is support sought from Congress.

Maneuvering through many and constantly changing patterns of presidential-congressional interaction requires proactive attention from executive branch officials who are knowledgeable in both foreign and domestic policy. A substantial role for Congress in making foreign policy is now something that is taken for granted. None of the foundations of presidential dominance in the 1960's remain in place. There is no foreign policy consensus; the international environment and broadened foreign

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<sup>243</sup> Bruce W. Jentleson, *American Diplomacy: Around the World and Along Pennsylvania Avenue*, in *A QUESTION OF BALANCE: THE PRESIDENT, THE CONGRESS AND FOREIGN POLICY* 146, 146-200 (Thomas E. Mann ed., 1990).

<sup>244</sup> *Id.* at 146-47.

<sup>245</sup> *Id.* at 146.

<sup>246</sup> *Id.*

<sup>247</sup> *Id.* at 147.

<sup>248</sup> *Id.*

policy agenda have forced presidents to obtain congressional approval for their most important foreign policy initiatives. Adding to the imperative of bringing both foreign policy and domestic political expertise to the White House end of the communication link between the two branches is the extent to which foreign policy decisions are now made against a backdrop of interest group activity.

What is most urgently needed is to "institutionalize the practice of early and genuine consultation with congressional leaders."<sup>249</sup> A potential vehicle for realizing this goal currently exists; the White House Congressional Liaison Office.

### **WHITE HOUSE CONGRESSIONAL LIAISON: A BRIEF HISTORY**

Abraham Holtzman notes the importance of the executive/legislative liaison in his 1970 classic work, *Legislative Liaison: Executive Leadership in Congress*.<sup>250</sup> The subtitle is intriguing, for Holtzman approached the subject during the Cold War period from a presidential perspective. He interviewed many congressional liaison officers in the White House and throughout the executive bureaucracies. He concluded that what was new about the executive/legislative liaison was "[t]he increasing importance and recognition afforded legislative liaison as a special aspect of executive leadership," and "[t]he shifting of responsibility for liaison from a defuse and diverse set of actors to a particular set of actors."<sup>251</sup> Holtzman was referring to high level actors within the bureaucracies of government, but he also discussed liaison from the White House perspective. Thus, even at the height of the Cold War, legislative liaison was recognized as contributing to a president's powers and leadership skills. In a post Cold War era legislative liaison arguably will become even more imperative given the nature of power diffusion in the modern Congress.

From the perspective of the White House Congressional Liaison Office, the history of effectiveness in executive/legislative liaison has been spotty. Scholars George C. Edwards and Stephen J. Wayne have shown that executive/legislative liaison occurred in three stages.<sup>252</sup> Beginning in the Eisenhower Administration with executive officials wary of infringing upon congressional prerogatives, the White House

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<sup>249</sup> *Id.* at 197.

<sup>250</sup> Abraham Holtzman, *Legislative Liaison: Executive Leadership in Congress* (1970).

<sup>251</sup> *Id.* at 1.

<sup>252</sup> GEORGE C. EDWARDS, III & AMP STEPHEN J. WAYNE, PRESIDENTIAL LEADERSHIP: POLITICS AND POLICY MAKING 312, 312 (1994).

congressional relations office was small and utilized tactics of gentle and indirect persuasion rather than tough, direct lobbying.

The second phase occurred in the Kennedy-Johnson Administrations. The office expanded as did its functions. The agenda during these Administrations was quite comprehensive. In addition, these Administrations reached out to Congress to incorporate legislative views into executive policy decisions. Lobbying became more persistent, generating both rewards and deprivations.<sup>253</sup>

The third phase began in the Carter Administration. After their second year, the staff of the White House Office of Congressional Relations was increased with a goal toward bolstering legislative support for the President's proposals. Computers now tracked legislation. President Carter interjected himself directly into legislative lobbying efforts. A public liaison office was established to link grass roots support to the President's programs in the Congress.<sup>254</sup>

The Reagan Administration continued these efforts and added a legislative strategy group consisting of senior political aides coordinated by the White House Chief of Staff.<sup>255</sup> Generally, from the period of Eisenhower to Clinton, the White House legislative liaison effort's produced staffing and undertook a more sophisticated and professional lobbying of Congress.<sup>256</sup>

But how effective were these Administrations, i.e., Carter to Clinton, in their legislative liaison efforts? We first present a brief overview of these Administrations and then compare and contrast the Carter Administration with the Clinton Administration.

The Carter administration began with absolutely atrocious relations with the Congress. Congressional leaders were skeptical of Carter's knowledge of the Washington political system, and key White House aides were skeptical of the Washington establishment.<sup>257</sup> Generally the executive/legislative liaison effort during the first two years of the Carter Administration was considered to be ineffective by most congressional observers.<sup>258</sup> However, there was an attempt to learn and the last two years were somewhat more productive.

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<sup>253</sup> *Id.* at 313.

<sup>254</sup> *Id.* at 131-14.

<sup>255</sup> *Id.* at 314.

<sup>256</sup> *Id.* at 315.

<sup>257</sup> See Williams F. Mullen, *Perceptions of Carter's Legislative Successes and Failures: Views from the Hill and Liaison Staff*, 12 PRES. STUD. Q. 522 (Fall 1982).

<sup>258</sup> *Id.*

The first Reagan Administration, in contrast to Carter's, staffed the White House Congressional Liaison Office with a wealth of veterans in congressional relations. Max Friedersdorf, Chief White House lobbyist, had served as a White House congressional liaison officer for President Ford and had significant experience in the Congress as a Republican administrative assistant. Others, like Powel Moore, David Swanson, and William Gribbin, had all been associated with the staffs of Congresspeople and Senators or key committees of Congress. Kenneth Duberstein, who in the beginning of the Administration was appointed as chief House lobbyist and later became chief White House lobbyist, had ties to Senator Jacob Javits of New York.<sup>259</sup> Through the efforts of these people, the Reagan Administration, unlike President Carter, achieved early legislative success, particularly with the 1981 economic program. Support for the Reagan Administration's policy agenda declined after 1982, mirroring his declining political support in the Congress. Nevertheless, it appears that one criterion for early success is significant Washington experience on a president's legislative liaison team.<sup>260</sup>

The Bush Administration, in comparison, appointed relatively inexperienced people to the White House lobbying posts. Many of them had experience in private industry, although in a federal lobbying capacity.<sup>261</sup>

E. Boyd Hollingsworth, the Deputy Assistant for Legislative Affairs, and John W. Howard, Special Assistant to the President for Legislative Affairs in the House of Representatives, both had significant legislative experience coming respectively from the offices of Senator Alan Simpson and Senator Trent Lott.<sup>262</sup> This team's baptism of fire was the disastrous Tower nomination for Secretary of Defense.<sup>263</sup>

In addition, the Bush Administration appointed John Sununu as White House Chief of Staff. Mr. Sununu had a horrendous relationship with Congress, particularly with the Democratic leadership. In this and other mistakes were shades of the early Carter Administration.<sup>264</sup> Eventually President Bush had to replace his outspoken Chief of Staff.<sup>265</sup> The Bush Administration's forays into executive/legislative liaison display the importance of a White House Chief of Staff's relationship with Congress.

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<sup>259</sup> RONALD J. HREBENAR AND RUTH K. SCOTT, *INTEREST GROUP POLITICS IN AMERICA* 222, 223 (2d ed. 1992).

<sup>260</sup> *Id.* at 224.

<sup>261</sup> *Id.* at 225.

<sup>262</sup> *Id.* at 225.

<sup>263</sup> *Id.*

<sup>264</sup> LOUIS FISHER, *THE POLITICS OF SHARED POWER: CONGRESS AND THE EXECUTIVE* 44 (Prentice Hall et al. eds., 1993).

<sup>265</sup> *Id.*



The Clinton Administration appointed Howard Paster as head of the White House Office of Legislative Affairs. He had a staff of approximately twenty people, including eleven directly involved in lobbying the Congress. Paster was a former United Auto Workers, (UAW) lobbyist.<sup>266</sup> Susan Brophy, Deputy Assistant to the President and directly below Paster in the chain of command, had experience in the office of Senator Byron Dorgan (D-N.D.) and in the Democratic National Committee.<sup>267</sup> Lorraine Miller, in charge of House lobbying, worked for House Speakers Foley and Wright and Representative John Lewis (D-Ga.).<sup>268</sup> On the Senate side, Steve Ricchetti's resume includes lobbying for Blue Cross/Blue Shield. He was also associated with the Democratic Senatorial Campaign Committee (DSCC), which successfully negotiated NAFTA and the President's economic program during the first year of the Clinton Administration.<sup>269</sup> The DSCC, however, was criticized for alienating conservative Democrats, ignoring Republicans, and being slow to respond to members' concerns and requests for information.

When Howard Paster resigned at the end of 1993, he was replaced by Pat Griffin.<sup>270</sup> As of early 1994, the White House Legislative Affairs Office was staffed by eighteen people.<sup>271</sup> The importance of hiring experienced personnel to act as legislative\executive liaisons may be a significant lesson that future presidents would do well to heed.

## THE CARTER ADMINISTRATION

The perception of the Carter Administration as a novice in the ways of the Washington political scene is well established. Dan Caldwell relates the following as typical in the early Carter Administration:

[T]hings got off to a bad start from day one. Tip O'Neill, then Speaker of the House, went to an inaugural party at the Kennedy Center. He had told Hamilton Jordan that he needed a number of tickets for his wife and family. When he appeared on the stage with President Carter, he looked for his family members in the first rows and then in the orchestra section of the Kennedy Center, but he didn't see them and just assumed that he had missed them. It turned out that they were in the last balcony and one of the last rows of the Kennedy Center. So, Tip O'Neill had no love

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<sup>266</sup> Merida, *supra* note 11, at A19.

<sup>267</sup> *Id.*

<sup>268</sup> *Id.*

<sup>269</sup> *Id.*

<sup>270</sup> Ann Devroy, *Paster Quitting as Clinton's Chief Hill Lobbyist, is 2nd Aide to Leave?*, THE WASH. POST, Nov. 24, 1993, at Ab.

<sup>271</sup> WHITE HOUSE LEGIS. NEWSL., Jan. 13, 1994.

lost for Hamilton Jordan from the very beginning of the Carter Administration.<sup>272</sup>

Complicating this type of emerging relationship between the White House and the Congressional leadership was the staff appointed to the Carter Office of Congressional Relations. Again, Caldwell notes:

In interviews I conducted with senators and Senate staff members, the Office of Congressional Relations in the White House was almost uniformly given bad marks. Apparently, the office was simply not adept in dealing with senators. Most of those who staffed the Office of Congressional Relations came with President Carter from Georgia and didn't have the Washington experience. They didn't know the arcane ways in which Washington and the U.S. Senate operate, and consequently, this did not help the [P]resident in his efforts to ratify SALT II.<sup>273</sup>

To be fair to President Carter, the first two years were a learning experience. Many observers agree that during the second two years of his Administration President Carter became a more effective congressional lobbyist.<sup>274</sup> However, this may have been too late, for, as Paul Light has noted, all presidents become more effective when their political capital and hence influence is declining.<sup>275</sup>

One of Carter's immediate problems was the appointment of Frank Moore as head of the Carter Office of Congressional Relations. Frank Moore was national finance director for the Carter campaign and the Deputy Director for the south-east states. By his own admission he was an outsider to the Hill.<sup>276</sup> Moore started his lobbying efforts with only four or five people. Three people on the House side and two on the Senate.<sup>277</sup> Only three of these staffers had significant congressional experience: Danny Tate, Robert Thompson, and William H. Cable.<sup>278</sup> This was hardly enough help when one considers that the Carter Administration was the first Administration to deal with the modern fragmented, subcommittee driven, Congress. Frank Moore was a genial person but Bob Beckel, who later came over from the State Department to lobby for the Panama Canal

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<sup>272</sup> Dan Caldwell, *Executive-Legislative Alliances: The SALT II Ratification Debate*, in *ARMS CONTROL: ALLIANCES, ARMS SALES, AND THE FUTURE* 79 (Kenneth W. Thompson ed., 1993).

<sup>273</sup> *Id.* at 79.

<sup>274</sup> *White House Lobby*, GUIDE TO CURRENT AMERICAN GOVERNMENT, 49-54 (Congressional Quarterly Inc., Fall 1979).

<sup>275</sup> PAUL C. LIGHT, THE PRESIDENT'S AGENDA 10 (1982).

<sup>276</sup> Interview with Frank Moore, Miller Center Interviews, The University of Virginia, Carter Presidency Project, vol. 4 at 14 (Sept. 18-19, 1981).

<sup>277</sup> *Id.* at 1-20.

<sup>278</sup> *White House Lobby*, *supra* note 83, at 51.

Treaty, believed that Moore was in the wrong position when it came to foreign policy questions.<sup>279</sup>

By 1978 Vice President Mondale had reviewed Moore's lobbying operation and suggested an increase in staff.<sup>280</sup> Veterans of the Washington establishment were added, and the clerical staff increased. By the end of the Administration, the staff had grown to approximately forty. In addition, the President became a more active lobbyist for his programs.<sup>281</sup>

Executive branch reluctance to consult with the Congress before presidential initiatives were announced negatively effected early lobbying efforts. Bert Carp, Vice President Mondale's chief legislative policy advisor, noted that congressional liaisons got involved only after presidential initiatives were sent to the Hill.<sup>282</sup> This put the legislative liaisons at a disadvantage, for they had to lobby for a program that they had not participated in developing to a Congress that had minimal participation in the construction of such programs and policies. A few years after his tenure in the Carter Administration, Bob Becked observed: "We certainly learned from [SALT II] that the less the Congress knows about foreign policy initiatives, the more they're kept in the dark about the negotiations, and the less they're consulted, the more difficult the mission of ratification or passage becomes."<sup>283</sup> To the Carter Administration's credit, it established a congressional observers group at the strategic arms limitation negotiations between the U.S. and the Soviet Union.<sup>284</sup> This was viewed as a necessary first step in including certain members of Congress to these delicate policy negotiations.<sup>285</sup>

A related problem was the reluctance of officials in the Carter Administration to include Republicans in their negotiations. After his tenure in the Carter Administration, Frank Moore observed that his office and staff should have done more with the Republicans in Congress.<sup>286</sup> Mistakes were made by not working more closely with Republicans. He suggested that one problem was manpower.<sup>287</sup> There simply were not enough people in the Congressional Relations Office. With respect to Republicans, Moore said, "Cutting them in early on some of the

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<sup>279</sup> Interview with Robert Beckel, Miller Center Interviews, The University of Virginia, Carter Presidency Project, vol. 7 at 10 (November 13, 1981).

<sup>280</sup> Hrebenar and Scott, *supra* note 68, at 222.

<sup>281</sup> *Id.*

<sup>282</sup> Interview with Carp and Rubenstein, Miller Center Interviews, The University of Virginia, Carter Presidency Project, vol. 14 at 33 (March 6, 1982).

<sup>283</sup> Interview with Robert Beckel, *supra* note 85, at 11.

<sup>284</sup> *See, e.g.,* Flanagan, *supra* note 51, *passim*.

<sup>285</sup> *Id.*

<sup>286</sup> Interview with Frank Moore, *supra* note 85, at 102.

<sup>287</sup> *Id.*

consulting rhythm, putting in some stuff that's attractive to them in the bill might work. And they just weren't even consulted on it . . . ."<sup>288</sup> Bob Becked also referred to Moore's indication that, if given a second opportunity, he (Moore) might have gone to the Republican Minority leader in the House, Bob Michael, and asked him to recommend a person to be on the Congressional Relations Office staff specifically to deal with Republican concerns.<sup>289</sup>

When President Carter came to office, he was reluctant to appoint a powerful and authoritarian person as Chief of Staff due to the Haldeman experience in the Nixon White House. However, President Carter's appointment of Hamilton Jordan to a similar, if weakened, position was a mistake. Jordan was from Georgia. He was not conversant in the ways of Washington and he quickly developed a bad reputation on the Hill. This strained executive/legislative relations at a fragile time early in the Carter Administration's tenure was similar to the problem President Bush faced with John Sununu.<sup>290</sup>

## THE CLINTON ADMINISTRATION

When President Clinton was elected he immediately pledged to cut government waste and unnecessary spending. He indicated that he would begin by cutting the size and salaries of the White House staff, and he has struggled to maintain his campaign pledge.<sup>291</sup> While President Carter started with only four congressional lobbyists, President Clinton's eleven lobbyists, given the more demanding nature of the job and the changes in Congress, is still an inadequate number. After Vice President Mondale's 1978 review, the Carter office increased its staff to seven lobbyists, which means that the Clinton Presidency initiated its reign with only four more congressional lobbyists than the Carter Administration. Remarkably, President Clinton wanted to reduce the White House staff for much the same reasons that drove the Carter Administration. Both Presidents felt that the size of the presidential staff had bloated. In Clinton's case, there was the desire to lead by example. If he were going to ask others to endure painful budget cuts, then his own operation would suffer first. Leadership for innovative policies and congressional lobbying must now come from organizations that have to endure budget cuts which affect their ability to lead on these issues.<sup>292</sup> The way around these problems, as the Carter

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<sup>288</sup> *Id.*

<sup>289</sup> Interview with Robert Beckel, *supra* note 88, at 29.

<sup>290</sup> JOHN HART, *THE PRESIDENTIAL BRANCH* 145, 200 (2d ed. 1995).

<sup>291</sup> Ann Devroy, *Keeping a Campaign Pledge to Reign in Costs*, *THE WASH. POST*, July 3, 1995, at A21.

<sup>292</sup> Merida, *supra* note 11, at A19.

Administration found, is to detail others from the various departments to aid in the congressional lobbying effort.

The Clinton Administration has done a better job of hiring staff for their Legislative Affairs Office with more Washington experience than the legislative liaisons of the Carter staff. Although, Howard Paster, as mentioned earlier, did not come directly from the Congress but from the United Automobile Workers Union.

Another similar characteristic between the Carter and Clinton Administrations is the strategy, at least under Paster, of excluding Republicans from consultations. In addition, there has been the belief, especially concerning Clinton's economic program, that Republicans would not be of much help.<sup>293</sup> In fact, Senate Minority Leader Bob Dole has been quite candid with President Clinton on this point. This is a situation that has particularly turned on the Clinton Administration which now faces Republican control of both houses of Congress.

Another similarity between the Carter and Clinton Administrations is the role of the White House Chief of Staff. Hamilton Jordan's early relationship with the congressional leadership was horrible. Jordan was a friend of President Carter who trusted and had confidence in him. Likewise, Mac McLarty was a boyhood friend of President Clinton.<sup>294</sup> Each believes the other knows what is in his heart. They are said to be very close. As Jordan came from Georgia, McLarty came from Arkansas. Neither Jordan nor McLarty were skilled in the ways of Washington politics, and the Presidents were equally naive. Clinton was heard to exclaim "I don't know this place [Congress]."<sup>295</sup> Both Chiefs of Staff caused rifts between their Administration and Congress. In Clinton's case the relationship between McLarty and Paster so deteriorated that Paster resigned. Paster felt that McLarty was hindering the congressional lobbying effort.<sup>296</sup> McLarty was eventually replaced by Leon Panetta, a veteran of many congressional budget wars.

A final similarity between the Carter and Clinton Administrations concerns the use of the White House legislative lobbying operation. Both Presidents have viewed this effort as tactical and not strategic; that is, White House advisors set the strategy for policies and programs in the Congress first and then engage the lobbying office. This office then plots the proper legislative tactics for fulfilling the legislative strategy developed by the advisors. Thus, in a sense, the White House Legislative

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<sup>293</sup> BOB WOODWARD, THE AGENDA: INSIDE THE CLINTON WHITE HOUSE 104-05 (1994).

<sup>294</sup> WOODWARD, *supra* note 102, at 80-81.

<sup>295</sup> *Id.* at 171.

<sup>296</sup> *Id.* at 319.

Affairs Office is a tactical offshoot for the White House advisors.<sup>297</sup> This has the effect of removing staffers who "know" Congress from strategic policy development questions.

Similarities in presidential administrations twelve years apart point to the lack of institutional learning from administration to administration.

### **CONCLUSIONS AND RECOMMENDATIONS: A NEW WORKING MODEL FOR EXECUTIVE/LEGISLATIVE RELATIONS**

There are some general observations to be made concerning executive/legislative liaison and then a few more specific suggestions about developing a working model. Future presidents should understand that executive/legislative liaison will be their most important job because all presidential policy initiatives ultimately go through the Congress. While all modern presidents have paid lip service to the Congress, they have acted contrary. All too often campaign workers and friends with very little professional experience of the workings of Congress have been rewarded with high level White House offices. This must change if they are to be successful at executive/legislative liaison. The nature of the changes in domestic and world politics appears to indicate an increasing importance for presidents to address executive/legislative liaison appointment process professionally.

Future presidents should strive not to dominate the Congress but to collaborate. Ideology is polarizing Congress, making collaboration and accommodation more difficult; but this makes collaboration all the more imperative. Without collaboration, future presidents will only be marginally successful. Their only tools will be the legislative veto or attempts to ram legislation through the Congress. They need to consult and engage the Congress in the initial stages of the policy process; if not, Congress will become obstructionist.

The President should recognize that his staff helps carry out the presidential agenda. It is not the size of the staff that counts but the quality of the staffers. Future presidents should try to staff their organizations with people who know and understand the Congress. This should be a priority in executive appointments. Norman Ornstein observed long ago that:

The President will need a much strengthened congressional liaison staff and greater coordination within the White House staff in order to maintain leadership over the internally fragmented, activist, and lavishly staffed legislative branch in the nineteen-eighties. As to strengthening of staff, the

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<sup>297</sup> Interview at the White House Legislative Affairs Office (Dec. 20, 1994).

single greatest need will be to recruit individuals to the liaison staff, and preferably to other senior staff posts as well, who are experienced in the "legislative way of life" in Washington.<sup>298</sup> The White House Office of Legislative Affairs should be increased in staff, and these staffers should all have significant experience in the Congress. There simply is no time for on the job learning in modern presidential administrations.

Presidents should strive to identify key individuals in the opposing party that can work with on issues. This will be especially important during times of divided government. Not all issues are ideologically loaded. The identification of bridge issues where both parties' work together may stimulate cooperation elsewhere in the policy process. The North American Free Trade Agreement (NAFTA) could serve as a model here.<sup>299</sup>

Presidents should eschew the temptation to appoint a Chief of Staff with little experience in legislative affairs. Jordan, Sununu, and MacLarty should all serve to warn future occupants of the White House of the dangers of basing appointments on friendship alone. A president's Chief of Staff should ideally come from the Congress. To the extent that this recommendation is followed, it will elevate and energize the executive/legislative liaison effort.

Finally, in order for a more effective executive/legislative organization to begin, structural change is necessary. John Mead Flanagin has suggested a new staff structure for the White House arranged around four main policy councils: Science and Technology, Security Policy, Economic Policy, Domestic Policy.<sup>300</sup> If these policy councils are begun, there should be a presidential advisor for executive/legislative affairs authorized to float between these policy councils to assess the viability of proposals and policies as they relate to the Congress. In other words, the director of the White House Legislative Affairs Office should be elevated to advisor status. This will enable that office to play a strategic role in policy development within the White House. Given such a structural change in the White House, one wonders what the impact of this would have been on President Clinton's health care proposals.

Elevating the role of executive/legislative liaison director would send a message that the president is serious about executive/legislative collaboration. This elevated position would serve as a tool to ease the

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<sup>298</sup> Norman J. Ornstein, *Something Old, Something New: Lessons for a President about Congress in the Eighties*, in 2 PROBLEMS & AMP PROSPECTS OF PRESIDENTIAL LEADERSHIP IN THE NINETEEN-EIGHTIES 19, 27 (James S. Young, ed., 1983).

<sup>299</sup> North American Free Trade Implementation Act of 1993, Pub. L. No. 99-177, 99 Stat. 1037 (1993).

<sup>300</sup> John M. Flanagin, *Less is More: A New Staff Structure for the White House*, 25 PRESIDENTIAL STUD. Q. 207, 207-221 (1995).

collaboration. The development of these tools is necessary given the changes in domestic and world politics. Modern presidents need help, especially in times of divided government. A new working model of the White House Office of Legislative Affairs should be constructed incorporating these general considerations.