

In the Shadow of the Presidency: Presidential Management and the Influence of Cabinet Secretaries

by

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Abstract

Scholars today recognize weaknesses in the president's ability to pass significant legislation. I ask how presidents can increase their overall influence. They must look internally at their management style and the organization of the Executive Branch. They must also improve their relationship with other political actors, namely Congress and interest groups. Several studies have looked at presidential organization focusing on White House staff and other parts of the Executive Office of the President, such as the Office of Management and Budgeting. I suggest that cabinet secretaries are an overlooked presidential resource. How helpful a resource are cabinet secretaries and how can they be utilized? It depends upon a president's management style – their level of involvement and the level of clarity with which they give direction. This study provides a typology of four different managerial approaches of modern presidents and analyzes four cases to highlight the importance of cooperation and coordination with Executive Department heads in policy-making. I conclude that secretaries can help the president influence Congress and interest groups. The working relationship that the president has with their cabinet members affects how an administration makes decisions, which proposals it supports, as well as the legislative success of those proposals. In cases where the president is not actively engaged with the cabinet member in creating the initiative and collaborating on a political strategy, the president is more likely to allow Congress to alter the bill or have a weak bill initially, leaving the cabinet member and their department, highly disappointed. In cases where the president is

proactive in a policy's development and the legislative process, the resulting bill is more identical to the department's proposals and a more substantive victory for the president.

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Chapter I

Scholarship on the Presidency

Introduction

Edwards (2009, 4) explains that scholars want to know “whether the chief executive can affect the output of government by influencing the actions and attitudes of others.” He focuses on presidential influence upon actors who are not part of the president’s team (i.e. Congress, interest groups, and the public). Edwards (2009, 4) suggests that, “an important element of a chief executive’s job may be creating the organizational and personal conditions that promote innovative thinking, the frank and open presentation and analysis of alternatives, and effective implementation of decisions by advisors and members of the bureaucracy.”

Most of the current literature regarding presidential power or influence focuses on legal tools the president can use such as signing statements (Korzi 2011) or executive orders (Mayer 2001). Although I agree that tools such as signing statements offer the president influence, the use of these tools is rare when compared to the vast amount of policies created. Furthermore, the use of these tools is motivated by the need to protect the bureaucracy from Congress rather than examples of the president having direct influence on bureaucracies. Cameron (2000, 3) dubbed the president’s veto power a “negative power,” the power “to say no.” In other words, these actions are reactionary. Consequently, I focus on proactive efforts of the president to influence policy and policy implementation. Essentially, these efforts include fulfilling the various roles of management. Mintzberg (1975) noted that managers had interpersonal roles (as figurehead,

leader, and liaison), informational roles (as monitor or nerve center, disseminator, and spokesperson), and decision-making roles (as entrepreneur, disturbance handler, resource allocator, and negotiator). To be an effective manager, a president must be a visible and active participant in the policy process. They must also maintain and distribute information as necessary while settling disputes and resolutely make decisions.

The policy process has been described as a competition among organized groups (Truman 1993). Subsystems theorists recognize the influence of interest groups, research institutions, the public, and public and private organizations (Smith and Larimer 2013). Hecló (1978) suggested that of all the political actors involved in the policy process, no one is in full control, yet policy specialists maintain an informational advantage over the others. One of the methods presidents have used to increase their influence on other actors is restructuring the executive branch. In the face of waning presidential influence in Congress and the decline of presidential party influence (Burns 2006), presidents have enhanced the powers of and rely more heavily on White House staff and the Executive Office of the President (EOP) to create and forward a presidential agenda. My research is based on the premise that the growing influence of White House staff and the EOP have in fact alienated the president from one of their most precious resources, cabinet secretaries. I argue that cabinet secretaries are important because they can help the president with his or her relations with Congress, interest groups, the public, and the executive departments while providing advice and policy direction that differs from the advice received by White House staff. Villalobos (2012) suggests that the objectivity provided by agency consultation would weaken criticism by the president's opponents in Congress who would more likely oppose the views of the president's ideological White House staff.

Literature Review

The State of the Field and Trends in Current Literature

Studying the president as a legislative leader began with the institutional perspective, introduced by Woodrow Wilson, who thought that the president should be a spokesperson for public opinion and a leader in foreign affairs (Wilson 2008). This perspective focused on the study of the roles and responsibilities of the president within the structure of the office (Edwards and Wayne 1985). By the 1950s, it was replaced by the legalist perspective, which included Edward Corwin, and argued that a president's powers came from legal descriptions, such as the Constitution, and that political and personal considerations should not be emphasized (Corwin 1957).

The current state of the field began to take form under Neustadt (1990) who thought presidential scholars should study the processes within a presidential administration rather than the roles of the office. Neustadt brought focus to the issues of influence and persuasion and believed that a president could not govern under constitutional and statutory authority alone (Edwards and Wayne 1985). While he remains the most influential theorist to date, critics have argued that there is fault in Neustadt's belief that the keys to the presidency are individual presidents, their talents, and their choices (Ragsdale 2000). Edwards (2009) argued that instead of maintaining Neustadt's (1990) suggestion that interpersonal persuasiveness is essential in expanding political support, scholars should be focusing on how a president can maintain and manage coalitions. By focusing on the personal side of influence, some say Neustadt neglected the institutional aspects.

In the past two decades, much of the work on presidential studies has focused on creating institutional theories rather than focusing on particular administrations (Jones 2005). Most of the

current literature has returned to what I refer to as a “neo-legalist” perspective of the office and focuses on powers such as executive orders (Mayer 2001), the pocket veto (Spitzer 1988), the protective pocket veto (Spitzer 2012), and signing statements (Korzi 2011; Sollenberger and Rozell 2011). These presidential actions are easily quantifiable and have been studied from a Rational Choice perspective (Cameron 2000). This desire to generalize and study the presidency from an institutional perspective encourages the use of quantitative methods and Rational Choice Theory (Moe 1993).

One approach to generalizing about individual leadership is by using the Rational Actor or Rational Choice models (Edinger 1990). These models assume that leadership is the product of rational calculations based on self-interest defined objectively or subjectively. Though Rational Choice has been the predominant model in recent studies of the presidency, it is not always an appropriate approach to take and criticisms of the theory are not new. Simon’s (1997) concept of “bounded rationality,” suggests that individuals are limited in their ability to be rational due to a lack of information, time constraints, and cognitive limitations. Williamson (1985) further explains that political leaders make decisions in an uncertain economic and strategic environment. Leaders must also work with “political uncertainty,” the knowledge that authority and power structures in a democratic society can change at any time (Moe 1995).

In support of Rational Choice, Light (1999) suggests that presidents share the goals of achieving reelection, historical achievement, and creating good policy. Yet many theorists contend that rational choices are made not because of outcome evaluation but because of an individual’s psychological state and preferences (Satz and Ferejohn 1994). Lichtenstein and Slovic (2006) suggest that, “people’s preferences are often constructed in the process of elicitation.” They continue that, “decision making is now understood to be a highly contingent

form of information processing, sensitive to task complexity, time pressure, response mode, framing, reference points, and other contextual factors” (Lichtenstein and Slovic 2006, i).

Kingdon (1993, 1995) posits that agendas are set by the intersection of three policy streams: the problem stream, policy stream, and the political stream. First, problem recognition requires interpretation and is often associated with values rather than an objective measure. Proposals or policy alternatives can come from a variety of sources and are often a product of past proposals. Lastly, for an issue to get on an agenda, there must be political will likely caused by a partisan or ideological shift. Recognizing problems and possible alternatives is a subjective process. Cohen, March, and Olsen (1972) view organizations as “organized anarchies,” and suggest that problems and solutions are tied to individuals who can enter or exit an organization at any time. Thus, agendas and outcomes cannot be predicted by rational analysis. Rational choice fails to account for decisions and initiatives made within historical and political context (Hay and Wincott 1998).

Moe (1995, 148) states that bureaucracy cannot resemble a rational organization because “winning groups, losing groups, legislators, and presidents combine to produce bureaucratic arrangements that, by economic standards, appear to make no sense at all.” Moe (1995, 148) further states that “no one is really in charge.” If so many parties are dependent upon one another for taking action, the outcome cannot be considered having been a rational choice. This is significant because my study focuses on the role of individuals. While the position of executive department head provides certain advantages such as working with congressional committees and interest groups, the fate of an initiative lies with the views and actions of individual cabinet secretaries along with other individual actors. More than being influenced by a cost-benefit analysis, a president’s decision is often influenced by the persuasion of their most trusted advisors.

Wilson (1989, 173) wrote that, “people matter, but organization matters more and tasks most of all.” The choices that presidents make and their personal relationships are important, particularly in terms of whom they choose as their advisors and confidants. While much recent literature suggests that presidents act in an attempt to enhance the power of the presidency as an institution (Moe 1993), a president’s influence over the executive branch will vary according to differences in political appointees and the relationships a president maintains with these appointees.

Presidential Resources and Limitations

Edwards (2009) maintains that presidents are incapable of *creating* opportunities to bring about change; rather, they must learn how to *exploit* opportunities when they arise, without overreaching. Edwards (2009) essentially sees the president as a “facilitator” rather than a “transformational leader.” Edwards (2009) warns occupants of the office of its challenges so that they can take full advantage of the few opportunities they do receive and so they, as well as the voters, do not maintain high expectations that are unlikely to be fulfilled. Jones (2005, 3) noted that, “leadership itself depends on opportunity, capability, and resources.” One reason why these three factors are limited is that the president is just one part of a larger system. In this system, there are numerous actors to whom responsibility for governmental actions has been given.

Michaels (1997) highlighted three general strategies to promote presidential policy objectives. A legislative strategy requires close cooperation with members of Congress in order to pass favorable legislation. Scholars have shown this strategy to be exceedingly difficult (Edwards 2009). A judicial strategy focuses on the selection of judges who are supportive of the administration’s goals. This is one of the most indirect forms of influence as it is dependent upon

cases to be established and appealed through the judicial system. An administrative strategy allows political appointees supportive of policy goals to shape the bureaucracy, and thus policy and policy implementation (Nathan 1975). As shown by Richard Nixon's attempts, the administrative strategy is a forceful one, which might lead to a high level of confrontation and could actually weaken the president rather than strengthen him. If confrontation were to occur, this conflict could negatively affect public perceptions and invite pressure from competing interests. Conflict can also result in an administrative official turning to the other influences on their department, such as Congress or an interest group, or even cause the official to resign.

One supposed source of presidential influence is that of gaining momentum through leading the public. Kernell (2006, 3) observed that, "a president promotes himself and his policies in Washington by appealing to the American public for support." Besides informal speeches, the president can use the State of the Union address or the inaugural address as a platform for gaining public attention. Kernell (2006) argues that "going public" could displace bargaining as the president's primary political maneuver. Neustadt (1990) noted that public prestige is perceived and interpreted by other elected officials, particularly Congress. As bargaining with Congress directly has become more difficult, the president has an incentive to seek support from the public who will, in turn, influence congressional members fearful of electoral ramifications. Public support is crucial when the president's party is the minority in Congress (Edwards 1989). Edwards (2009, 21) states that, "one of the crowning ironies of the contemporary presidency is that at the same time that presidents increasingly attempt to govern by campaigning—"going public"—public support is elusive." While Canes-Wrone (2001) suggest that presidential initiatives are more likely to pass if the president is popular, Jones (2005) compared public approval ratings with rates of major legislation enacted and concluded

that approval has little effect on legislative success.

Edwards (2009, 110) noted that while presidents “require the cooperation of Congress, presidents cannot depend on it.” He used Franklin Roosevelt, Lyndon Johnson, and Ronald Reagan as cases to show that those presidents usually thought to be the most proficient in persuading Congress actually were not. Credit for their successes goes to party control in Congress. Scholars have suggested that presidents usually do not consult with Congress because they do not care to compromise (Peterson 1984), and because they lack the time to adequately do so (Edwards 1989). Even when presidents do consult with Congress, it is in an attempt to gain votes rather than a true intention to be cooperative (Edwards 1989).

Cabinet secretaries might be a source of relief in the struggle to gain congressional support. Because they have had to go through Senate confirmations, routinely work with and testify before Congress, and may have been in Congress themselves, cabinet secretaries are in a position to lobby presidential initiatives to Congress. They are also in a position to lobby to the public and interests groups, as they are their representative within the secretary’s department. Villalobos (2012) suggests that how presidents develop their initiatives and present them to Congress might have a great effect on legislative outcome. Agency input can enhance a president’s legislative success by providing “agency expertise and objectivity, process transparency and cooperative consultation with Congress, and agency support” (Villalobos 2012, 10)

Despite the possible benefits of involving executive departments and agencies, these bureaucracies are concerned primarily with their own survival and can have their own agendas. Mosher (1988) observed that prior to 1939 the president had no way to direct or control executive agencies. Though executive departments are managed by presidential appointees who

often share the president's goals, Rossiter (1987) said that selling their programs to the bureaucracy was even more difficult for presidents than selling their programs to Congress. Many scholars have observed that the bureaucracy is resistant to presidential initiatives and a check on presidential power (Cronin 1980; Koenig 1995). Scholars have argued that agencies have their own agendas and that their contributions to an initiative are unlikely to reflect the president's personal preferences (Moe 1985, Nathan 1983). While some studies have compared the political views of bureaucrats to the president (Aberbach, Putnam, and Rockman 1981; Cole and Caputo 1979), Waterman and Rouse (1999) join Stehr (1997) as those who have investigated bureaucrats' view of the presidency itself. Waterman and Rouse (1999) found evidence of a gap in presidential influence over the bureaucracy by conducting a survey of federal and state level bureaucrats that asked how much influence certain political actors have over how the law is enforced by their office. The president ranked seventh, while Congress ranked fourth, and presidential administrators ranked first and second. From this, the authors concluded that the president is viewed by bureaucrats as having little influence while presidential appointees have substantial influence. For this reason, it has been recommended that presidents appoint loyalists who share their values to represent them within the bureaucracy (Nathan 1983; Waterman 1989). An additional benefit to the president in the "president-appointee dichotomy," is that it allows the president to exert influence through the appointee while not having to take the blame in the event of a negative incident, as the appointee is seen as responsible (Waterman 1989). Rourke (1981) suggested that presidential authority is rarely challenged by bureaucrats. Though resistance does occur, studies have shown that bureaucrats prefer to help the president in achieving policy goals (Campbell and Naulls 1991). Noll (1971) found little evidence that presidential administrations even attempt to exercise authority over the bureaucracy. Other scholars have found that

presidents seek and achieve political control over bureaucracies and that it extends over a variety of federal agencies (Moe 1982; Shull and Garland 1995; Stewart and Cromartie 1982; Wood and Anderson 1993; Wood and Waterman 1994).

Agenda Setting

Light (1999) evaluates the sources of ideas for a president's agenda. Internally, the president can use the staff and the campaign for ideas. Externally, Congress, events, the executive branch, public opinion, parties, interest groups, and the media are available. Congress may also decide to take action on ideas that they have held while the president's predecessors were of the opposite party. Jones (2005, 17) notes that, "much of the agenda will be self-generating, that is resulting from programs already on the books." The demands of existing programs and their budgetary effects frustrate the creation of new programs. About 40% of the president's campaign material is acted upon and the transition period is where the agenda is planned out (Light 1999). Thus, a cabinet member's influence might depend on their activeness and support of the president during the campaign and transition period.

Light (1999) claims that the presidency is a no win situation due to increased complexity, competition and surveillance, declining influence, and changing issues. In order for presidents to pursue their agenda more successfully, Light (1999) recommends planning ahead (during the campaign), setting priorities, and hiring experts rather than amateurs. The formulation and enactment of a president's agenda relies heavily on the advisory system a president maintains.

Cabinet Scholarship and Characteristics of the Cabinet

Most scholars who study the cabinet separate the inner and outer cabinets while referring

to the executive department heads. The inner cabinet consists of the secretaries of State, Treasury, Defense, and the attorney general (Cohen 1986). The outer cabinet consists of the other cabinet-level positions. Most studies only focus on the outer cabinet because the inner cabinet positions are thought to be quite different. Primarily, scholars explain that the secretaries of State and Defense deal with foreign affairs issues and that all four inner secretaries deal with issues that the president works on closely; therefore, their relationship is completely different from any other secretary. While this distinction cannot be refuted, it could be argued that these distinctions have overshadowed important similarities.

In studies of cabinet member influence, I suggest that the inner and outer cabinet should not be separated. For one, there are more resources and documentation regarding the inner cabinet. Second, in analyzing how outer cabinet secretaries compete for influence with White House staff, the inner cabinet secretaries have similar competitions with non-cabinet members of the National Security Council as well as the Joint Chiefs of Staff. The secretary of the Treasury competes with Federal Reserve chairs and with the director and assistant directors of the National Economic Council, for instance.

The characteristics of cabinet secretaries are important in looking at the actual and the potential relationships they may have with the president. There have been several studies that have quantitatively analyzed various characteristics. Jeffrey Cohen (1988) used these variables: age at appointment; region (East, Midwest, West, and South); education level; occupation (law, government, business, and education). He found that the most common job before appointment is within government but the main career path of most secretaries has recently been in business. In an earlier study, Cohen (1986) used age and occupation to predict likely length of tenure and found that neither variable was significant. He did however find that characteristics of the

president (regional congruence; presidents' length of service; inner or outer cabinet member; party alignment; same state; campaign together; presidential failure) do have effects. The average length of cabinet secretary service is only two years. Cohen's findings suggest that having a relationship with the president (campaign together) and having commonalities (being from the same region or state) increase a secretary's length of tenure, presumably due to a better relationship or the sharing of goals and ideas.

More useful ways of classifying cabinet secretary characteristics comes from Borelli's (2002) study of gender within the cabinet. Borelli classified female secretaries as having been either a specialist or a policy generalist and whether they were a political insider or an outsider. She also included if they were appointed to an inner or outer department, their link to the president's agenda (distant, somewhat related, related) and the departments traditional gender profile in terms of constituency and policy jurisdiction. Borelli also presented demographic profiles using age, sex, race, marital status, and children, while education level and pre-appointment careers are also outlined.

Like Cohen (1988), Borelli suggests that cabinet secretaries are out to make representation their main goal. She outlines four types of representation: substantive, descriptive, symbolic, and formal. Substantive representation is concerned with advancing particular policy-making interests. Descriptive representation refers to the identity of the secretary and posits that they ought to have descriptive commonalities with their constituents. Descriptive representation is sought in the cabinet as a whole, thus as a whole it should reflect the ratios of gender, race, or economic status of the general American population. Symbolic representation refers to the ideals of a secretary. For instance, a Labor secretary may have been in a union or worked manual labor at some point in her life. She would then be a symbol for the ideals that departments constituency

shares. Formal representation refers to “the constitutional and statutory provisions that structure government” (Cohn 1988, 6). This means that the secretary represents the formality of the office by maintaining good relations with Congress and maintaining clean governmental ethics. This is significant because how representative a cabinet secretary is of their department’s clientele may affect how the secretary works with interests groups and the public. How a secretary views their own role can also have an effect on how they work with the White House.

Cabinet Relations with the President

Cabinet secretaries require two components to maintain a good relationship with the president. First, there must be a sense of purpose (Warshaw 1996). This is created through constant communication with the president and a belief that the secretary’s ideas are sought and considered. Second, secretaries require direction because they often hold views contrary to the president’s and are influenced by congressional committees and other actors (Bertelli and Grose 2007). Without direction, cabinet secretaries may revert inwards to their departments and move in their own policy directions.

Direction is needed throughout an administration, but especially early on. If a cabinet secretary does not have a prior relationship with the president, and at times even if they did, a presidential campaign does not give many clues to a secretary as to what the president’s agenda actually contains. Warshaw (1996) stated that after the Vietnam focused 1964 campaign, cabinet secretaries filled the vacuum in policy direction by themselves. Instead of establishing a clear agenda for each department, Lyndon Johnson “established a broad agenda for the administration as a whole. This was due to the nature of the presidential election system, which requires candidates to skirt most issues for fear of alienating any segment of the electorate” (Warshaw

1996, 35). In more recent campaigns, defense spending and the economy dominate campaign messages, thus leaving incoming cabinet members little idea of what the president's position is on other issues.

Without direction from the president, cabinet members become even more likely to succumb to the influence of other political actors, particularly Congress and interest groups. Under Lyndon Johnson, departments' governing power grew along with their staffs and budgets. Johnson became frustrated as he saw the departments serving Congress' interests rather than his own. A primary reason for this is the need of departments to appease Congress in order to protect their appropriations and programmatic authority (Warshaw 1996).

Presidents have already come to fear that administrative agencies have gained enough power to create their own polices independent of the White House. This fear led to President Nixon's reorganization of the Bureau of the Budget (BOB) into the Office of Management and Budgeting (OMB) in 1970. Since then the OMB has become more responsive to presidential directives (Dickinson and Rudalevige 2004). Most notably, the OMB became more responsive to presidential goals with President Reagan's signing of Executive Order 12291, which stated that all new rules created by agencies must be approved using a cost-benefit analysis (Kerwin and Furlong 2010). The OMB's oversight of regulatory development is beneficial in that the OMB can look at proposals from an outside perspective. While the OMB is not an "expert" in each of the agencies concerns, it does have experience with types of programs and their effectiveness as well as costs (DeMuth and Ginsburg 1986).

Of course, indirect control the White House has over the bureaucracy has limitations. The OMB screens proposed rules for those that contradict the president's agenda. This does not mean that new rules actually forward the agenda. Moreover, this control only focuses on the

development of rules, not the actual implementation or interpretation of them. It is with implementation and interpretation where a working relationship is necessary. In interpreting the rules where any ambiguity exists, the courts have given discretion to agencies so long as their interpretation is reasonable (Manning 1996). This means that even in cases where Congress assigned an agency a task with a clear purpose, an agency has some level of discretion in implementing any policies related to that goal. This is an opportunity, as Edwards (2009) might call it, for the president to influence policy-making and in a way, wrestle power away from Congress. Of course, many issues are too mundane for the president to deal with but a working, trust-filled relationship is beneficial to the president in that there could be an overall increase in influence. Department heads, in their role as presidential advisors, are more capable than White House staff in suggesting ways to use agency rulemaking to the president's advantage. Keeping cabinet secretaries at arm's-length or relying only on White House staff for suggestions on issues, prevents the president from utilizing an important resource in agency rulemaking and implementation.

Organization of study

I suggest there are four types of managers that have held the office of the presidency. These four types have been identified with an analysis of two managerial attributes: presidents' level of involvement in the policy-making process and their level of clarity in expressing their preferences. The most successful of these managers is the "hands-on manager," who is both proactive and clear in directives. The least successful is the "ineffectual executive," who is both passive and unclear in directives. The "desk manager" and the "collegial supervisor," who each share one of the positive attributes, might achieve partial but inadequate success. In this study, I

define “success” as the passage of an initiative through Congress. Success can be partial as seen in the cases of Eisenhower and Ford. I include the legislative process as part of the development of an initiative because it does not occur in a vacuum. Rather, proposals are developed in relation to congressional makeup, among other factors. An additional reason why I study an initiative from conception until its performance in Congress is that I assert that cabinet secretaries can assist in gaining congressional support, an effort that often begins long before the first vote or committee hearing.

A detailed description of my typology appears in Chapter II along with a detailed review of my research questions and their relation to the literature. Chapters III through VI will each contain a detailed case study that represents one of the four types of managers. President Eisenhower represents a “desk manager,” while President Ford represents a “collegial supervisor.” President Carter represents an “ineffectual executive,” and President Lyndon Johnson represents a “hands-on manager.” Lastly, Chapter VII provides a summary and comparison of these cases, answering my research questions.

Chapter II

Research Methods

Objectives of Study

My objective is to extend the current literature on presidential influence and policy-making by focusing on the executive branch and analyzing some of its internal issues, rather than focusing solely on how the organization interacts with other political actors. Specifically, this research updates current knowledge with a more comprehensive understanding of the relationship between presidents and their cabinet secretaries. It is both a reaction to the current literature that suggests that the presidency is limited in its ability to create a successful legislative agenda (Edwards and Barrett 2000), and an attempt to fill a gap in the literature that examines presidential management in relation to the EOP and the White House staff rather than the cabinet (Dickinson 2005, Patterson 2008). I explore the functional and dysfunctional aspects of these relationships with a new perspective on how cabinet secretaries can help enhance presidential power. I also introduce a model to interpret the executive branch's effectiveness, influence, and sustainability. I suggest that presidents maintain the resources to be successful and exert influence as long as they manage them appropriately. I further argue that cabinet members have been and can be a resource to the president, providing help in developing initiatives and gaining the support of interest groups and Congress.

In analyzing the relationship between presidents and cabinet secretaries, I ask three broad research questions:

1. How helpful a resource are cabinet secretaries in the president's attempts to develop and pass legislation?
2. How does a president's management style and level of involvement with cabinet secretaries affect policy development and legislative outcomes?
3. How have presidents utilized or failed to utilize cabinet secretaries in policy-making?

Significance of Study

The significance of this study lies in its expansion of the literature on the cabinet that has mostly focused on descriptive statistics and representation theory (Borelli 2002, Cohen 1988). There have been few studies (Warshaw 1996) that analyze cabinet member involvement or White House relations. Theoretically, I provide a model by which we can measure how presidents utilize and work with cabinet officials. My intention is that this study be prescriptive for future administrations.

Undergirding this research is the premise that presidential influence has waned in the modern era. In part, this is because presidents have inherited new demands and responsibilities, stretching the presidents' attention thin, while growth of the institutional presidency has made it difficult for the president to control all that goes on under him in the executive branch (Edwards and Wayne 1985). Moe (1995) notes that presidents are held responsible for solving societal problems. To appear successful, they must appear to be "strong leaders, active and in charge" (Moe 1995, 141). Furthermore, their initiatives must be "socially valuable, and the structures for attaining them must appear to work" (Moe 1995, 141).

Specifically, presidential influence has waned due to an increased frequency of divided government, expanding budget deficits, and a fickle economy (Edwards, Barrett, and Peake

1997, Schick 2007). Influence with Congress has been deemed weak as Edwards and Barrett (2000) found that most presidential initiatives are defeated. Since John Kennedy, presidents have alienated their party in Congress and chosen to turn to the public for support (Burns 2006). Yet, Edwards (2009) has shown that presidents have a difficult time gaining public support and using it to their advantage. He has also shown that presidents must rely on opportunities to arise before being able to affect change (Edwards 2009).

Because of these challenges, many scholars have suggested that modern presidents achieve influence through unilateral actions (Fisher 2014) such as executive orders (Mayer 2001), signing statements (Korzi 2011; Sollenberger and Rozell 2011), and veto powers (Spitzer 1988, 2012). I identify these unilateral powers as reactive responses to the challenges presidents face. Executive orders are often resorted to when congressional action is unachievable while signing statements and vetoes are a response to congressional action with which the president disagrees. I suggest that presidential influence can be enhanced by improving relationships with other political actors and by taking an active leadership role during the entire legislative process including development and congressional deliberations. I argue that cabinet secretaries can help the president develop legislative initiatives, garner support for initiatives, and exert their influence with other political actors. In evaluating the president's relationship with executive departments, this study differs from Nathan (1975) as it warns that attempts at *controlling* the bureaucracy through the appointment process is, alone, an insufficient strategy and calls for increased cooperation in agenda setting and policy development.

There are potentially several consequences of increasing cooperation between the president and department heads. First, the increasing power of administrative agencies through delegation from Congress has relegated public powers to factional interests who may act without

the scrutiny of other interests (Hecllo 1969; Wilson 1975). Constitutionally, the president is responsible for implementing the law and as a nationally elected official is responsible for coordinating policies that benefit the general will. On the other hand, due to the complexity of current social problems, bureaucracies are best suited to create policy (Gryski 1981). This idea introduces a second reason for cooperation; that the departments remain as a continual source of innovative and sustainable policies that are inherently greater than the shortsighted political goals that White House officials often suggest and support. Another way to distinguish these differing aims is to say that White House goals are generally political whereas departmental goals are primarily programmatic.

An additional reason for increased cooperation is that excluding department officials from decision-making further alienates them towards Congress and interest groups, which makes more likely the possibility of their acting independent of the White House. Cabinet secretaries are capable liaisons among the president, Congress, and the interest groups the secretary's department represents. Furthermore, inclusion of cabinet secretaries in major policy deliberations might increase the tenure of some secretaries because feeling excluded and ineffective are primary reasons for why secretaries leave the administration. As cabinet secretaries have an average tenure of only two years (Cohen 1988), it generally is in the interest of the president and the administration to extend their tenures and ensure loyalty to the president.

General Expectations

I suggest that a president's management style helps determine the level of assistance a cabinet member provides. A president's level of involvement in the policy-making process and their level of clarity in expressing their preferences greatly affect the likelihood of success. The

president’s level of interaction and involvement with cabinet secretaries also affects the level of similarity between legislation and a department’s initiative. I suggest that a prior relationship between presidents and their cabinet secretaries, particularly a secretary’s participation during the campaign or transition period, fosters a better working relationship between the two.

Moreover, internal disputes are more likely when a president does not present clear priorities or preferences and has difficulty with problem definition. Following the construction phase of an initiative, or sometimes concurrently, a president must also be active in forwarding initiatives to Congress and selling them to the public.

Believing that the two most important features of a president’s management style are the level of engagement and the clarity with which they give directives, I offer a typology of four management styles, shown in Table 1 along with the cases in this study:

Table 1: Management Typology

	Proactive with Secretaries	Passive with Secretaries
Clear Priorities	The Hands on Manager Case: Lyndon B. Johnson	The Desk Manager Case: Dwight D. Eisenhower
No Clear Priorities	The Collegial Supervisor Case: Gerald Ford	The Ineffectual Executive Case: Jimmy Carter

By associating one of the four management styles to a president, we may predict some characteristics of the president’s relationships with other political actors. Table 2 highlights how

each managerial type relates to cabinet members and other advisors, the bureaucracy, Congress, interest groups, and the general public. I include how each style relates to Congress, interest groups, and the public because cabinet secretaries can act as a liaison with these actors and how presidents utilize secretaries is a central focus of this study. Moreover, a proactive president ought to sell the issue to these actors and back secretaries in their efforts to work with them.

In general, the “desk manager,” gives deference to other actors and only gets involved when necessary. The “collegial supervisor,” includes and attempts to court other actors when evaluating options, which unfortunately, allows others the opportunity to exert their influence at the president’s peril. The “ineffectual executive,” in lack of skill or lack of trying, tends not to cooperate with other political actors. The “hands-on manager,” works to maintain close relations with other actors and does what they can to ensure their support.

Table 2: Characteristics of the Four Management Styles

Desk Manager	Collegial Supervisor	Ineffectual Executive	Hands-on Manager
Passive Clear goals	Proactive Unclear goals	Passive Unclear goals	Proactive Clear goals
Relationship with cabinet secretaries and advisors			
Information typically goes through hierarchy or is given when president asks for it May give directives but remains uninvolved in the construction of a bill	Attends substantive meetings for give and take; seeks information and opinions Works with advisors and other actors to shape a bill	Holds few, if any substantive meetings.; lack of information exchanged Gives autonomy to secretaries and advisors; is not involved in policy development	Attends meetings; Seeks information; maintains close contact with advisors Provides close oversight of any developments and works with advisors in policy development

Makes formal decisions without much debate	Includes advisors' input in decision making	Does not make clear or timely decisions	Assertively makes clear and timely decisions
Has good relationship with secretaries but does not work closely with them; relies on loyalty and trust	Has great personal and working relationship with secretary	Has no relationship with secretaries; may be a lack of understanding or even distrust between them	Secretary can depend upon president for guidance and assistance
Relationship with bureaucracy			
Expects the bureaucracy to operate with minimal oversight	Knows officials in leadership positions and is aware of major operations but gives deference to agencies	Does not maintain a relationship with administrative officials, likely distrust between them	Maintains oversight of bureaucracy, knows those in leadership positions, and is aware of major operations
Does not aim to exert influence over the bureaucracy other than through appointments	Only interferes when necessary, defers to expertise of administration officials	Tries to circumvent bureaucracy when necessary	Aims to dramatically shape bureaucracy to forward the presidents' interests
Relationship with Congress			
Gives deference to Congress and views own role in policy development as weak or unwarranted	Involves Congress in policy development, giving great discretion; holds legislative strategy meetings	Does not put forth effort to work with Congress	Puts great effort into making legislative process successful; uses position to influence voting decisions
Relationship with interest groups			
Does not actively work with groups but may take input into account when necessary	Actively courts groups and seeks input and support	Does not put forth effort to work with groups	Actively courts groups and seeks input and support
Relationship with the general public			
Maintains a weak public strategy; only responds to issues when pressured to	Relates well to the public and works to gain support	Does not take advantage of opportunities or work to gain public support	Has strong public strategy and utilizes all opportunities to gain public support

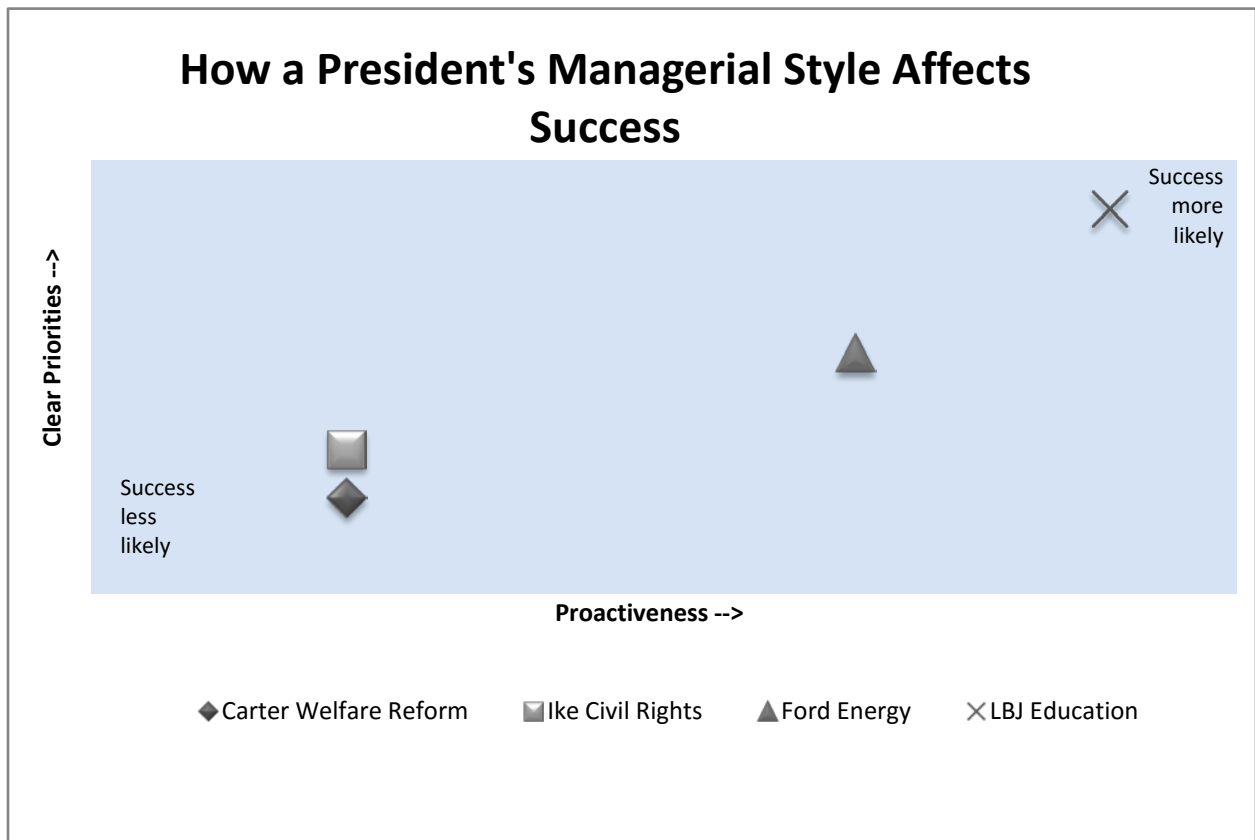
I suggest that these four managerial styles might provide the president with different consequences. It is possible that being an “ineffectual executive,” allows subordinates too much

freedom and discretion. Without direction and oversight, a secretary may follow personal goals or the goals of interest groups, the department, or Congress (Guzda 199; Thompson 1994). This in fact occurred under President Carter with Secretary Califano, who pursued an anti-smoking campaign without consulting President Carter (Califano 1981; Germond and Witcover 1978; Lynn and Whitman 1981). The “collegial supervisor,” is likely to waste resources, particularly time, in building relationships without a clear purpose. The “desk manager,” might make their views known but without participating in discussions and failing to understand the issue, the president’s intentions may not be realized or they may be interpreted incorrectly. As a result, both the “collegial supervisor,” and the “desk manager,” are likely to achieve only partial success. This is because the “desk manager,” will not be involved to the degree necessary to ensure that their initiative is passed as many major initiatives require presidential influence to gain wide support. In the case of the “collegial supervisor,” success is likely only to be partial because having been unclear about goals and policy preferences, the president is likely to see a bill that does not completely showcase their vision and which likely includes additional provisions that that the president did not intend on having included. The “hands-on manager,” is the more likely to ensure that their views are taken into account and that the administration’s efforts lead to the enactment of the proposed legislation. While the cases in this study provide evidence that these managerial skills affect policy-making and legislative outcomes, the typology may also contribute to a new understanding of how the roles of the president and their cabinet secretaries in policy-making affect the president’s control of the executive branch and the use of presidential resources in general.

The administrative strategy and management style of any given president changes over the president’s tenure. For instance, President Carter began came into office with an open door

policy and without a chief of staff, but he opted for a more hierarchical structure later on. Thus, it can be difficult to label a president as being either proactive or passive. In addition, concerning the president having clear priorities, this description can change depending upon the issue. These types of managers are not static, rather they help describe or conceptualize the managerial style of a president on a single issue or initiative. Because of this difficulty, we can view a president's level of proactivity or the clarity of their priorities on a given issue as part of a continuum as seen in Figure 1.

Figure 1: Likelihood of Success



The private management literature consists of several approaches to defining the components and consequences of “proactive management.” Crant (2000, 436) defines it as “taking initiative in improving current circumstances or creating new ones; it involves

challenging the status quo rather than passively adapting to present conditions.” He also describes a proactive manager as actively seeking information and opportunities rather than passively waiting for information. Ashford and Cummings (1985) suggest feedback seeking as a major component while Dutton and Ashford (1993) discuss the importance of issue selling. Boyatzis (1982, 72) further defines proactivity as initiating, “action, communication, proposals, meetings, [and] directives to accomplish a task.” While these practices help managers become more proactive, a manager’s personal dispositions (Bateman and Crant 1993) and situational cues (Morrison and Phelps 1999) remain major factors in how proactive a manager is likely to be. Furthermore, managers may have proactive agendas with certain groups of people and reactive approaches to other groups (Stewart 1979). For these reasons, it is difficult to describe any president as being either passive or proactive. The case study approach allows me to take situational cues, personality, and relationships with other actors into account when determining if a president acts proactively or not on any given issue.

To determine whether a president has clear priorities, there are two things I would look for in a case study. First, having clear priorities requires a president to have a policy goal and some idea as to how that goal can be achieved. A president need not understand all of the technical aspects of a proposal but ought to approve of and understand the major principles. The presidents’ level of involvement and if they have clear priorities can be determined through the details of their public statements and the discussions and meetings held with key actors. A second, more specific item to look for is the likelihood of conflict caused by not having clear priorities. If the president orders a balanced budget without stating their intentions, some officials will focus on deficit reduction while others see tax increases as the more favorable

option. Having clear priorities is necessary for presidents to avoid this exact sort of disagreement among subordinates.

Methods

I conducted four case studies to evaluate these expectations. The case study method is optimal for this purpose because “the case study contributes uniquely to our knowledge of individual, organizational, social, and political phenomena” (Yin 2013, 2). Yin (2013, 3) further suggested that the case study method maintains the “meaningful characteristics of real-life events,” such as organizational processes. Case studies are a common research method in presidential studies. One reason is that case studies are meant to “produce deeper knowledge about a single unit or a small number of units on an issue of interest” (McNabb 2010, xix).

By asking how a cabinet secretary is a valuable resource to the president and how a president’s managerial style affects the policy-making process, my study can best be described as explanatory, which as opposed to exploratory or descriptive studies is well suited for the case study method (Yin 2013).

Arneson (2001) also saw the case study method as an appropriate approach to look at some noteworthy success or failure in an organization. To understand a particular problem one must recognize complex variables that play a part in the phenomena and are unique to particular cases. The case study, as an empirical inquiry, helps the researcher cope with encountering many variables and is suitable when having to rely on multiple sources of evidence (Yin 2013). For instance, variables such as personality (Neustadt 1990), the president’s psychological state (Gartner 2009), and the historical or political context of a situation (Skowronek 2011), each affect a particular case. Thus, a detailed analysis through case study methodology is useful in understanding why or how something occurred.

Rockman (1986, 113) suggests that “when analyzing leadership style, an assumption is that the person in office is the most important variable in a president’s failure or success. Yet, focusing on individual style or personality makes quantification and generalization difficult (Rockman 1986). While presidential studies demand generalization (Edwards 1980), the case study method remains a way to study that which is unique. Cases are not intended to be representative or generalized (McNabb 2010) but they still further our understandings and should be used when applicable. Scholars do, however use case studies to make generalizations which remains difficult. The four cases in this study have helped build my theory of presidential management style. I suggest that every contemporary president has utilized at least one of the managerial styles I have outlined.

McNabb (2010) suggests that a case study can be described as an intrinsic design if the researcher is interested in that particular subject (e.g. environmental policy) or as an instrumental design if the subject is less important than the phenomena being described (e.g. leadership). This study is of an instrumental design, focusing on president-cabinet relations. While my qualitative approach has been adopted, in part, because this issue cannot be generalized precisely, I include cases that help to recognize patterns and recognize that this issue affects every presidential administration.

Case Selection

I chose the four cases used in this study for several reasons. First, based upon prima facie knowledge, each of the four presidents seemed to represent a different type of manager in my typology. Ford was very collegial (Thompson 1992) and proactive while Johnson was very involved by using personal influence with members of Congress and micromanaging

subordinates (Caro 1982, 2002). Carter was known to be detached while being inexperienced on the national scene made relations with other political actors difficult (Hargrove 1988).

Eisenhower had a cabinet made up of “nine millionaires and a plumber;” secretaries who were similar in background and presumably formed an administration that maintained unified views and goals (Maranto 1993). Eisenhower is also thought to have been uninformed and politically unskilled, though this view is challenged by revisionist historians (Greenstein 1994). While I do not dispute that in general, Eisenhower may have been more engaged than originally assumed, I do show that in the case of the 1957 Civil Rights Act, Eisenhower did not use a “hidden-hand,” as Greenstein (1994) contends.

Second, in each case, a cabinet secretary was charged with leading the initiative. For Carter, this was Health, Education, and Welfare (HEW) Secretary Joseph Califano. For Eisenhower, it was Attorney General Herbert Brownell. Johnson’s initiative fell within the jurisdiction of HEW Secretary Anthony Celebrezze, while Ford charged Interior Secretary Rogers Morton to chair the Energy Resources Council (ERC) that would submit recommendations. I am not concerned with cases when secretaries are not involved because one of my claims is that secretaries, because of their position and relationship with other political actors, are a unique resource of the presidents. While choosing to study these four cases based upon my independent variables of managerial style and secretary involvement, I was initially unsure of the dependent variable, the level of success, until I was able to conduct research on debate and the development of alternatives as seen in policy meetings and memos. Without knowing which alternatives were considered and which specific provisions were pursued, I could not determine the level of success achieved. For example, at first glance, the Ford case appears to

be a success until one realizes that only five of thirteen provisions favored by the administration were passed by Congress.

Third, these cases were chosen because of the accessibility of sources. Each of these initiatives are documented in the policy literature and have limited commentaries within the political science literature. In the case of Eisenhower, primary documents related to civil rights have been published (Belknap 1991; Belknap and USDOJ 1991; Caldwell 1991). Moreover, I have been able to visit the Presidential Libraries of Presidents Carter, Johnson, and Ford due to their proximity and funding from the Ford Foundation.

This study is limited to an analysis of the modern presidency defined as beginning with Dwight Eisenhower. President's Ford and Carter are sometimes referred to as belonging to the "post-modern" or "contemporary" presidency with Watergate being a marker for diminishing presidential influence (Rimmerman 1991). I chose however, to begin with Eisenhower because he was the first president to come into office after the establishment of the Department of Defense, the CEA, and the National Security Council. Although the position was already established, Eisenhower was also the first to have an assistant with the title Chief of Staff. Chief of Staff Sherman Adams helped bring about Eisenhower's goal of making organization and hierarchy a priority (Sloan 1990). Changes to the decision-making process and the incorporation of the advisory system during Eisenhower's administration paved the way for how presidents use the system today. Another reason why I define Eisenhower's tenure as the start of the modern presidency is that the Department of Health, Education, and Welfare (HEW), which is concerned with many of the domestic issues I use as cases, was established in 1953. These changes to the cabinet and the EOP make the Eisenhower administration a turning point in presidential

management. These changes also make the administration more closely resemble recent administrations than those of Franklin Roosevelt or Harry Truman.

Methods of Analysis

In analyzing the relationship between presidents and cabinet secretaries, I ask three broad research questions:

1. How helpful a resource are cabinet secretaries in the president's attempts to develop and pass legislation?
2. How does a president's management style and level of involvement with cabinet secretaries affect policy development and legislative outcomes?
3. How have presidents utilized or failed to utilize cabinet secretaries in policy-making?

There are several reasons why we might expect cabinet secretaries to be a helpful resource for the president. Their position often allows them to maintain a special working relationship with both Congress and interest groups. Heclo (1978, 113) wrote that politics was controlled by "an informal but enduring series of 'iron triangles' linking executive bureaus, congressional committees, and interest group clienteles with a stake in particular programs." While he suggested that it is difficult for a president or a presidential appointee to infiltrate these triangles, there is reason to believe that cabinet secretaries might be the president's best liaison with interest groups and congressional committees.

Cabinet secretaries may be skilled in working with interest groups because such groups may see them as their own representative in the federal government and because they may be more knowledgeable than other presidential advisors on a given policy issue. Cohen (1988) suggests that individual members of the cabinet are important because of their representative

qualities while Borelli (2002) noted that cabinet secretaries see representation as their main goal. Borelli (2002) outlines four types of representation: substantive, descriptive, symbolic, and formal. Substantive representation is concerned with advancing particular policy-making interests. Descriptive representation refers to the identity of the secretary and posits that they ought to have descriptive commonalities, such as gender or race, with their constituents. Symbolic representation refers to the ideals of a secretary. For instance, a secretary of Labor may have been in a union or worked manual labor at some point in their lives. They are a symbol for the ideals shared by the department's constituency. Finally, formal representation refers to “the constitutional and statutory provisions that structure government” (Borelli 2002, 6). This means that the secretary represents the formality of the office by maintaining good relations with Congress and maintaining clean governmental ethics. Viewing a secretary as a representative of their cause, interest groups may be more willing to work with the secretary and their team. Some more recent departments, such as the Departments of Education and Energy, were created at the behest of interest groups. If Cohen (1986, 123) is correct that the outer cabinet departments “are plagued by strong interests that pull the secretary away from the president,” then it is the president who must exert effort in building a stronger relationship with their secretaries and use that relationship to their advantage.

Department heads also owe some allegiance to the congressional committees that approved of their nomination, oversee their actions, and appropriate funds for their programs. A cabinet secretary may have a closer working relationship with members of Congress than other presidential advisors because they spend ample time attending congressional hearings and responding to correspondence. A secretary may also have once been a member of Congress and maintains personal relationships with current members. A secretary’s relationship with Congress

should allow them to advise the president on legislative strategy, particularly in working with committees. As a department head, a secretary cannot ignore members of Congress or defer to them while also deferring to the White House. Some department heads find independence by balancing Congress and the White House against each other (Hammond and Knott 1996). Presidents ought to view their need to work with cabinet secretaries in a positive light, not to minimize the secretary's service to Congress or interest groups, but to enhance the president's influence with Congress and interest groups.

Polsby (1978) suggests that presidents chose their cabinet secretaries using one of three standards. A secretary can be chosen because of their association with department constituents, because they are a Washington insider who can work well within the political system, particularly with Congress, or because they are an expert in the departments' policy area. These first two reasons relate to what has already been mentioned in terms of relating to interest groups and Congress. I suggest that the position of cabinet secretary inherently provides the occupant with unique relations with interest groups and Congress. Being a Washington insider would only enhance this resource even more.

The third basis by which presidents choose cabinet secretaries is because the president needs advice and expertise. Both the formulation and enactment of a presidential agenda relies heavily on the advisory system a president maintains. Due to the complexity of current social problems, bureaucracies are best suited to create policy (Gryski 1981). Moreover, Dickinson (1997) suggests that White House staffers may be inexperienced and lack the expertise to guide the president through the legislative process. Secretaries may or may not be experts on a particular issue, but as the head of the relevant department, they likely have a basic or broad understanding of the departments' area focus and by consulting with their team, interest groups,

and Congress, can provide the president with information that other advisors in the EOP, particularly White House staff cannot provide. While White House staff members are concerned with short-term political goals, department officials are concerned with long-term policy, know what constituents want, know the departments' capabilities, understand budgetary issues, and are responsible for implementing, evaluating, and defending the program after its enactment. For these reasons, department officials, led by the cabinet secretary in contact with the president, are best suited to develop policy that suits constituents and is supported by members of Congress, and ought to be involved in legislative strategy as they might provide the support of interest groups and congressional committees. I expect to find that secretaries do provide the president with help in creating and passing legislation because of their position.

After asserting that a cabinet secretary, because of their position, maintains a special relationship with Congress and interest groups, I show that this relationship as well as the secretary's position within the bureaucracy can affect policy development and legislative outcomes. The importance of this fact to our understanding of presidential power is how the president's leadership and managerial style, concerning the secretary, contributes to the president's goal of passing legislation. My typology differentiates between those presidents who are proactive and those who are passive.

I suggest that presidents must provide cabinet secretaries with direction, provide clear intentions, and remain proactive throughout the process in order to achieve legislative success as well as to avoid the negative consequences possible with a passive working relationship. Warshaw (1996) pointed out that cabinet secretaries often do not know what the president wants, particularly because presidential campaigns fail to give them many cues. Without direction from

the president, cabinet members become even more likely to succumb to the influence of other political actors, particularly Congress and interest groups.

Some scholars are skeptical as to whether leaders can make a substantive difference in the outcomes of an organization (Salancik and Pfeffer 1977; Miendl, Ehrlich, and Dukerich 1985). While some studies show that leader characteristics and the relationship between leaders and followers affect organizational and leader performance (House, Spangler, and Woycke 1991), Davis-Blake and Pfeffer (1989) suggest that individual behaviors are affected by situations or the environment rather than the individuals' dispositions, or at least there is an interaction between the two. It is thus not enough to study just the organizational structure; rather we must also consider the circumstances unique to the case. This is evidenced by the fact that actors respond differently at different times (House, Spangler, and Woycke 1991). Applying this to presidential-cabinet relations, we observe that conflict might arise as a cabinet member "goes native," or aligns more with their department than the White House. Similarly, a president may relate differently to a cabinet member as they become more concerned with their legacy than with the creation of new policy.

House, Spangler, and Woycke (1991) point out that more recent theories on leadership emphasize charismatic leadership which is defined as the relationship or bond between a leader and their subordinates which gives the leader an opportunity to alter the beliefs, values, or preferences of a subordinate. Studies of this type of leadership focus on the emotional attachment of followers to leaders. They are concerned with what motivates followers; how they identify with a mission; and the followers' self-esteem, trust, and confidence in the leader (House, Spangler, and Woycke 1991). The authors also point out that charismatic leadership is most useful for those leaders who cannot maintain direct contact with subordinates and must try to lead by

inspiration rather than direct control. While charisma itself is not identified as a personality trait, it is understood that certain personality traits might influence a person's ability to be charismatic (House, Spangler, and Woyke 1991).

Barber (2015) began evaluating presidential personality with a distinction between being "passive" and "active", while Burns (1978) delineated two types of leaders: the "transactional" type who bargains and the "transformational" type who influences other actors. Simonton (1988) reported five types of presidents. First was the "interpersonal president" who "allows cabinet members considerable independence," and "is frequently in contact with advisers and cabinet" (Simonton 1988, 929). Second is the "charismatic president," who is a skilled negotiator and uses rhetoric to gain public support. Third is the "deliberative president," who "keeps himself thoroughly informed; reads briefings, background reports" (Simonton 1988, 931). Fourth, there is the "creative president" who initiates innovative programs. Finally, the "neurotic president" is more concerned with politics than policy and is almost never direct in dealing with subordinates. Simonton (1998) noted that one way to distinguish between these five types is according to whether a president is outwardly active or inwardly reactive. Interpersonal and deliberative presidents are inwardly reactive which implies that they limit interaction to advisers and cabinet members and have unambitious goals.

My study concerns presidential management rather than leadership. Gosling and Mintzberg (2003) have outlined two models of management. "Heroic management" is where the manager makes the dramatic moves and has subordinates implement policies. The presidency does not embody this description because presidents do not have the expertise necessary to make decisions on their own. The heroic manager also thrusts their will upon others, which some presidents do but only at the risk of making enemies. The authors' second way to manage is

called “engaging management,” which requires the manager to work outside of the strict hierarchy and collaborate with other members of the organization (i.e. work directly with department officials rather than through the EOP). Engaging managers earn their leadership roles through gaining trust rather than using force (Gosling and Mintzberg 2003). This model might be more appropriate for the presidency because it recognizes that implementation cannot be separated from formulation, and thus department heads and sub-cabinet officials ought to be involved in the decision-making process so that they are better equipped to implement policies if they become law. The traditional view of what managers do was articulated by Henri Fayol (1949), who defined it as planning, organizing, commanding, coordinating, and controlling (Luthans 1988). Mintzberg (1975) challenged the simplicity of this view and noted that managers had interpersonal roles, informational roles, and decision-making roles. These roles articulated by Mintzberg (1975) can be used in evaluating the management skills of presidents and how they relate to their subordinates. Table 3 showcases how each of the four presidents included in this study measure against Mintzberg’s expectations. Those presidents exhibiting Mintzberg’s characteristics, Ford and Johnson, were the most successful in their initiatives.

Table 3: Mintzberg’s Managerial Roles

	Eisenhower and Civil Rights	Ford and Energy	Carter and Welfare Reform	Johnson and Education
Interpersonal Role	Does not fulfill	Does embody	Does not fulfill	Does embody
Informational Role	Does not fulfill	Does embody	Does not fulfill	Does embody

Decision-Making Role	Does not fulfill	Does embody	Does not fulfill	Does embody
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These managerial roles outlined by Mintzberg (1975) are germane to my study because I suggest that a president’s level of engagement, how a president communicates, receives, and uses information, and how disputes or disturbances are handled, each affect legislative outcomes. Neustadt (1990, 128-9) wrote that the president’s “first essential need is for information.” Again, because of the complexity of modern issues, we presume that departments and agencies often provide better information to the president than other advisors can. Rudalevige (2002) suggests that presidential policy proposals are bargains or transactions between the president and their staff and that these transactions could be the unit of analysis in evaluating policy-making. In my analysis, I illuminate the two-way relationship between the president and cabinet secretaries and show that these transactions, if managed appropriately, can contribute to legislative success.

In working with secretaries and eliciting information and proposals, presidents must be active in settling disputes within the entire administration. Moe (2004) offered several reasons as to why the cabinet as a whole, sometimes seen as archaic, has been retained. His second reason is that they are a forum for interdepartmental conflict resolution (Moe 2004). Most contemporary issues affect multiple departments and agencies. Each department has its own goals and approaches to an issue. Furthermore, the Council of Economic Advisors (CEA), the OMB, and other presidential advisors outside the cabinet often have a position on an issue. Each president has different expectations and style of settling these disputes. How this is done will affect policy proposals and the legislative process. Congress and interest groups will likely benefit and may exploit internal conflict within the administration.

Secondary Questions

In order to make my case studies more effective, I have outlined fifteen general questions, which will be asked of each case to provide a comparative analysis. These questions provide, “a way of standardizing data requirements so that comparable data will be obtained from each case” (George and Bennett 2004, 86). These more specific questions will allow me to answer my three broad research questions. These questions are:

- 1a. Are there any characteristics or previous experiences that enhanced the cabinet secretary’s performance?
- 1b. What policy ideas or legislative strategies did the cabinet secretary contribute?
- 1c. What level of influence did the cabinet secretary have with interest groups and Congress?
- 1d. What was the legislative outcome of the initiative? What achievements were made by the administration? What was left unachieved?

- 2a. How clear was the president in proposing goals or articulating the purpose for action?
- 2b. How much direction did the president give cabinet secretaries? How were policy options presented to the president? How were decisions made?
- 2c. What sorts of disagreements occurred between the White House and the relevant departments? How did the president settle disputes between advisors or departments?

- 3a. What are the president’s views on the presidency and expectations of cabinet secretaries?
- 3b. How have the president and cabinet secretaries cooperated in pursuing their

initiatives? In what ways did they work independently?

3c. What other actors were involved in the initiatives and to what extent did the president rely upon them for information and advice? How much influence did the cabinet secretary have in relation to these actors?

3d. Was the cabinet secretary involved in most of the important policy formulation decisions? Were they involved in political decisions, particularly when these political decisions affected policy formulation?

Sources

This study uses primary archival documents from the presidential libraries of each president. I visited the libraries of Presidents Johnson, Ford, and Carter and the personal papers of Ford's Treasury Secretary William Simon were loaned to me by Lafayette College. Primary documents pertaining to the Eisenhower case were ascertained through published copies (Belknap 1991; Belknap and the US DOJ 1991; Caldwell 1991). Types of documents found in each of these libraries include memos, meeting minutes and notes, personal correspondence, legislative drafts, and briefing materials for the president. Meeting agendas were especially useful in determining who participated in meetings and what issues were discussed. Meeting notes would confirm that these agendas were fulfilled and would sometimes provide the positions of the participants in terms of policy differences and legislative strategy. Often, forwarded or returned memos with handwriting on them provided insight into people's positions and level of cooperation, particularly if it came from a presidential handwriting file. Again, memos provided substantive information as well as information about organization and participants. Oral histories and interviews with presidents and their advisors proved crucial in

learning about organization, working relationships, and transition periods. These transcripts were found in the libraries and online by The Miller Center at the University of Virginia. Files with briefing materials would often contain news articles and press releases relevant to the initiative, which would provide information about the political climate. The administrations relationship with and the positions of interest groups, members of Congress, and other individuals were able to be discerned through personal correspondence as well as journalistic reports. The US National Archives and Records Administration also provides many presidential documents online by way of the individual presidential libraries.

Other sources used in collecting data include biographies, memoirs, published interviews, speeches, newspaper and magazine articles, and scholarly journals. Details about the policy initiatives are found in the policy literature rather than the presidential or political science literature. There is a wealth of literature that provides information as to who was involved and to what extent. Biographies and memoirs provided information about the roles played and perspectives held by individual actors. Speeches were important in analyzing the president's positions, their understanding of an issue, and their level of involvement in securing support for their initiative. The American Presidency Project at the University of California, Santa Barbara offers online access to documents such as the public papers of the presidents, which includes speech transcripts. Newspaper and magazine articles described certain periods of time in the evolution of an initiative while scholarly articles provided analysis into issues or administrations on a broader scale.

Chapter III

Dwight D. Eisenhower and the Civil Rights Act of 1957

Introduction

In the case of the Civil Rights Act of 1957, I characterize Dwight D. Eisenhower as a “desk manager.” Eisenhower was not overly involved in the policy process nor was he committed to using the presidency to affect dramatic change in America. He viewed his responsibility as president as implementing the law and maintaining order. He expanded the institution of the presidency by creating several new positions including the Cabinet Secretariat and the White House Chief of Staff. As he had in the military, Eisenhower relied on operating procedures rather than personal influence as a “collegial supervisor” or “hands-on manager” would. Essentially, Eisenhower aspired just to keep the ship afloat and make sure the trains ran on time. With his deference to Congress in policy-making and his lack of political experience, Eisenhower was not proactive in directing action and initiating policy.

While recent scholarship disputes the perspective that Eisenhower was disengaged in the policy-making process, the case of the Civil Rights Act of 1957 supports the traditional perspective of Eisenhower’s passiveness. The president encouraged his Attorney General Herbert Brownell to develop civil rights policy without being engaged in the process himself. Brownell took advantage of his autonomy and created an ideal bill that he could justify to the president in terms of Eisenhower’s perspectives on the presidency. Eisenhower later displayed inconsistency in his efforts at garnering public support and failed to take advantage of an

opportunity to push the full bill through Congress. Because of Eisenhower's approach to the presidency and his lack of involvement with Brownell in creating the bill and implementing a legislative strategy, the Civil Rights Act was enacted with just two of Brownell's four provisions. The Justice Department was displeased with the outcome that I contend was caused by Eisenhower's management style.

Eisenhower and Brownell

Herbert Brownell was a political insider who managed Thomas Dewey's presidential campaigns in 1944 and 1948, and was the chair of the Republican National Committee (RNC) from 1944-1946 (Sobel 1990). Brownell was credited with helping Republicans gain control of Congress in 1946. For several months prior to the spring of 1952, Brownell was part of a group of Republican leaders who were attempting to draft General Eisenhower as a presidential candidate. On March 24, 1952, Brownell visited General Eisenhower in Paris and used the opportunity to try to convince him to return to the US and campaign for the presidency. Eisenhower remained ambivalent but when he did begin to campaign in April, Brownell was crucial in helping Eisenhower receive the Republican nomination, running primarily against Senator Robert Taft (R-OH) (Brownell 1993). As part of Eisenhower's inner circle, Brownell helped to choose Richard Nixon (R-CA) as Eisenhower's running mate and was the person who called Nixon with the news (Nixon 1990). During the general election campaign against Adlai Stevenson, Eisenhower became weary of RNC attempts to control him and enlisted Brownell to be his liaison to the RNC. On election night, Eisenhower offered Brownell the position of Chief of Staff but when Brownell protested that he enjoyed being a lawyer, Eisenhower offered him the attorney general position almost instantly.

Following the election, Brownell and General Lucius Clay (Eisenhower's wartime deputy) were placed in charge of cabinet appointments. Eisenhower (1963, 85) wrote that he had "developed confidence in the abilities and objectivity of Brownell." Brownell (1993, 133) wrote that Eisenhower:

Wanted all points of view represented, but... Clay and I had a remarkably free hand in the process. On the major appointments, we would sometimes have a preliminary talk with Eisenhower to ascertain if there were any particular skills or expertise he wanted to see brought to the position, such as his desire to have a good organizational manager rather than a policymaker as secretary of Defense. We would inquire about any preferences he might have for particular candidates for a position, but he usually did not have a list of his own. He listened to our recommendations, and we would usually forward only one name to him for his final approval.

Brownell (1993, 134) recalled that the most important characteristic they looked for in an appointee was "loyalty to the president and the ability to function as part of a team." He also acknowledged that their greatest difficulty was finding administrative experience since it had been twenty years since the last Republican administration.

Eisenhower's appointment of Brownell as attorney general was a "forgone conclusion" for the president. Eisenhower (1963, 87) wrote that Brownell "had become a close friend and possessed an alert mind." Moreover, he "respected him as a man and a lawyer," so much so that he "did not seriously consider anyone else for the post" (Eisenhower 1963, 87). After taking the oath of office, Brownell (1993, 143) assembled his team at the Department of Justice, choosing them "for their professional competence, but given the need for cooperation with Congress in securing legislation needed for reform, I also recognized that they had to be knowledgeable about how our political system works". Brownell (1993, 143) claims to have had "the full support of President Eisenhower in [his] efforts and [that Eisenhower] accepted [Brownell's] selections without political interference or consideration."

Management style

Eisenhower is credited with solidifying the institutional presidency by instituting organizational processes to improve coordination of executive actions. He also established several new staff positions including the cabinet secretariat, the White House staff secretary, and the special assistant for national security affairs while also formally creating the position of White House chief of staff (Patterson 1993). These organizational changes not only reflected the president's military background but also allowed him to appear nonpolitical while political decisions were discussed at lower levels. Neustadt (1990, 158) claimed that Eisenhower's organizational changes usually made him "the last man in his office to know tangible details and the last to come to grips with acts of choices." Neustadt also felt that Eisenhower's system drastically reduced the president's level of personal power. Eisenhower's method was to "rely on his cabinet members to initiate action on all matters within their jurisdiction, and he generally gave them great autonomy" (Brownell 1993, 199). As we will see with the Civil Rights Act of 1957, allowing Brownell and the Department of Justice to create the initiative in isolation and lead the legislative process produced fierce opposition from other cabinet members and the White House staff and contributed to Eisenhower's lack of understanding the bill.

Eisenhower's leadership style is a controversial topic amongst historians and political scientists. He has typically been viewed as having been distant from the details of policy-making. He was known to make broad statements and to defer questions to cabinet secretaries who would give more detail (Greenstein 1994). Greenstein (1994), however, suggests that Eisenhower was not aloof; rather, he purposefully concealed his political leadership because he felt that presidents who showed political prowess tended to lose public support and appear unlike a head of state. He describes Eisenhower's leadership as containing a "hidden-hand," and that while Eisenhower

was not seen as an activist he worked behind the scenes to influence political outcomes.

Representative Stuyvesant Wainwright (R-NY) once stated,

When I went in there to talk to him . . . I was impressed because he knew exactly what he was talking about . . . I used to say, ‘Mr. President, someone must have briefed you pretty well five minutes ago,’ and he would say, ‘No, I looked it over last night.’ He knew what was in the bill and he knew what to ask. It was just the opposite from what the papers said! (Greenstein 1994, 16)

While in some cases Eisenhower went through channels to influence and sometimes made threats to congressional leaders (Greenstein 1994), direct involvement usually is necessary in negotiations with Congress and in the overall development of an initiative. In the case of civil rights, Eisenhower does not seem to have been a behind the scenes leader; rather he was indecisive, unengaged, and unwilling to use political capital and advantage in negotiations with Congress. An explanation for this behavior likely resides in the fact that Eisenhower did not want to display any partisanship, even during an election cycle.

Eisenhower’s view of the presidency affected his participation in the policy process and his relationship with other political actors in two ways. First, as a nationally elected official, Eisenhower was determined to appear nonpolitical and to maintain his broad base of public support that approved of his job performance at an average rate of 64 percent (Greenstein 2009). This was particularly true during the development of the Civil Rights Act, which occurred prior to his 1956 reelection campaign. He insisted publicly that the administration’s proposals could not have been “more moderate or less provocative” (Adams 1962, 334). Second, Eisenhower saw his primary role as upholding the Constitution (Anderson 1964). This view included a great respect for the separation of powers doctrine as well as the principles of federalism, as Eisenhower did not view the presidency as a tool for imposing administration policies. The number of Executive Orders given by Eisenhower was lower than the number given by any of

his 20th century predecessors. This fact supports the idea that Eisenhower was passive in his approach to the presidency in dealing with the bureaucracy as well as with Congress. According to Cabinet Secretariat Robert Keith Gray (1962, 144), Eisenhower “believed in and adhered to, with a fervor bordering on political religion, the separation of responsibilities of the legislative, executive, and judicial branches of government. Further, while he recognized his obligations to enforce federal statutes . . . he believed in a firm cleavage between federal and state responsibilities.”

In the area of civil rights, Eisenhower saw his responsibility not as enforcing the Courts decision in *Brown v. Board of Education*, but only as having to consent to it (Anderson 1964). Eisenhower’s insistence on being a moderate political force and his reliance on other political institutions for action resulted in only minimal changes in civil rights policy. Whereas Eisenhower saw state and local governments and Congress as the primary actors in American politics, Brownell’s experiences in the RNC and in presidential campaigns gave him a view of American politics where the president was the legitimate representative of the nation’s interest and where national interest trumped state and local interests (Anderson 1964).

To understand Eisenhower’s view of the cabinet, we must first recall that he was not overly involved in its formation. Eisenhower had a limited number of acquaintances outside of the military and relied on Brownell and Clay to make recommendations on cabinet appointments. Each cabinet member except for Brownell and John Foster Dulles, who were both lawyers, held management experience (Hess 2002) and were suited for minimal supervision and direction. Sub-cabinet appointments were for the most part made by the department heads while all other staff appointments were handled by Chief of Staff Sherman Adams (Hess 2002), who is said to have made 75 percent of the final decisions on personnel while the other 25 percent were made

by Eisenhower based on Adams' lists of candidates (Gray 1962). The cabinet was full of strangers to the president, expected to run their departments without the president's involvement. While Eisenhower allowed cabinet members to come to him with major problems, he did not want to give counsel too often (Hess 2002). He held regular cabinet meetings, however, Hess (2002) claims that these meetings often consisted of talks about trivial matters and avoided controversial issues. The cabinet members were like-minded and kept departmental issues to themselves. While there were not very many serious confrontations among them, problems between cabinet officers were dealt with by Adams rather than the president (Adams 1962). Adams' role and Eisenhower's view of the role of cabinet secretaries supports my classification of him as a "passive" president.

Development of Civil Rights Policy

Early on, the White House let the issue of civil rights slide, as there was no one assigned full-time to attend to the problems of minorities as there had been in the Roosevelt and Truman administrations (Donovan 1956). The need for a national civil rights bill in the 1950s stemmed from growing racial conflict amidst the Supreme Court's efforts to eliminate segregation. Brutal murders inspired by racial discrimination, such as the murder of Emmitt Till in Mississippi, rarely resulted in any arrests or convictions due to the unwillingness of state and local authorities to prosecute such crimes (Anderson 1964). Because no federal laws were broken by committing murder, the Justice Department was helpless to intervene. Attorney General Brownell favored desegregation and wanted the Justice Department to be involved but lacked support from Eisenhower for most of the first term. In a meeting with congressional leaders in January 1953, Eisenhower "stated that he would not recommend federal legislation as he did not believe that

this is the best approach to the problem [of segregation].”¹ Soon after Eisenhower’s inauguration, the Supreme Court requested that Brownell appear as *amicus curiae* and answered questions related to the *Brown* case (Brownell 1993). Brownell argued that racial segregation in public schools was a violation of the 14th Amendment and that the Court ought to resolve the issue (Donovan 1956). Brownell (1993, 190) wrote,

I knew that the matter posed a dilemma for Eisenhower, and because I very much wanted the Justice Department to support desegregation I knew I had my work cut out for me. . . . I knew that he was a strong supporter of states’ rights, and although certainly not opposed to the cause of civil rights, he did not intend to be a crusader on its behalf. But I also knew his strong views on the necessity of enforcing the law and his deep respect for the Constitution, its separation of powers, and the duties it placed on the president.

Beginning his filing an *amicus* brief in the *Brown* case, Brownell had to convince Eisenhower to take action on civil rights several times. Brownell (1993, 191) noted, “I refrained from emphasizing the political considerations at stake and focused my arguments not on politics but on law. If I could convince him that as a matter of constitutional law he had a duty-- an especially important concern for him-- to undertake some action or position, he would do so.” To avoid any signs of political pressure or electoral concerns, Eisenhower ordered Brownell not to collaborate with outside groups or activists in preparing their brief (Brownell 1993). Following *Brown*, Eisenhower never explicitly supported the decision of the Court during his tenure, rather he responded to the case citing the fact that the Court’s decisions were the law of the land and that he was sworn to uphold them (Nichols 2007).

After Eisenhower’s heart attack in September 1955, Brownell discussed with the cabinet his desire to draft a civil rights bill. They agreed that a bill should be proposed to Congress by the Justice Department rather than the White House. In December 1955, Brownell mentioned to legislative leaders, after Eisenhower left the meeting, about passing civil rights measures. It was agreed that action would be deferred until later in the session.² Upon his recovery, Eisenhower

agreed to mention civil rights in his State of the Union address, which he did in a written message to Congress but not in the recorded message which was broadcast to the public (Anderson 1964). The Justice Department sought to convince Eisenhower of the appropriateness of him taking action by insisting that their goal was to “enforce the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution.”³ DOJ also insisted that their initiative was “not federal interference with states’ rights-- rather, it is a guarantee that the state shall function according to its own laws and its own judicial procedure. It is seeing to it that the citizens of the states have a government of laws-- their own laws-- and not a government by men.”⁴

While Brownell and the DOJ tried to appeal to Eisenhower’s view of himself as a constitutional protector, he gave only vague ideas to both the president and the cabinet about his initiative without any explicit objectives. Brownell and the Justice Department drafted a bill, largely based on the recommendations of Truman’s 1946 Committee on Civil Rights, entirely within the department and without consultation with Congress, outside organizations, or the White House (Anderson 1964). The bill consisted of four parts:

1. The creation of a Civil Rights Commission charged with recommending legislation;
2. Federal court jurisdiction and injunctive relief by the attorney general to guarantee the right to vote for minorities;
3. Empowering the attorney general to prosecute civil rights violations, along with a broadening of the definition of such violations and increased penalties, and;
4. The creation of a Civil Rights Division in the Justice Department headed by an assistant attorney general (Brownell 1993).

Debate within the Administration

When Brownell first brought the bill to the cabinet for discussion on March 7, 1956, disagreements arose over sections three and four. In a meeting two days later, Eisenhower approved the four-point program and suggested that Brownell should put forward what he had⁵ but wanted to discuss the timing and manner of presentation as well as have the cabinet review the proposal once more before presenting it to Congress.⁶ Anderson (1964) argues that Brownell's initial go-ahead was given after Eisenhower's heart attack, when it seemed probable that he would retire. Because Eisenhower, just a week before Brownell submitted his proposals, announced that he would run for reelection, the departments bill was seen by many in the administration as politically toxic. Eisenhower recognized civil rights issues as being "a major and divisive political problem," and maintained concerns about the implications of Brownell's program (Brownell 1993, 194). Eisenhower later called Brownell's proposals "little less than revolutionary." Brownell argued that doing any less would be going against Republican tradition but both he and the president were under "no illusion as to the difficulties to be overcome" or "as to the character of the opposition" (Eisenhower 1963, 153-4).

During all of March 1956, negotiations on the civil rights bill occurred between the White House and the Justice Department (Anderson 1964). Brownell sent revisions of his proposal to the cabinet in hopes that different phrasing would ease the opposition. Special counsel to the president in charge of legislative clearance Gerald Morgan recommended limitations to the bill. HEW Secretary Marion Folsom wrote,

no matter how moderate the language in which the proposals are couched . . . these proposals would probably be viewed as further evidence of another effort on the part of the federal Government to use criminal and civil enforcement powers in the area of race relations. For this reason alone, the presentation [of these proposals] is, in our opinion, inadvisable at this time.⁷

An already unenthusiastic Eisenhower was disturbed by his cabinet's lack of agreement.

During a cabinet meeting on March 23, Secretary Folsom, along with Secretaries Wilson and Dulles, continued to express their objections to Sections II and III of Brownell's proposal. Labor Secretary Mitchell and Presidential Advisor Arthur Flemming agreed with Brownell that Eisenhower's State of the Union address had promised actions and that the bill fulfilled that promise. The president felt that Section II, "would help moderate the situation," and expressed that while he wanted to enforce the law, he was concerned that federal action could cause more trouble in the south. Eisenhower asked Brownell to meet with him after the meeting.⁸ There are varying accounts of the private meeting between Eisenhower and Brownell and each has different implications for how we view Eisenhower's role.

After the divisive cabinet meeting, Eisenhower met with Brownell, Chief of Staff Adams, and White House Counsel Gerald Morgan to review the entire civil rights package (Burk 1984). Nichols (2007, 130) writes that the meeting was "later that day," as Eisenhower requested during the cabinet meeting. Burk (1984), reports that the meeting occurred a day after the cabinet meeting, on March 24. Jackson and Riddlesperger (1993) claim that Brownell's congressional testimony was a strategic plan devised during this meeting that they report as occurring on March 11. This claim had no citation and it would make no sense to have had continued debate and a cabinet meeting on March 23 if a decision had already been made on March 11. Furthermore, no meetings appear on Eisenhower's daily schedule for March 11.⁹ On March 24, Morgan wrote that despite Eisenhower's concerns, the president stated, "the proposed program was perhaps the best that could be devised under the circumstances, and told the attorney general to go ahead with it if he wished."¹⁰ Morgan noted that he and Adams were not yet inclined to support the proposals, but that after Brownell met privately with the president he reported that

Eisenhower gave his proposals “a complete okay.”¹¹ Between the cabinet meeting and Brownell’s private meeting with the president, the cabinet secretariat told Brownell of the president’s decision not to support the controversial sections of the bill (Anderson 1964). Brownell (1993) claims that later on, the president agreed to allow him to send the two controversial provisions to Congress as Department of Justice proposals and not as formal parts of the bill. Anderson (1964, 41), on the other hand suggests that Brownell’s actions “had no license from the White House,” and that Brownell, “overstepped the line that divided initiative from insubordination” (Anderson 1964, 43).

It is unlikely that Eisenhower purposefully wanted Brownell to submit Sections II and III as simply recommendations for any strategic reason. The president showed much ambivalence about the bill and would not have sought counsel so rigorously nor postponed the submission of the bill if he had been devising a political strategy to pass the entire bill. Although Anderson’s (1964) account of the debate was given credence by some officials,¹² his claim that Brownell acted completely without warrant is also misleading. The evidence suggests that Eisenhower disassociated himself from Sections II and III of the bill and decided not to support them at the time. Brownell likely convinced Eisenhower in their private meeting after Morgan and Adams left that there was no harm in sharing his proposals with the Judiciary Committee, and Eisenhower agreed that Brownell could do as he wished with those proposals so long as it was clear that the administration did not support them and were not pushing for their enactment. As with the *Brown* case, Eisenhower viewed Brownell as a legal expert who could discuss matters with the Court and the Judiciary Committee without representing the administration. The fact that Eisenhower received a copy of Brownell’s testimony in advance suggests that Eisenhower had no problem with Brownell mentioning the controversial sections (Nichols 2007). Brownell

used this opportunity to deflect opposition from other administration officials by claiming that he had complete support from Eisenhower. While Brownell maintained that he was merely carrying out Eisenhower's instructions (Brownell 1993), he was politically astute and likely knew that his impending testimony was the only way he could circumvent the cabinet and White House officials who opposed his full program. The White House certainly could not admit any dissension in the administration during the election year of 1956 (Anderson 1964), and Eisenhower would eventually show public support for all four sections of the bill in the final weeks of the campaign and in the following State of the Union address. By 1957, in the face of escalating racial violence Eisenhower wanted the passage of all four parts of the DOJ's proposal. His wavering and lack of decisiveness in 1956, along with how he approached the legislative process in 1957 highlight how Eisenhower's leadership style contributed to the weakening of the administrations initiative.

On April 9, Brownell sent to the vice president, the speaker of the House, and released to the press, a letter, approved by the president on March 23, which reported that Brownell would soon propose a bill that called for the formation of a civil rights commission and created an assistant attorney general for civil rights (Anderson 1964). The letter also suggested that the two controversial proposals enhancing the attorney general's powers should be considered by Congress and the new commission.¹³ When Brownell testified before the House Judiciary Committee on April 10, 1956, he was a bit more assertive about the need for Congress to pass Sections II and III of the bill (at this point, due to revisions, the controversial provisions, Sections II and III, became Sections III and IV and hereafter are referred to as such). Brownell worked in advance of his testimony with his friend Representative Kenneth Keating (R-NY) who provided a legislative entry point for Sections III and IV, which the White House had refused to

introduce (Anderson 1964, Nichols 2007). Keating won his seat in Congress while Brownell was RNC chair in 1946. Keating asked Brownell if he could provide specifics on the department's recommendations as an aid to the committee because he "would like to put them into legislative form."¹⁴ Brownell pledged that he could easily provide the legislative language and that he "personally [felt] that they should be passed now."¹⁵ Representative Emanuel Celler (R-NY) questioned Brownell's use of the word "personally" and asked if he spoke for the administration, to which Brownell replied, "Yes. I think I am authorized to say...that these are submitted for the consideration of Congress."¹⁶ The White House remained silent (Anderson 1964) and while there was support for Brownell's full program, at least in the House, there was some skepticism among congressional leaders as to the president's support.

The Legislative Process, 1956

When the Civil Rights bill was first proposed in 1956, many members of Congress identified the administration's efforts as lackluster and questioned whether Eisenhower actually wanted all four provisions of the bill passed. While the administration was concerned with the electoral consequences of taking action, some members of Congress had demanded that the president display leadership on the civil rights issue and stop relying on citizens, Congress and the Supreme Court "to carry out unassisted what is properly and constitutionally also a function of the Chief Executive."¹⁷ Max Rabb reported that Republicans in the House felt that the president neglected them on the issue.¹⁸ A reporter wrote that,

If the Eisenhower administration had had the faintest serious desire to pass a civil rights bill the bill would have been introduced at the beginning of the session and pushed with maximum power thereafter. Instead the administration bill was only offered in May when it had no possible chance of getting past the usual roadblock of a southern filibuster. (Alsop and Alsop 1956)

When asked in a letter by congressional leaders about his support for the bill, Eisenhower had his Administrative Assistant Bryce Harlow write: “the president has asked me to assure you...that the various civil rights measures proposed by the attorney general were specifically approved by him prior to their submission to the Congress, and it is, of course, the president’s earnest desire that they be enacted into law” (Anderson 1964). During a legislative meeting, Eisenhower assured congressional members that he had personally reviewed the whole proposal and felt that it was an appropriate and moderate approach. The president admitted that Brownell had been under pressure from his staff to push for a more aggressive policy.¹⁹ These remarks suggest that Eisenhower privately assigned blame for the controversial proposals, which he had previously approved, to Brownell while simultaneously supporting the passage of these proposals.

Despite this statement of support, the president sent a list to Congress of twenty-eight bills whose enactment was essential. Of these twenty-eight bills, only the first two of the four civil rights provisions appeared. When Eisenhower spent several weeks away from Washington after abdominal surgery, activity on the part of the White House staff to push the civil rights bill through Congress increased. Anderson (1964) suggests that there was a distinction between the president and the White House staff that shows that the staff felt more strongly about civil rights and worked on the issue when Eisenhower was away, initiating it after his heart attack and working with Congress after his ileitis attack.

As evidenced by legislative meetings, Eisenhower’s main priority during the summer of 1956 was a foreign aid bill.²⁰ When congressional leaders met with Eisenhower while he was recovering at his Gettysburg farm, they formulated a list of fourteen priorities for the last several weeks of the congressional session. The list included only the first provision of the civil rights

bill, establishing a commission (Anderson 1964). Members of Congress again, questioned the president's support for the bill. Representative Martin Dies (D-TX) claimed that he "had understood that all the president recommended was the establishment of the commission." When Representative Keating insisted that the bill was in accordance with Eisenhower's program and philosophy, Dies objected that: "The gentleman is talking about Brownell. I am talking about Eisenhower. Has he ever supported this bill? Has he ever stated to the gentleman or anyone else that he is in favor of it?" Keating could only reply that he was "informed that President Eisenhower and his administration favor this bill"²¹ (Anderson 1964). Eisenhower had not directly solicited support for this bill from any member of Congress. Representative Keating insisted that Eisenhower send a letter addressing issues with the bill to Congress.²²

The press, too, considered the bill simply a gesture made to influence the coming election (Anderson 1964). When asked by a reporter whether Eisenhower wanted to speed up desegregation, the president replied that the Supreme Court had placed that responsibility in the hands of US district courts and that they were the ones who needed to take action. During the campaign, members of the Republican Platform Committee and Justice Department officials felt that the campaign needed to make a statement on African American rights, but the president repeatedly refused to take a strong position (Anderson 1964). Eisenhower seemed unconvinced about the electoral benefits of discussing civil rights because he felt that African Americans in the north were more interested in jobs and salaries than they were in civil rights.²³

The Republican Party, in general, pleaded to Eisenhower to take a strong position on civil rights. Representative Hugh Scott (R-PA) asked Adams if he could be given the opportunity to introduce some civil rights bills so that he can benefit from African American and Jewish voters in his district.²⁴ White House staffer E. Frederic Morrow wrote that African Americans had good

will for the president but certainly not for the party. He felt that without congressional action, the president alone was left to “carry the ball and to hurdle the banana peels.”²⁵ The White House was aware of the issue as they passed around a Congressional Quarterly article that discussed the effects of African American votes in congressional races.²⁶ Yet, when the chair of the Platform Committee, Senator Prescott Bush (R-CT) encouraged Eisenhower to campaign on civil rights, the president showed his lack of faith in civil rights legislation and insisted that change would not be achieved by law alone.²⁷

On October 15, barely two weeks before Election Day, Eisenhower sent a statement to the ACLU that recommended the enactment of all four provisions of the bill. This was the first time that Eisenhower publicly called for the full civil rights bill that Brownell had presented. According to journalist John Anderson, the statement was actually written by the Justice Department.²⁸ In both 1952 and 1956, Eisenhower shifted his campaign message to civil rights only in the final month of the campaign in an attempt to appeal directly for African American votes (Nichols 2007). The administration also attempted to help Vice President Nixon in the 1960 election by releasing a report by the Labor Department six days before the election that reported economic progress for African Americans.²⁹ In 1956, Eisenhower publicly endorsed the Justice Departments’ program only to the extent that it benefitted his reelection. When making several campaign stops in the southern states of Florida and Virginia, Eisenhower only mentioned civil rights once, urging action at the state and local level. Adlai Stevenson, the Democratic candidate, criticized Eisenhower saying that he “talked more about states’ rights than civil rights. He didn’t even mention the Supreme Court decision on desegregation, and we still don’t know whether he endorses it or not” (Anderson 1964, 137). Justice official A.B. Caldwell recalled that “there was no real sincere effort to get [the Civil Rights Act of 1956] thru Congress

at that session,” and that the attempt was at best, “half-hearted.”³⁰

The Legislative Process, 1957

At the end of 1956, Eisenhower and Brownell agreed to resubmit the 1956 bill to the new Congress.³¹ Eisenhower had become more worried about the prospect of having to send federal troops into the south to maintain order and began to hope that enhanced civil authority, which would be provided by Brownell’s program, would help Eisenhower avoid the use of force (Nichols 2007). The president had complained that, “troops can’t make anyone operate schools. Private schools could be set up, and Negroes would get no education at all.”³²

Eisenhower urged Congress to pass all four sections of the Civil Rights bill during his 1957 State of the Union address. As in 1956, the bill progressed quickly through the House and it was in the Senate that the administration met difficulty (Nichols 2007). Most of the key Senate standing committees were chaired by southerners, including the Appropriations Committee, which continually held up any legislation the president supported until he withdrew civil rights legislation. The bill had an excellent chance of passing the Senate, however; the question was whether it could actually get to the floor. Even those who may have been pressured to vote for the bill were not necessarily under pressure to vote for cloture if the southerners filibustered (Caro 2002).

To avoid stronger opposition from southern Democrats, the president refrained from making comments on several violent incidents in the south and from associating with civil rights leaders such as Martin Luther King Jr. (Nichols 2007). King told Eisenhower that he should use “the weight of [his] great office to point out to the people of the south the moral nature of the problem.”³³ After a minimal response from the president, King wrote that his actions were “a

profound disappointment to the millions of Americans . . . who earnestly are looking to you for leadership and guidance in this period of inevitable social change.”³⁴

The presidential aspirations of three members of the Senate altered the prospects of civil rights legislation passing. First, there was Senate Majority Leader Lyndon B. Johnson (D-TX). Because he had consistently voted against civil rights and participated in the southern strategy of blocking legislation, northern liberals whose support was necessary for a run for the presidency looked upon Johnson with skepticism. Johnson desperately needed to pass civil rights legislation in order to compete for the Democratic nomination but he continued to need support from southerners not only for the presidency but to maintain his Senate leadership (Caro 2002, Goodwin 1991). Johnson held influence with all of the southern senators opposed to civil rights. His need to pass the bill provided an opportunity for Eisenhower and Brownell. Modern scholars believe that presidents are given opportunities which they must exploit in order to achieve any success (Edwards 2009), Johnson’s vulnerability was an opportunity which Eisenhower failed to exploit.

Next, there were two Californians vying for post-Eisenhower Republican leadership: Senate Minority Leader William Knowland (R-CA) and Vice President Richard Nixon. Knowland had concealed his support for civil rights until now and promised NAACP leaders that he would help pass the bill in 1957 (Caro 2002). Knowland was heavily involved in legislative strategy during the summer of 1957 and spoke against interrupting the progress of the bill in order to work on other legislation.³⁵ It was Nixon who would help work out a strategy with Majority Leader Lyndon Johnson, to bypass the Senate Judiciary Committee chaired by James Eastland (D-MS), a White supremacist and opponent of the bill.

Johnson began setting the stage in January by individually convincing members of the southern Caucus not to use a filibuster against the bill and to allow a vote. His first argument was that times were changing and Democrats were being hurt by standing in the way of civil rights. Second, Johnson told leaders that cloture was a real possibility against their filibuster because Republicans who had not stopped them before now needed to cater to civil rights supporters. Even if they succeeded with a filibuster, it would hurt them in future elections. Southern senators knew Johnson wanted to be president and they wanted him to represent them as the first southern president since Reconstruction. Johnson's final argument was that they did not need a filibuster because they could water down the bill through amendments. He guaranteed them that it would be a token bill. It was Richard Russell of Georgia who wanted Johnson to be president and the other members of the Southern Caucus would pass a civil rights bill if Russell told them to (Caro 2002).

The fight over the bill was focused on Section III, which gave the federal government power to prosecute civil rights violations and was the most essential part of the bill. Johnson felt that even some Republicans were wary of giving the attorney general so much power and that many did not care for Brownell or the "Brownell Bill" (Caro 2002). The plan to water down the bill included a jury trial amendment that would prevent violators of the law from being tried in federal court without a jury. Liberals knew that as long as violators in the south were able to be tried before a jury of their peers, they would almost never be convicted. In order to protect the right to a jury, southerners protested Section III vigorously. Johnson felt that if he were able to delete Section III from the bill, southerners would support Section IV, which only provided protection for voting rights and he would be praised for passing the first civil rights bill in eighty-two years. Johnson knew that for his purposes, the content of the bill did not matter, just

that there would be a bill. Caro (2002, 882) wrote that at the time, “the president was again ducking every chance to show any [leadership], resolutely avoiding every opportunity to press for action on his attorney general’s civil rights bill.” Eisenhower’s lack of involvement provided an opportunity for southern opponents to attack the bill.

Johnson was able to settle southern hesitancy by expanding support for the jury amendment and support to prevent cloture if necessary. Western states were debating whether or not to allow private companies to use Hell’s Canyon to supply electricity or to have the federal government build a dam to supply public-owned energy. The administration and the secretary of the Interior supported privatization while western senators opposed it. Johnson offered a quid pro quo where five southern senators would stand with western senators against privatization if they would stand with them against a strong civil rights bill. Johnson initiated the plan because he realized that western politicians had no interest in civil rights, as there was hardly any minority population in their states. Eisenhower allowed the secretary of the Interior to provide leadership on their stance³⁶ but did not actively participate himself (Caro 2002), allowing Johnson an easy maneuver without consequence to their working relationship on civil rights.

The House passed the bill on June 18. On the following day, Nixon and a coalition of senators executed their plan to get civil rights legislation to the floor of the Senate and avoid months of delay caused by Judiciary Chair James Eastland. In order to bypass the Judiciary Committee and place the bill directly on the Senate’s calendar, the title must be read twice on the Senate floor. Nixon asked the clerk to read the title in a low voice. Senator Richard Russell (D-GA) raised a point of order objecting to the bills addition to their agenda. Nixon, as presiding officer overruled the objection. Russell appealed and the Senate as a whole then voted whether to support Nixon’s ruling or Russell’s objection. The coalition in support of the bill knew all along

that they had the votes to support the vice president's actions. With a second reading the next day, the bill officially left the grips of the Judiciary Committee which had held it back for several months in 1956 (Nichols 2007).

During the Senate's deliberations on the civil rights bill, there was much confusion as to how involved Eisenhower had been in fighting for this legislation. On July 2, Senator Russell argued that the bill was a "deceptive piece of legislation" designed by Brownell to empower the attorney general to interfere with state and local issues. He also suggested that, "the full implications of the bill have never been explained to President Eisenhower" (Nichols 2007, 155). He declared that the bill would grant the attorney general military powers and allowed Brownell the power to sue in not just criminal but civil cases as well. Russell further argued that the bill allowed the federal government not only to force school desegregation but also integration within all spheres of public life (Caro 2002). Russell's exaggerations of the bill's implications aroused doubt for some supporters and his accusation that Eisenhower was unaware of these implications succeeded in forcing the general turned president to begin his retreat.

On July 3, the day after Russell's speech, Eisenhower noted to his advisors that he had "thought the bill provided the A.G. to use troops only in the event of restriction on voting," but it is being interpreted as applying to "any civil right." The president claimed that Brownell had not explained the bill to him in the way that it was now being interpreted.³⁷ When asked at a press conference if he would rather the legislation focus more on voting than desegregation, Eisenhower stated that "I was reading part of that bill this morning and there were certain phrases I didn't completely understand. So, before I make any more remarks on that, I would want to talk to the attorney general and see exactly what they do mean." According to Eisenhower's secretary, Ann Whitman, he complained to Brownell that he had understood the

bill only to concern voting rights and not civil rights in general. Eisenhower stated that he did not understand what the term “civil right” had meant and thought that it varied from state to state and even city to city.³⁸

Eisenhower’s assertion that he did not understand the full implications of the bill have been downplayed by revisionist scholars. His ignorance, however, shows how distant he had been from his own administration’s efforts in passing the bill. On February 4, 1957, four months before the president’s infamous gaffe, Brownell testified before a subcommittee of the House Judiciary Committee^{*} and admitted that under the bill, Justice Department requests for injunction suits would apply not just to voting rights but to school integration as well (Burk 1984). Following the testimony, Senator Knowland warned the White House that southern Democrats would attack the bill by arguing that it would lead to federal intervention in integration issues (Lawson 1999). While the implications of the bill were no secret to members of Congress, and Brownell had publicly communicated its relationship to desegregation, Eisenhower had shown himself as being unfamiliar with all of the bills’ provisions.

On July 9, the president attended a meeting of legislative leaders where Brownell again admitted that Section III would “extend civil rights to things other than the right to vote.” Representative Charles Halleck (R-IN) asked how important Section III was to the administration, to which the president replied that the “administration wanted to make certain that federal court orders are not flouted,” and that he felt that the “Executive had a constitutional responsibility to support the Courts.” Recall that when initially convincing Eisenhower of the need for a civil rights bill, Brownell appealed to his ideas of a president’s constitutional duty rather than convincing him of the morality of the issue. Eisenhower asserted that while he would

^{*}News articles that day did not mention a specific subcommittee. I do not believe there were standing subcommittees during that time. Testimony was likely given to a select or special subcommittee. To the best of my knowledge, it was subcommittee number 5

accept changes to the language of the bill, the four points were essential and must be kept in the bill.³⁹

On July 10, Senator Russell met with the president after which the president indicated that he would consider supporting amendments to the bill which clarified its provisions. The president's secretary, Ann Whitman, wrote that Eisenhower was sympathetic to Russell's views as he had lived in the south himself.⁴⁰ Later that same day, Majority Leader Johnson visited the president secretly (Caro 2002). He went to the president directly in order to obtain a compromise even though Brownell had been representing the administration in handling the bill. Brownell claims that Johnson did not wish to deal with him directly because they had experienced several unpleasant encounters in the past and Johnson was resentful of Brownell for not helping one of Johnson's campaign supporters (Brownell 1993). Johnson suggested to Eisenhower that so long as Section III remained in the civil rights bill, the entire bill would be defeated. The result of these two meetings, particularly with Johnson, was Eisenhower's concession to drop Section III of the bill. Without Eisenhower's support for Section III, the Senate was able to strike Section III from the bill by a vote 52-38 (Nichols 2007). Despite the president's withdrawal, the two presidential hopefuls (Vice President Nixon and Minority Leader Knowland) continued to whip votes in favor of keeping Section III (Caro 2002). Brownell (1993) wrote that Johnson forced Eisenhower to drop Section III and that it was an attempt by Eisenhower to protect other pieces of legislation from being held hostage in the Senate. The president's decision to accept Johnson's deal and drop Section III of the bill was done without consulting Brownell despite the fact that just one day before it was explained that the attorney general would "keep in close touch with the leadership throughout the discussion of this legislation."⁴¹ While it was known at the time that

Brownell would be leaving the cabinet shortly, he was still the attorney general and he wanted to fight harder for Section III (Brownell 1993).

The news that the administration may not fight for Section III was met with frustration as E. Fredrick Morrow noted that a weakening of the bill would make it difficult for any Republican to appeal for the support of African Americans in 1958 or 1960.⁴² RNC official Val Washington declared that there was nothing to compromise on and that the bill was already acceptable to any reasonable person.⁴³ Washington was “troubled” by the talk of compromise,⁴⁴ while Max Rabb reported that the White House was “overwhelmed with mail from persons troubled about the lack of firmness in the administration’s position.”⁴⁵

The next attempt by Democratic southerners to weaken the bill was adding a jury trial amendment to Section IV. Up until this point, Eisenhower had emphasized the bill’s protection of voting rights and angrily stated that he did not believe that Section IV should be amended in any way and that support for the power of federal judges to enforce voting rights must be upheld.⁴⁶ On August 1, the Senate passed the jury trial amendment which Eisenhower viewed as “the most serious political defeat of the past four years.”⁴⁷ Brownell and Deputy Attorney General William P. Rogers helped convince Eisenhower of the undesirability of the jury amendment (Caro 2002). In August, Rogers began attending meetings for Brownell who would officially leave the cabinet on October 23. Based on finances and savings, Brownell had only planned to serve four years but stayed a few extra months because of the Little Rock crisis (Gray 1962). Rogers stated that the Civil Rights bill, which lacked Section III and included the jury trial amendment, was a “monstrosity” and “the most irresponsible act he had seen during his time in Washington.”⁴⁸ Rogers was tagged to work with congressional leadership as the

administration decided to fight the jury trial amendment as the conference committee began reconciliation.⁴⁹

Because southern senators were so successful in shaping the bill, Democrats were being credited with successfully pushing the civil rights bill through even though it was a Republican administration who had proposed it. Democratic presidential hopefuls Johnson and Senator Hubert Humphrey (D-MN) feared that if the president vetoed the bill, the Democrats would be blamed (Nichols 2007). It is here where I believe Eisenhower failed to fully recognize his advantage. Humphrey stated that the bill, “would have been better if the president had thrown his full weight and prestige behind this bill,” and that he “vacillated and oscillated, procrastinated and dawdled. He was hesitant and confused” (Nichols 2007, 163). While this statement was meant to deflect blame from Johnson, it was not unfounded.

Some civil rights leaders urged the president not to sign any bill that was a “sham.”⁵⁰ The Justice Department decided to pursue a compromise where Section III would be reinstated and only allow injunctions in cases other than voting cases where local authorities request the attorney general to act. The second compromise would be to waive the right to a jury trial only in criminal cases where the penalty is fewer than 90 days imprisonment or a fine of less than \$300.⁵¹ Eisenhower showed his hand during a press conference when he rejected an “all or nothing” stance, relieving Johnson of his fear of a veto.⁵² Two days later, Johnson counter-offered the continued exclusion of Section III and the application of the jury trial amendment only to voting rights cases where the penalty was more than 45 days imprisonment or a \$300 fine (Burk 1984, Caro 2002). Eisenhower consulted over the phone with Knowland and House Minority Leader Joseph Martin (R-MA), not with Brownell or Rogers, for ten minutes before

accepting Johnson's deal.⁵³ Ann Whitman recorded that with the compromise on the civil rights bill, it "was the low point of [her] life in the White House."⁵⁴

Passage of the Civil Rights Act of 1957

After a legendary filibuster from Strom Thurmond (D-SC) lasting twenty-four hours and eighteen minutes, the bill passed the Senate on August 29, 1957 by a vote of 60-15. The press credited Johnson with the compromises that led to its passage (Nichols 2007). *TIME* called it a "watered-down civil rights bill" which passed along with "a half-loaf foreign aid appropriation" (the legislation Eisenhower was so concerned about losing in the fight for civil rights). While the bill "pleased hardly anyone," *TIME* saw Nixon as the winner who would benefit most from the bill.⁵⁵

Conclusion

Edwards (1980, 135) wrote that Eisenhower was "notable for his seeming lack of concern for or involvement in getting many of his programs passed." While Jackson and Riddlesperger (1993) claim that Eisenhower was "intimately involved in developing the content of the [Civil Rights] legislation" (King and Riddlesperger 1995, 48), the Civil Rights Act of 1957 was actually developed within the Justice Department. King and Riddlesperger (1995, 48) are correct in noting that "the public and personalized leadership of the administration's initiative was left to others, most notably Attorney General Herbert Brownell, with the president remaining in the background." It was decided that Brownell would "keep in close touch with the leadership throughout the discussion of [civil rights] legislation."⁵⁶

Eisenhower's leadership style embodied what Koenig (1995) referred to as the president as "conservator." He did not want to initiate any sudden or dramatic change, articulated that change ought to be gradual, and believed the president ought to maintain stability and tradition. Brownell succeeded in convincing Eisenhower that the bill served his purposes of maintaining order and upholding the Constitution. This style allows subordinates, particularly department heads, to create and initiate policy proposals that ideally would be substantively advanced since they would be created by policy experts within the department. The drawback to this style is that the lack of presidential involvement can breed conflict within the administration, keep the president in the dark on some aspects of the initiative, and can make the political process more difficult. Furthermore, as was also the case with Carter and welfare reform, Eisenhower's allowance of his cabinet member to construct their initiative on their own led to resistance from other cabinet members who did not lend their support and only prolonged the process while also placing doubts and ambivalence in the president's mind about the initiative. Eisenhower went back and forth in supporting Sections III and IV of the bill and even admitted that he was misinformed about what those provisions meant. While it seems as though he left the door wide open for cabinet members to initiate policy, he made Brownell climb through a window while standing there and waiting for the alarm go off.

The second lesson to extract from the Eisenhower case relates to the president's role passing the initiative. Eisenhower did not throw his full support behind Brownell and "Brownell's bill" and failed to negotiate successfully its full passage in the Senate. His decision to withdraw the two controversial sections was made without consulting Brownell who had engineered its progress in the Congress until that point. Brownell proved to be a political asset as he was able to use his relationship with congressional members to rally support for his program.

While I contend that this is a major benefit of including cabinet members in administration actions, it is only beneficial when the president participates and supports the cabinet member and their initiative. Being proactive requires a president to throw full support behind the initiative during the legislative process. Not only did Lyndon Johnson easily get the best of the president but Eisenhower made only a couple of public statements about the issue, giving no chance of public support or congressional pressure to pass the bill.

Eisenhower did not exhibit either of Mintzbergs' (1975) three managerial roles. He did not fulfill the interpersonal role because he was not a leader on the issue within or outside the administration. He did not exhibit an informational role because he was not heavily involved in substance and even misunderstood important provisions of the initiative. Lastly, Eisenhower was weak in his decision-making role because he did not mediate disagreements or initiate any provisions.

Both Brownell's overall influence and the outcome of the initiative were weak. Brownell was obviously influential in that he convinced Eisenhower to take on the initiative and managed to get the bill to the Senate floor where portions of it actually passed. His weaknesses were his inability to convince Eisenhower, over the advice of Johnson, Russell, and some advisors, to support the controversial and most important sections of the bill, and his being left out of Eisenhower's final deliberations on political strategy.

Because Eisenhower failed to use public statements to promote the initiative, rarely mentioning civil rights during the 1956 campaign (Anderson 1964) and failed to use pressure on members of Congress, I describe Eisenhower as having taken a passive approach. As a "desk manager," he gave Brownell orders and permission to proceed with the initiative but did not actively participate in deliberations or legislative strategy. As Brownell (1993) recalled,

Eisenhower expected cabinet secretaries to initiate policy and gave them autonomy. Without being involved, a “desk manager” cannot ensure that their true objectives are implemented, though Brownell clearly understood Eisenhower’s position. Moreover, because he was not overly involved in the process, there is some evidence that Eisenhower did not understand the bill completely.⁵⁷ Metaphorically, the president gave the bill a rubber stamp; but when it came to costs and benefits near the end of the process, Eisenhower folded.

Chapter IV

Gerald Ford and the Energy Policy and Conservation Act of 1975

Introduction

In the case of the Energy Policy and Conservation Act of 1975, I classify Gerald Ford as a “collegial supervisor.” Ford exhausted a great deal of energy cooperating with cabinet secretaries, advisors, members of Congress, and other individuals. His high level of involvement and the way he structured formal decision-making processes by using the Energy Resources Council (ERC) and the Economic Policy Board (EPB), are exemplary. However, building and maintaining relationships with other actors is a fruitless endeavor if a clear vision and clear objectives are not present.

Ensuring the passage of just five of thirteen initiatives, Ford’s efforts in working with Congress and other political actors backfired. Ford’s “floating coalition” strategy of allowing Congress to be involved in constructing the initiative added difficulty to its development because the president and Congress could not agree on policy goals (Davis 1978). More importantly, Ford was unable to explicate the goal of his program clearly and consequently suffered from weak public and congressional support. While Ford’s management style contributed to partial success, his inability to identify clearly the goals of his initiatives and make them more cohesive limited his control over the policy process and his achievements.

Background

The 1970s are often identified with an energy crisis. The Clean Air Act of 1965 and its 1970 amendments forced a decrease in the use of coal while new emissions standards resulted in new cars, which consumed more fuel. While consumption increased, domestic oil production decreased because of artificially low prices and environmental concerns. The policies of the Nixon Administration focused more on controlling prices than ensuring that oil supplies were sufficient (Mieczkowski 2005). With domestic production so limited and with domestic prices capped, major refineries began exporting their oil at unregulated prices. In October 1973, oil imports were severely cut as OPEC reduced supplies to the US because of its support for Israel during the 1973 Arab-Israeli War. Even after the war ended prices of oil from OPEC states increased from \$3 to \$12 per barrel (Mieczkowski 2005).

In November 1973, President Nixon signed the Emergency Petroleum Allocation Act (EPAA) which placed a price ceiling of \$5.25 per barrel of oil produced before 1973 and did not set a price for oil produced during and after 1973, which sold for about \$11 per barrel. The EPAA also instituted a reallocation policy with priority given to essential services and critical industries.⁵⁸ Interior Secretary Rogers Morton and Treasury Secretary William (Bill) Simon both supported the general program of oil allocation, although Simon saw the efforts as futile (Isser 1996). The EPAA and price controls have since been credited with worsening and sustaining the energy crisis during the early 1970s (Mieczkowski 2005). President Ford recalled that “although I had no particular plans for decontrol of oil prices when I became president, in the back of my mind I knew [controls] were wrong, and we just had to find the right time to get rid of them.”⁵⁹

Between 1960 and 1974, the US oil import rate rose from 18% to 37% and we had turned to several Middle Eastern states for our oil addiction. A movement calling for energy

independence began focusing on increasing domestic production and decreasing imports. The concept of what “energy independence” looked like as well as the means of achieving it were ill defined. Simon, then Federal Energy Office (FEO) director, strongly disagreed with those claiming we could achieve independence by 1980 and instead felt that the best we could do was to limit the amount of oil imported from any one nation or region so that an embargo would not be so catastrophic (Grossman 2013).

During the early 1970’s the executive branch was expanding its energy bureaucracy by replacing the FEO with the Federal Energy Administration (FEA) while the 93rd Congress deliberated energy policy in more than thirty different committees, a rapid change from the 92nd Congress which only had two energy committees or subcommittees (Gulick 1975). Issues such as inflation and high unemployment deflected the attention of many political leaders (de Marchi 1982) and any energy program would have to work within the context of these two dominant issues.

Grossman (2013) reminds us that the oil embargo provided a shock which Downs (1972, 39) would argue created an “issue-attention cycle.” The cycle would include a period of enthusiasm for finding a solution but would end once actors and supporters realized the costs involved with making progress (Downs 1972). Edwards (2009) would say that the oil embargo presented Ford with the opportunity necessary for the use of presidential influence. Ford fumbled this opportunity by showing Congress too much deference and by allowing the energy debate to continue for over a year before signing the EPCA.

Cabinet Secretaries Involved

Rogers C.B. Morton

Rogers Morton served Presidents Nixon and Ford as secretary of the Interior from January 29, 1971 until April 30, 1975 and was subsequently Ford's secretary of Commerce until February 2, 1976. He later would be a special advisor to Ford and chair of his 1976 campaign. Morton and Ford had a working relationship after being colleagues in the House from 1963 until 1971. Morton served on the House Committee on Interior and Insular Affairs, the House Ways and Means Committee, and as chair of the RNC.

Interestingly, Morton's move from Interior to Commerce occurred in the middle of the administration's efforts to pass the EPCA and other energy legislation. Some suggest that the move was intended to allow Morton to build relationships with businesses so that he would be more effective in the 1976 campaign while others suggest that his deteriorating health (Morton had been receiving treatment for prostate cancer since 1973) contributed to the decision.⁶⁰ While Morton remained director of the ERC for at least the remainder of 1975, the move is evidence that he was not in fact, the primary actor behind energy policy.

William E. Simon

Bill Simon spent twenty years in finance before entering public service in December 1972 as a deputy secretary in the Treasury Department. In 1973, Treasury Secretary George Shultz asked Simon what he knew about oil import policy. Simon responded that he knew "nothing" (Simon 2004, 75). Shultz told Simon that he would have to learn because President Nixon wanted him to head the new Oil Policy Committee. Nixon wanted someone who did not already have any interests or biases in oil policy. He saw Simon as a businessperson, who

understood markets and could analyze the situation from a neutral perspective (Simon 2004). Counsellor to the President Robert Hartmann felt that Simon was a great economic thinker but that the advice he gave was too ideological and was difficult to present to voters (Sloan 1993).

Simon served as director of the FEO during the Arab oil embargo and was replaced by John Sawhill after being made secretary of the Treasury in May 1974 (Sobel 1990). Simon still wanted to direct energy policy and make sure that any initiatives coming out of the agency he had once directed maintained his principles of free enterprise (Grossman 2013). Simon was troubled by federal deficits and only reluctantly supported tax cuts (Mieczkowski 2005). He made several public statements disagreeing with the administration's proposed budget and remained in ideological disagreement with many of the administration's policies, causing tension with White House staff and others.

Transition and Organization

Ford's managerial style can be described as collegial -- a typical approach for someone who had spent so long in and only recently had left Congress. He preferred an open door policy and sought informal meetings over formal memoranda (Greene 1995). When asked what his main characteristic as a man and political leader was, Ford replied that he enjoyed having discussions with people and that, "when a decision has to be reached, my practice is to be sure that everyone has a chance to have his full say. I think it is better to develop a consensus than to impose a decision on unwilling people."⁶¹ Ford attributed much his ability to work with members of Congress to his temperament and added that it is important, "to try to influence the actions of the majority in order to get results that are good for the people . . . at all times it is important to use the skills of compromise."⁶² When asked if there is a danger in being too ready

to compromise, Ford acknowledged the danger but suggested that it was important to “stand for something, and to follow a meaningful course.”⁶³

Gerald Ford became president on August 9, 1974. Morton was among several members of the transition team whom Ford requested be a part of the process. Ford sought out opinions about White House organization from cabinet members. Secretary Simon said that, “you don't need a White House coordinator” and suggested that the only things that are of concern for the president are the White House, the economy, and energy.⁶⁴ Secretary Morton's view was that the,

Filtering of information up through a hierarchical staff with a single presidential adviser at the top has frequently prevented the president from receiving views which should have been important to him. . . . The requirements of an effective process of communication between the president and his domestic agencies are: careful identification of major policy issues and important questions of fact by competent analytical staff under the control of the president's immediate advisers . . . Honest presentation to the president of alternative views which the contending parties agree are fairly stated. . . . [And] personal dedication by the president of the maintenance of due process in arriving at his major domestic policy decisions.⁶⁵

Ford evidently held the same view as Morton, participated in the deliberative process, and considered the views of each participant rather than relying on a single source of information. Morton and members of the ERC and EPB provided Ford with sufficient information and alternatives to guide his decisions. Ford failed however, to identify clearly his goals and limit the number of issues they worked on.

Although any president would prefer to appoint his own cabinet, it was determined that asking for the immediate resignation of cabinet members would leave a “leadership gap” and be “bad for morale.”⁶⁶ Ford was further advised that, “cabinet-level department heads and heads of other line agencies should be your principal advisers and spokesmen on policy.”⁶⁷ According to the transition team, “a strengthened cabinet department system would suggest greater access for

cabinet officers, improved policy guidance to cabinet departments, [and] less White House and OMB involvement at the present levels of specificity.”⁶⁸ In determining the agenda for cabinet meetings, cabinet secretaries would be able to suggest topics up until 48 hours before the meeting occurred.⁶⁹ Even months into his presidency, Ford welcomed cabinet secretaries to let him know when they felt White House procedures were not going well. Ford wanted to deal with principals and hear information from various sources.⁷⁰

Ford’s views of both the cabinet and of Congress can be seen in Richard Norton Smith’s story of Vice President Rockefeller and his proposal for the Energy Independence Corporation (EIC). During a cabinet meeting, Rockefeller found no support for his proposal and was subject to fierce criticism led by Secretary Simon. During the meeting, Ford defended the proposal and when Simon continued his criticism after the meeting, Ford stated, “you and I both know Congress is never going to pass that legislation, but I’m not going to humiliate Nelson in front of the cabinet.”⁷¹ Ford respected cabinet members and wanted their views to be heard without being instantly shut down. Second, Ford saw Congress as the primary actor in policy development and evaluated proposals based upon political concerns as well as policy substance. While Ford sought advice from several different sources, he would remain his own top political advisor. When asked if Ford was his administration’s best legislative weapon, Max Friedersdorf* responded that Ford was the opposite of Nixon,

He continued to view [members of Congress] as his friends and colleagues and that just encouraged the contacts. He was aware of the prestige of his new office and he used it to full advantage . . . he was very firm . . . Ford seldom needed talking points because he knew most of these individual congressmen well enough . . . to know what kind of an appeal would get through to them.⁷²

During the final months of the Nixon Administration, departments and agencies were not receiving much direction from the preoccupied president. Departments handling energy issues

* White House Assistant for Congressional Relations

treated them as fires to be put out -- any efforts to create a positive strategy to handle the energy crisis were mired with power struggles and territorial disputes (de Marchi 1981). At the time of Ford's succession to the presidency, the FEA director was John Sawhill. Initially, Simon had gotten along with his replacement at FEO/FEA; his desire to maintain influence on energy policy, however, guaranteed disagreement in short time. In June 1974, after Simon convinced Nixon to create the Committee on Energy that Simon chaired, the Treasury Department began developing a program for price decontrol (Grossman 2013).

During Ford's transition, FEA Administrator Sawhill noted that,

Communication flow and policy direction should be clean and clear for economic and energy policy and other areas of government concern . . . [it] would be easier to deal cooperatively with Congress since a leading spokesman on a particular subject would be identified. Agency heads meet more frequently on a bipartisan basis with key committee members.⁷³

Sawhill wrote that, "since many problems cut across agencies rather than fall within the full purview of a particular agency, it does seem that one cabinet member might be named to take the lead in each particular area . . . in energy policy, the secretary of the Interior or the administrator of FEA or perhaps the administrator of the new ERDA, might logically receive the designation."⁷⁴ Consequently, Sawhill suggested that Morton have control over energy policy. Kenneth (Ken) Cole* believed that in the near-term, it was best to have the Treasury secretary chair an energy committee. Cole viewed Simon as having the "least institutional constraints, most energy experience," good crisis leadership and felt that the FEA failed to lead the Interior Department in relation to coal production.⁷⁵

Secretary Morton would be necessary in working with environmental interest groups as issues such as increasing exploration and production as well as creating reserves would have been a concern for Interior. In an August 29 meeting with Simon, Morton, and Sawhill, Ford said

* Assistant to the President for Domestic Affairs

that he wanted to ask Congress for reorganization authority in order to transfer some energy agencies into the Department of the Interior.⁷⁶ Anticipating changes to be made by the new president, it was these three men (and Sawhill's eventual replacement, Frank Zarb) who were in competition for influence on energy policy. In a meeting on Air Force One, Zarb recommended that Ford abolish the Committee on Energy, which Ford did with Executive Order 11814, replacing it with the Energy Resources Council (ERC) led by Rogers Morton.⁷⁷

The ERC was tasked with developing a single energy policy through coordination with all of the relevant agencies. It would “focus on broad energy policy issues,” and “coordinate agency participation in the development and review of selected, major policy issues.” It was not “to usurp existing agency roles in their respective energy areas, but rather assure coordination by developing a framework of overall policies. Agencies are expected to develop more detailed policies consistent with that framework, but work through the council on major policy issues.”⁷⁸ While the full council had broad representation that included most of the cabinet and other members, the ERC Executive Committee consisted of Morton, Zarb, Simon, Secretary of State Henry Kissinger, CEA Chair Alan Greenspan, OMB Director James Lynn, EPA Administrator Russell Train, ERDA Administrator Robert Seamans, and Assistant to the President William (Bill) Seidman*.

Upon creating the ERC, Ford stated that Morton would have, “the overall responsibility to make sure that this, as well as the other parts of the energy program for this Government, proceeds as fast, and as effectively, and as efficiently as possible.”⁷⁹ Morton's role as chair was to serve, “as coordinator of broad energy policy development and implementation, play a lead

*ERC members included the Assistant to the President for Economic Affairs, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Transportation, the Chairman of the Atomic Energy Commission, the Director of the OMB, the Chairman of the CEA, the Administrator of the FEA, the Administrator of the Energy Research and Development Administration (upon entry into office), the Administrator of the EPA, the Chairman of the Council on Environmental Quality, the Director of the National Science Foundation, the Executive Director of the Domestic Council, and such other members as the President may, from time to time, designate.

role in dealing with Congress, and serve as the chief spokesman on energy policy . . . decide which policy issues should be focused on by the council, and guide them toward resolution by the council and the president, [and] select the executive director.”⁸⁰ Morton’s position as ERC chair also provided him with an office in the Executive Office Building, evidence of his importance.

Just a few weeks before the ERC’s first meeting, Ford established the Economic Policy Board (EPB) led by Treasury Secretary Simon. Before the creation of the ERC, energy was among the topics discussed in EPB meetings in October 1974. There were five coordinating bodies* that may have overlapped in their jurisdiction; each of the bodies’ heads attended the daily White House senior staff meetings led by the chief of staff. These meetings were where assignments and responsibility were clarified (Porter 1982). Morton wrote Simon suggesting the need to “guard against conflicting directions between” the ERC and the EPB. Morton asked Simon for help to ensure that energy initiatives from the FEA and other agencies were considered by the ERC before they were discussed by the EPB. Executive Directors Zarb (ERC) and Seidman (EPB) were charged by Morton to ensure that there would be a consistent approach to addressing energy-economic matters.⁸¹ While the EPB was charged with advising the president on “all aspects of national and international economic policy,”⁸² it appears that discussions relating to energy, including international policy, occurred primarily within the FEA and the ERC. Almost ten percent (8.3%) of the EPB’s agenda concerned energy, ranking fifth of twenty-three policy areas (Porter 1982). Morton did advise the EPB, of which he was a full committee member but not an Executive Committee member, about certain ERC decisions.⁸³ Overall, Porter (1982) suggested the EPB’s economic decision-making and the ERC’s energy decision-making were well integrated. He attributed Ford’s high level of involvement to the

* Ford’s five coordinating bodies were the ERC, EPB, NSC, Domestic Council, and the OMB

incremental process of policy development used by both organizations. The process encouraged members to seek Ford's approval on even minor issues and at each step of development. Ford's level of involvement is a primary reason why I classify him as "proactive" and I suggest that the limited success with which Ford met was due to his ability to reduce conflict within the administration with which Zarb and Seidman helped greatly.

One reason why conflict was minimal, at least in meetings, was Simon's habitual absence for ERC meetings. He did not attend some of the earliest ERC meetings, including the very first on October 24, sending an assistant in his place.⁸⁴ Often, it would be Assistant Secretary Gerald (Gerry) Parsky who would attend for Simon. A June 1975 memo announcing a meeting on uranium enrichment and strip mining had the notation, "Parsky attending."⁸⁵ One of Simon's assistants complained that if Zarb, "didn't call so many meetings, and on such short notice, attendance by the principals would be better."⁸⁶ Yet, a year later, a note from that same advisor to Simon, which notified him of an ERC meeting, said that "your calendar is free that whole afternoon," to which Simon replied by writing "send Parsky's deputy."⁸⁷ Although the agenda for the meeting was limited, it was an Executive Committee meeting⁸⁸ and there appears to be a pattern of Simon keeping his distance. A month later, an Executive Committee meeting that only considered motor vehicle goals⁸⁹ was attended by someone in Parsky's office because Parsky was in Paris that day.⁹⁰ If Simon and Morton were both more active policy deliberations Ford could have had a more difficult time finding a consensus, just as President Carter experienced with welfare policy.

Executive Directors Seidman and Zarb

In September 1974, Ford directed outgoing White House Chief of Staff Alexander Haig to present him with organizational alternatives for coordinating economic policy that would include cabinet members. Ford favored dividing responsibility between Bill Seidman and Bill Simon where Simon would control policy development and Seidman would coordinate (Porter 1982). Haig explained to Seidman that as assistant to the president his access to the president would roughly equal Simon's. Haig noted that the arrangement would require "an unusual degree of cooperation."⁹¹ After establishing the EPB, Seidman was chosen as its executive director. The relationship was successful for several reasons. Seidman had known Ford for several years, having been a constituent in Ford's district and had worked on Ford's vice presidential staff. Simon did not have a previous relationship with Ford and needed friends in the White House. He had no desire to do the day-to-day work of the executive director, writing memos and formulating agendas while Seidman did not care to be a spokesperson. Thus, they mutually accepted their roles with Seidman being at the center of the EPB and treating Simon equal to other EPB members, for which Simon respected Seidman, * who was seen by other EPB members as "a peer and as an honest broker" (Porter 1982, 99).

Porter (1982) described Seidman's role as EPB's executive director as a *clerk* who maintained minutes, agendas, and schedules, and a *policy manager* who made sure everyone's views were represented, decided what information went to the president, and presented the president with differences in the form of alternatives. Seidman was also a *catalyst* who networked through the departments to encourage officials to work on problems as well as an *implementer*, a *mediator*, and an *arbitrator*. In relation to the president, Seidman, along with

* Initially, the EPB Executive Board consisted of Simon, Seidman, and the directors of OMB, CEA, and CIEP. After complaints of that the State Department failed to consult the EPB when necessary, State, Labor, and Commerce were added to the Board (Porter 1982).

Greenspan, kept Ford informed of developments, checked the accuracy of presidential messages composed by speechwriters, and represented the president to interest groups, Congress, and local officials. As ERC executive director, a similar role was taken by Zarb. As will be shown in the case of Lyndon Johnson's education initiative, having a point person to coordinate a broad issue area for the president can be very effective.

The EPB was the most active of the coordinating bodies, holding Executive Committee meetings in the Roosevelt Room for forty-five minutes, three to four days each week and full board meetings monthly until after Ford's first State of the Union address when full board meetings were reduced to a few times a year. An agenda was produced a week prior and members could raise any issue during the meeting. A full board member could request access to an Executive Committee meeting from Seidman and according to Porter (1982) members routinely participated in discussions. The president attended a quarter of the EPB's Executive Committee meetings, often twice a week early on, and the committee held special sessions, on average, every other week (Porter 1982). The frequency of such meetings stands in stark contrast to the frequency of cabinet meetings in the modern presidency, which can be several months apart.⁹²

Ford's attendance at ERC and EPB meetings allowed him to gauge the feelings of his advisors and hear political comments that advisors preferred to communicate orally rather than have a written record of their comments. The president would often make decisions during the meetings but considered controversial issues overnight (Porter 1982). Member participation in the EPB was often determined by expertise and the relevance of their department to the issue. The structures of the EPB and the ERC were similar. The two began collaborating in early 1975, and by December 1975, they held joint Executive Committee meetings weekly (Porter 1982).

During the development of Ford's 1975 State of the Union address, Zarb attended EPB Executive Committee meetings and discussed energy dozens of times (Porter 1982).

In November, Ford appointed Frank Zarb to be FEA Administrator after the resignation of Sawhill because of a disagreement on oil allocation and federal gas taxes,⁹³ as well as the failed initial nomination of Andrew Gibson.⁹⁴ Sawhill would remain a consultant until the president allowed Zarb to fire him in January.⁹⁵ At the time of Zarb's FEA appointment, he was the executive director of the ERC as well as the OMB associate director for natural resources. He was already familiar with the FEA's structure after working alongside Simon in 1973 to organize the FEA and stayed on as Ford's "Energy Czar" throughout Ford's tenure (Tobin and McNitt 2012).

Some members of Congress told Ford that Sawhill had been regarded highly in Congress, was a "responsive administrator," who had "made many friends on Capitol Hill." Representative Silvio Conte (R-MA) thought that the change in energy leadership "would be disruptive,"⁹⁶ while Representative John Murphy (D-NY) felt that Sawhill was the one person who could assist Morton and Simon in resolving the energy crisis.⁹⁷ This is evidence for my assertion that department officials help the president work with Congress. By October 2, a couple of weeks before his dismissal, Sawhill convinced the president that energy policy should revolve around a reduction of oil imports. Treasury and the CEA were very wary of this viewpoint and stressed the importance of the free market in developing policy. Morton did not want to share his advisory role with Sawhill and worked with Zarb and several other officials to create alternative policy options (de Marchi 1982).

As FEA administrator, Zarb's advising of the president extended to foreign as well as domestic policy and he was given responsibility to oversee price and regulatory operations

within the FEA (Tobin and McNitt 2012). Zarb's appointment at the FEA is thought to have solved some of the territorial disputes seen between Simon and Sawhill. Before accepting the position as FEA administrator, Zarb asked that Ford grant him direct access to the Oval Office because he felt that Sawhill, "had no influence at all" and now he wanted a "place at the table."⁹⁸ Upon his appointment, Zarb found the FEA to be in ruin. There had not been any center of influence in initiating energy policy. Congress and consumer groups seemed to have the most momentum.⁹⁹ "Energy policy was kind of being driven out of the White House, so that [the FEA] didn't really stand for anything."¹⁰⁰ Morton, as head of the ERC, was also undercutting the FEA, particularly when the FEA had no director (Grossman 2013). Moreover, Zarb believed that, "the agency was demoralized... [and] really needed some firming up in terms of leadership and spirit."¹⁰¹ Now that Ford was president, he intended to make energy policy more responsive to the conditions the US faced. He blamed Congress for the lack of a comprehensive energy policy up until that point (Ford 1979). Zarb decried that, "first, there never has been a clearly defined and believable [energy policy] goal; and secondly, such goals were never backed up with strong, pragmatic programs to achieve them."¹⁰²

Morton, in consultation with the president and the OMB director, appointed Zarb ERC executive director.¹⁰³ Zarb's duties included advising the chair in setting the agenda, coordinating policy development and review by agencies assigned to work on specific issues, collecting data and policy analysis from agency staffs, coordinating congressional and clientele requests, and keeping the chair posted on actions and issues.¹⁰⁴ While it appears that the majority of communication, in the form of memoranda and reports on energy issues were either initiated or received by Zarb, his memos to the president, for instance, often went through Morton.

Morton not only outranked Zarb within the ERC but also within the Interior Department because the FEA was located within the department.

After resolving the Sawhill-Simon dispute and placing Frank Zarb at the center of energy policy, it appeared that Ford breathed new life into the executive branch. The ERC became a forum for most of the cabinet to deliberate on energy. Many of the regular, full cabinet meetings in the spring and summer of 1975 dealt with Vietnam and foreign policy and had very little discussion of energy.¹⁰⁵ Yet, coordinating policy laterally among departments is only one challenge of the presidency. Often presidents presume that their trustworthy department and agency heads are capable of coordination within their departments. In January 1975, Secretary Morton and Under Secretary Campbell complained that the second layer of the bureaucracy was causing a problem in their relationship with Congress. Many of the lower level bureaucrats objected to Nixon's and Ford's New Federalism support of block grants over categorical grants. Morton noted that of 70,000 employees, about 35,000 were on the Hill talking about categorical grants. "Every time I talk to a Congressman, they seemed to have talked to somebody in the parks department or some other area below that second level of bureaucracy and they are making important policy decisions."¹⁰⁶ Having the support of the bureaucracy and maintaining a cohesive approach to Congress can be prerequisites to successful policy-making. A cohesive approach to issues has to be developed by top officials along with department officials at various levels. Ford's use of cabinet-level deliberative bodies and his direct involvement contributed to the involvement of relevant officials, which presumably would reduce disagreements at various levels.

Ford's Policy Goals

Ford was more open to discussing issues with cabinet members than Nixon was. His administration developed into something between the extremes of cabinet government and White House control of policy-making (Greene 1995). Still, as Ford did not expect cabinet members to initiate policy, many of his energy initiatives were inherited from the Nixon Administration (Grossman 2013). Ford adopted viewpoints that remained in response to the oil embargo that had occurred a year earlier. According to the agenda, the ERC's primary objective was to review Project Independence, an inherited proposal that combined several ideas for reducing energy consumption. Coal conversion, fuel economy in vehicles, coal disruption, and crude oil prices were the other issues selected to be addressed.¹⁰⁷

Three days after being sworn in, Ford spoke before Congress noting that,

The economy of our country is critically dependent on how we interact with the economies of other countries . . . we will be working together with other nations to find better ways to prevent shortages of food and fuel. We must not let last winter's energy crisis happen again. I will push Project Independence for our own good and the good of others. In that, too, I will need your help.¹⁰⁸

This first statement on energy made by Ford as president suggests that his view of the issue at the time focused on energy shortages and our dependence on foreign oil. Davis (1978) referred to Project Independence as more of a target or goal than an actual plan. It addressed issues with several forms of energy including natural gas and coal, which would draw attention away from the main problem -- oil (Davis 1978). Zarb went further to say that Nixon's energy independence program was "a public relations project. It had very little substance and was never achievable" (Firestone and Ugrinsky 1993, 354). A memo from May 1974 shows that the FEO was merely working on estimates of consumption and supply and assessing the potential for new international sources of energy.¹⁰⁹ In August 1974, the meaning of the concept of "energy

independence,” was disputed among officials and the goal itself seemed unattainable (Grossman 2013). FEA Administrators felt that Project Independence was a “gimmick.”¹¹⁰ The confusion in policy debates at this time warranted a reevaluation of what the FEA could actually accomplish.¹¹¹ Ford, however, continued with Project Independence, calling for a joint leadership meeting towards the end of August.¹¹² From the start, Ford lacked a clear path for success.

The method for achieving energy independence was to reduce consumption and to increase domestic supply. Both initiatives would lower our dependence on the supply of foreign states. Disagreements within the administration and between administration officials and Congress revolved around precisely how to reduce consumption and how to increase domestic supply. Ford rejected policy options such as gas rationing or a gas tax for several reasons including a commitment to free market principles but rationing was supported by Senators Mike Mansfield (D-MT) and Robert Byrd (D-WV) and Representative Albert Ullman (D-OR). According to Ford, rationing gave producers no incentive to develop more energy sources (Mieczkowski 2005). According to Frank Zarb however, “the president wasn’t opposed to the concept of higher gasoline taxes; he knew if we could get prices up it would induce more energy production and less consumption.”¹¹³ To increase production, the increased costs of gasoline had to go to the oil companies, not the government. Zarb continued, “the president’s policy did encourage higher gasoline prices. Everything we did under his direction was to try to get oil and natural gas price controls removed and allow prices to go up naturally. Politically he knew it was a waste of time to propose taxes.”¹¹⁴ Only months removed from the House, Ford had a good sense of how Congress viewed many issues. The main reason why Ford would not support higher taxes was because he knew that Congress would never pass such measures. Regardless of

whether Ford's main objections to higher taxes were philosophical or political, the option was off the table for him.

On September 23, Ford adjusted the meaning of energy independence, saying, "We will take tough steps to obtain the degree of self-sufficiency which is necessary to avoid disruption of our economy...realistically, this does not mean zero imports."¹¹⁵ After the expulsion of John Sawhill, FEA officials continued to suggest that complete energy self-sufficiency was impractical. While Project Independence remained the driving force behind the administration's progress, the administration was criticized when it made an agreement with twelve major oil-importing countries, to share their oil supplies in the event of another embargo (Grossman 2013). It was clear that a more cohesive policy was needed.

On October 8, Ford announced an initiative for comprehensive reform of our energy policy:

One-third of our oil . . . now comes from foreign sources that we cannot control . . . I have ordered today the reorganization of our national energy effort and the creation of a national energy board. It will be . . . charged with developing a single national energy policy and program. And I think most of you will be glad to know that our former colleague, Rog Morton, our secretary of [the] Interior, will be the overall boss of our national energy program. Rog Morton's marching orders are to reduce imports of foreign oil by 1 million barrels per day by the end of 1975, whether by savings here at home, or by increasing our own sources. Secretary Morton, along with his other responsibility, is also charged with increasing our domestic energy supply.¹¹⁶

In his October 8 address, Ford outlined four main goals of his energy policy including the deregulation of natural gas supplies, the use of Naval petroleum reserves in California and Alaska, amendments to the Clean Air Act, and passage of surface mining legislation. Ford further listed several alternative options for reducing energy usage including coal gasification, nuclear energy, solar and steam power, wind power and hydroelectricity, and urged Americans to reduce their driving by 5% by carpooling and using mass transit.¹¹⁷

The next day, October 9, Ford stated,

We are going to concentrate in this area . . . Now all of the blame can't be placed on the executive branch. There have been a number of legislative proposals before the Congress that would increase domestic supplies. Unfortunately, in too many cases the Congress has not responded, so the Congress has to share some of the blame with the executive branch . . . But I can assure you that with Rog Morton heading this new organization, we are going to do a better job, and I think we will get the cooperation of the American people.¹¹⁸

On October 30, Ford said in a cabinet meeting that, “in the energy area, we have had problems caused by the lack of a coordinated and comprehensive energy policy. I am confident that Rog Morton has put together an effective team and specifically identified areas of responsibility for each part of the team. They have a big job in meeting their challenges and I know I can count on all of you to cooperate with them.”¹¹⁹ The president reminded cabinet heads to consult with Congress in formulating proposals as he believed that, “with input from the Congress and outside organizations from the start, we will have better legislation enacted.”¹²⁰ While Ford preferred to work with Congress, he entertained the idea of taking unilateral action if necessary because he opposed many proposals that members of Congress supported (Mieczkowski 2005).

During fall 1974, cabinet members were given an opportunity to influence the agenda. In early November, Morton sent the White House a list of the Interior Department’s legislative priorities for the last two months of the 93rd Congress. He also listed energy priorities he wanted to see pursued during the lame duck session.¹²¹ These issues included surface mining, coal leasing, deepwater ports, and natural gas deregulation (which Morton described the administration bill as having “no chance”).¹²² In late October, Morton suggested that the deregulation of gas was most essential to the success of the energy program,¹²³ and that he was working with Secretary Simon on deregulation initiatives.¹²⁴

At the October 30 cabinet working session, the issue of energy brought the secretaries of Commerce, Interior, Defense, Labor, and Transportation into vibrant discussions.¹²⁵ It was an excellent example of allowing each perspective to be articulated. Ford told the cabinet that he wanted them to be “a vigorous part of this government,” and “be involved in the formulation of programs and policies.”¹²⁶ The ERC Executive Committee also met that day to discuss the Million Barrels Energy Saving Program, which included some differences between the FEA and Interior’s projections or forecasts. These differences were expected to be resolved by FEA Assistant Administrator Eric Zausner and Assistant Secretary of the Interior Jack Carlson. The meeting also discussed crude equalization and the president’s voluntary conservation program, which already was being worked on by Transportation and Commerce. At the time, Gibson was FEA Administrator Designate while Frank Zarb was still working in OMB. Even at this early stage, Zarb was the principal actor, taking the lead on all three issues.¹²⁷

Members of the ERC were given a deadline of November 18 to submit comments and policy suggestions related to the report on Project Independence. Decision memos were to be given to the president on January 6. Zarb said that the process of ERC members giving input would be “open but disciplined, due to the number and complexity of the issues.”¹²⁸ Morton also ordered full reports and recommendations for the State of the Union address. It was decided that FEA would be given the lead on gas deregulation, standby emergency authority, and fuel allocation extension, while Treasury took on windfall profits tax and percentage depletion. Commerce worked on appliance and automotive labeling and a cargo bill that required US tankers to carry 30% of imports, Transportation deliberated on the speed limit and carpooling, EPA the clean air act, and Interior had surface mining and deepwater ports. On November 22, it was decided at an ERC meeting, with regards to natural gas deregulation, that Simon “have the

lead for the ERC, with strong support from Rogers Morton and Assistant for Legislative Affairs Bill Timmons.”¹²⁹ On November 12, Morton directed the attention of the ERC to two issues he thought needed immediate attention. First, gas supply had improved and was working against attempts at conservation. Second, Morton feared that conservation measures could inhibit economic recovery. Morton wanted the CEA to work with the FEA and ERC Executive Committee on these two issues.¹³⁰ It is clear that the administration was concerned with many different facets of energy policy at this time. This comprehensive approach contributed to Ford’s difficulty because he could not make a clear case for his most important initiatives. The smaller issues consumed valuable time and resources, sometimes contradicted other initiatives, supplied opponents with more ammunition, and made the EPCA more difficult to pass. This emphasis on too many issues is one reason I characterize Ford as not having clear objectives.

Morton, too, had difficulty framing the issue. He began speaking publicly, saying in San Diego that,

The problem today, then, is an economic problem because of the skyrocketing price of oil and the intolerable drain on our wealth. It is also a political problem . . . it is also a national security problem . . . we have no business being dependent on a limited area of the world for a large portion of our energy . . . Frankly, at this moment, oil supplies are not short . . . but in another area with another fuel, we do have a shortage and a real supply problem. Natural gas.¹³¹

Morton suggested that deregulation of prices was the best solution as it would lead to a slight price increase of 5% but would incentivize suppliers to supply more to the interstate market.

Morton further noted that “virtual energy independence should be the prime objective” and that the US must balance conservation and development.¹³²

On November 18, Ford outlined his legislative priorities before Congress and reported that some of the bills before Congress concerning energy were at the time “unacceptable” but that the secretary of the Interior would continue working with congressional leaders to develop

an acceptable bill for him to sign.¹³³ When developing the speech, ERC members determined that the language support natural gas deregulation while not endorsing a particular bill. The ERC also sought new enforcement measures of the 55 mph speed limit. Meanwhile the secretaries of the Interior and Transportation were working on a legislative package for naval petroleum reserves, and were planning to hold public meetings and sessions with members of Congress about energy.¹³⁴

While the ERC held several meetings in November to discuss issues such as the coal strike, amendments to the Clean Air Act, gas deregulation, strip mining, and naval petroleum reserves,¹³⁵ Ford planned on meeting with department heads in December to finalize legislative programs. In the meantime, officials continued to review Project Independence and met at Camp David on December 14 in order to prepare to work with the president a few days later in developing a national energy policy. Even before finalizing major initiatives, the ERC decided to begin working with the public and interest groups as early as possible. Public meetings meant to review energy policy were set to begin on December 9 with ERC members participating in five sessions. Secretary Morton also directed Commerce and FEA to develop a public education program while Interior published a letter in newspapers explaining to the public the need for energy independence, conservation, and research and development.¹³⁶ Zausner in FEA had been taking the lead on advertising while working with William Rhatigan * of Interior.¹³⁷ Zarb suggested that it was also important for the administration to take the lead during the last few weeks of the lame duck 93rd Congress. Besides holding the public meetings, Morton recommended that they hold legislative leadership meetings during this time.¹³⁸ Morton and ERC members thus influenced the agenda and worked to convince Congress and the public to support it but Ford failed to set limits to the agenda.

* Director Designate of the Office of Communications, Department of Interior

On November 25, Morton and Greenspan gave a briefing that listed overall energy objectives as to: “lower reliance on insecure sources of energy . . . achieve security from supply interruption . . . to achieve a free market in energy . . . to maintain consumer purchasing power . . . to provide funds for needed domestic energy initiatives . . . [and] to do all of the above in an economically efficient manner.”¹³⁹ On December 14, the president met with his top advisors working on energy and economic issues including the White House chief of staff, the press secretary, and CEA and FEA officials. Michael Raoul-Duval* noted that Morton invited Simon and Seidman “at last minute.”¹⁴⁰ Ford called for consideration of energy plans “in the broader context of economic and foreign affairs policies and goals.”¹⁴¹ Greenspan believed that the economy would take care of the oil price problem in the long term and that the key presidential decision was to make a national security judgment. Morton argued that the president had to establish a working relationship with five or six key officials, particularly Senator Henry “Scoop” Jackson (D-WA), whom Morton felt would be difficult to work with and Simon said would never happen. Morton also argued that the president must convince the public and make industry understand the facts, and suggested that they put together a complete tax and energy package. Ford rebutted that it has to be simplified to sell to the public.¹⁴² While Ford may have believed he needed to present a simple argument, I suggest that he did not present one clearly.

On December 18, Zarb and Morton presented the president with an energy policy briefing book based upon the interagency Project Independence Report and meetings at Camp David. Providing short-term, mid-term, and long-term policy options, Morton, Zarb and other advisors wanted to discuss the options with the president, “narrow the range of options and take [Ford’s] instructions with respect to consultations with the Congress or other advisors.”¹⁴³ Ford met with Republican Senate leaders in the Cabinet Room on December 21. With Simon in attendance,

*Associate Director for Natural Resources and Associate Director for Energy and Transportation, Domestic Council staff

Ford asked the senators their views on conservation measures, an energy consumption tax, and US automotive production standards.¹⁴⁴ In an address to Senate leaders, Ford said that, “Domestically, we must pursue an aggressive attack on wasteful energy consumption while simultaneously increasing energy production.”¹⁴⁵ Ford listed sixteen measures that he supported. Following the meeting with Senate leaders, Ford met with the EPB Executive Committee to review economic policy for two and a half hours and discussed the crude oil tax and tariff among other issues; the ERC was not represented (Porter 1982). Having Simon included in the meeting with Senate leaders and following it up with such a long EPB meeting is a significant example of how proactive Ford was. As discussed in Chapter V, President Carter often met with congressional and his cabinet secretaries separately. I believe that holding congressional meetings with advisors present improves understanding between the advisors and the president and displays a united front to congressional members.

According to Davis (1978), Ford pursued an unusual strategy to get his legislative package passed. Ford wanted Congress to develop its own plan and then negotiate in order to shape the bill into a plan acceptable to the president. This concept of a “floating coalition,” was presented in a January cabinet meeting. The concept suggested that Republicans in the House were the base but that “Congressmen must be approached on an issue basis” and Democratic support must be sought out.¹⁴⁶ The difficulty with this strategy was that the Democratic Congress was itself divided on the issue of energy because of regional interests and too many committees had jurisdiction, leading to inevitable conflict (Davis 1978).

Cabinet members were to make contact with new committee members and utilize assistant secretaries whenever possible. Ford wanted secretaries to work through ranking members of committees and “develop a consultative approach to issues.”¹⁴⁷ On substantive

issues, it was important for departments to work with subcommittees in particular. The president also suggested that secretaries work closely with the legislative affairs personnel in their departments and fill vacancies carefully so that they represented the administration to Congress, not vice versa. They were advised to have regular contact with members of Congress, respond promptly to communications, and exchange information about the department's desires and what they are working on with the White House.¹⁴⁸ This is precisely the role of cabinet members that I suggest is most helpful for president's initiatives.

There was a sense of unity among some cabinet members. Secretary Morton said that it was important to take "an ecumenical approach among the departments and agencies in discussing their roles in putting together the complete [energy] package."¹⁴⁹ While discussing energy and environmental issues at Vail, EPA Administrator Russell Train noted that, "strong differences of opinion were expressed on a variety of issues but there was a fair amount of good humor... [Ford] encouraged each of us to give full expression to our views, and there seemed not the slightest inhibition on anyone's part to do so" (Train 2003, 200). When advised to limit the size of cabinet meetings, which stood as thirty-five attendees, Ford was unwilling to sacrifice hearing the opinions of those advisors already attending. He thus took the least restrictive approach by not allowing any ancillary staff to attend.¹⁵⁰ Ford's collaborative nature and the inclusion of as many advisors as possible is a central characteristic of the "collegial supervisor."

The State of the Union Address and an Uncertain Plan

In December, Ford and his advisors met in Vail. The first two days were dedicated to energy alternatives using ERC briefing materials. All of the attendees* received materials early

*Morton, Zarb, Simon, Seidman, Greenspan, Ash, Lynn, Train, Eberle, Enders, Rumsfeld, Nessen, Cole, Zausner, Hill, Porter, and Friedman.

and were able to comment on them. The focus of the meeting turned to the economic impact of proposals (Porter 1982). In a meeting on the third day, which included many of the same attendees but notably was missing Morton, Zarb's deputy John Hill, Zausner, and Train; Ford accepted recommendations for adopting a \$2 per barrel tax on crude oil and using the revenue to create energy conservation incentives.¹⁵¹ It was determined that conservation was a critical issue about which the public needed to be educated. In developing the Energy Conservation Public Education program, advisors at Vail delineated three goals: public understanding of the energy problem, public awareness of the monetary benefits of conservation, and public acceptance of Ford's proposals, which would be announced at the State of the Union address.¹⁵²

A few days before his State of the Union address, Ford met separately with House Speaker Carl Albert (D-OK) and Representative Ullman with advisors John (Jack) Marsh* and Max Friedersdorf† in attendance. Ullman was set to become chair of the House Ways and Means Committee. One purpose of the meetings was to brief the leaders on his economic and energy decisions. Ford mentioned that he wanted a tax cut without any new spending, was administratively going to phase in a \$3 per barrel tariff on imported crude oil, and was going to request legislative action creating excise taxes, decontrols, windfall profits tax, deregulation, coal conversion, and increased coal production.¹⁵³ On January 13, Ford held a similar meeting with Senator Russell Long (D-LA), whom Secretary Simon had already briefed;¹⁵⁴ he also met with Senator Mike Mansfield. Zarb and Seidman would hold consultative meetings with Representative James (Jim) Wright (D-TX) and several other House members.¹⁵⁵ When the president and all of his top advisors met with the new congressional leadership, Zarb reviewed energy while Seidman addressed economic matters.¹⁵⁶

* Counsellor to the President who oversaw the White House Congressional Relations and Public Liaison Offices

† White House Assistant for Congressional Relations

Due to leaks to the media, Zarb, Seidman, and Press Secretary Ron Nessen recommended that Ford announce some of their plan early in order to prevent the opposition from having time to attack the plan before it was introduced to the public. Ford would address the nation from the White House library on January 13 and the State of the Union address was moved up five days earlier to January 15 (Mieczkowski 2005). When Secretary Morton asked what the president hoped to accomplish by speaking on the 13th, Deputy Press Secretary Jerry Warren noted that Ford wanted to address the public directly and felt that an evening address from the White House library would be more effective than the State of the Union address, which at that time was made in the afternoon.¹⁵⁷ Irving Kristol of the *National Interest* suggested that the president work to keep three options in the minds of the public and Congress -- the president's program, mandatory rationing of gas and oil, and a large increase in gas taxes. If Congress and the public were to compare these three options, they may eventually support the president's as being better than the other two.¹⁵⁸

An early draft of Ford's energy message was developed within the FEA with consultation from some ERC members in early January. They purposefully waited until the message was fully agreed upon before handing it over to the president's speechwriters. The message was initially structured as a message to Congress, but Zarb believed that it could be easily changed into a public address.¹⁵⁹ Ford attended an ERC Executive Committee meeting on January 6 to review the energy message and settle a few lingering questions. The meeting included discussion of the windfall profits tax and the ERC's recommendation that they restructure Treasury's tax proposal. Ironically, the meeting was attended by every Executive Committee member except Secretary Simon who was out of town and sent Assistant Secretary for Tax Policy Frederic W. Hickman in his place.¹⁶⁰ The next day, Seidman reminded the president of the EPB's concerns and proposed

a more gradual phasing of energy reform, but Ford remained firm on the decisions he had made (Porter 1982).

The State of the Union address was being written under the direction of Counsellor to the President Robert Hartmann who said that,

The president is the salesman for all the ideas that all of his cabinet people and departments, all the ideologues and influence peddlers want to get in there. The job of writing a State of the Union address is largely one of deleting from the great mound...He is not supposed to be speaking his own thoughts. In the State of the Union address, he's speaking on behalf of the government. And he may get a few of his own things in, but it's deliberately a collective effort.¹⁶¹

In preparation for the State of the Union address, each cabinet secretary had begun reviewing programs and identifying policy initiatives since early June 1974, two months before Ford became president.¹⁶² On the day before the State of the Union address, Ford reviewed the speech and felt that it lacked "a clear and central theme" (Ford 1979, 232). Rumsfeld presented Ford with an alternative draft, which Ford mixed with Hartmann's draft the night before and on the morning of the speech (Ford 1979).

Before the State of the Union address, FTC Director of the Office of Consumer Affairs Virginia Knauer asked Zarb if economic and energy messages would be separate, to which Zarb replied that they would not.¹⁶³ In his January 13 speech, Ford stated that they needed to work simultaneously against recession, inflation, and for energy independence. In his State of the Union address, Ford announced he would propose "a program which will begin to restore our country's surplus capacity in total energy . . . To assure ourselves reliable and adequate energy."¹⁶⁴ The president planned to use executive orders to raise temporarily the fee on all imported crude oil and petroleum products. The crude oil fee level was planned to be increased incrementally by \$1 per barrel on February 1, March 1, and April 1.¹⁶⁵

The problem was identified as being that our lack of surplus energy allows foreign nations to exploit prices. In a Republican congressional leadership meeting on January 21, 1975, Greenspan and Zarb discussed the energy crisis in terms of our dependence on Arab states for our oil supply. Secretary Morton proposed that eliminating government regulation would allow the free market to increase domestic oil supply.¹⁶⁶ Morton was concerned that Congress would try to mix Ford's proposals with volumetric controls. Morton believed that an economic route was more appropriate and warned ERC members not to confuse the two methods when discussing the issue.¹⁶⁷

Difficulty identifying the problem continued to plague the administration at this point. Ford's energy plan was meant not only to provide energy security, but also to improve the US economy in general. There were thirteen titles, or sections, to Ford's proposal. Having such a comprehensive proposal would make the legislative process slow and painful. On January 30, Zarb wrote Secretary Simon noting that after meeting with the *New York Times* Editorial Board, he was surprised that they asked many questions "which revealed a considerable misunderstanding, and lack of understanding about what is in the message; the background on which our proposals are based; and how and why we think the proposals will work." Zarb understood that the *Times* was critical in effecting public perception and urged Simon to help clarify their energy objectives.¹⁶⁸ The president was advised to stop discussing details in the media because details would eventually need to be compromised and if the president were seen as tied to those details, he would be seen as losing. It was recommended that the president focus on "why?" his proposals were necessary for the economy and for national security.¹⁶⁹ Because of Ford's difficulty explicating the goals and reasons for his initiative, I have classified as a "collegial supervisor," who is proactive but without clear priorities.

Ford's proposed oil excise taxes and import fees were expected to raise \$9.5 billion annually while a natural gas tax would raise \$8.5 billion and a windfall profits tax would raise \$12 billion. These funds would then provide \$25 billion in tax cuts (Isser 1996), meant to boost consumer income and consequently, provide stimulus to the US economy. Tax cuts were also meant to offset the higher energy costs in the short-term. Attempting to reduce energy consumption through new technologies and higher prices of oil and natural gas, creating an oil reserve, and expanding research and development, Ford's State of the Union address provided Congress with too many dimensions of a single issue area. Through the summer of 1975, Congress thus ignored Ford's comprehensive plan and instead deliberated on over a dozen separate acts, two of which were passed and vetoed by the president (Stagliano 2001). Not having clear objectives or a limited agenda made it difficult for Congress to cooperate with the administration during the creation of the initiative.

Situation with Congress

The Energy Independence Act of 1975 was submitted to both chambers on January 29 and was introduced as S.594 by Senator Hugh Scott (R-PA) on February 5 (Grossman 2013). That day, Ford told his cabinet that,

We are dealing with a delicate economic plan. Our energy and economic plan will be submitted in one bill, all in one writing, somewhere between 7 and 8 hundred pages; it will be a single plan. Congress doesn't even have a bill, let alone a total plan. We must be unified in our support of that plan, we must be strong and tough; and I want you to know that I will make the compromises, no one else in the executive branch is authorized to make concessions or compromises and if you do, you are wrong. I will make the compromises.¹⁷⁰

Ford later emphasized that "there will be a lot of drudgery involved in getting Congress to pass administration programs, but it is necessary to do that drudgery; we must scrounge for every

vote; we must do the work necessary to get the votes.”¹⁷¹ OMB Director Lynn added that cabinet officers must also communicate administration goals to the public and that he believed that they could affect public opinion, which would then pressure members of Congress to listen to their constituents.¹⁷² When the Energy Independence Act of 1975 was submitted in omnibus form, the administration expected it to be referred to five House and six Senate committees.¹⁷³ On January 13, Zarb mentioned that he and Seidman had received a mixed response from members in the House but found Senate members enthusiastic and willing to debate the package.¹⁷⁴ Opposition was found among western and state and local officials (Davis 1978). For most of the year ahead, economics and energy would remain the “focal points for debate in the Congress,” Jack Marsh noted that if the administration did anything well in 1975, it made energy a national issue.¹⁷⁵ Yet Ford’s mention of seven to eight hundred pages may serve as a sign that the initiative simply contained too much for one bill.

By spring, the House alone had eighteen different energy programs trying to be passed through committee. Democrats in Congress had several competing ideas as alternatives to Ford’s proposals. On February 27, Jim Wright, at the direction of Speaker Carl Albert, developed a plan alongside Senator John Pastore (D-RI) that was meant to unite Democrats on the issue. The Wright-Pastore plan focused on solving the economic recession caused by oil prices but did not sufficiently address dependence on foreign oil (Katz 1984) and, according to FEA, underestimated US demand.¹⁷⁶ Prior to the State of the Union address, Wright had expressed to Zarb that “we don’t have four to six months for haggling,” to which Zarb said that he was willing to work full time with Congress.¹⁷⁷

Representative Ullman attempted to resolve differences between Ford’s plan and the Wright-Pastore plan by proposing gradual decontrol of prices, a gas tax of fifty cents per gallon,

and the possibility of quotas (Katz 1984). Only two bills, Ullman's and Senator Jackson's Standby Energy Authorities Act (S.622) were capable of making progress (Grossman 2013). Along with Ford's plan, the three versions of energy policy would be the basis for the EPCA.

On January 23, the president issued a proclamation establishing his plan to raise oil import fees. In meetings with congressional leaders, Ford continued to sell his plan as a national security issue, asking "what happens if the Arabs raise their prices again?"¹⁷⁸ Some accused the president of abusing his powers and disagreed with his assertion that the oil crisis equated to a national security crisis. Representative Charles Vanik (D-OH) declared that, "his disregard of congressional requests for a reasonable time for consideration is a contribution to confrontation politics . . . The president must understand that the Congress cannot be forced-fed or pressured into a decision that his plan is best or the only plan for America."¹⁷⁹ Representative William Lehman (D-FL), on the other hand, noted, "expenditures on energy research and development are now as important for national defense as programs for costly weapons. In addition to our technical skills, America must utilize its diplomatic skills. Our diplomatic challenge is to unite with Western Europe and Japan in a common effort to overcome the Arab oil threat."¹⁸⁰

The Ways and Means Committee reported H.R. 1767 to prevent Ford from imposing a tariff for 90 days, giving Congress until May 1 to pass an alternative to Ford's program. Ford told congressional leaders that he had "the greatest respect for Congress. I do not want to be arbitrary, and if the Congress has any ideas for a better program, let us get together and discuss them . . . not put it off until another day."¹⁸¹ Ford offered to have his energy advisors, specifically Zarb, Simon, or Morton attend a House Republican Conference or Senate luncheon.¹⁸² On January 31, Ford held a working dinner in the State Dining Room with fifty Republican members of the House in order to encourage defeat of H.R. 1767. Morton, Zarb,

Seidman, Kissinger, and others were in attendance, but not Simon. Ford said that he did not intend to make deals with the Democrats who were simply delaying action. He mentioned however, that if the administration were to “win on this first big test, I can be flexible on the second and third dollar tariff deadlines.”¹⁸³ The bill passed both chambers as concern about the president’s administratively imposed import fees was expressed by the airline and farming industries that used a lot of energy. Although airlines, under Ford’s plan, were expected to have over \$1 billion added fuel costs and railroads expected costs to increase by five hundred million dollars, Ford insisted that the alternative to his plan, rationing, would be an even greater burden.¹⁸⁴ Ford was also concerned about gas rationing’s effects on the auto industry and potential lay-offs.¹⁸⁵ On January 21, Ford threatened to veto any bill implementing gas rationing and accused Congress as having no viable alternatives to his own program (Isser 1996).

While Ford emphasized the national security and economic welfare aspects of his energy plan, Zarb suggested that they weaken opposition to their plan by including a tax rebate for farmers and a gasoline tilt where gas prices were raised at a higher rate than other petroleum products. Treasury opposed the gasoline tilt.¹⁸⁶ Simon argued that excise taxes on crude oil were more efficient than a tax on gasoline because it increased the prices of other products created by crude oil and thus reduced consumption of more than just gasoline. Months later, Congress continued to favor quotas and gas taxes (Isser 1996).

In testimony before a Joint Economic Committee on January 29, Sawhill described the president’s plan as “comprehensive” and “complex.” He further commented that congressional response to the energy crisis was “fragmented” and “inadequate.”¹⁸⁷ Sawhill began his testimony by stating how energy and economic woes were interconnected. He mentioned that a worsening of the economy would result “if the president’s energy program were to be implemented exactly

as presented,” and without an economic plan.¹⁸⁸ Concerns about the effects of reform continued as John Dingell’s (D-MI) Subcommittee on Energy and Power of the House Interstate and Foreign Commerce Committee held hearings on February 17. Administration officials testified on the rationale behind the president’s program as well as on its impact.¹⁸⁹ There were many concerns about disparate effects on different regions in the country, especially the northeast,¹⁹⁰ thus public support would be critical. Congress released a statement* highlighting concerns about employment and energy prices that Zarb described as “not very detailed.”¹⁹¹ In the report, conservation was to be achieved by “the elimination of waste- not by the elevation of price.”¹⁹² While action on the part of Congress was welcome, Ford insisted that negotiations focus on proposals that were certain to achieve substantial reduction of imports, not increase vulnerability, and that were fair to all sectors of the economy.¹⁹³

Morton suggested that it was not time for compromise but that consultation with Congress was important. The ERC decided to prepare biweekly reports to the president updating him on ERC efforts and overall developments in energy legislation.¹⁹⁴ The ERC and EPB also began holding “Economic and Energy Meetings” in order to coordinate their efforts. In some cases meetings included only Zarb, Seidman, and Greenspan;¹⁹⁵ others added Simon, Morton, Lynn, and Burns.¹⁹⁶ Zarb told the president that Congress preferred to do nothing to cut imports and that quotas and allocation were the prevailing options. FEA recommended that the president not voluntarily delay the imposition of the tariff but suggested that Ford meet with key senators, off the record, to see what would be given if the president if he did delay.¹⁹⁷

On March 4, the president vetoed H.R. 1767 and conceded to Congress by voluntarily postponing the second and third increases to oil import fees to May 1 in order to avoid an

**The Congressional Program of Economic Recovery and Energy Sufficiency*

override to his veto (Isser 1996). Ford made May 1 the deadline for a congressional energy bill and would impose an oil import fee and decontrol prices using an executive order if a bill was not produced. By June 1, Congress had not passed an acceptable energy plan, so Ford ordered the import fee raised to \$2 per barrel* (Davis 1978).

In early February, the ERC deliberated on how well they were selling the president's program to the public and found that they could "do a much better job, but "no hard plans were developed."¹⁹⁸ Options included stressing the national security issues associated with dependence on energy source exporters, including the public in small informal forums, making a presidential address during prime time television, and releasing statistics that relate energy problems to average people.¹⁹⁹ A few weeks later, FEA Assistant Administrator for Conservation and Environment Roger Sant, briefed some ERC members on a public education plan that would spend about \$5 million on advertising. Members agreed on the concept but wanted to stress "strategic vulnerability," focus on employment figures, and address labor concerns.²⁰⁰ Commerce Secretary Frederick Dent, months earlier, had proposed that the public education effort help convince the public "that the real energy problem is independence-- not shortage."²⁰¹ This evidence of different interpretations of the issue within the administration supports my assertion that the lack of clear goals in this initiative contributed to Ford's lack of success.

On March 4, Ford held a working breakfast at the White House with 70 freshman Democrats, Secretaries Kissinger, Morton, and Simon, and top advisors including Zarb, Seidman, Greenspan, Marsh and Friedersdorf, among others. The purpose was to exchange views on the president's economic and energy proposals. The president emphasized the international ramifications of our dependence on foreign oil while Democratic members of

* After being overturned by the U.S. Court of Appeals District of Columbia Circuit, this presidential authority was upheld by the U.S. Supreme Court in *FEA v. Algonquin SNG, Inc.* (426 U.S. 548) (1976)

Congress seemed most concerned with the likely increase in energy prices and increases in offshore drilling.²⁰² In this type of gathering, Ford was proactive and could engage with members of Congress and department officials at the same time and witness their interactions while showing support for his advisors. While we might expect such meetings from a “collegial supervisor,” failure to host these semi-formal meetings has been known to hurt presidents such as Jimmy Carter. The White House also reached out to industry leaders by hosting a conference and dinner to discuss coal resources. The conference was chaired by Morton and included comments from Zarb, Coleman, Train, and Seamans from the administration. Time was also allocated for comments from the over 100 representatives for coal producers, labor, transportation, equipment manufacturers, electric utilities, and the steel industry.²⁰³ It is important for industry leaders to have their voices heard and cabinet members and top officials are necessary liaisons with enough stature to hold these leaders’ respect and be an authoritative voice of the administration.

The White House accepted some of the House Ways and Means Committee’s proposals as a basis for negotiation. After a meeting between Chairperson Ullman and Frank Zarb, the committee began considering a revised energy conservation bill (H.R. 5005, later H.R. 6860) on March 18 (de Marchi 1982, Isser 1996). That same day, Ford and his top advisors met with Republican congressional leaders to discuss possible compromise strategies.²⁰⁴ Four major areas of disagreement were outlined: the timing of import reductions, conservation focused on gasoline, the usage of allocations, quotas, and purchasing authority, and new auto efficiency incentives.

One possible strategy could have been to take some of the more contentious issues out of the comprehensive bill and pursue them individually. Representative Barber Conable (R-NY)

advised the president that Ullman was having trouble with the Democratic Caucus and was moving towards the president's plan. Conable felt that the public was beginning to blame Congress for delaying action but warned that if Congress felt too much pressure it could pass a bad bill rather than working with the president.²⁰⁵ The administration, surprisingly, added to its comprehensive plan over the next few weeks.²⁰⁶

Political commentators Evans and Novak called the overall legislative situation "convoluted, difficult, and indecipherable."²⁰⁷ In April, the administration began to question whether or not Zarb (the only person named) should continue negotiations with Congress or if the president should take administrative action. The threat of administrative action was intended to force congressional action rather than actually get around Congress."²⁰⁸ Zarb worked directly with committee chairs, writing a letter to Morris Udall (D-AZ) about his committee's deliberation on the surface mining bill²⁰⁹ and meeting with Ullman and Dingell who were beginning to accept the idea of decontrol and of a windfall profits tax. Other ERC members were skeptical, however, as to whether the two could "sell their views to their less conciliatory colleagues, and come out with a version of an energy bill that does not include one thousand other unrelated and undesired amendments." As late as June, the House was still debating amendments that were unacceptable to the administration. Ford reaffirmed that Zarb was "his principal negotiator with the Congress on energy," and that he wanted "cooperation and compromise."²¹⁰ Though an agency head rather than a cabinet member, Zarb's role with Congress is precisely the role I recommend for cabinet secretaries.

The day before Ford was scheduled to implement the second dollar import fee on May 1, he met with Republican leadership and decided to defer the tariff until June 1, allowing Congress more time to work.²¹¹ While several Democratic initiatives failed in the summer of 1975,

congressional opposition to Ford's proposals centered on Ford's efforts to decontrol oil prices (Isser 1996) and increase import tariffs (Grossman 2013). In early May, ERC members described the progress of the energy bill in the House as evolving slowly and noted "the apparent unwillingness to take a stand on the tough issues."²¹² The ERC was optimistic about reconciliation between the president's decontrol plan and the House plan but saw gas taxes, gas allocation, auto taxes based on fuel economy, and a windfall profits tax as issues that needed a lot of work and could affect whether or not the final bill would be "acceptable."²¹³

One of the reasons why there were major difficulties between the administration and Congress was that they measured their import goals differently. Ford's plan was intended to reduce the *rate* of import growth whereas congressional plans intended to reduce the actual *number* of oil imports (Grossman 2013). ERC members suggested that, "the prospects in Congress for approval of the president's plan were pretty dim."²¹⁴ In June, Seidman announced that the EPB would hold two subcabinet briefings with energy on the agenda for the first meeting. Both Morton and Zarb were scheduled to do the briefing.²¹⁵ At Camp David, Zarb determined that it would be best to create a briefing book that reflected a wide range of views on key issues. * Zarb noted that "few immediate policy decisions are expected to result from this meeting," but hoped that dialogue would be enhanced and that plans for their next steps can be developed. It was planned that the "agency closest to each issue [would] lead off discussion." Seamans and the ERDA would discuss issues for most of June 7 with FEA and ERDA discussing conservation measures, and State presenting on the international situation. On June 8, Zarb would brief on the status of legislation and the president's proposals while Interior covered outer continental shelf exploration, NRC covered nuclear power, and FEA covered natural gas and utility financing.²¹⁶

* Participants included Zarb, Morton, Seidman, Greenspan, Lynn, Parsky, and others.

Although there were a couple of issues where departments had differences, the overall process of the ERC, as well as the EPB was smooth because of its formality, leadership, and openness. A good example was the task force on fuel efficiency. In March, Morton asked the secretary of Transportation to lead a task force with members from the EPA, FEA, DOT, ERDA, and NSF, that would recommend goals for automotive fuel efficiency.²¹⁷ A few weeks later, the director of the Council on Wage and Price Stability was added as a member as well.²¹⁸ In May, the OMB and Domestic Council prepared a paper comparing different arguments regarding fuel efficiency to be reviewed by those ERC members who were interested.²¹⁹ The process involved most of the relevant agencies and there was a systematic review process that allowed any ERC members comment.

Price Controls

By late summer, two congressional alternatives formed against Ford's proposal. First was Robert Krueger (D-TX) who conditioned his support of the president's plan upon the inclusion of a windfall profits tax. Second was a plan initiated by Representatives Staggers and Bob Eckhardt (D-TX) which kept old oil capped at \$5.25, reduced the cost of new oil from \$12-13 to \$7.50 per barrel, and created a limit of \$10 for high cost oil (Isser 1996). Republican members of Congress exclaimed that the president had tried to compromise several times only to be "rebuffed by Congress."²²⁰ Ford had lost confidence in his ability to pass his energy program and conceded on certain contentious issues such as import duties. On July 14, he offered a thirty-month decontrol plan along with a ceiling price of \$13.50 (Grossman 2013). This was the more realistic of two options recommended by Zarb.²²¹ When the House disapproved of this, Ford returned with a proposal for a thirty-nine month decontrol period and a ceiling price of \$11.50. This was less than the price of "new" domestic oil which at the time was \$12.75. Congress

responded to the compromise attempt by passing H.R. 4035, which set the maximum price of oil at \$11.28 and extended current controls until the end of the year. Ford vetoed the bill (Grossman 2013) and asked the cabinet to use all of their influence in getting votes to sustain the veto. The opposition in Congress argued that the administration's program favored oil companies and increased prices but Zarb pointed out that they must emphasize the point that money and jobs being sent to OPEC nations was a major concern.²²² Zarb warned the cabinet against using the word, "compromise," because it would weaken their position and only the president should use that word. He suggested that cabinet officials emphasize farmers and propane, independent refineries, and airline jet fuel.²²³ Again, Ford's use of cabinet officials in working with Congress was appropriate.

During the month of August, Zarb suggested several major press events including a presidential announcement that if the veto of H.R. 4035 were sustained, the president would voluntarily remove import fees. Zarb and Greenspan would brief the press on economic and energy impacts of legislation, Zarb would hold a press conference on the natural gas problem, and Ford would make a major TV address where he emphasized the need for decontrol and announce a comprehensive program related to natural gas and other initiatives.²²⁴ This serves as evidence of Ford's proactivity and use of department officials in public relations.

The administration feared that the House would also force the president to veto an extension of the Emergency Petroleum Allocation Act (EPAA) and that negotiations would continue to drag on. Ford assured Mike Mansfield and Carl Albert that he would be willing to sign a 30-45 day extension of the EPAA as long as he could be "reasonably assured" that his 39-month decontrol plan would be accepted by Congress.²²⁵ Instead, Congress passed an extension of the EPAA that would extend price controls for six months. The bill was vetoed on September

9. While price controls expired on August 31, Ford, expecting a compromise on decontrol, temporarily extended controls in September and November to allow Congress to continue working on legislation (de Marchi 1981). Zarb recommended that the president offer to extend price controls for 60 days as long as S.622 or H.R. 7014 were not sent for his signature and likely veto. Zarb felt that the two bills were “so bad that the possibility of a compromise bill based on them has almost no possibility of becoming law.”²²⁶ Zarb also wrote that the outcome of the conference “will almost without question require a veto.”²²⁷ On September 29, Ford agreed to extend the EPAA until November 15 but was not willing to accept any more extensions.²²⁸

Accepting the “Unacceptable”

On September 23, Jackson’s bill, S. 622 was passed in lieu of House Bill H.R. 7014. Going into conference committee, a new title was added to the bill, the Energy Policy and Conservation Act (EPCA). Until this time, the president’s plan was referred to as the Energy Independence Act of 1975 by administration officials.²²⁹ The altered title is significant when one considers the difficulty Ford had in pinpointing the goal of the bill. “Unacceptable” at the time of passage,²³⁰ Dingell’s H.R. 7014 rolled back the price of new oil and continued controls on oil indefinitely. S. 622 was also considered “objectionable” to the administration and it was expected that the outcome of conference would prompt a veto.²³¹ Both H.R. 7014 and S. 622 included the last of Ford’s 13 initiatives, which would grant the president standby energy authorities. H.R. 7014 also included Titles II and XII, which would create civilian strategic reserves and require appliance labeling under the Department of Commerce, respectfully.²³² Ford told leaders on September 25 that the bills in conference were, “not an acceptable compromise on the oil price control issue.”²³³

The conference committee began on October 7 led by Senator Jackson and Representative Staggers. FEA staff worked closely with the committee to improve the bill but found that the committee was delaying discussion on oil price controls until the other sections were voted upon. Committee members hoped that by making a few compromises early on, they would be able to withhold compromise on price controls yet make it difficult for the president to veto the full bill. The president knew of the tactic a few days prior to the start of conference and said that he had “little confidence” and that they were “facing a veto situation.”²³⁴ Zarb described the bill as containing elements of the president’s comprehensive program, which were unacceptable in their original form. While achieving some changes, Zarb saw little hope of compromising on price controls. Of eleven provisions decided in conference at this time, the FEA found two acceptable, three marginally acceptable, four marginally unacceptable, and two unacceptable.²³⁵

On October 27, Zarb and Friedersdorf recommended that Ford call Representative Staggers to convince him to help persuade Senator Jackson, who had taken the lead on the price control issue, to “put partisan politics aside,” and compromise on price controls. Staggers was unfamiliar with the issue and was potentially persuadable. Ford told Staggers that he had already compromised several times and would compromise again but could not go much beyond his 39-month plan. He implored Staggers to work with Zarb so that they did not “reach an impasse.”²³⁶ Ford noted that his talk with Staggers was “a bit encouraging but a little vague on specifics.”²³⁷

At a bipartisan meeting, Ford was reminded that while in Congress, he had been a conferee and that he should allow the conference committee to form an agreement before they come negotiate with the president.²³⁸ Ford’s view of Congress as the primary actor in establishing new policy led Ford to defer to Congress at several stages of progress on the EPCA.

The president said that, “there is no way an acceptable bill can come out of that conference.” Ford preferred to allow a 60-75 day extension of controls to allow for more negotiations. He was also willing to drop the \$2 import fee depending on OPEC prices, which were being determined soon. Zarb agreed that, “the House bill is very bad.”²³⁹ He felt that it would increase imports, making us more vulnerable to OPEC states and that it would be better to keep controls off and pass legislation dealing with windfall profits, propane, independent dealers, and small refiners.²⁴⁰ Senator John Tower (R-TX) told the president, “it’s 180 degrees away from your earlier position...you get no credit by signing and it’s a capitulation to Scoop. I recommend you veto the bill and run the risk.”²⁴¹ According to Representative George Brown (D-CA), Dingell made a sincere effort working on the administration’s objections but said that if the president does not sign the bill, he should not come back asking for something else. Ford’s instructions to Zarb during negotiations were that “if pricing provisions were acceptable, he could say that he would recommend that I sign, but I made no personal commitment to sign.”²⁴²

While Ford and his advisors experienced setbacks with the proceedings of the conference committee, they continued to seek support from the public, interest groups, and local government officials. In October, William Baroody* suggested that the EPB host several hour and a half long briefings in the OEOB for attendees to the Economic Summit Conference and a group representative of the general public. Simon or Seidman would brief on tax cuts, Zarb or Morton on energy, and Lynn on the budget.²⁴³ In mid-November, Morton directed Zarb to create an Intergovernmental Coordinating Committee (ICC) for the ERC with the FEA taking the lead. Morton wrote that the ERC had “been working together to develop a single [energy] policy, [but] as heads of diverse federal agencies, we have not always presented a united front in communicating this policy downward throughout our agencies or outward to the states, local

* Assistant to the President for Public Liaison

governments, and the public.” The ICC would be an attempt to “speak with one voice on national energy policy.”²⁴⁴ The ICC would meet monthly and pursue two goals: to “coordinate and communicate policy between the ERC and state and local governments,” and their involvement “in the development of national energy programs and policies.”²⁴⁵ The ERC also met with a subcommittee of the National Governors’ Conference in October, mainly to discuss the Synthetic Fuels Program.²⁴⁶

On November 14, the ERC considered the tentative agreement made in the conference committee, “the best that the administration could hope for from the current Congress.” The bill included a reserves program, authorization to participate in IEA programs, a loan guarantee for coal, auto efficiency standards, and appliance labeling.²⁴⁷ Zarb deliberated with his deputy John Hill who felt “more strongly than ever that the bill should be signed.” Hill acknowledged that the bill would not lead to as much conservation as their 39-month plan projections would have but admitted that he did not fully accept that pricing contributes towards conservation in any case. He felt that the pricing issue was more important in terms of increasing domestic production, which he felt this bill did. Ultimately, Hill felt that the bill was a step in the right direction and that even if it amounted to about 60% of the administrations program, it was quite an accomplishment with such divided government. The only benefit of a veto, according to Hill, was the elimination of a federal regulatory program which for the time being, he saw as a suitable program so long as the US was having to deal with OPEC.²⁴⁸ He understood that the president would value Zarb’s recommendation on whether or not to sign the bill and told Zarb that he had “done an outstanding job working with the Congress in the production of this bill legislation and they will support the hell out of you, whichever way you and the president go.” A member of Greenspan’s staff found the phrase, “you and the president,” curious.²⁴⁹ Zarb’s

ownership of the bill is reminiscent of the Civil Right Act of 1957 being referred to as “Brownell’s Bill.”

Senator Tower once again told the president that he needed to veto the energy bill. Representative Samuel Devine (R-OH) called it “the OPEC subsidy bill of 1975.”²⁵⁰ Despite the agreement that the bill was bad and a disincentive to increase domestic production, most also agreed that it was the best they could get from the Democratic Congress and more specifically, the best that would come from that particular conference committee. Several people agreed that, “Zarb and his colleagues got the best possible bill.”²⁵¹ This appreciation of Zarb’s efforts shows the influence that department officials can have with Congress.

Zarb circulated a couple of drafts of an FEA memorandum for the president that compared the conference committee bill to administration goals. Zarb wrote that the FEA’s work with the committee had been “relatively successful,” and that their language had been accepted on several provisions.²⁵² While some departments were disagreeing over the possibility of a veto, the FEA continued, “to work with congressional staff to develop final statutory and manager’s report language for the energy bill.”²⁵³ Treasury officials felt that the FEA was biased in its recommendation to sign the bill, ignored the negative effects the bill would have, and failed to provide an alternative to the committee bill such as immediate decontrol.²⁵⁴ It is clear that even as the president was considering signing a bill, Treasury and Interior had different perspectives on energy issues. Ford should have solidified the administrations goals by differentiating between concepts such as independence, conservation, supply, fair pricing, and free market values. The ERC and EPB helped to resolve specific issues but it was up to the president to construct clear guiding goals.

Simon strongly recommended a veto and suggested that Senator Long, based on their discussions, “would press for separate legislation enacting the desirable features of the bill.”²⁵⁵ He argued that the bill would be counter to Ford’s main objectives which were to increase conservation, increase supply, and reduce imports. Simon further argued that the positive provisions of the bill, which included coal conversion and strategic reserves, were not essential to their overall energy policy and did not offset the effects of the negative provisions in the bill. Simon was concerned primarily that the bill’s elimination of the import tariff and the subsequent reduction in the average price of crude would lead to a reduction of domestic exploration and supply while increasing demand and our dependency on imports.²⁵⁶

The ERC reviewed the final language of the energy bill two days later, which appeared as they had expected it to come out of the conference committee.²⁵⁷ On December 15, the House approved the conference report with the floor vote eliminating an automotive research and development program and restricting the coal-loan guarantee program. Zarb suggested that the deletions, encouraged by Representatives C.G. (Mike) McCormack (D-WA) and Barry Goldwater Jr. (R-CA), were retaliation for Dingell’s defeat of their synthetic fuels commercialization program a week earlier.²⁵⁸

On December 16, Zarb advised the president that the consequences of vetoing S. 622 included a six cent per gallon price increase, propane price increases and shortages, negative impacts on independent refiners and service stations, windfall profits in the petroleum industry, and problems for several interest groups including farmers, fishermen, and airlines.²⁵⁹ Zarb suggested that the president had four options if he vetoed the bill, none of which Zarb saw as practical or capable of gaining support in Congress. Options included proposing minimal changes to the bill and signing a revised bill, allowing immediate decontrol (which would result

from not passing a bill) and proposing legislation that would help cope with immediate decontrol, proposing a phased decontrol plan and extending the allocation act, and proposing a simple extension of the allocation act until the election. Zarb favored option two but was worried that Congress would not pass any of the legislation necessary to cope with immediate decontrol and prices would be left too high.²⁶⁰ In addition to Zarb, Morton, Seidman, Cannon, Train, Friedersdorf, and Seamans recommended signing the bill while, Simon, Greenspan, Kleppe, and Coleman recommended a veto.²⁶¹ Cannon believed that the public wondered if Washington would ever get together on energy. He felt that even though the EPCA was imperfect, the Domestic Council had heard in its hearings that the president and Congress should agree on something.²⁶²

Signing the EPCA

On December 21, Secretary Simon called Ford in the middle of the night and, again, advised him to veto the bill. Simon's main objections were that the bill phased price controls on domestic oil out over forty months whereas the administration had called for immediate phasing out. The bill also reduced the price of oil whereas the White House wanted to reduce energy usage by raising prices. After talking to Simon for half an hour, Ford told him that he had already decided to sign the bill (Simon 2004). Despite the fact that the president had made his decision, White House staff were still editing a signing statement as well as a veto statement on December 22.²⁶³ A draft signing statement reads that the bill "falls short of the near-term goals" established in Ford's State of the Union address.²⁶⁴

Ford's actual statement upon signing the bill declared that the bill "provides a foundation upon which we can build a more comprehensive program for the future. I now ask the Congress

to work with me to put into place additional programs essential to achieve energy independence, including immediate congressional action to deregulate natural gas, to stimulate far greater production.”²⁶⁵ In another statement later that day, Ford noted that, “this legislation is by no means perfect. It does not provide all the essential measures that the Nation needs to achieve energy independence as quickly as I would like. However, after balancing the inadequacies and the merits, I have concluded that this bill is in the national interest.” After explaining which of his programs were included in the bill, Ford continued to say that one reason for signing the bill was that, “I am also persuaded that this legislation represents the most constructive bill we are likely to work out at this time. If I were to veto this bill, the debates of the past year would almost surely continue through the election year and beyond.”²⁶⁶

Major newspaper editorials and White House mail were strongly against the bill, having received about 10,000 letters for a veto and 70 for signing the bill.²⁶⁷ Speaking on behalf of the oil industry, Frank Ikard, president of the American Petroleum Institute, believed that the price controls in the bill would negatively affect domestic oil production and challenged those who believed that immediate decontrol, which would result from a veto, would have harmful effects on the economy. Ikard suggested that all of the major oil companies and independent producers support decontrol and most would favor a veto of S. 622.²⁶⁸ The CEA had also believed that the pricing provisions of the EPCA would encourage an increase in crude imports.²⁶⁹

Between January 1, 1975 and September 9, 1975, the president held 48 verified energy or energy related meetings with members of Congress. These meetings involved 51 Senators and 304 House members. Cumulatively, Ford met with 737 members of Congress during this period. These meetings included breakfasts, dinners, bipartisan, Democratic, or Republican leadership meetings, and individual meetings with Representative Ullman and Senator Long.²⁷⁰ In the end,

the process of creating the EPCA took so long because the president and Congress could not agree on policy goals (Davis 1978). Many problems remained unresolved and Ford was unable to garner support for his full program because he could not explicate the goal of his program clearly; thus, public and congressional support remained weak. Davis (1978) attributed much of the difficulty in passing a full program to the 1976 election cycle because Congress did not want to take any political risks with an election so close.

Aftermath

Accomplishments between January 1975 and December 1975 included having five out of thirteen of the EPCA's titles passed.²⁷¹ The Project Independence Blueprint was revised, the National Energy R&D Plan was completed, and US petroleum consumption decreased 12% due to conservation. Natural gas shortages remained a problem without achieving deregulation, domestic oil production was still declining and coal and nuclear energy still needed to be developed. Elements of the president's comprehensive program that were enacted in the EPCA included strategic petroleum reserves, standby emergency energy authorities, international energy authorities, coal conversion authorities, and appliance labeling. Provisions of the bill described as unacceptable to the president included mandatory automobile fuel efficiency standards, General Accounting Office audits of the petroleum industry, industrial energy conservation targets, and coal loan guarantees. Areas of compromise included conservation grants to states, export controls and material allocation authorities, and mandatory conservation standards for federal agencies.²⁷²

The EPCA extended the decontrol period to forty months and allowed the president to begin the decontrol process with a fifteen-day window for congressional disapproval. The bill

partially succeeded in addressing the security issue by creating an oil reserve that would last approximately six months in case of another embargo. The reserve, obviously, did not promote long-term security. It did provide for a period in which consumers could gradually adopt more efficient energy sources. This was necessary because the bill failed to provide low-cost energy after 1976 (Davis 1978).

During the development of Ford's 1976 State of the Union address, which began months before the signing of the ECPA, Seamans saw "a lack of public perception concerning the effort the administration has made to solve energy problems." Much of the way energy was presented in the 1976 State of the Union address was reminiscent of how it was presented a full year earlier, with decontrol at the heart of it.²⁷³ When James Cannon met with several officials in order to develop proposals for Ford's 1976 State of the Union address, Morton did not make any energy-related recommendations. Rather, he was concerned with deregulation of all business, job development, ocean development to produce food and minerals, and civil rights.²⁷⁴ Zarb, on the other hand addressed the creation of a Department of Energy, an Alaskan gas pipeline, coal, nuclear waste, solar energy, conservation, the Energy Independence Authority, and natural gas. Zarb also recommended that no new major proposals be made; rather they should simply rearticulate those measures that had not yet passed.²⁷⁵ The difference seems telling. Perhaps it was because Zarb was much more involved in energy policy than Morton actually had been or Morton really was not as concerned with energy and perhaps might not have been the best choice to chair the ERC.

By 1976, when Ford was running his first presidential campaign, the oil supply had risen and consumers had adjusted to higher prices of energy. The EPCA was successful in that it prevented prices from rising too quickly. The country's dependence on foreign oil had actually

grown and Ford campaigned on energy independence claiming we could be self-sufficient by 1985 with his \$100 billion plan. Meanwhile, Democrats called for conservation and environmental protection. Domestic oil prices tripled between 1976 and 1980 while foreign oil prices doubled (Isser 1996).

Cabinet Secretaries as Liaison with Interest Groups

Throughout the process of developing energy policy, ERC members at the cabinet-level maintained working relationships with major interest groups, exchanging letters, holding meetings, and hosting forums. Gaining the support of these groups was important in trying to gain support in the overall public. In May 1974, the League of Women Voters sent Simon several bulletins about energy that informed readers about offshore drilling, coal production, energy supply and demand, and the effect of the energy crisis on cities. The bulletins warned of the environmental dangers of drilling the continental shelf, appeared cautious about the increased consumption of coal but favored strip mining in comparison to deep mining, if only for safety reasons. The League argued that forthcoming energy policy should not neglect urban areas and the poor, and that energy policy must be aimed at reducing demand as well as increasing supply. It also argued that, while not useful in the short-term, alternative sources of energy were necessary.²⁷⁶

Some interest groups were relied on for information as in February 1975, when the CEO of Exxon, Michael Wright, wrote Secretary Morton with a copy of a letter to Frank Zarb, which responded to FEA official Roger Sant's request for comments on automotive fuel efficiency. In regards to Ford's goal of 40% improvement in automotive gas mileage, Wright recommended that each option being considered be assessed in terms of its "total energy impact." Wright

warned that increasing compression ratios and thus using higher octane gasoline would require more energy during the refinery process and would require so much investment from gasoline producers, that they would redirect investment from development of energy saving processes.

Wright further suggested that a more viable option was to reduce the weight of vehicles and concurrently save energy by not producing those materials that contribute excess weight.²⁷⁷

While informative and truthful, Wright's letter appears to shift responsibility from Exxon and the gas industry to car manufacturers. Of course, those interest groups that have the most influence are those groups whose interest is money.

An interesting case of the relationship between secretaries and interest groups occurred on January 17, when Ford met with Citizens for a Strong Energy Program at the request of Morton. The group was led by former Commerce Secretary Pete Peterson and had been advertising in newspapers for a comprehensive program.²⁷⁸ It is interesting that when a former secretary leads an organized citizen group, his views might be heard more than when he was an actual secretary.

The ERC's efforts received praise from the president of the American Mining Congress, Allen Overton who wrote President Ford and made "generous remarks about the work Rog Morton, Frank Zarb, and other administration witnesses did in assuring a favorable vote" when the House sustained Ford's veto of the strip mining legislation.²⁷⁹ Morton, as secretary of the Interior, was asked to work with congressional conferees when many of the legislative provisions were seen as "unacceptable" because of their effects on inflation when it was in conference in November 1974.²⁸⁰ In September 1975, President Ford congratulated Secretary Morton for his work in the Department of Commerce and with the ERC, "in achieving agreement among the great majority of appliance manufacturers to improve the energy efficiency of their appliances by

20 percent.” Ford asked that Morton extend his appreciation to these manufactures as they continued to “achieve energy independence.”²⁸¹

Conclusion

President Ford, more than many other presidents, appreciated the value of allowing advisors and other political actors contributing their input on an issue. He best represents the idea of being “collegial,” as he respected all of his colleagues and former colleagues as well. The use of the ERC and EPB suited Ford well and their outreach to Congress, the public, and industry provided Ford with information. Ford was very proactive in engaging with advisors at ERC and EPB meetings, leadership breakfasts, and while vacationing in Vail. But without clarifying his purpose, limiting the scope of the initiative, or preventing Congress from having too much influence, Ford did not achieve much.

Of Mintzbergs (1975) three managerial roles, Ford exhibited them all. In fulfilling the informational role, however, it must be noted that while Ford put forth the effort at being a spokesperson for the initiatives, he failed to clarify his vision and purpose. His attendance at ERC and EPB meetings as well as his use of legislative meetings remains exemplary. This effort allowed Ford to maintain information on the issue. He excelled in fulfilling the interpersonal role because of his relationship with all those involved and in his decision-making role because he provide a forum for settling disagreements and personally considered several alternatives presented in his option papers. He represented some good managerial qualities of presidents by utilizing cabinet secretaries and department officials in constructing policy, working with Congress, and communicating with the general public and the private sector while actively supporting and engaging with those officials. His failure to have a clear message and vision,

made these efforts less effective. For these reasons, I have identified Ford as a “collegial supervisor.”

Chapter V

Jimmy Carter and Welfare Reform

Introduction

In the case of welfare reform, I characterize Jimmy Carter as an “ineffectual executive.” Carter maintained a distant relationship with his cabinet secretaries and was unable to foster a working relationship with many of his subordinates whom he had not known prior to being president. While other presidents have allowed their department heads to have autonomy in creating initiatives, Carter’s outsider status prevented his appointees from having any understanding of the president’s preferences. While he had difficulty giving clear direction to HEW Secretary Joseph Califano, Carter also failed to take steps to reconcile differences between HEW and Labor. While Califano provided Carter with guidance as to how to initiate reform that had congressional support, Carter’s lack of managerial technique led to the Program for Better Jobs and Income (PBJI) failing even to be given a floor vote.

Carter and Califano

Joseph Califano was a Harvard-educated lawyer from New York, who began his work in government under the Kennedy administration as an assistant to general counsel in the Defense Department. He also served as a special assistant to the secretary and deputy secretary of Defense, a position that allowed him to work with the Johnson White House. From 1965-1969, Califano served as special assistant to the president where he took the lead on domestic policy.

After the Johnson administration, he returned to practicing law, which included a position as general counsel for the Democratic National Committee (DNC) from 1970 to 1972 (Sobel 1990).

Carter was a Georgia merchant who owned a family business. While highly educated with a distinguished military career, Carter's public service remained at the state and local level prior to his presidency. He began with seven years as chair of the local school board before serving four years as a state senator. Four years after leaving the Georgia State Senate, Carter served one four-year term as governor before spending two years on the campaign trail for the presidency. Carter worked to gain exposure by chairing the DNC Campaign Committee for gubernatorial and congressional elections in 1974 (Bourne 1997).

Califano and Carter are starkly different individuals. While they share the same party, regional differences often superseded party. Carter is more conservative and a Washington outsider while Califano served under Lyndon Johnson and worked with the DNC during the time that the party nominated liberals Hubert Humphrey and George McGovern for the presidency. On the issue of welfare, Carter and Califano were in opposition over what the issue was really about. Carter was a southern governor who supported the idea that current policies were "anti-family," and that the welfare system "breaks up families" and encourages people to live "in sin because they lose Social Security benefits if they get married" (Califano 1981, 13). Califano (1981) suspected that his being Catholic was part of Carter's strategy to emphasize family values and court the Catholic and Christian vote. Indeed, Carter's support among Catholics was very weak when compared to the support gained by Kennedy in 1960 (Caputo 1994). This was a setback for the party. During their first private meeting, Califano (1981, 14) observed that Carter was "politically innocent about the difficulty of achieving massive reform." Carter said that "if Congress doesn't move, I'll get the American people to move them" (Califano 1981, 14). This

statement implies that Carter did not intend to move Congress himself.

Califano (2004) admits that when Carter was elected he instantly wanted to be a part of the administration, with HEW secretary as his top choice and OMB director as his second. His goal was to “demonstrate the effectiveness of Great Society programs” (Califano 2004, 325). Describing his hopes, Califano wrote that, “second only to the president, the HEW secretary had the most power to affect the lives of Americans. I intended to use that power” (Califano 2004, 329). The *Washington Post* reported that Califano,

Will now have to run programs that he had much to do with creating when he was President Lyndon Johnson’s top man for domestic affairs . . . His work in the apparatus of the Democratic Party should help him in coping with what is not only, in his words, ‘the people’s department,’ but the politicians’ department- the principal arena in which the nation’s various social ambitions are worked out (Califano 2004, 327).

Califano was recommended to Carter by his running mate Walter Mondale. According to Senior Advisor and Chief of Staff to Vice President Mondale Richard Moe, “Califano was a much more difficult or certainly a different kind of choice, and Mondale was required to be more persuasive on that” than other appointment recommendations.²⁸² Califano’s tense relationship with Carter and the White House has been described as personal-- most of Carter’s team from Georgia and First Lady Rosalynn saw Califano as “disloyal,” (R. Carter 1984, 164). There was also a lot of professional tension. Califano held a confidence that many other cabinet secretaries did not possess. When National Security Advisor Brzezinski wanted cabinet minutes to be classified as “secret,” Califano was the only secretary to challenge him (Shogan 1977). Califano was not going to allow anyone, another cabinet member or a member of the White House staff, to interfere with his efforts. One of Mondale’s aides, Michael Berman observed that, “when somebody like Joe Califano—as Joe did—went in and insisted on control, if you wanted Joe, that was part of the price to pay.”²⁸³

Califano is considered a generalist who did not have ties to the interest groups that his department served. He was particularly disconnected from teachers unions and the National Education Association who wanted a separate Department of Education, which Califano opposed. Organized groups did, however succeed in getting an ally to head the Department of Labor, F. Ray Marshall (Brown 2012). This might help account for the strong positions that Secretary Marshall took during the welfare debate, and perhaps the few victories he had over Secretary Califano. According to some officials, the president saw Califano and Marshall as coequals thus making the president the only person to resolve disagreements (Shapiro 1978).

Transition and roles defined

Many of Carter's advisors in the White House, known as the Georgians, served Carter as Governor. Stuart (Stu) Eizenstat, who had been a researcher for President Johnson, volunteered to write issue papers for Carter during his gubernatorial campaign in 1970. In many ways different from the other Georgians, Eizenstat was Harvard-educated and devoutly Jewish. In 1973, as Carter began contemplating a presidential run, he joined a group of advisors who reviewed Carter's views and helped him formulate stronger positions, particularly in foreign policy. Early on, Carter spoke thematically but struggled with details of many issues. Eizenstat helped Carter "refine and articulate his positions on a range of topics" (Bourne 1997, 275). According to Bourne (1997), Eizenstat was upset about the policy development process in the campaign. He felt that he and his team lacked interaction with Carter, did not receive feedback, and could not adequately brief Carter in order to turn his beliefs into political positions. Others in the campaign, such as Hamilton (Ham) Jordan, appeared not to have much interest in issues; rather they were concerned with electoral strategy. Eizenstat became more influential when he

joined the campaign full time in April 1976. He built a team of experts who wrote strong position papers for Carter but found that Carter did not use their material in campaign speeches. Because of his difficulty appealing to liberals, Carter was vague in his campaign speeches and preferred not to discuss particular programs (Bourne 1997). The detachment that Eizenstat described would be a common problem during Carter's presidency, a characteristic that has contributed to my classification of Carter as an "ineffectual executive," who was passive consequently gave unclear directives.

Carter's administration blueprint called for a "spokes-on-the-wheel" White House staff and cabinet government where Carter would support the cabinet as the focal point of policy development (Dumbrell 1995). Carter was much more personally involved in cabinet selection than he was in White House staff selection. This was due to his belief that Nixon's White House staff enabled the president's abuse of power and was the main cause of the public's disapproval of the presidency. Carter felt that transferring power to cabinet members was the best way to avoid abuses of power and reassure the public (Burke 2000). Cabinet members were to work with White House staff and "make decisions under the guidance of the president, or, if unable to decide, propose options for the president."²⁸⁴ Carter however failed to address how he intended the cabinet and White House staff to coordinate and become integrated. Advisors warned Carter that cabinet members "must satisfy a 'constituency' comprised of [their] own department, Congress and its relevant committees, interest groups, etc."²⁸⁵ A formal system of cabinet councils or task forces was recommended over the president's intention to use the full cabinet as a deliberating body (Burke 2000). According to Richard Moe,

It clearly was not Carter's style to use seminars or meetings of any sort as a means to make a decision. He would be compelled to hold meetings on certain key issues. For example, I remember Joe Califano coming in several times to make his presentation on national health insurance to the president, and you'd see his eyes glaze over; he was just

bored to tears. But he would never make a decision in those meetings. He would go back and make his decision on a piece of paper, an options paper.²⁸⁶

Journalist Robert Shogan (1977, 192) observed that Carter's cabinet was "a mixed bunch, without much in common....they are still sorting out their relationship with the president and to each other." Shogan (1977) also described cabinet meetings as having limited communication where most of the discussion could have been made using memos. Carter tended to take in information, often giving attention to his personal interests, rather than encouraging debate. Frank Raines, the assistant director of the Domestic Policy Staff (DPS) said that Carter "was more involved in this [welfare] than any other issue" (Shapiro 1978, 177)

By the end of the transition, a more traditional White House staff-based model was decided upon. During the first several months of the administration, the responsibility for policy development was claimed by departments as well as the DPS led by Eizenstat. A review in June 1977 found that the two waited too long to coordinate and that the White House staff often worked without knowledge of the departments' positions (Burke 2000). The DPS expanded in July 1977 to forty-three full time positions while other White House offices downsized (Dumbrell 1995). Carter began to rely on the DPS as the main coordinator of policy (Hargrove 1988). Unlike Bill Seidman who was executive director of the EPB under President Ford, DPS head Stu Eizenstat was not described as an honest broker, rather he was seen as a policy advocate (Dumbrell 1995). Having an advocate rather than an honest broker coordinate, requires a more proactive role on the part of the president in order to avoid the dominance of that single advisor and to resolve disputes. As an "ineffectual executive," Carter was not involved in such a way.

Burke (2000) argues that Carter's difficulty in coordinating policy development stemmed from his failure to define "cabinet government." One interpretation is that policy-making would be delegated to departments. Another interpretation is that the cabinet was meant to be a

collective deliberative body, possibly using cabinet ‘clusters.’ Another problem that was not solved was how White House staff would contribute to policy-making (Burke 2000). Because Carter left these questions unanswered, Richard Moe observed that “forceful [secretaries] like Califano felt they had complete *carte blanche* and did.” Moreover, Califano was unresponsive to the White House and felt that he did not have to deal with them.²⁸⁷

Mark Siegel, who was part of the campaign committee and later deputy assistant for policy analysis, noted that Carter “wanted the cabinet secretaries to be very much on their own in terms of policy, in terms of personnel” and to not have to answer to White House staff. When Carter asked someone like Califano to take their position, he would say something like, “I don’t want you to suffer any interference from my staff.”²⁸⁸ I trust you. I’m putting my confidence in you. You pick the best people.” Carter also, however, allowed Hamilton Jordan to review the nominations made to be sure that there would be no political difficulties. Carter discovered at the start of the administration how independent Califano intended to be.

Carter allowed cabinet members to choose their own immediate subordinates (Dumbrell 1995). Deputy Director of the DPS David Rubinstein, complained that this allowance was “giving the government away to the cabinet officers.”²⁸⁹ Califano encountered opposition when he named Hale Champion to be his undersecretary. Jordan worked through the media in his opposition prompting a columnist to write that Carter’s interests were not being served by Califano’s appointments (Califano 1981). When Califano went directly to Carter to see if he had any objections to Champion, Carter said he did not and promised that if he did have any problems that he would go to Califano directly and not use the media or his staff to show disapproval (Califano 1981). In January 1977, Califano appointed Ernest Boyer to be education commissioner. After being announced in the papers, Jordan wrote to Califano, “Joe, I don’t feel

like I have to read about these appts. in the paper. The president asked that you clear these with me. You have been completely insensitive to our modest requests.”²⁹⁰ During the transition, a list of “key subcabinet appointments for Black Americans,” circled around which listed commissioner of education amongst several positions within HEW that the transition team intended to give to minorities.²⁹¹ Staffers such as Jordan, who were concerned with images and electoral concerns, must have seen Califano’s appointments as lost opportunities, if not detrimental actions.

After the Boyer appointment, Califano filled the number two position in the commission by choosing John Ellis. Siegel found out that Ellis was a Republican who supported Ford, was “despised” by educational groups and was even sued by the NAACP. Carter met with Califano and according to Jordan, who witnessed it, said, “Joe, you’ve recommended this guy and I know I told you that you could do your own staffing, but I think you should be aware of what I think belongs in this administration.”²⁹² After a short-lived protest by Carter, he relented. According to Seigel, Carter said,

‘Of course, I will rely on your judgment now that you know how strongly I feel about this.’ And Mr. Califano allegedly said, ‘Thank you, Mr. President, for sharing your views with me, but I have confidence in him and I’m going to go ahead with this appointment.’ And the president said, ‘Okay.’ And the word went forth from this time and place, when that permeated, and it did, everyone knew you could bring in the worst kind of comedian, politically, and get him on. It certainly diminishes staff.²⁹³

Siegel’s recollection confirms Califano’s (1981) belief that Carter and his staff used political support as a measurement of an appointee’s eligibility. In terms of White House staff, appointments were made based on their loyalty to Carter and Jordan and based on campaign pledges to interest groups who demanded race and gender representation (Bourne 1997).

Califano recognized that, because Champion supported Udall in the Democratic primary and Ellis supported Ford, their appointments were opposed by the White House. While Carter saw

loyalty as the most important characteristic, Califano sought a team with the talent and competence that would help him achieve what he wanted to achieve (Califano 1981). Stu Eizenstat and Ham Jordon continuously became aggravated that cabinet members did not consider Carter's electoral concerns. DPS officials saw an electoral need for individual tax cuts that Treasury Secretary Blumenthal opposed. The secretaries of Agriculture, Transportation, and the attorney general also disregarded electoral concerns at times (Dumbrell 1995).

By April 1978, departmental appointments had to be cleared by Assistant for Political Affairs and Personnel Timothy Kraft (Dumbrell 1995). Califano was blamed for firing persons in his department without contacting the White House. Dr. Robert DuPont was the director of the National Institute on Drug Abuse within HEW when Califano told another official that he wanted DuPont gone. Peter Bourne, special assistant to the president for health issues, felt that his authority to be notified of the planned firing was violated and complained that DuPont was "from Atlanta and is a longstanding acquaintance of the president. He has loyally supported us and would not do anything to embarrass the administration."²⁹⁴ Califano allowed his assistant secretaries to have input in filling HEW positions. Assistant Secretary Aaron chose Michael Barth to be deputy assistant secretary for income security policy analysis. Barth would head the Income Security Policy (ISP) staff that would conduct analysis on all of the proposed welfare reform options from HEW and Labor (Lynn and Whitman 1981).

Environment

In fiscal year 1977, spending on income assistance programs totaled \$200 billion, which constituted 49% of the total federal budget. In 1966, the total had been \$32 billion, just 24% of the budget. In 1977, Aid to Families with Dependent Children (AFDC), food stamps, subsidized

housing and Medicaid cost \$51 billion of the total, the remaining \$149 billion covered unemployment, Medicare and Social Security. Criticisms of the welfare system at the time included it (1) being too expensive, (2) not paying out a generous enough amount, (3) being inequitable, particularly at the state and local level, (4) providing perverse incentives such as not working, remaining single to receive benefits, and inter-state migration, (5) being overly complex, and (6) being punitive (Salamon 1978). Another reason for reform was that HEW found that a large portion of AFDC cases were in error because of overpayment, underpayment, or ineligibility.

Many policy advisors in HEW had fought the idea of replacing AFDC with guaranteed minimum cash income as proposed by Nixon in a program called the Family Assistance Plan (FAP) (Salamon 1978). Carter as governor supported FAP (Patterson 2001). While the measure passed the House, Russell Long helped lead the fight against FAP in the Senate, arguing that it contained work disincentives. A major blow came when HEW-prepared charts showed that single mothers could lose money under the proposal (Salamon 1978). Cultural and demographic trends led many, including Senator Long, to require recipients to work for their aid. Only in the 1970s did a majority of women begin to enter the work force, changing the concept of mothers staying at home (Patterson 2001). Indeed, determining benefits for families with two working adults became a major difference in the two plans presented to Carter by Labor and HEW. By 1972, Nixon had “all but disavowed” FAP and did not give the extra support needed to sway a few moderates in Senate, particularly the southern Senators who were more free to oppose FAP because of a lack of southern black support for the initiative (Salaman 1978, 96). The Democratic platform in 1976 blamed Republicans for increased spending and pledged that their goal was “to turn unemployment checks into pay checks” (*Congressional Quarterly* 1977, 855-

56). Carter's presidential campaign announcement included the line "when there's a choice between welfare and work, let's go to work" (Bourne 1997, 342).

Regardless of whether or not the time was ripe for action, Carter had made up his mind to pursue welfare reform and nobody would be able to convince him to postpone it. According to Carter,

A lot of my advisors, including Rosalynn, used to argue with me about my decision to move ahead with a project when it was obviously not going to be politically advantageous, or to encourage me to postpone it . . . it was just contrary to my nature . . . I just couldn't do it. . . .Once I made a decision I was awfully stubborn about it . . . and that may also be a cause of some of my political failures."²⁹⁵

The patchwork of programs in 1977 included Supplemental Security Income (SSI) which cost \$6.3 billion, Food Stamps which cost \$5.4 billion, housing assistance which cost \$3 billion, the Earned Income Tax Credit (EITC) which cost \$1.3 billion, and AFDC which cost \$10.3 billion. Some of these costs were shared with the states. "Simplification" was one of the key objectives that Eizenstat had outlined with Carter. The president wanted a "simplified system of welfare" (Bourne 1997, 370).

Carter and Congress

One of the greatest difficulties in passing welfare reform was that several congressional committees claimed jurisdiction. In the House this included three committees: Ways and Means, Education and Labor, and Agriculture. In the Senate, two committees, Finance, and Human Resources, each saw the proposal. The Senate Finance Subcommittee on Public Assistance was chaired by the new Senator Daniel Patrick Moynihan (D-NY), who not only insisted that Carter fulfill his campaign pledge but was an architect of Nixon's failed reform plan when he was assistant secretary of Labor. Moynihan's goal for New York was to relieve the states' financial

burden. Senator Long's goal was to eliminate fraud within the system.

In the House, liberal members such as Charles Rangel (D-NY) and James Corman (D-CA) were more concerned with increasing benefits than any budgetary concerns (Califano 1981). Representative Phillip Burton (D-CA) had a personal interest in welfare programs even though his committee assignments were unrelated. Because Burton knew more about entitlement programs and budgetary issues than most, the administration feared that if Burton was displeased with their proposals, he would cause trouble in other areas. Burton had been, along with Senator Long the main supporter of Nixon's SSI program that passed.²⁹⁶ Another difficulty for reform was that Nixon's failed initiative damaged some members of Congress politically, with some losing their seats. Members who remained were in no mood to fight over the issue again (Califano 1981).

What made Carter's battle for reform even more uphill was that he did not have any personal relationship with those congressional leaders who needed to be consulted, nor did he have any desire to spend time deliberating with them. Carter admitted that, "very few of the members of Congress, or members of the major lobbying groups, or the distinguished former Democratic leaders had played much of a role in my election."²⁹⁷ Carter further explained his difficulties by saying, "as an engineer and a governor, I was more inclined to move rapidly and without equivocation and without the long interminable consultations and so forth that are inherent, I think, in someone who has a more legislative attitude...So for all these reasons I think there was a different tone to our administration."²⁹⁸

Carter's first misstep with Congress occurred before he was president when Carter requested reorganization authority in a letter on January 12, 1977, more than a week before his inauguration. One of Carter's advisors felt that some members of Congress and Carter himself

began to think of Carter as president as far back as June 1976 and in some ways acted as if it were the case.²⁹⁹ Many senior members, such as Edmund Muskie (D-ME), were also upset that they were not consulted with on major appointments within their areas of expertise.³⁰⁰ Early in the administration, some Democrats were uninformed of visits to their districts by administration officials and close family of the president's. Advisors soon recognized the need to clear and coordinate requests for congressional district visits and began to work with the DNC on the process.³⁰¹

Carter held many legislative meetings in his first few months but maintained no informal or symbolic relationships with members of Congress. Photo ops, pens from signing events, special event invitation, and day-to-day cooperation were a part of Washington that Carter did not understand or agree with. Carter's major mistake was his belief that, as he did in Georgia, he would be able to bypass an uncooperative Congress and gain public support to pass his initiatives, a belief that Speaker Thomas (Tip) O'Neill (D-MA) found appalling (Bourne 1997). Several of the cabinet departments' relationships with Congress also began rocky as some congressional liaison offices in the departments had difficulty with filling staff in a timely manner.³⁰² Almost a year into office, the departments would take up to two months to reply to congressional mail, forcing the president to comment on the failure during a cabinet meeting.³⁰³

Assignment

In November 1976, President-elect Carter asked his advisor, Joseph Califano over the phone how long it would take to create a welfare reform proposal. Califano responded, without much thought, that one could be created by May. Weeks later, after Califano's appointment to be secretary of Health, Education, and Welfare, Carter publicly announced that a welfare reform

plan was to be proposed by May 1. The deadline was mentioned by Carter on several occasions including town hall meetings where he promised that Califano would work with governors and local officials before proposing a “comprehensive revision of the entire welfare system” (Califano 1981, 326). Califano said that he “was bothered by the time deadline . . . [because] it's a very complicated subject” (Lynn and Whitman 1981, 47).

On December 9, a transition briefing team recommended to Carter that incremental changes in welfare reform would be much easier to pass through Congress than a comprehensive plan (Hargrove 1988) but Carter chose to pursue a comprehensive plan. On January 21, Carter wrote a note to Stu Eizenstat asking him to “get Califano, Marshall, [Commerce Secretary Juanita] Kreps, you, Tom Joe together and begin working on the welfare reform proposal. Keep me informed. Include Congress.”³⁰⁴ Joe had been a HEW official under Nixon and became an independent consultant to Carter. Carter offered to attend some deliberations after some ideas were formed and he was needed³⁰⁵ but he did not want to engage too early (Califano 1981). Carter thus missed the opportunity to highlight his goals early on. Deputy Director of the DPS Bert Carp noted that, “the president didn't give us any specific guidelines as to how he wanted the process handled. He viewed Califano and Marshall as the key people in putting this together” (Lynn and Whitman, 1981, 52). Carter also refrained from explaining how he wanted Congress and others involved in deliberations. In late January, Califano and his advisors were unable to find out whether or not they needed to prepare one plan or a set of options and when the president and White House staff planned on joining the process (Lynn and Whitman 1981).

Califano wrote that his “only guidance from the president was to develop ‘a comprehensive plan that was pro-work and pro-family’” (Califano 1981, 325). Califano understood that in order to fulfill campaign pledges, reform needed to provide financial relief to

states and local governments. He did not however understand that Carter was concerned about the federal budget. Califano said that in December 1976, he had assumed that Carter's welfare reform would cost more money but did not state that explicitly to Carter. Califano told the press that economic recovery may need to precede reform but Carter stated that he would propose reform in 1977. Califano claims that it was not until March 1977 that Carter told him that there was to be no additional cost to the budget (Califano 1981).

In early February, the administration focused on creating an Energy Department, environmental protection, campaign finance reform, Social Security, and consumer protection. Domestic programs were to be submitted by March except for welfare reform, because Califano's task force had until April or May to develop a plan. The congressional liaison's office noted that it depended upon the task force's recommendations as to whether or not reform would be submitted that year.³⁰⁶

On February 3, Carter wrote Califano to request to "have wide input into the evolution of our welfare proposals."³⁰⁷ Califano replied that they were taking the most open process possible with a May 1 deadline. Led by Bert Carp, HEW established a formal advisory system for input from Congress and state and local officials. HEW staff would meet with relevant organizations, hold public hearings, and request written comments. Califano stated that he had requested written comments from 50 state governors, 100 mayors and county officials, 100 representatives of public interest organizations, 50 academic experts, and 50 members of the House Ways and Means and Senate Finance Committees. Califano claimed that by the end of the process, no group or individual would rightfully be able to claim that they were not consulted or not given an opportunity to comment.³⁰⁸ Yet Carter did not use the influence of his office in garnering support.

Califano established a consulting group, which included representatives from the Senate Finance Committee and the House Ways and Means Committee. To head the group Califano appointed his Assistant Secretary for Planning and Evaluation Henry Aaron (Ponder 2000). The group first met on February 11 and began to look at welfare by reviewing the current system. The group would then consider criticisms of the current welfare system and lastly, discuss reform approaches. Including the consulting group members early on in the process allowed disagreements to arise at the outset and made progress more difficult (Lynn and Whitman 1981).

By the third week of meetings, Labor Assistant Secretary Arnold Packer convinced the group that they should just spend each week debating one alternative jobs-cash assistance program. Aaron noted the meetings became aimless and that congressional opposition was not being weakened (Lynn and Whitman 1981). Disagreements between HEW and Labor began to arise within the group. Packer and Secretary Marshall had a solid personal relationship, which allowed Marshall to delegate responsibility more easily than Califano could delegate to Aaron. Labor's smaller staff allowed them to make quick decision whereas HEW needed to complete a clearing process. This gave Packer an advantage in negotiating with Aaron (Lynn and Whitman 1981). Packer stated at public meetings that "Carter and Marshall" were going to "guarantee a job for every individual" (Lynn and Whitman 1981, 70). Califano remained slightly disengaged at briefings for two reasons. He insisted on having briefings because of the nearby deadline but advisors did not have relevant or interesting information to give quite yet. Second, Califano saw himself, at this time, as the president's representative rather than the leader of HEW. Without Carter's intentions being known, Califano simply wanted the process to go on and saw little role for him to play early on (Lynn and Whitman 1981).

Califano and his team spent the month of March analyzing the consequences of possible

changes in welfare laws. On March 10, Califano held a public hearing on reform where he listened to the concerns of recipients, labor leaders, minorities, program administrators and members of Congress (Califano 1981). The outreach effort was substantial and to some HEW officials, a waste of time. Over two months HEW made over 10,000 media contacts, held 145 meetings including open town hall meetings with a combined attendance of over 7,000 people, and gave handouts and direct mailings to 165,000 people asking for input. While it is assumed that HEW's plan would have looked the same without the outreach program, Califano and others maintain that the inclusion of people in the process is important in itself (Lynn and Whitman 1981). Having cabinet officials engage in public and business relations is primarily important for securing support for an initiative.

Involving the President

In March, Carter requested that Califano brief him and the cabinet.³⁰⁹ Califano had many questions about what Carter intended changes to look like. Without receiving much direction up until this point, he “was hoping to discover what Jimmy Carter meant by welfare reform” (Califano 1981, 330). Califano held a meeting on March 15 that included Champion, Aaron, Barth, [CEA Chair Charles] Schultze, Marshall, and Packer, in order to review seven options and determine how to present the issue to the president. The secretary also sent Carter a memo of basic information the day before their meeting.³¹⁰ Eizenstat cautioned the president about committing to Califano's recommendations before costs and changes in administration were fully analyzed (Lynn and Whitman 1981).³¹¹ Califano and Marshall met with Carter to convince him to move back the May 1 deadline and to get Carter's help in resolving some differences. Both secretaries felt that reform required additional funding, but Carter stuck to wanting zero-cost

reform and to his May 1 deadline (Bourne 1997).

The end of March played host to inter-departmental disputes with Califano losing ground. First, there was Agriculture Secretary Bob Bergland who insisted that food stamps remain within his department. Next, veteran's benefits were discussed because, like welfare, pensions were tested according to need. Advisors instantly reminded Carter that because of criticism for his granting amnesty for draft-evaders, any discussion of veteran's issues was politically dangerous. A leak of this discussion to members of Congress resulted in a letter to Carter demanding that he not take action with veteran's benefits. Third, HUD Secretary Patricia Harris objected to Califano's request that rent supplements be studied during the reform deliberations. A few months later, Carter agreed to conduct the study, which found inefficiencies and recommended that rent subsidies be tied in with welfare reform to ensure more equitable distribution. Harris protested and leaked a story, which prompted construction, housing, and banking interests to complain. Carter dropped the issue based on the advice from Califano, Eizenstat, and Lance that the issue was not worth the fight (Califano 1981). Food stamps, veteran's benefits, and housing subsidies were taken out of consideration for being part of welfare reform. While Carter wanted comprehensive reform, he tied Califano's hands by allowing other departments to maintain control of related programs. This is in stark contrast to Ford's approach which would likely have included some deliberation in a cabinet cluster such as the ERC where no one department had full ownership of an issue.

Califano described to Carter how welfare provided work disincentives. One of the most disturbing statistics was that a family of four with a father working minimum wage earned an income of \$5,678 without medical coverage while a single unemployed mother in a family of four received \$7,161 and is covered under Medicaid. Carter directed Califano to redesign the

entire system using the current budget. Califano insisted that a new system would cost more money than is now being spent but Carter was adamant that there would be no additional costs (Califano 1981) and told Califano “to take all the money that is now being spent on welfare programs and redesign the whole system using the same amount of money” (Kotz 1977, 21; Lynn and Whitman 1981, 89). As governor, Carter stated that “a zero-based budgeting system should be implemented by the executive branch of government, and a maximum spending limit adopted by both houses of Congress” (Bourne 1997, 238). Using zero-based budgeting as a management tool was central to Carter’s principles, so much so that Bourne (1997, 238) described it as “his particular fascination.”

HEW had two weeks to alter their plan into one that had no additional costs. Califano tried to shift money from other departments but no administration officials were willing to donate (Patterson 2001). Califano (1981, 334) was “disappointed. I was afraid I hadn’t gotten through to the president on the political and human prices a zero-cost plan would exact.” Labor Secretary Marshall and even officials at the OMB felt that a zero-cost plan was unattainable and not worth pursuing (Califano 1981). Aaron eliminated the three incremental approaches and left three options to pursue: comprehensive cash coverage favored by HEW, Tom Joe’s triple track proposal favored by the AFL-CIO, and Labor’s guaranteed jobs proposal (Lynn and Whitman 1981). HEW worked with the Congressional Budget Office (CBO), OMB, CEA, Labor, and Treasury for cost estimates. Much of their work consisted of developing offsets with appropriations currently going to AFDC, SSI, EITC, food stamps, Comprehensive Employment and Training Act (CETA), unemployment insurance, and veteran’s benefits. Califano felt that these offsets simply were not enough and began to favor the HEW plan because he felt Labor’s plan was unattainable. While Califano hoped that Carter would pick one of the three plans or

waive his commitment to zero-cost, White House advisors told Carter that he should seek a compromise plan (Lynn and Whitman 1981). At the second presidential meeting on April 11, Califano showed the president charts outlining the three plans. He focused on the inequities that would result from any reform done at zero-cost (Califano 1981). Califano explained that he felt each of the three plans were inadequate without new spending (Patterson 2001) but did not have a specific recommendation for the president (Lynn and Whitman 1981). Carter was upset that Califano had not taken his demand of having zero-cost seriously. Carter saw the status quo as a better option saying, “why not say to hell with it . . . we’re wasting our time” (Lynn and Whitman 1981, 103, Kotz 1977, 19, Patterson 2001). The president turned his attention from benefits to creating jobs which most of the meetings attendees, agreeing with Califano, found to be unrealistic. Many of the people who would fill these positions were illiterate and uneducated and there was no way to create over a million jobs at that skill level. Carter capitulated that he understood that more funding was necessary; however, he reiterated to Califano that he preferred no additional costs. Carter asked Califano for a draft of guiding principles that he could announce on May 1 (Califano 1981).

In mid-April, Carter’s advisors sensed his frustration about developing a reform plan. After the April 11 meeting, Jordan wrote Carter and reported that Carter did not have a clear idea of what he wanted and admitted that HEW’s proposals had been sketchy, in part because Carter needed to clearly define his intentions.³¹² Eizenstat and White House staffer Jack Watson also encouraged Carter to indicate what he wanted from HEW (Lynn and Whitman 1981). Jordan also expressed that the administration had not built any consensus in Congress (Bourne 1997). White House staffers Watson and Jim Parham suggested that welfare reform had too much historical importance to be rushed. They argued that, “unrealistic deadlines should be tempered until you

have a proposal with which you are comfortable philosophically, intellectually and pragmatically.”³¹³ Watson and Parham outlined twelve principles that Carter had outlined over several years of speeches, which they argued could guide Califano and help him focus in a more expedient way.³¹⁴ These principles, which revolved around reducing the stigma of recipients, encouraging self-sufficiency, incentivizing work, and strengthening families, were vague and without reference to any particular programs. They were more suitable for a campaign speech than a policy discussion. Watson and Parham’s memo also seems unnecessary as just a few days earlier Califano had written a memo outlining ten principles that would guide program development.³¹⁵ Secretary Marshall only held serious contention with one of Califano’s ten principles, the inclusion of EITC and long-term unemployment. Marshall added three other principles that he wanted to see an allowance for exceptions to Califano’s dichotomous phrasing, such as in the principle that working families would *always* earn more than non-working families. EOP staff, on the other hand, added some caveat to seven of Califano’s ten principles and only concurred fully with three.³¹⁶

Over the next two weeks, HEW and Labor argued whether to direct any savings towards cash assistance or towards job creation. Lynn and Whitman (1981) suggest that Labor purposefully tied up HEW staff by sending them several plans to do cost analysis on, leaving HEW officials no time to advocate their own interests. Meanwhile, Califano was lost without a strategy or course of action (Lynn and Whitman 1981). Labor and HEW officials met on April 16 to review their disagreements. Labor was enthusiastic to concede several points but several areas of disagreement remained including wages offered through public service employment (PSE), the size of CETA programs, and differing benefits for families and singles or childless couples.³¹⁷ On April 15, the consulting group held their last meeting to unveil the two zero-cost options to

heavy criticism (Lynn and Whitman 1981). As the next presidential briefing approached, HEW and Labor could not agree on how to present their options to Carter, and Labor complained that HEW's presentation charts disproportionately criticized Labor's proposals. Officials decided that alongside each principle each department would write two pros and two cons (Lynn and Whitman 1981).

On April 26, Califano presented Carter with two separate plans and argued the pros and cons of each (Califano 1981). Tom Joes' triple-track option was mutually dropped by HEW and Labor because it was too expensive and complicated but Joe and Eizenstat sent a paper to the president in order to keep the plan alive (Lynn and Whitman 1981).³¹⁸ To avoid the perception of failure that would come with falling short of their goal, Carter agreed not to announce a specific number of jobs they sought to create (Califano 1981). Carter's inability to solve inter-departmental disputes appears evident during this time. He brought CEA chair Charles Schultze in to act as an 'honest broker.' Yet Schultze was skeptical himself about Labor's jobs program (Patterson 2001). In fact, Henry Aaron wanted Schultze and the CEA directly involved because he felt that Schultze would help kill Labor's proposals (Lynn and Whitman 1981).³¹⁹ Schultze complained that he spent a couple of days trying to merge the HEW and Labor plans but saw the chances of successfully merging their positions as "less than 50-50."³²⁰ Later in the memo, Schultze wrote that he felt that the chances of he, Aaron, and Packer making an agreement were about 1 in 4. The main difficulty was whether to provide a set 'wage' or tax credit as Labor preferred or to provide a supplement based upon changes in income level of the entire family as HEW preferred. Essentially, under HEW's plan, a beneficiary whose spouse begins to work would have their benefits reduced because benefits would be based on family income rather than simply providing a regular 'wage' for the original beneficiary. Schultze recommended that Carter

set an internal deadline for him to choose one of the plans while Schultze try once more to merge the two. He further recommended that as soon as Carter decided, he send Califano to negotiate with Congress but to make sure that Califano not begin negotiations until after a decision has been made.³²¹ Some members of Congress would be upset that they had not worked with the administration very closely at this point. Schultze recalled that he ultimately “threw up my hands,” because Califano and Marshall presented “two fundamentally opposed ideas.”³²²

There are several important points that can be deduced from this evidence. First, several of Carter’s advisors were using campaign speeches and other sources to delineate principles by which to create welfare reform. This occurred in March, months after Califano began formulating a plan. The fact that these principles were being developed without the president’s participation is evidence that Carter was both passive and unclear in his directives. Carter was also tardy in assigning Schultze as an “honest broker.” HEW and Labor were, at that time, on opposite sides of the issue and their separate plans were incompatible. Three factors that contributed to Carter’s failure were not establishing and clearly outlining principles early on, allowing departments to take some issues off the table such as food stamps and housing subsidies, and allowing HEW and Labor to create two separate plans with no method of reconciliation rather than establishing some council or committee as a deliberative body.

Congress

At the March 25 meeting where Carter directed Califano to develop a zero-budget increase program from scratch, Carter told Califano, “give me the perfect plan and I’ll worry about the politics” (Kotz 1977, 21, Lynn and Whitman 1981, 89). After considering congressional support for reform, Carter wanted to combine cash assistance with the jobs

program and, along with the administrations tax reform proposal, “move ahead on everything at once” (Califano 1981, 340). When the administration released general principles in lieu of an actual plan, Congress became weary with Senator Moynihan saying that the administration was “dawdling,” (Patterson 2001) and Senate Majority Leader Robert Byrd (D-WV) saying that welfare reform would have to wait until the next congressional session (Shogan 1977, 241). Califano suggested that they submit welfare reform before Congress recessed on August 5 and that waiting until September would make it look as though they were not serious. He also recommended that when the president talks to congressional leaders, he talk about all of the administration’s pending proposals to show an eagerness to get approval.³²³ The combination of welfare benefits and jobs in a single bill would become a main criticism as to why Carter’s initiative ultimately failed. Labor Assistant Secretary Arnold Packer, Representative Ullman, and others suggested to Carter and Califano that two separate bills would more easily pass through Congress. Aaron also recognized that the president would likely favor a plan that included a negative income tax and public service jobs (PSE), which were opposed by Ullman and Long (Lynn and Whitman 1981).

Califano felt that in order to get through the blockade which they expected from Senator Long, they needed to get as much as they could from the House so that there would be room to negotiate with Long (Califano 1981). On April 30, Carter met with Califano, Marshall, and Eizenstat and showed them his own version of the goals which they had established. While much of it was the same given two weeks earlier, it began with Carter’s commitment to have no higher cost than the original system. All three advisors argued against the commitment but Carter was unmoved. Eizenstat convinced Carter to reluctantly change the wording to “no higher initial cost,” which allowed for possible increases in the future (Califano 1981). The assistant

secretaries held an extended meeting to focus on the May 2 announcement of principles. Carter went in and out of the meeting, which resulted in very broad principles (Lynn and Whitman 1981).

Past the Deadline

The May 1 deadline came and went. For months, HEW officials had complained that the deadline was unrealistic. Although Califano had tried on five occasions to convince Carter to move the deadline, the president refused (Lynn and Whitman 1981). On the next day the president stated that “the present welfare program should be scrapped and a totally new system implemented.”³²⁴ That same day, Califano called welfare reform “the Middle East of domestic politics” (Califano 1981, 321). Carter outlined some principles but not a program. He did however commit to a proposal that did not increase federal expenditures. The *Wall Street Journal* saw Carter’s statement as a reflection of “an inability of the Department of HEW and the Department of Labor to come up with a detailed plan-for that matter any plan at all- that the White House was willing to endorse.”³²⁵

In the same press conference, Carter named energy legislation his highest priority and suggested that because many of his proposals were dealt with by the same committees, he would “depend on congressional leaders to decide in which order they will address these major efforts” (Califano 1981, 341). This is evidence of Carter’s passive approach to Congress. Carter’s May 2 public address included several points that were recommended by Califano a few days earlier. A memo from Califano to Carter suggested that he “scrap the entire welfare system” because the surgery to be performed is far more radical than you had previously imagined.” Califano suggested that AFDC, SSI and food stamps be consolidated into a single cash assistance

program, that Carter announce an intention to establish a new employment program that provides education and training and offers public jobs for those unable to find employment on the private sector. Califano also recommended that Carter abandon catch phrases such as guaranteed jobs, negative income tax, and single, double, and triple tracks. After scrapping the current program, Califano would be charged with working with each state governor individually on levels of cash assistance. Califano and Marshall would consult with Congress and governors to create a flexible health, education, training and employment program where Labor would eventually be in charge of training and employment while HEW took on education and health issues. The dismantling of the current system was to take four years.³²⁶

Congressional response to Carter's principles was positive. Senate leaders Long and Moynihan were optimistic that HEW would present them with a bill that would receive overwhelming support in Congress (Lynn and Whitman 1981). On May 4, Califano testified before the House Ways and Means Public Assistance and Unemployment Compensation Subcommittee. Charles Rangel strongly criticized the goal of having no initial cost. The next day, Califano testified before the Senate Welfare Subcommittee where Chairperson Moynihan carried on with Rangel's objections. It was clear that Califano agreed with Moynihan that reform without new expenditures was ridiculous (Lynn and Whitman 1981). Following testimony from Marshall as well, he, Califano, Eizenstat, and others compromised on a proposal with no initial cost. The advisors continued to believe that a no cost proposal would fail and tried to convince the president of their concerns. Califano (1981) understood that most members of Congress would have preferred not to have anything to do with welfare reform. The administration's greatest support came from governors and mayors who sought fiscal relief. If there was to be no additional resources from the federal government, there was no relief for the states. Thus, Carter

risked losing the support of those officials who may have had some influence.

Califano even publicly objected to Carter's tough stance on costs. "Carter had never objected to my public statements...I had the distinct impression that he enjoyed, and found politically advantageous, his tight-fisted posture as opposed to the position of his liberal HEW secretary" (Califano, 1981, 345). While mayors publicly complained that Carter was backing away from his campaign promise to provide fiscal relief to states, Senator Moynihan decided to act by passing a bill through the Finance Committee that provided \$1 billion in relief to states and cities. Moynihan justified his action by pointing out that Carter's plan was not supposed to take effect until 1980 while states needed relief right away (Califano 1981). Senator Abraham Ribicoff (D-CT), former HEW secretary under Kennedy, was also distraught over Carter's stance on costs proclaiming about the administration that, "they don't know what the hell they are doing with welfare reform" (Califano 1981, 348).

The relationship that the administration and HEW specifically had with the states was damaged even before Carter took office. Several states claimed that HEW owed them money for their provision of social services before 1975. HEW challenged some of these claims until June 1978 when Congress passed an administration bill that settled \$2.4 billion of claims by the states. Califano had called the ongoing issue the "largest irritant in HEW-state relations."³²⁷ This dispute, along with Carter's protection of the federal budget, likely made it difficult for some governors and mayors to work with HEW in reforming welfare.

Carter gave HEW and Labor two weeks to settle their differences on benefits. On May 14 Eizenstat reported to Carter that Labor and HEW had agreed upon a single plan. At Califano's request, Eizenstat met with HEW Assistant Secretary Aaron, Labor Assistant Secretary Packer, Bert Carp, Frank Raines, and Tom Joe several times to negotiate the details of each departments

plans.³²⁸ The agreement might have come more from direct talks between Secretaries Califano and Marshall. Packer and Aaron were unable to agree and Packer was committed to Labor's sole plan while HEW had six different options to work with. To circumvent Aaron, Packer decided to have Marshall convince Califano to adopt Labor's two-tier plan (Lynn and Whitman 1981). On May 13, Marshall wrote Califano directly (Lynn and Whitman (1981) assert that Packer wrote the memo on Marshall's behalf) stating, "we may have to wait well past the president's deadline if you and I delay seeking a compromise until the assistant secretaries involved reach agreement." Marshall suggested that he would "reluctantly" concede a guaranteed income to those "not expected to work" even though he and Senator Long opposed it. For those "expected to work," Califano wanted to guarantee the same \$4,700 while Marshall wanted no guaranteed benefits; rather they would be able to receive EITC benefits. Marshall proposed that they split the difference at \$2,350. Marshall also offered a compromise on benefit reduction rates as those "expected to work" earn more income and suggested that their staffs continue to work on tax rate negotiations.³²⁹

On May 11, Packer missed a meeting with Frank Raines, Jim Parham, and HEW officials where White House staff checked in with the group to make sure a compromise would result before Carter's deadline. In Packer's absence, HEW staff sold Raines and Parham an HEW plan that had been developed internally in 1972. The plan maintained HEW's benefit levels but contained a two-tier structure that made the plan look more like Labor's plan. Whereas Labor intended beneficiary's to begin with lower benefits and move up to the higher tier if they could not find work, HEW intended on beginning everyone on the upper tier and only moving them down as their income grew. Dubbed the "no-compromise compromise plan," of which Packer was not aware, the plan maintained HEW's plan for guaranteed income and gained White House

support, squeezing out Labor officials (Lynn and Whitman 1981, 150). While Marshall opposed the new plan, Bert Carp and the DPS asserted their support enough that Labor accepted the agreement. According to Lynn and Whitman (1981), neither Califano nor Marshall reviewed the plan in detail and were acquiescent to the idea. Califano remained concerned about total appropriations while the plan being presented to Carter was developed by HEW staff with the support of a couple of White House staffers. A few weeks later, Califano conceded to the Labor position that families begin their benefit schedule on the lower tier because Califano knew that tough work requirements were necessary to gain conservative support in Congress. Furthermore moving someone from higher to lower benefits would require a hearing, which would put only more stress on the administrative aspect of the program (Lynn and Whitman 1981).

On May 20, Carter's CEA advisors reported that HEW and Labor had reached an agreement that would serve as a basis for congressional negotiations. While the plan was not complete, the CEA suggested that Carter would make final decisions in late July and could submit a proposal in August. Four areas where there was no agreement included the number of jobs that would be required, the possible allowance of paying above the minimum wage, the exact levels of assistance for 'those required to work,' and 'those not required to work,' and the allocation of funds between employment programs and income maintenance. Benefit levels, cost sharing between states, administrative structure, and the relationship with Medicaid and other social services were also unresolved at this point and being staffed out.³³⁰ Califano and Marshall reported to the president that they would spend several weeks determining the plans impact on states, soliciting reactions from state and local officials, and getting a detailed assessment of the political situation in Congress.³³¹ Except for the insistence of Eizenstat, OMB Director Bert Lance, and Schultze³³² to solve the remaining disagreements, there was no effort or meeting

called to solve those issues (Lynn and Whitman 1981).

Going Public

On May 25, Califano held a press conference on welfare reform, and used the words “tentative,” and “working plan,” highlighting that it was not yet finalized (Lynn and Whitman 1981). Eizenstat warned the president that, “Senator Long will be conciliatory, Senator Moynihan generally supportive, but Representative Ullman is inclined to attack our proposal as ‘a negative income tax’ and ‘a rerun of FAP.’”³³³ Eizenstat urged Carter to call Ullman to ask him to refrain from criticizing their plan publicly until he was briefed by Marshall and Califano and to suggest that Carter’s plan was different from Nixon’s FAP.³³⁴

The administration received media criticism about the plan. Initially HEW, Labor, and OMB intended on setting strict deadlines and assigning responsibility for resolving the remaining differences, but put the issues off while the two departments met with the states. They would revisit the issues in July and allow assistant secretaries to work them out (Lynn and Whitman 1981). During meetings with state officials, the zero-cost restraint was widely criticized because it would be difficult to provide fiscal relief to the states. The jobs program seemed insufficient, and Medicaid remained a major concern as well. The meetings clarified state issues for department officials and Califano worked to implement some changes that some governors commended Califano on during a White House briefing on July 9 (Lynn and Whitman 1981).

During July, there were three forums for working out the details of the reform initiative. HEW held internal meetings led by Aaron and James Cardwell, a career bureaucrat, which concentrated on administrative issues. Labor also held internal meetings focusing on the administrative details of the jobs program while a multi-agency groups consisting of mostly assistant secretaries worked out more fundamental issues (Lynn and Whitman 1981). HEW

decided issues such as leaving Medicaid at existing eligibility, eliminating regional cost-of-living variations and requirements for reporting income. Labor created a ‘Welfare Reform Group,’ that met twice a week during June and July. Internal conflict grew over which part of the Department would administer the jobs program. Once it was decided that local CETA sponsors would administer, it was not until the day before Carter’s announcement of the program on August 5, that Labor submitted cost estimates to OMB (Lynn and Whitman 1981).

On July 16, the multi-agency group referred to as the “informal cabinet” by Lynn and Whitman (1981), held their first of just three meetings^{*}. The main dispute was over state supplementation. With HEW and Labor unable to compromise, a compromise plan was created by CEA official Nordhaus which Aaron and ISP staff were unhappy with. HEW was also forced to concede ground to Labor on EITC, which HEW wanted eliminated. Packer sent memos on Marshall’s behalf to Califano and the president on the issue and secured an agreement with Nordhaus at the second ‘informal cabinet meeting’ on July 19. Participants described the meetings as Aaron and Packer trying to upstage each other (Lynn and Whitman 1981).

A final conflict before presenting a program to the president ignited between Califano and HUD Secretary Patricia Harris. In an effort to offset costs, HEW circulated for comment to HUD, CEA, and DPS, a draft of three options on how to treat recipients of housing subsidies. The question was whether subsidies should continue without change, they should maintain subsidies while reducing welfare benefits, or they should transfer some recipients exclusively to welfare benefits and reduce the number of housing subsidies from 400,000 to just 50,000 units. HUD strongly objected to this proposal and cited that housing assistance was taken off the table in March. Again, Harris used the press, leaking the proposal and causing special interests and

^{*} Attendees included HEW officials: Aaron, Barth, Todd, Heineman, and Marcus; DOL: Packer, Allen, Gustman; CEA: Schultze, Nordhaus, Springer; OMB: Woolsey; WH staff: Eizenstat, Carp, Raines, Spring, and Parham; as well as Tom Joe.

members of Congress to challenge Carter and Califano on the issue. After suggesting the creation of a tax for subsidy recipients instead, Califano gave up the issue completely seeing that it was not worth the political trouble. Against the objections of Harris, Carter allowed Califano to use the savings that HUD would gain from welfare reform, estimated at \$500 million, as an offset (Lynn and Whitman 1981). This minor dispute is clear evidence that the lack of a formal interdepartmental deliberative body charged with working on comprehensive reform caused speed bumps to appear at the end of the track.

On July 25, Califano sent a memo with an updated proposal to Carter in hopes that it would form a message to Congress in early August. Based upon the principles that Carter outlined on May 2, the new proposal was developed by Califano and Marshall along with Schultze, Eizenstat, the OMB, and other EOP and Treasury staff. Califano credited the advances made in this revised proposal to their consultation with state governments. He described the plan as giving incentives that “favor private over public employment,” it consolidated cash assistance programs, made welfare “more adequate and equitable,” and would help to keep families together.³³⁵ The central feature of Califano’s plan was a two-tier system separating those who were “not expected to work,” and those low-income people who were “expected to work full time” (Patterson 2001, 126). Schultze described Califano’s proposal as one “which meets the minimal needs of an income support system at reasonable cost” and recommended that Carter approve the package subject to a few reservations Schultze had about Califano’s jobs program.³³⁶ Califano’s plan would cost \$2.8 billion more than current expenditures with \$2.1 billion of that providing fiscal relief for states (Patterson 2001). Schultze recommended postponing a submission to Congress until after the recess so that they can work out the EITC’s relationship to the tax reform proposal.³³⁷ Patterson (2001) points out that Califano’s plan was sixty-two single

spaced pages long with an additional seventy-five pages of charts. Because of its detail and complexity, only a couple of people fully understood the plan, a fact that would make selling the initiative extremely difficult.

On July 28, Carter was briefed on the plan by Califano in a two hour meeting attended by all of the top officials that had been involved in its creation (Califano 1981) After reviewing offsets, Carter asked HEW to consider reducing the minimum federal benefit. Carp and Raines feared that the minimum was much higher than the benefits given in southern states and fiscal relief to these low benefit states would appear like Carter favoring the south. HEW preferred to maintain the proposed federal minimum but allowed the inclusion of Tom Joe's "maintenance of effort provision" which required states to pay ten percent of the federal minimum benefit and the "hold harmless provision" which phased in fiscal relief over several years reducing the state's costs of welfare each year (Lynn and Whitman 1981, 219-20). Aaron and Califano's Executive Secretary Ben Heineman did not like the last minute changes while Aaron, who would write the legislation, also felt that the provisions were too difficult to understand (Lynn and Whitman 1981).

Proposal and Legislative Process

On August 1, Carter reached out to Long and Ullman. Long requested a meeting with Califano. After meeting with Ullman as well, Califano observed that, "whatever plan Long's committee receives will come out more conservative than it goes in."³³⁸ Califano also surmised that Long was willing to negotiate and that Ullman was "a much weaker leader," and "has no stomach for welfare reform."³³⁹ Eizenstat determined that Ullman's changes should not occur to the proposal before its submission to Congress. He and Carter conceded to Long's proposal to

reduce AFDC benefits by making recipients with children over 6 work rather than HEW's proposal to only require work of those with children over the age of 14.

The Program for Better Jobs and Income (PBJI) was unveiled on August 6, 1977. Representative Corman called it "an excellent blueprint,"³⁴⁰ while a Harris survey³⁴¹ announced that 70% of the public supported the proposal and 13% opposed (Lynn and Whitman 1981). Califano was also optimistic stating that, "this program is going to go through Congress."³⁴² The secretary viewed his role as being responsible for getting the bill passed. He did not waste time working on internal HEW issues during the final weeks of development and allowed his staff to work out most of the remaining details. Califano saw working with Congress as a priority at that time (Lynn and Whitman 1981).

Representative Corman introduced the PBJI on September 12, 1977 as H.R. 9030. By this time, Congress was overloaded with other Carter initiatives and the president's popularity, usually higher during a president's first year, was slipping (Patterson 2001). The PBJI was soon criticized by Senator Long who was concerned about people being added to welfare, while labor groups were upset about the prospects of PSE jobs undercutting local labor markets. Long however, along with much of Congress and the public, did support the jobs program (Lynn and Whitman 1981). As Califano and HEW officials testified before Congress in mid-September, they were criticized on budgetary matters and failed to emphasize that job creation was a worthy goal of these expenditures. Both Califano and Marshall agreed that their separate focus made selling the program much more difficult than it should have been. Marshall said that Califano "spent a greater proportion of his time on welfare than I did...but I always felt the cash side needed more salesmanship than the jobs part" (Lynn and Whitman 1981, 234). Califano felt that he knew more about the jobs program than Marshall, but they had agreed that he would do

briefings related to cash income while Marshall briefed on jobs.

When Corman ordered the CBO to create their own estimates, HEW's estimates came under attack. Carter's plan called for several cost offsets which made new spending only \$2.8 billion. CBO estimated a cost of nearly \$14 billion, in part because they used 1982 dollars versus HEW's use of 1978 dollars, and also because they refused to consider some of the cost offsets. Califano conceded that if they used 1982 dollars, they could not count the CETA offset because the program expired at the end of 1978 and it obviously would not be renewed if reform were to pass (Lynn and Whitman 1981). Interest groups such as the American Public Welfare Association, the National Association of Social Workers, the AFL-CIO, and the United States Catholic Conference (recall that Califano's Catholicism was a concern during his appointment), were also skeptical of the PBJI because they were concerned that benefits were not sufficient (Patterson 2001).

In October, Moynihan wrote that the welfare bill was "grievously disappointing," compared to Carter's statements two months previously. Moynihan complained in a meeting with Mondale, Eizenstat, and Califano that he was being mistreated by the administration's opposition to his plan for fiscal relief of states. He further complained that his own welfare initiatives lacked administration support and that HEW officials were "inconsistent and unreliable in its dealings with his office." All welfare initiatives and the fiscal relief provision were a part of Moynihan's H.R. 7200 on which HEW considered recommending a veto. Eizenstat recommended that Carter authorize Califano to suggest informally to Moynihan that they would support some limited fiscal relief tied to comprehensive welfare reform. Eizenstat and Califano understood that no reform would pass without Moynihan and wanted to ensure that Moynihan would only get a little bit of what he wanted if the reform package passed. Carter approved of the plan.³⁴³

On November 8, Califano directed Carter on how to approach his meeting with Representative Corman the next day. Califano reminded Carter to be deferential and to thank Corman for all of his hard work. Carter was to appear grateful for the subcommittee's timetable that would mark-up a bill between Thanksgiving and Christmas. Carter wanted to see a jobs program (which subcommittee members had doubts about) and reform of cash assistance in the bill and was tasked with asking Corman about major issues in the subcommittee while Califano would meet with Corman alone before the mark-up to review each provision.³⁴⁴ On December 1, Carter met with the Corman Subcommittee along with Califano for just 30 minutes.³⁴⁵

On December 11, Ullman was reported saying, "I oppose it strongly now...it's totally unworkable and it would put a burden on the American taxpayer that's totally intolerable" (Patterson 2001).³⁴⁶ When Congress reconvened in January, Eizenstat and Moore were unable to settle the objections of Representative Augustus Hawkins (D-CA) over wages. They asked Carter to use Committee on Education and Labor Chair Carl Perkins (D-KY) as an intermediary,³⁴⁷ but the president's willingness to fight for welfare reform waned as Carter omitted any mention of his efforts from his 1978 State of the Union address (Patterson 2001).

In February 1978, a special welfare subcommittee approved a slightly modified bill but Carter's exclusion of welfare in his State of the Union address highlighted the fact that the bill no longer ranked among his higher priorities (Patterson 2001). The modified bill was never taken up by any of the necessary House Committees including Ways and Means, Education and Labor, or Agriculture. Moreover, Carter never supported an incremental approach. Frank Moore went so far as to consider reform dead in March (Patterson 2001). On March 10, 1978, Carter met with Long, Moynihan, Ullman, and Corman. Long and Ullman were becoming hesitant to vote on reform by the end of the year. Carter urged Corman and Moynihan to make progress faster and

told Long to withhold judgment until the House was farther along. Corman was willing to negotiate with Ullman.³⁴⁸

In spring 1978, congressional perceptions of the president were poor. The midterm election cycle played a part but the administration recognized that the president had “no natural constituency in Congress,” members still personally resented the “anti-Washington thrust of the 1976 campaign,” claimed that cabinet government gave Carter no control over the executive branch, and saw the White House staff as disorganized without an official Chief of Staff.³⁴⁹ In May, Califano met with Speaker O’Neill, Corman, Ullman, and Rangel to see if they could compromise on an incremental reform bill that would cost half as much as the PBJI.³⁵⁰ In Early June, DPS officials began to consider taking an incremental approach to reform as favored by Ullman.³⁵¹ While Ullman and Corman were negotiating reform in early 1978, Moynihan and Cranston approached Long in order to create a welfare bill that provided fiscal relief.³⁵² The administration felt that the Moynihan/Cranston/Long bill was a “tiny amount reform compared to [the] original bill or [a] possible incremental compromise.”³⁵³ Their bill was withdrawn in the face of Finance Committee challenges.³⁵⁴ On June 21, White House staff and agencies met to create compromise options for reform.³⁵⁵ Their efforts were too late. In late June, Robert Byrd (D-WV) and Speaker O’Neill agreed to drop welfare reform (Lynn and Whitman 1981). The PBJI would never reach the House floor because the Ways and Means Committee chose not to take up the bill.

By June 23, DPS was directing HEW and Labor to create new options along with OMB and CEA to develop a new administration position on reform.³⁵⁶ While the intention was to regroup with a new proposal in July, a memo from late December shows that costs and offsets were still being negotiated within the administration.³⁵⁷ In November, Califano presented Carter

with two options approved by Marshall and Bergland that were scaled back versions of the PBJI that would cost only half as much as the PBJI would have.³⁵⁸ In December 1978, CEA officials noted that they were even more skeptical of PSE jobs than they had been in 1977. HEW and Labor opted not to join Bert Carp and CEA in developing a \$5 billion welfare reform package in late 1978, thus the EOP worked to develop an alternative which expanded EITC, provided fiscal relief, and created administrative reform.³⁵⁹ On May 23, 1979, a plan was announced that abandoned a comprehensive approach for two modest bills pertaining to programmatic changes (Lynn and Whitman 1981). Carter's 1979 efforts were the Work and Training opportunities Act of 1979 and The Social Welfare Reform Amendments of 1979. In November 1979, a modified version of Carter's May 1979 bill was passed by the House 222 to 184 (Patterson 2001).

Conclusion

There are many reasons that have been given to explain why the PBJI failed. According to interviews conducted by Lynn and Whitman (1981, 256), Representative Corman suggested that he "didn't feel much a part of the designing [of PBJI]," but Califano kept him informed, meeting to discuss legislative strategy every other week. Corman blamed Ullman and Long's opposition as the reason why the bill failed (Lynn and Whitman 1981). Certainly, Califano provided legislative insight that other Carter advisors did not provide. Decisions Califano made, such as dropping the issue of housing subsidies and maintaining a two-tier program were part of his legislative strategy rather than his ideal policy perspective. Moynihan, on the other hand, noted that he had not been consulted and blamed the bureaucracy, which was preoccupied with economic models rather than real life implications (Lynn and Whitman 1981). Califano's assistant Heineman claimed that the White House did not have their "priorities very straight. The

minute you put energy legislation, tax reform, and welfare into Ways and Means, only one of them is going to make it” (Lynn and Whitman 1981, 257). Schultze claimed that the administration needed to bring Congress into the process much earlier and that perhaps an incremental approach would have been better (Lynn and Whitman 1981).

I suggest that the organizational structure that Carter implemented is most to blame for the PBJI failure. Aaron noted that the deliberations between HEW and Labor were an example of “how to not set up the development of a major proposal.” Allowing “joint responsibility” for the task forced the administration to make decisions “at the very last minute” (Lynn and Whitman 1981, 139). Not having a formal deliberative body excluded important actors as well. OMB Director Bert Lance did not use written memoranda to get OMB views to the president but preferred informal conversations. While Lance was effective in getting his views to the president, there was an inconsistency in frequency and OMB’s views in general were not as competitive as the views of other agencies that used formal memoranda (Lynn and Whitman 1981, 98), particularly because of Carter’s preference to study an issue and make decisions on paper.

Koenig (1994) pointed out that Carter is an example of a president who was inattentive to the “iron triangle,” which Koenig describes as a sub-government consisting of the executive departments, interest groups, and congressional committees who are together a source of power and a challenge to presidential influence. Carter was unable to build a working relationship with congressional members, which can be seen in several stories told by Speaker O’Neill (Koenig 1994; O’Neill 1987). From the beginning, Carter also did not have a working relationship with his cabinet appointees. Carter wrote that he, “did not know these newcomers to [their] ranks,” but, “chose them from among proven leaders with reputations for competence and character . . . as well as [to] reassure some Americans who did not trust a group of southerners to manage the

affairs of the country” (Carter 1982, 47). Although Carter promised to maintain a “cabinet government,” and reduce the size and influence of White House staff, the plan was abandoned early on. Koenig (1994) suggests that one source of failure was the reduction in the number of cabinet meetings held by Carter. By failing to maintain a working relationship with both Congress and executive department heads, President Carter risked alienating his cabinet officials and jeopardizing his influence over the executive branch.

Senior HEW aides have suggested that Califano lost some interest in welfare reform during the summer of 1977. “He tries to keep his hand in everything so he doesn’t have a lot of staying power on any single issue,” said one HEW official (Lynn and Whitman 1981, 175). It could be argued that it was Carter’s responsibility to make sure that Califano remained engaged with welfare reform. Because Carter only requested briefings a few times during the process and did not create a formal method of oversight, he could not have known the level at which his secretaries were involved. On the other hand, a lack of oversight might empower a cabinet secretary in building an initiative. Empowerment however, requires more guidance and encouragement than Califano received in this case. Carter’s dedication to a zero-budget plan and failure to clarify guiding principles early on stifled rather than empowered Califano.

Carter exhibited neither of Mintzberg’s (1975) managerial roles. He did not fulfill the informational role because he did not give any guidance other than zero-budgeting. He also was not an active spokesperson, especially in his tense relations with Congress. Carter did not showcase an interpersonal role as he did not display much leadership on the issue. He also did not exhibit Mintzberg’s (1975) decision-making role because he did not help settle disputes between HEW and Labor. Stu Eizenstat argued that Carter was courageous and decisive in his legislative accomplishments and whatever failures or difficulties he faced were caused by three factors.

First, there was heavy resistance from the liberal wing of the Democratic Party and interest groups who saw Carter as being too conservative (Eizenstat 1994). As evidenced by Kennedy's primary challenge to Carter in 1980, there was a split within the party. Of course, facing a Republican wave, which included Ronald Reagan along with half of the Democratic Party wanting to unseat its own leader, would make the presidency difficult for anyone. Second, the way Carter structured the White House led to difficulty setting priorities. Those close to Carter understood his intentions better than those who were unfamiliar with him. Moreover, Carter's personal and political styles often alienated members of Congress and other political actors who expected a president to act differently (Eizenstat 1994). Eizenstat also criticized Carter's tendency to micromanage. In the case of welfare reform, allowing Califano and Marshall to report directly to the president and not having a "chief of staff," made any success in early 1977 difficult (Patterson 2001). Lastly, the oil crisis which led to stagflation and high interest rates limited Carter's options for domestic policy (Eizenstat 1994) and negatively affected his job approval.

While Carter did hope, in general, to expand the Democratic base, he did not tie welfare reform into any strategy to build a new Democratic coalition. He was merely trying to fulfill campaign pledges in regards to welfare reform. Carter recollected that, "it took a heck of a lot of negotiating and I put such severe restraints on Califano and Ray Marshall not to have a costly program. But in doing that, the more liberal groups, particularly labor, denounced the program because it wasn't generous enough and of course, the right wing is not for any sort of welfare reform either."³⁶⁰ Califano (1981, 366) concluded that, "Jimmy Carter, as it turns out, was no more willing than Richard Nixon to commit the necessary political capital. Perhaps he never had it to commit. He recoiled from being *President* Carter on this issue, and seemed always to long to

retreat to the more comfortable ground of *candidate* Carter. And events...certainly overtook him.”

Hargrove (1988, 5) assessed that Carter’s character “showed strong needs for achievement and autonomy. He sought to achieve on his own terms.” Carter’s goal in entering high political office was to act based upon principle. He did not seem to be affected by success or failure. Because of his faith, Carter did not recognize failures as such because he was working to do what was right (Hargrove 1988). Bourne (1997, 418) blames Carter’s failure to reform welfare on his lack of “specific direction, his overloaded legislative agenda, his increasing exhaustion, and his insistence on holding to unrealistically tight deadlines.”

Aside from having unrealistic deadlines, Patterson (2001) also attributed the failure of welfare reform to Carter’s not fully comprehending the issue, not communicating with his advisors very well, his failure to resolve inter-agency disputes, and his failure to approach Congress appropriately. The comprehensive approach and lack of support by interest groups are valid explanations for Carter’s failure as well (Patterson 2001). The administration’s efforts at dismantling negative perceptions of welfare in the public eye were also ineffective (Lenkowsky 1979) and arguably nonexistent.

Carter’s poor relationship with cabinet secretaries also stands as an explanation for the difficulties he experienced. By the start of the administration, Carter maintained a traditional White House staff-based model rather than the cabinet government that he proposed. Carter failed to address how he intended the cabinet and White House staff to coordinate. By mid 1977, the DPS was relied upon for the coordination of policy, diminishing the role of the departments. While the influence of cabinet members was diminished institutionally, it was also weakened by Carter’s managerial techniques. Shogan (1977) recognized that the cabinet had members with

unusually mixed backgrounds and meetings consisted less communication or debate than the dissemination of information. The number of cabinet meetings held was reduced through Carter's tenure (Koenig 1994). Regardless, Carter did not like to use seminars and meetings to make decisions; he preferred to make decisions using an options paper in his study.³⁶¹ For these reasons, I characterize Jimmy Carter as an "ineffectual executive." His efforts in welfare reform represent this classification with his distant relationship and inability to maintain a working relationship with his cabinet secretaries. Carter's outsider status prevented his appointees from having any understanding of his preferences and Carter failed to take steps to reconcile differences between HEW and Labor.

Chapter VI

Lyndon Johnson and the Elementary and Secondary Education Act of 1965

Introduction

In the case of the Elementary and Secondary Education Act of 1965 (ESEA), I characterize President Johnson as a “hands-on manager,” and posit that the passage of the bill is an example of successful presidential management. In fear of the same early death that plagued his male family members, Johnson worked tirelessly to achieve success and create a legacy for himself (Caro 1982). Consequently, Johnson was intimately involved in much of his work, working late nights, meeting personally with people, and maintaining frequent correspondence. His commitment to rapid success on a wide range of issues required Johnson to delegate some tasks to others. While Johnson was perhaps the hardest working political official of his time, he learned how to be an effective manager of his loyal acolytes as well. The ESEA’s success can be credited to the fact that White House organization fostered close cooperation with the departments while Johnson committed his efforts to the cause when necessary.

The case highlights several interesting points about departmental relations. While Johnson employed the use of outside task forces to find innovative ideas, the 1964 Task Force on Education (Gardner Task Force) was more of a legitimizing agent for initiatives that had already been introduced within HEW and its Office of Education (USOE). HEW Secretary Anthony Celebrezze and Commissioner of Education Francis (Frank) Keppel proved to be essential in working with Congress and interest groups to pass a milestone education bill that had been

exposed to fierce opposition in the past. The passage of the ESEA was so swift that it is difficult to see Johnson's efforts in its success. The ESEA is, in part, an example of a president not needing to respond to any difficulties that his subordinates encountered. Unlike other pieces of legislation that presidents have tried to pass, the ESEA saw minimal internal conflict or interdepartmental disputes while Johnson and his advisors introduced the bill strategically so that congressional opposition was not a major factor. The *New York Times* credited the success of the ESEA to Johnson's landslide victory in the 1964 election, the speed with which Johnson pursued getting the bill passed, his maintaining pressure on Congress by constantly sending messages and proposals, and to Johnson's "careful attention to personal lobbying."³⁶² The same article observed that Johnson's work "heightened the congressional sense of rapport with the executive."³⁶³

Organization

As President Ford would later experience, Johnson came into office with the task of managing subordinates who were chosen by and were loyal to another president. Because each president has a different perspective as to their own role as well as the role of their subordinates, transitions which do not occur within an electoral context can be difficult. At Johnson's first cabinet meeting, the president asked each of his department heads to stay on and to be candid in expressing their needs to him.³⁶⁴

After being elected in his own right, Johnson began holding staff meetings every week in the cabinet room for thirty to forty-five minutes. He required that meetings include "an agenda so that no time would be wasted."³⁶⁵ Staff was organized so that each member was to have a particular duty and "every department, every agency, every segment of the business and labor

community would know to whom they should go first for information and direction in the White House.”³⁶⁶ A Domestic Planning Council, consisting of Special Assistants Bill Moyers, Richard Goodwin, and Jack Valenti and secretary to the cabinet Horace Busby along with five other members from the government, would coordinate domestic policy. To avoid wasting the president’s time, memos and reading material would be screened by Valenti prior to reaching Johnson. Moyers and Goodwin were tasked with overseeing the administration’s legislative program while Busby oversaw HEW, “education programs and problems,” and attended cabinet meetings. HEW Secretary Celebrezze was one of just three persons listed to “bring in for special sessions” of the council.³⁶⁷ Moyers, Valenti, National Security Advisor McGeorge Bundy and Press Secretary George Reedy were the only staff members with free access to the president. Other staff members met with the president only at the president’s request.³⁶⁸

Valenti reasoned that giving staff members a unique role would prevent them from drifting and becoming an “annoyance” to the president. According to Valenti, “if he feels that he has a substantive role, he is a happier man.” This also allowed people in departments and agencies to work with a single person when sending memos and requests. Valenti argued that these officials would “feel a rapport with the White House. Good executives are assured when they deal with an obviously tight and disciplined organization.”³⁶⁹ Valenti’s system thus served both the White House staff and department heads. Valenti envisioned the White House staff member and department officials working closely together on congressional relations. He also held staff in high regard, noting that they interact with cabinet members well and “anyone of them could take over a cabinet post and do it ably, wisely and well.”³⁷⁰ In the midst of getting Congress to pass the education bill, Valenti arranged for the president to visit the Office of Education. Commissioner Keppel wrote Valenti that, “nothing in the world could have done our

cause more good, or raised morale higher, than the president's visit to this office yesterday. I saw your skillful hand behind the idea . . . may I send my heartfelt thanks . . . no one can measure the human effects of a very human man."³⁷¹ While not necessary in direct contact with department officials, Johnson was proactive in terms of organization by being familiar with issues, assigning White House personnel to work with departments, and by paying at least a single visit to the Office of Education.

Background on Education

Anderson (2007) contends that the ESEA was not unprecedented, as some commentators have suggested. Many of its provisions had been seen in earlier federal legislation. For example, the bills categorical aid design was adopted because of its previous success and the strong opposition to a general aid approach. Several education bills, including the National Defense Education Act of 1958 used a categorical approach that gained support from moderate or undecided members of Congress by showcasing education policies as solutions to domestic and international problems. Berube (1991) credits the idea to use categorical aid to HEW Assistant Secretary for Legislation Wilbur Cohen.

Johnson wanted to be known as "the education president." Having been a teacher himself and learning from his mother that education was the only way out of poverty; Johnson made the issue a central part of his Great Society which revolved around education, social welfare, and civil rights. He saw education as "a means to an end and as an end in itself" (Berube 1991, 61). Although pieced out into several initiatives, education remained an issue throughout Johnson's entire tenure. At times, the White House asked Secretary Celebrezze for a list of priorities and ideas about meeting the country's needs in education.³⁷² Ultimately, the ESEA's federal aid was

joined by a higher education bill and a preschool program for poor children, Head Start. Very soon after the passage of the ESEA, a new task force was created to study higher education costs while a task force for amending the ESEA was created in 1968.

Besides his own personal interest, Johnson also felt a duty to carry out Kennedy's initiatives.

Kennedy's 1963 message on education included strengthening primary and secondary education, improving the quality of education, and increasing opportunities for higher education.³⁷³ While Kennedy attempted to pass a federal aid bill for education, his already weak relations with Congress were worsened with opposition over school integration and aid to parochial schools. Kennedy had attempted to increase federal aid for teachers' salaries but was opposed by parochial school advocates who received nothing from the bill. Catholic organizations opposed Kennedy's initiative because it did not benefit Catholic schools at all. Kennedy's Catholicism was a political liability that prevented him from pandering to parochial school advocates (Graham 2011). He feared the political ramifications of the first Catholic president providing aid to Catholic schools and the issue became a double-edged sword (Berube 1991). Compared to Kennedy, Johnson was more committed to education and better at working with Congress (Graham 2011), though the administration still had to overcome what was referred to as the "3 R's-- Race, Religion, and Reds" (Anderson 2007, 63).

By the time Johnson came into office, southern members of Congress felt more pressure to stop blocking civil rights progress while recent reforms implemented by the Second Vatican Council softened the opposition Kennedy faced from Catholic groups. The Supreme Court decision in *Everson v. Ewing Township* (310 U.S. 1) also weakened opposition to federal education aid based upon First Amendment concerns. *Everson* established the "child-benefit

theory” and asserted that state funding of busing to parochial schools benefitted the children rather than the schools (Graham 1981). Thus, indirect aid to parochial schools became justified so long as it assisted in nonreligious instruction and helped children (Graham 1981).

Education was also intertwined with poverty and civil rights. The first major development in these two issues was *Brown v. Board of Education* (347 U.S. 483) which highlighted civil rights as a federal concern and made education a major priority of the civil rights movement. Mass demonstrations and student sit-ins added to the urgency of federal action (Berube 1991). The issue of poverty became a major issue because of the work of scholars and journalists. Michael Harrington’s (1962) *The Other America* had a major influence on public awareness and argued that low levels of health and education constituted ‘poverty’ as much as monetary measurements did. Harrington’s book was read by President Kennedy and influenced his decision to make poverty a major issue for his administration (Berube 1991). It was pressure from civil rights groups and groups fighting against poverty that helped create the equity school reform movement. This movement included movements for community control and parental influence over school boards and for racial integration. Johnson’s Great Society thus was a response to the education reform movement, which itself was a product of the civil rights movement (Berube 1991). During the 1964 campaign, Douglass (Doug) Cater thought that “the president ought to make education his top priority in his campaign,” and with Johnson’s permission began “to stress this education priority” in several speeches.³⁷⁴

In 1964, Congress was divided over whether federal involvement in education was appropriate (Anderson 2007). Those in favor of federal involvement were strengthened, however due to the liberal gains in the 1964 election (Anderson 2007). While Johnson feared that he would suffer an early death, he also recognized that his political capital had a short life span.

After gaining a majority in Congress, Johnson feared that “everyday while I’m in office I’m going to alienate somebody.”³⁷⁵ In October 1964, Johnson issued E.O. 11185, which tasked the commissioner of education, under the direction of the HEW secretary, to collect data, identify national needs and goals, and recommend education policies to the president. The order also established the Federal Interagency Committee on Education chaired by the commissioner and attended to by State, Defense, Agriculture, Labor, and a few major executive agencies.³⁷⁶

The Use of Task Forces

When Johnson wanted to formulate a program of his own that was not simply an adoption of Kennedy’s, Moyers and Goodwin and others recommended creating task forces to study specific issue areas (Thomas and Wolman 1969). On May 30, 1964, BOB Director Kermit Gordon and CEA Chair Walter Heller recommended to Moyers the establishment of fourteen task forces, with education being their second suggested topic.³⁷⁷ Johnson defined task forces as small groups of experts who would identify and analyze major issues and problems and recommend specific programs to solve these problems (Smith 1985). On multiple occasions, Johnson created a task force on education to study the issue and make recommendations. The president felt that “the bureaucracy of the government is too preoccupied with day-to-day operations, and there is strong bureaucratic inertia dedicated to preserving the status quo” (Johnson 1971, 326).

Throughout his career, Johnson had relied on advice from independent experts (Johnson 1971) and announced that, “from these studies, we will begin to set our course toward the Great Society.”³⁷⁸ Johnson did not always favor interdepartmental committees, which would be comparable to a council like the ERC. The president recognized that they help facilitate

coordination but saw that without caution,” improper use of committees can waste time, delay action, and result in undesirable compromises. Johnson aimed to make departments more efficient because he told the cabinet “that to provide for the new programs of the Great Society we must take steps to reform or eliminate existing programs.”³⁷⁹

Prior to the Kennedy era, a president’s legislative program resulted from departments and agencies submitting proposals to the Bureau of the Budget (BOB), who analyzed the proposals alongside White House staff before presenting the president with a list of programs from which to choose. Departments were known to consistently resubmit proposals which were incremental and lacked innovation (Thomas and Wolman 1969). During the transition period in 1960, Kennedy commissioned twenty-nine task forces consisting of outside experts to construct an innovative legislative program. As president, he became the first to use intra-governmental task forces.

Task forces are similar to presidential commissions. Commissions date back to President Washington who used a commission report to study the rebellion in Pennsylvania (Kearney 1967). Marcy (1945) identified four types of presidential commissions. They can have legislative goals in mind, highlight public opinion, aim to reconcile conflicting interests, or provide administrative studies. The Gardner Task Force that made recommendations for the ESEA exemplified three of these goals. It provided recommendations for legislation, incorporated the views of the public, and negotiated with contentious interest groups. While presidents still create task forces, they were more common during the Johnson presidency because cabinet clusters such as Ford’s ERC or EPB and Carter’s Domestic Policy Staff (DPS) had not yet been formed.

A major difference between task forces and a deliberative body such as the ERC is that they may or may not include government officials, thus task force members do not serve the

president as department officials are expected to. Particularly since task forces often include members employed outside of government, presidents do not always endorse the reports they produce. A 1936 advisory committee appointed by Roosevelt to examine the relationship between different levels of government in education produced a report that Roosevelt said was contradictory to his program (Munger and Fenno 1962). Munger and Fenno (1962) also highlight the fact that commissions could be used to delay action on an issue a president does not want to pursue. They retain, however, the ability to sway the president's opinions and administration policy. Eisenhower's creation of four education related commissions was meant to delay congressional action on federal aid but in the end, Eisenhower endorsed their reports which shifted the administration's position in favor of federal aid (Munger and Fenno 1962). Besides offering fresh, innovative ideas, task forces under Kennedy served three additional purposes. They tested the political atmosphere with minimal risk for the president, they acted as a public relations tool to portray the administration's momentum, and, particularly for Kennedy's pre-inaugural task forces, they exposed task force members to scrutiny from Congress in preparation for the possibility of being placed in a position within the administration (Sorenson 2009).

Some of the outside task forces prompted a negative reaction in departments and agencies that saw an "incestuous" relationship between the task force staff and liaisons and EOP offices (Thomas and Wolman 1969, 8). The Gardner Task Force differed in that Keppel was an active participant whose ideas were largely accepted (Thomas and Wolman 1969). While Moyers oversaw fourteen outside task forces, by mid-1965, Joseph Califano oversaw a more complex system of outside and interagency task forces. By the end of Johnson's administration, he had established over one hundred task forces that deliberated on a long range of issues (Smith 1985) with about seventeen of them being important to federal education policy (Graham 1981).

During the early stages of his presidency, Johnson used outside task forces to discover new substantive ideas without regard to political realities, and often made their proposals a part of his program. In the second half of his tenure, outside task forces provided long-term goals to Johnson whereas interagency task forces coordinated efforts and attempted to resolve disputes (Thomas and Wolman 1969). Cabinet secretaries were often a part of these interagency task forces which consisted of about five members as opposed to an outside task force's fourteen or so members (Graham 1981) Also unlike outside task forces, interagency task forces were required to consider costs in all of their proposals (Smith 1985). Califano and his team would visit college campuses and meet with professional groups in order to find ideas for task force study and would ask departments and agencies for topics as well. He and the president would then review a select amount of these ideas and decided if they were worthy of being assigned to a task force (Smith 1985).

Staff Assistant James Gaither noted that Johnson's preference for task forces was based on a need for "a tremendous infusion of objective thinking of new ideas, and new approaches."³⁸⁰ Task forces under Kennedy, however, were accused of being too intellectual and unrealistic. Johnson did not want too many academics on his task forces. He told his cabinet members to be "imaginative and not bound by timid, preconceived notions," but that he and the cabinet would "have to exercise judgments later about what is feasible" (Johnson 1971, 327). Johnson also avoided appearing unrealistic by maintaining secrecy over task force operations. President John Tyler had been first to strongly assert that a presidential commission report was for his use, thus he could decide whether or not to make it public (Kearney 1967). Johnson told his cabinet that, "the purpose of these task forces is to come up with ideas, not to sell those ideas to the public."³⁸¹ Maintaining secrecy prevented opposition from arising during deliberations,

extended the range of options, and allowed the president to accept and reject proposals without having to explain or defend his decisions (Thomas and Wolman 1969). As Johnson recalled, these task forces “were, after all, for the benefit of the president to make his recommendations.”³⁸² According to Kearney (1967, 60) by as late as February 1976, “persons in fairly responsible positions” in HEW and the USOE, “still did not know who had served on the group” which comprised the 1964 Task Force on Education.

After a task force report was finalized, the BOB, White House aides, CEA members, and department heads evaluated and negotiated on proposals. When disputes were many, an interagency task force could be created to review an outside task force’s report. During the evaluation process Johnson would provide “continuous direction . . . as to his priorities,” and await a final options paper (Thomas and Wolman 1969, 463). Reports were usually due in October or November so that by December, the president could decide which proposals to adopt and highlight them in his State of the Union addresses (Smith 1985). Presumably, Johnson knew that the State of the Union address is a critical tool of the president’s in selling a new initiative. The 1965 State of the Union address, in which Johnson outlined the ESEA, was the first to be broadcast in primetime. The early spring is an ideal time to pursue major initiatives because it is far removed from the election cycle that affects congressional voting, is time to apply pressure after an electoral victory, is removed from annual budget disputes near the end of each fiscal year, and is unaffected by holidays and congressional recesses. Johnson acted as a “hands-on manager” by giving direction and outlining priorities (Thomas and Wolman 1969) while recognizing the need for him to sell an issue to Congress and the public during the critical time of the spring after an election.

Johnson placed program development more under the control of the White House by having task forces send materials for legislative clearance in the BOB and by assigning a close assistant to oversee a policy planning staff. While the BOB did pay more attention to task force proposals than to departmental proposals, department officials retained considerable influence by helping to evaluate task force reports in White House meetings and by submitting technical proposals that filled gaps in task force recommendations. Overall, Thomas and Wolman (1969) argue that policy formulation in the departments was weakened under Johnson however they also maintained influence through their powers of implementation and by drafting bills.

Essentially, the departments transformed the vague ideas and rhetoric of task force reports into specific legislative proposals (Thomas and Wolman 1969). Despite the apparent weakening of departmental influence, Johnson maintained the appearance of consultation. In summer 1964, he wrote Secretary Celebrezze commending him on HEW's efforts at reducing school dropouts. Agreeing with Keppel's comments that their task is to provide valuable and attractive education which coincides with new job opportunities, Johnson asked that Celebrezze keep him "advised of the progress made in our efforts to insure that all Americans receive the maximum education and training of which they are capable."³⁸³

The 1964 Task Force on Education

Origins and Intentions

Munger and Fenno (1962, 176) suggested that there were two interlocking strategies to the policy-making process. The "strategy of substance" constitutes the development of the content of proposed legislation while 'strategies of approach' is defined as 'the manner of advancing proposed legislation.' Kearney's (1967) dissertation asks if the 1964 Task Force on

Education was charged with the ‘strategy of substance’ or a key part of the ‘strategy of approach.’ The task force was certainly not a key element of the latter. Unlike deliberative bodies such as the ERC or the EPB under Ford, the work of a task force is complete prior to the start of the legislative process. Task forces disband after making their report and do not operate during the crucial stages of proposal development and submission to Congress. Thus, the task force approach lacks the ability to systematically adjust proposals during congressional deliberations which we have seen, through by my analysis of the Ford and Carter cases, is an important element of the process. Task forces usually serve as the ‘strategy of approach,’ however in the case of the Gardner task force, HEW officials worked independently of the task force, developing proposals. The task force was more of a legitimizing agent than a source of ideas (Kearney 1967).

According to Leuchtenburg (1966), “the history of the elementary-education bill is probably the best example of the success of the task-force technique.” While Special Assistant Douglass Cater* was apparently charged with setting up Johnson’s task forces in mid-1964, Kearney (1967) suggests that there is no agreement on who was responsible for staffing the Task Force on Education and for choosing John Gardner as its chair. Kearney (1967) concludes that Keppel likely had influence in choosing Gardner, after which they worked to place the other members. Gardner himself was already known to be Celebrezze’s replacement in July and the task force included two future OE Commissioners, James Allen and Sidney Marland (Graham 1982). Almost all of the members were first contacted and asked to serve by Cater who “never actively participated in the task force deliberations” (Kearney 1967, 123). While the 1964 Gardner Task Force was an outside task force, Commissioner Keppel was an ex officio member because the goal was to create a legislative proposal, which he would be responsible for selling

* OF significant interest, Cater had written a book on the ‘Iron Triangle’ called *Power in Washington* in 1964.

(Thomas and Wolman 1969). Keppel worked with the Task Force “serving as a link not only to the Office [of Education] but also to the committees of Congress and to the various national education associations.”³⁸⁴ He immediately tried to figure out what a bill for elementary and secondary education would have to look like to pass both chambers of Congress. According to USOE official Wayne Reed, Keppel solved the church-state issue by forwarding the pupil-benefit theory where money would go to public schools that would then provide services to all students regardless of where they attended school. The pupil-benefit theory had helped the National Defense Education Act of 1958 pass, allowing for loan forgiveness to teachers regardless of if they taught at a parochial school.

Johnson addressed the task force at their first meeting on July 20, 1964 in the Executive Office Building (now known as the OEOB). Johnson asked the members to consider “not what is possible, but what is needed” (Kearney 1967, 76). He would be responsible for determining what was politically feasible. The members’ perception of their function, however, was not unanimous. Interviews conducted by Kearney (1967) show that some members maintained their freedom from political concerns in making recommendations while others felt that the group had a natural inclination to refrain from discussing impractical ideas. One member saw the groups function as “legitimizing a set of goals and priorities established outside of the group,” while others felt that their ideas were the beginning of the Great Society educational program (Kearney 1967, 176). Task Force member, Michael Riesman described the task force as reflecting the work of government insiders such as BOB Director William Cannon and Joseph Turner from the National Science Foundation (NSF), as well as the work of Gardner while outsiders like himself had little influence because there was no systematic way of deliberating (Kearney 1967). Most members, however, maintain the significance of the group.

The task force met only three additional times on August 25, September 29, and November 9 from 9:30 am until 5:30 pm in the EOB.³⁸⁵ Described as “free-wheeling discussions,” the meetings usually included an agenda devised by Gardner and Cannon but was loosely structured to allow for the exploration of new ideas (Kearney 1967, 83). Between meetings, members would exchange memoranda, circulate staff papers, and solicit ideas from other individuals. Elementary and secondary education was only a small part of their deliberations because they were charged with developing a program for all education issues that would contribute to the Great Society. At their first meeting, several members were assigned papers on topics such as teacher effectiveness or the financing of education (Kearney 1967).

As should be expected, members were heavily influenced by their personal backgrounds and immediately began sharing ideas with friends in and out of government. Thus the task force, while secretive, was not limited to the views of its members (Kearney 1967). Kearney (1967, 124) described the task force as a “funnel or focusing point” for ideas from many different sources. The question remains as to whether or not members were chosen for their diverse backgrounds and representations and whether they were expected to represent the interests of African Americans or Catholic clergy, for example. Some members saw the task force as being insulated from interest group influence while others saw their own role as being a groups’ unofficial representative. Member contact with interest groups remained unofficial however, Kearney (1967) points out that members had some contact with the National Education Association (NEA) and the National Catholic Welfare Council (NCWC) who would have played an important role in the passage of any education bill.

Input from governmental sources was still important as well. Keppel thought it was necessary to develop a bill that both the NEA and the NCWC would support. The willingness of

interest groups not to attack an initiative that did not help them was established by Keppel's work with several groups during Kennedy's initiative in 1962 and 1963. According to Bailey (1966), the group was influenced by staff reports originating in the USOE and given to Gardner by Keppel. Cooperation between Keppel and Gardner may have happened outside of meetings because some task force members viewed Keppel as being in the background while others saw Keppel as an active contributor who could assess the situation in Congress and determine what was practical (Kearney 1967). It appears that Gardner and Keppel shared some of the same viewpoints and that Keppel was the source of several ideas including strengthening state departments of education and providing aid for schools for the disadvantaged, particularly in pre-schools and libraries.³⁸⁶ Direct contact between the task force and the White House was limited to "selections, appointment, and the initial session with the president" (Kearney 1967, 123). While Keppel and Cannon certainly participated in deliberations, Kearney (1967, 123) suggests that, "on the surface...the White House did not keep in active and direct touch with the group as it proceeded in its work."

Influence of the Task Force

The ESEA contained six major sections. Title I, the core of the initiative, supplemented state and local revenues for the provision of education to poor children. Title II helped support school libraries and materials. Title III provided supplementation for educational centers and services, while Title IV funded research and training for educators. Title V aimed at strengthening State Departments of Education, while general provisions made up Title VI. Other than changes in appropriations, the bill was enacted as it was proposed by the administration. According to Graham (1982, 409), Kearney (1967) "minimized the impact of the Gardner Task

Force”, while Robert Hawkinson (1977) “distributes credit between bureaucratic entrepreneurs and outside experts.”

Title I of the ESEA has been credited to many different sources including the NEA, John Kenneth Galbraith, the Council for Economic Development, and the Dedham Conference in 1963 in Massachusetts. Keppel, however, acknowledged in Senate hearings that the Morse-Dent Bill of 1964 was a precursor to Title I.³⁸⁷ According to Graham (1982), Hawkinson’s (1977) dissertation gave credit for Title I’s formula distribution to Senator Wayne Morse (D-OR) and his committee staff along with the USOE Task Force led by HEW Assistant Secretary for Legislation Wilbur Cohen. According to Kearney (1967, 158) “it appears evident that a substantial relationship did exist between task force recommendations and the proposals embodied in Title I of H.R. 2362,” because the task force focused on providing for the poor, handicapped, and unsuccessful students. Moreover, its report mentioned an equalization formula to make sure that aid was given to the areas that needed the most help.

Kearney (1967) observed that the Task Force was not the source of Title II’s library sharing and instead credits it to Representative Hugh Carey (D-NY). Graham (1982) included Keppel as an architect of Title II as well. In Kearney’s (1967) study, USOE officials give creative credit to the task force for just Titles III and IV, while Keppel receives credit for Title V. Title III “is almost a mirror image of [task force] recommendations” (Kearney 1967, 162). According to Keppel, the idea for Title III was the most useful part of the Gardner Task Force report. “On the substantive content of the bill . . . it was useful . . . not essential, but useful.”³⁸⁸ Title IV, according to Kearney (1967) did have a relationship to the task force report by establishing educational laboratories but differed on what was included in the laboratory’s programs. Memos between Keppel and Cohen reveal that staff within HEW and USOE were

considering what would become Title IV as early as April 1964. Title V was reflected in the report which recommended spending \$75 million each year on several ways of strengthening state departments. Title V as proposed to Congress however, only allocated \$10 million. Many task force members did not support Title V but Keppel pushed for it because he needed states to be prepared to make decisions to take responsibility away from the USOE. Keppel held a vote with task force members and won its inclusion in their report.³⁸⁹ Title VI of the proposed bill and its general provisions were largely absent in the task force report except for the recommendation of an advisory council on education, though the bill's proposed council was not as influential as the task force recommended (Kearney 1967).

Overall Keppel believed the task force was “worthwhile,” saying that it is a mistake to credit it as being responsible for the substance and political aspects of the bill but pointed out that it helped change direction and placed emphasis on certain items.³⁹⁰ The Task Force portrayed the issue of education as a part of the War on Poverty and concentrated on disadvantaged children. Along with its recommendation of aid to developing colleges, the task force was responsible for much policy innovation in the broader context of education policy (Graham 1982). Keppel's dual role as task force member and as negotiator with Congress and within HEW certainly helped Gardner's task force to be influential in as far as Keppel and Gardner cooperated.

Kearney (1967), on the other hand, argued that the task force at best had merely indirect contact with HEW officials, lobbyists, and congressional actors. Both HEW and USOE, “were deeply involved in the drafting of H.R. 2362 prior to the submission of the task force's final report on November 14, 1964” (Kearney 1967, 234). HEW's Deputy Assistant Secretary for Legislation Sam Halperin suggested that legislation began to take shape when Keppel first joined

USOE in 1962. Kearney (1967, 234) also states that an “in-house task force” was established within USOE to draft legislation for aid to poor school districts in September 1964. Graham (1982) points out that Bill Cannon’s position as executive director gave the BOB significant influence and control over information and the agenda of the task force. Cannon at the time was also chief of the Education, Manpower, and Sciences Division of the BOB. The agenda for the task force was created in June 1964, a month before it was formed by the BOB.³⁹¹ Graham (1982, 413) argues that the task force helped BOB and White House officials plan and “maneuver from the tired continuities of line agency demands and central clearance procedures.” Recall that under President Ford, Bill Seidman was executive director of the EPB and Frank Zarb was the executive director of the ERC while cabinet Secretaries Bill Simon and Rogers Morton were the organization’s chairs. Seidman was praised as a fair and neutral executive director who planned meetings, set agendas, and included all those who wanted to contribute. Because of the secrecy surrounding the task force and its unstructured communication between meetings, there is no way to compare Cannon to Seidman; the point remains that the task force was not insulated from the influence of the EOP or the OE. However, these two influences were at odds with each other. Cannon had no faith in the OE, saw it as subject to special interests, and recommended that a new office be created within the EOP to replace it. When the OE sent its legislative proposals in response to the task force report, Cannon noted that “there seems to be a serious possibility that the Office of Education’s legislative program will end up as an unsorted grab bag of items with priority given to the most ineffective, second order, or trivial.”³⁹²

The Gardner Task Force was fortunate that it was working in a time where CEA officials recommended fiscal stimulus and tax increases. By 1966 issues such as inflation and the war in Vietnam began to cast doubt on the possibility of properly implementing Great Society programs

as well as passing new programs (Graham 1982). Graham (1982) argues that education interest groups were weak in the early 1960s, allowing the Gardner Task Force some freedom but that the ESEA and Johnson's task forcing helped solidify interest group positions that helped maintain federal funding under Nixon and Carter.

While Johnson had promoted the idea of receiving ideas from outside the bureaucracy, the central features of the ESEA had been worked through within HEW for years. While I would argue that departments and agencies should not be ignored as sources of innovative or meaningful ideas, it is also important to point out that department officials are critical actors in gaining congressional and interest group support as well as in implementing an initiative once it is passed into law. Thus, a president who accepts ideas from outside sources risks alienating important political actors, especially when the department does have an alternative plan.

Task force report

Initially the president's deadline for the task force report was December 1 but was later moved up to November 15 by White House staff.³⁹³ A first draft had been circulated in late September. Gardner noted that task force deliberations had provided "nothing approaching consensus," yet memoranda and comments did "fall into certain definable clusters."³⁹⁴ Gardner avoided details in his report and instead presented a framework to be filled out by Johnson's advisors. The draft report recommended aid and programming in urban areas, educational resource centers in urban areas, counseling services, strengthening state departments of education, and creating a cabinet-level department. Kearney (1967) points out that Title I, III, IV, and V can be seen in this draft. On September 17, Keppel recommended that the report call for more money for schools that serviced large numbers of disadvantaged students and direct aid to

states to strengthen their education departments (Kearney 1967). A final draft was circulated on Nov 4 while the last meeting on November 9 provided Gardner and Cannon with over 200 changes requested, of which 95 percent were said to have been taken into account.³⁹⁵ On November 14, the group submitted their report to the president that had been drafted by Gardner and Cannon (Kearney 1967).

The task force described the Great Society as being “committed to the ideal of individual fulfillment,” and that “education will be at the heart of the Great Society.” The report reads that “‘access’ is a major theme of this report, and a matter of great concern to the Task Force.”³⁹⁶ Recommendations for increasing the opportunity to learn included creating university community extension programs and matching grants to create supplementary learning centers within local school systems. To improve learning, the Task Force recommended establishing a nationwide network of educational laboratories affiliated with universities. In terms of federal organization, it was recommended that the president create an independent Office of Education and a Council of Education Advisors to continually review the status of American education. The Task Force wanted to strengthen state departments of education and called for general federal aid but recognized political liabilities saying that “if general aid is not a serious possibility...other means should be found to channel funds to economically or socially disadvantaged school districts.”³⁹⁷ Rather than recommend new legislation, the Task Force suggested increasing appropriations under the Economic Opportunity Act of 1964 or increased grants under other existing laws. The report noted that the possibility of “general aid remains an open question” and that “the church-state issue is unresolved . . . [and] raises constitutional difficulties.”³⁹⁸

After reading the Task Force reports in November 1964 Johnson met with Celebrezze, Cohen, Keppel, Moyers, and Cannon, and approved proposals for the ESEA while ordering that they begin preparing a budget and for legislative action (Bailey and Mosher 1968). Cater told Kearney (1967) that Keppel sent program descriptions to the White House in December 1964 which were modified by staff and the BOB. Charts were made and sent to the president at his ranch for review and approval. Cater then ordered HEW and USOE to draft a message while White House staff began briefing members of Congress. The bill was assembled on January 6 and revised before being sent to Congress on the 10th. Keppel admits that the USOE had much more input than the task force did in shaping the bill.³⁹⁹ NCWC Legal Director William Consedine felt that congressional opposition would have existed against an administration bill simply because it came from the administration. By using the task force, the appearance that it was something other than an administration bill may have eased opposition (Kearney 1967). Kearney (1967) agreed that the task force served as a public relations tool influencing news stories, which portrayed the group as providing Johnson with expertise to create a program.

Administration Actors

Cabinet Participation

On November 2, 1964, Johnson sent a memo to department heads requesting that proposals for the State of the Union address be made to Moyers by November 25 along with a program description to the BOB. Johnson wanted to propose his initiatives very early in the session and needed quick preparation.⁴⁰⁰ In making suggestions for the State of the Union address, Labor Secretary Willard Wirtz wrote that “the Great Society lies beyond two barriers: Ignorance and Poverty.” While deferring details to HEW and the Task Force to move beyond

these barriers, Wirtz suggested general aid for education to provide 660,000 new classrooms and 200,000 new teachers in four years.⁴⁰¹ Besides the occasion of major speeches such as the State of the Union address, secretaries were also asked for proposals on a regular basis. Secretary of the Cabinet Horace Busby would request suggestions for cabinet meeting agendas from secretaries. On March 15, 1965, Celebrezze suggested discussions on Social Security, District of Columbia improvement, federal aid to Appalachia, and administering Title VI of the Civil Rights Act.⁴⁰² Busby would sometimes suggest scheduling a cabinet meeting to the president. On March 23, Busby asked to schedule a meeting just two days later suggesting that the agenda include space policy, Vietnam, Selma and civil rights, and discussion of the legislative situation concerning the education bill. Busby left smaller items off the agenda so they may have “a greater degree of participation by cabinet officers and others than at some of the recent cabinet meetings.”⁴⁰³ Busby planned to have Celebrezze make a six-minute presentation at the start of the meeting so that he could return to the Hill, but Celebrezze stayed on the Hill rather than attending the meeting. Johnson told the cabinet that Celebrezze was watching over the bill “closely, carefully and, I might add, somewhat anxiously.”⁴⁰⁴

Johnson appears to have been aware and appreciative of his cabinet officer’s efforts with Congress as well as their public appearances and was very aware of the importance of the media. He requested that each time a cabinet member gave a press conference, he would receive a copy of the transcript along with Busby who would keep one copy in the White House cabinet file.⁴⁰⁵ In April 1965, the White House reviewed media appearances by cabinet secretaries since November 1963. Most secretaries held more question and answer sessions than they had under Kennedy. For HEW, Ribicoff and Celebrezze held 23 appearances as opposed to 17 appearances

in the same period under Kennedy. As a whole, the cabinet held about 30% more appearances under Johnson than Kennedy.⁴⁰⁶

In April 1965, Moyers told Johnson that a dispute with Secretary Wirtz was the first complaint the White House received from a cabinet secretary in Johnson's sixteen months in office. Secretaries Udall and Freeman applauded White House-cabinet relations saying that they felt free to run their departments and that under Johnson they felt for the first time that the White House staff were not trying to come between the departments and the president. Moyers felt that the White House needed to encourage the departments to create bold initiatives while not dominating them. He complained that "most of the departments submitted nothing new" in the fall of 1964 but recognized that their close working relationship did enhance the president's leadership of the departments.⁴⁰⁷

Secretary of Health, Education, and Welfare Anthony Celebrezze

Celebrezze and Johnson had limited contact while Johnson was vice president. Besides cabinet meetings, they worked together on the Commission of the Equal Opportunity Employment Act that Johnson chaired. Celebrezze described the transition as smooth, in part because, "most of the legislation, most of the position papers and the great domestic programs were drafted under the Kennedy Administration . . . Johnson just picked them up from that point and dressed them up a little and made them more palatable for the Congress to accept."⁴⁰⁸ Though not a Johnson appointee, Celebrezze presumably supported Johnson's agenda during the campaign of 1964 as he covered eighteen states campaigning for Johnson, though campaign assignments came from the DNC rather than the president's campaign.

Celebrezze took his role as the president's officer very seriously. He maintained complete loyalty to the president saying that a department head should never introduce legislation that the president does not want. For him, "one of the most important jobs of a cabinet member is to protect the president, to see that he doesn't get into any difficulty."⁴⁰⁹ He also felt that a secretary should take an initiative if there is any uncertainty to public reaction because if the reaction is negative, the secretary can be blamed rather than the president having to reverse himself. Thus, a cabinet secretary should only pursue initiatives the president supports, rather than those that the department is interested in, but if the initiative fails, the secretary ought to take the blame.

Celebrezze showed a similar trust in his own subordinates. Despite the perception that HEW was growing too large in the 1960s, he said that he had no problem managing the department and did not feel it was too large. He credits his success to capable people around him, most of whom had already been working in the department when Celebrezze came aboard. Celebrezze noted that, "the main thing in operating a department of that size is to have constant liaison between yourself and your department heads."⁴¹⁰ They would hold two or three sessions each week to keep the secretary informed. The secretary admitted that he did not personally participate in Johnson's task forces but would assign the appropriate staff member-- Keppel on issues of education, the surgeon general on public health issues, and the FDA commissioner on food and drug issues, for example.

Celebrezze stated that many more cabinet meetings were held under Johnson than Kennedy but when asked if things really got decided at cabinet meetings Celebrezze responded, "no, the only purpose of cabinet meetings is so that each cabinet member has a general idea of what the other departments are doing."⁴¹¹ For a time, HEW initiatives were stalled. The secretary recalled that at a Kennedy cabinet meeting, he brought up the fact that all of his legislation

dealing with education, health, and aid were being held up in Congress because of civil rights issues and that he wanted to speed up passage of a civil rights bill so they could move ahead. Johnson's passage of the Civil Rights Act of 1964 prevented opposition to the ESEA based upon racial issues such as integration.

Celebrezze said that he worked with the White House staff members assigned to his department but at no time that he wanted to see the president was he denied. "I could see the president whenever I wanted," but because of his executive experience as Mayor of Cleveland, Celebrezze understood that a cabinet member's appeal to the president ought to be rare, thus "unless it was a matter of critical nature," he "just went ahead and did what [he] thought was right."⁴¹² Celebrezze was never chastised for any of his decisions and said that if the White House disagreed with his ideas, they would meet and discuss their points of view and compromise. Referring primarily to White House staff, he said that no one ever went around his authority or behind his back. If he felt something was not right, he would take it directly to the president whose decision was final. While Celebrezze chose not to bother the president very often, he had no doubt that his messages through Johnson's staff were always reported accurately and "had great confidence in [Johnson's] assistants."⁴¹³

When the president wanted to present a new administration program, the department would write position papers that it would later use to draft legislation in cooperation with the White House, but often HEW alone would draft the legislation. After getting legislation cleared by the White House, bills would get congressional hearings. Celebrezze recalled that Valenti would call often to ask how the secretary was doing with legislation and if there was any trouble. If the secretary had any difficulty, he would call Valenti who would forward the message to

Johnson so that the president could call members of Congress to gain their support. The president would keep tabs and “knew exactly at what position all the bills were.”⁴¹⁴

Celebrezze called congressional testimony a “tremendous” burden on the time of cabinet officers; “fifty percent of your time is spent on the Hill” testifying and talking to members.⁴¹⁵ The burden, however, pays off. Celebrezze claimed that HEW, “had a wonderful relationship with Congress, because Congressmen could always reach me with their basic problems . . . because of my background, I knew how to work with people; I knew how to work with Congress.”⁴¹⁶

Celebrezze observed that Johnson, unlike Kennedy, was granted an “extreme cooperative spirit on the part of Congress,” and that 70% of HEW’s major legislation would not have passed “if it had not been for president Johnson’s know-how, his driving force, and his knowledge of the workings of Congress, and his personal contact with the members of Congress.”⁴¹⁷ Celebrezze commented that Johnson had a personal hand in helping to pass the education bill along with most of the roughly thirty-seven bills introduced by HEW during his time there. “You could always call upon President Johnson,” who was “very cooperative with me on legislative matters.”⁴¹⁸

A president must have a good relationship with Congress regardless of whether they had served in the body. Carter’s dismal relationship with Congress is a common example of how a president’s performance can easily be hindered by a poor relationship. Cabinet secretaries and their top officials spend much of their time building relationships with congressional officials. Celebrezze added to Johnson’s own ability to work with Congress, thus contributing to the rapid success of the ESEA.

Celebrezze also learned from past mistakes in dealing with interest groups. Recalling how the church-state issue stalled any initiatives to fund elementary and secondary education under Kennedy, Celebrezze “made a horrible mistake the first time,” and brought religious groups together by having them all attend one meeting.⁴¹⁹ When he brought them in individually, Celebrezze told them that if private school students could check out textbooks from a public library, then they should be able to just find those books at their own school. The focus was not on helping parochial schools, but on helping the students. Besides consulting with groups on particular issues, Celebrezze reached out to groups on a more casual basis, addressing the National Education Association (NEA), the largest teacher’s union in the nation, at their conference.⁴²⁰ As will be shown below, Keppel was the HEW official who had the most influence with interest groups.

At times, presidents have difficulty with choosing whether to give cabinet secretaries or assistant secretaries complete discretion on appointments within their department. Carter and his staff clearly resented Califano’s choosing his own subordinates over their objections. Presidents must balance their efforts at maintaining control and influence over the bureaucracy with allowing their department heads the opportunity to build a team upon which they can rely. As Celebrezze pointed out, effectively managing such a large department was only possible because of his capable team. It comes down to the original agreement, if any, that the president made with the secretary upon their appointment and to the confidence of the secretary to stand up for the privilege of making their own appointments. In late 1964, the OE went through a reorganization after which Keppel replaced Deputy Commissioner Wayne Reed with Henry Loomis in March 1965. Johnson called Celebrezze asking him to order Keppel not to hire Loomis. Celebrezze told the president that Keppel could choose whomever he wanted to be his

deputy and Johnson backed down. Loomis described Celebrezze as “not normally considered a man of guts,” but in this case, Celebrezze protected his department and its ability to hire staff, though it is thought that Johnson continued to dislike Loomis for years.⁴²¹

US Office of Education Commissioner Francis Keppel

Francis Keppel was appointed commissioner of education by President Kennedy in December 1962. Whereas most of his predecessors had come from public school systems, Keppel was a young Dean of the Harvard Graduate School of Education. Known for instituting innovative changes within his department, Keppel was also “a tireless broker, negotiator, and salesman” (Bailey and Mosher 1968, 35). He had known Joseph Kennedy Jr. at Harvard and campaigned “in a minor league way” for John Kennedy in 1960.⁴²² Ironically, Keppel sat on a committee which helped select Kennedy’s commissioner of education. When Sterling McMurrin was commissioner and Ribicoff was HEW secretary, “Ribicoff decided that he would handle all the politics on Capitol Hill and McMurrin would sit back and think high thoughts in the Office of Education.”⁴²³ McMurrin resigned due to the failure of Kennedy’s education initiative. Kennedy saw news of the resignation in the paper and told McGeorge Bundy “What’s going on? I’ve never heard of this fellow!” to which Bundy replied, “that’s exactly the trouble.”⁴²⁴ For Johnson, it was important that he, his staff, and anyone in the departments know who they needed to talk to on an issue.

Johnson and Keppel had only met socially before Johnson’s ascension to the presidency, yet Keppel became the primary source of Johnson’s education policy developments. Bailey and Mosher (1968, 35) wrote that it was Keppel “more than any other single person who found the compromises acceptable to both NEA and its allies on the one hand, and the National Catholic

Welfare Conference on the other.” Keppel’s Deputy Commissioner Loomis noted that Keppel was “Mr. Outside” and that he was “Mr. Inside.” The two divided the job so that Keppel would be the one to work on the Hill alongside Secretary Celebrezze, because he knew everyone there and there was no point in his deputy also working the Hill except when he was needed to explain budgetary matters in committee hearings.⁴²⁵ Cohen would also be an important actor on the Hill. Keppel agreed that Cohen was “an expert at legislative liaison,” but recognized that he was busy on medical and welfare issues⁴²⁶. Keppel said that it seemed as if he lived on the Hill, spending 70% of his time thinking about bills.

Of all of HEW’s education initiatives under Kennedy-Johnson, Keppel stated that the ESEA was the only one that had not been worked out politically in 1963 and “was largely put together in the first part of Mr. Johnson’s time.”⁴²⁷ Of all the domestic initiatives Johnson sought after his election, Keppel felt that the ESEA was going to be the most difficult because of “church-state and federal-state relations.”⁴²⁸ He does not know whom to credit with solving the church-state issue, saying that because it worked politically many people have claimed to be its originator. Johnson did not “particularly play any part in putting it together, but once he decided it would work he sure pushed it.”⁴²⁹

In July 1964, Valenti made suggestions to the president for some on-the-record meetings. On top of the list, to discuss problems in education, Valenti recommended meeting with Keppel. Secretary Celebrezze appeared elsewhere on the list as an official to meet with to discuss Social Security,⁴³⁰ thus showing that Celebrezze preferred Keppel to be HEW’s point person on education. According to Berube (1991), Keppel’s main task was to negotiate with special interests, including Catholic groups, education groups such as the NEA, and the southern congressional voting bloc. During congressional consideration of the education bill both Keppel

and Celebrezze held meetings with interest groups leaders. When a representative of the American Federation of Teachers requested a meeting with the president, Valenti offered a meeting with Celebrezze and Keppel instead.⁴³¹

In late 1964, Moyers requested that Keppel provide him with a brief on an education program and ideas for a presidential message on the subject. Moyers wanted “a bold and comprehensive program with alternatives for the president’s consideration.”⁴³² Keppel consulted with Treasury Assistant Secretary Stanley Surrey, Labor Secretary Willard Wirtz, BOB Director Bill Cannon, CEA Advisor Otto Eckstein, Office of Science and Technology Director Donald Horning and White House officials Douglass Cater and Henry Wilson. On December 1, Celebrezze provided Moyers with the requested brief after having himself met with representatives of the NEA, NCWC, American Council on Education, the AFL-CIO, and other groups.⁴³³ The brief outlined eight goals including giving special attention to education in city slums and poor rural areas, strengthening the states’ ability to plan and supervise schools, using federal funds to improve equipment and teacher quality, and making college easier to afford. Keppel noted that “the most fundamental problem is to find a solution to the church-state issue affecting the schools,” particularly when working with the Rules Committee and House leadership. He provided three options for action: to request general aid (referring to salaries and buildings) to public schools and face “vigorous opposition” from Catholic groups; requesting general aid for both public and private schools and face “bitter opposition” from non-Catholic groups; or submit a package of programs that do not include general aid, which would not completely satisfy either group but would reduce opposition.

To avoid Catholic opposition while also avoiding a political confrontation with secularists, Keppel recommended “special grant programs of aid for certain types of materials

and services” that would serve the needs of public and private schools. Such a program would come as an amendment to the 1950 Public Law 874 which provided impact aid to school districts which serve non-property taxed federal lands such as military bases and Indian reservations. According to Keppel, P.L. 874 had “tremendous congressional support,” and it would be difficult for members to oppose an added program.⁴³⁴

In mid-December, over a dozen Catholic leaders met with Keppel, who came away with the impression that relations with the group were good. They understood that they could not expect any direct aid and stressed that they hoped for supplemental funding rather than aid that substitutes their own expenditures. Keppel was careful not to reveal details of the administration bill but was pleased to know that “supplementary services” were a major part of their goals. Cater recommended to Johnson that once a decision was made, they begin “behind the scene work to convince Catholic leaders it represents the best and most logical start in federal aid.”⁴³⁵

According to NEA official John Lumley, Keppel “got the emotion out of the issue,” allowing the NEA and the NCWC discuss common concerns (Kearney 1967, 216). Keppel and USOE staff members were involved with the NEA in the informal development of the bill, bringing ideas that Lumley assumed came from the task force for NEA reactions. Lumley insisted that the NEA was also able to influence the task force “through intermediaries” and told Kearney (1967, 217) that Title I was originally an NEA idea and attributed Title II to Representative Hugh Carey (D-NY). According to Cater, the White House was fully aware that Keppel was meeting with educational and religious leaders while drafting the legislation with some meetings being held at the White House. Outside groups never saw the text of the bill but were used for feedback on some general ideas. NCWC officials also agree that Keppel played a

key role in opening communication lines and building a strategy for gaining support for H.R. 2362.

Keppel proposed three bills designed to strengthen elementary and secondary education, strengthen higher education, and expand student financial aid. The first bill combined several programs that he hoped would combine support from several different education groups and weaken opposition. Keppel's proposal included: assistance for low-income children (Title IA); amending PL 874 to remove existing inequalities (Title IB); a federal grant to allow for sharing of library resources and instructional materials (Title II); establishing supplementary educational learning centers (Title III); strengthening state departments of education (Title IV); funding educational research and demonstration centers to improve the quality of teaching (Title V); and increasing appropriations for preschool and kindergarten.⁴³⁶

Keppel's recommendation for the president's message to Congress portrayed education as a central part of the Great Society, stating that, "failure to spend on good education today will force us to pay far more in social services tomorrow."⁴³⁷ OE called for 400,000 new classrooms, 800,000 new public school teachers, and 20 research laboratories.⁴³⁸ HEW's draft message ran into minor criticism. An uncredited White House memo stated that HEW's introduction was "unduly long, rambling and negative". It was suggested that the message be structured differently so that education was showcased "as the heart of the Great Society," and that commentary on congressional action up to that point stress their lack of support for education reform. It was also felt that HEW's message put too much emphasis on the states in regards to their differing efforts and needs. White House officials also needed clarification as to whether the bill would provide textbooks rather than just library books.⁴³⁹

White House Special Assistant Douglass Cater

According to Special Counsel Harry McPherson, Cater was “very close to the center of things, particularly in the area of education, although he occupies an office across West Executive Avenue.”⁴⁴⁰ When noting that presidents often use the BOB to notify cabinet members of difficult decisions, Cohen recalled that Cater along with Califano would sometimes fill that role (Cohen 1972). It was unusual for a president to have a staff member solely in charge of an issue area. Under Kennedy, Michael Feldman and Theodore Sorenson both worked on education but also had many other issues to deal with. Johnson, on the other hand assigned Cater with just education and health issues (Cohen 1972). Johnson and Valenti believed that by assigning education policy to Cater HEW officials and anyone else interested would develop a comfortable working relationship with Cater and that all transactions would be efficient.

When Keppel needed to reach the president about issues concerning the education bill, he went through Cater. Keppel kept Cater updated on statements by interest groups such as the National Catholic Education Association.⁴⁴¹ In early January 1965, Keppel sent Cater two background papers for the president and data on teacher training.⁴⁴² Keppel’s background paper suggested that the job of the federal government was to work with states and localities to fulfill two needs: help educate children of poor families and develop programs to raise education quality.⁴⁴³ Keppel also notified Cater of statistics of what could be achieved with \$1 billion. He sought 161,200 new teachers and 25,000 additional classrooms.

On January 9, Cater sent the president’s education message to several advisors including Valenti, Keppel, and Cohen for comments.⁴⁴⁴ While he was not included as a recipient of this particular draft, Treasury Secretary Douglas Dillon requested an opportunity for Treasury to

comment on an education message three days earlier.⁴⁴⁵ After a rough day of haggling with the agencies,” Cater sent a new draft to Moyers and a bill was ready for submission to Congress.⁴⁴⁶

Legislative Process

On January 11, a cabinet meeting attended by Keppel and Gardner was held that focused on the education message to Congress.* The meeting lasted almost two hours after which Celebrezze, Keppel, Gardner and several other cabinet and White House staff members joined Johnson in the Oval Office for twenty minutes.⁴⁴⁷ Press reports quoted cabinet members as describing the administration’s efforts as “revolutionary” and “exciting.”⁴⁴⁸ The administration’s proposals were kept so secret until its unveiling that news reports were exaggerated saying that the bill would increase spending by \$3 billion and that it was “certain” that Democrats in Congress were going to attempt to create a Department of Education.⁴⁴⁹ The *New York Times* criticized Johnson for not taking on the church-state issue and for avoiding confrontation at the cost of compromising the federal role in education.⁴⁵⁰

Johnson sent a message to Congress on January 12, 1965 that included the education bill. The bill was introduced by Senator Morse as S. 370 and by Representative Perkins in the House as H.R. 2362. It was first taken up by the House Education and Labor Committee’s General Subcommittee on Education (chaired by Perkins), and the Senate Committee on Labor and Public Welfare’s Subcommittee on Education (chaired by Morse). The entire legislative process took only three months from the bill’s submission to Johnson’s signing it (Anderson 2007). There were two possible threats to the bill that Johnson, Perkins, Morse, and Adam Clayton Powell (D-NY), chair of the House Education and Labor Committee, sought to overcome. The

* Special invitees also included Presidential Science Advisor Donald Hornig, Atomic Energy Commission Chair Glenn Seaborg, National Science Foundation Director Leland Haworth, Office of Equal Opportunity Director Sargent Shriver, NASA Administrator Jim Webb, BOB Director Kermit Gordon, and CEA Chair Gardner Ackley

longer the bill remained within committee, the more time the opposition would have to rally support against it. Perkins and Morse held committee hearings quickly, extending them into the evenings and weekends in order to refer the bill out of committee as soon as possible. Second, supporters feared that if the House and the Senate passed bills with different language, a conference committee would dilute the bill beyond recognition.

The Perkin's Committee held hearings from January 22 until February 2. They were extended an extra day because unscheduled witnesses appeared on February 1 asking to be heard. Perkins kept in touch with Moyers on the schedule of his committee.⁴⁵¹ Celebrezze and Keppel both testified before each chamber on January 22 and 26 while Cohen also testified in March. The Perkins Subcommittee reported the bill to the full committee with eleven amendments.⁴⁵² These amendments actually strengthened provisions and increased funding levels (Bailey and Mosher 1968). The full committee led by Powell deliberated quickly with only minor changes to the bill but was delayed for reasons unrelated to the bill. On February 24, Powell relayed a message to Johnson through Valenti apologizing for delaying full committee hearings so that he could ensure appropriations for his committee.⁴⁵³ After delaying action for three weeks, he began hearings the next day and hoped to report a bill within several days.⁴⁵⁴

On March 22, Special Counsel Harry McPherson notified Advisor and Appointments Secretary W. Marvin Watson that he had spoken with Texas members of Congress about the bill. Because parochial schools were a problem in El Paso, Representative Richard White (D-TX) was undecided while Representative Lindley Beckworth (D-TX) was "leaning strongly" to support the bill. Cater was asked by McPherson to contact White "to reassure him." Representative Earle Cabell (D-TX) pledged support but would support an amendment striking Title III if it came up and Representative Clark Thompson (D-TX) could not support the bill because his district was

concerned with the issue of federal aid. Thompson planned to be absent during the vote.⁴⁵⁵ The positions of these members of Congress highlight how members had to struggle with issues such as religion, racial integration, and federal aid in making their decision on supporting the bill. Thompson had voted for every part of the president's program and even hoped that the ESEA would pass yet would not pledge his support.⁴⁵⁶

On March 8, Republican Representatives William Ayers (R-OH), Charles Goodell (R-NY), and Thomas Curtis (R-MO), released the "Education Incentive Act," which would provide a federal tax credit for state and local school taxes and provide \$300 million in direct grants to states.⁴⁵⁷ Democratic members of Perkins' House General Subcommittee on Education responded by saying that for six weeks the Republicans had not proposed an alternative, and that the Incentive Act was taken from Barry Goldwater's presidential campaign and did not help education as much as it hurt the Treasury.⁴⁵⁸

Republicans criticized the committees for developing the bill hastily. The Perkins' Committee responded,

extensive hearings were held...by more than one Subcommittee of the House Education and Labor Committee and by the Labor and Public Welfare Committee of the Senate, in an effort to get together all points of view...from these hearings and from extensive study by many agencies...H.R. 2362 came into being. It has received the broadest public support of any elementary and secondary education proposal.⁴⁵⁹

Proponents claimed that most education associations expressed support and Subcommittee hearings heard approval from major religious groups.⁴⁶⁰ The House passed the bill on March 26 by a vote of 263-153. Powell was influential in minimizing opposition by limiting debate to the required minimum of five minutes. This tactic prevented minority members from explaining their amendments and gaining any support for them (Bailey and Mosher 1968).

In the Senate, Morse worked to pass H.R. 2362 without changes. He argued to other senators that it was the only way to prevent the House from refusing to compromise during a conference committee (Bailey and Mosher 1968). As Perkins and Powell had done in the House, Morse held executive sessions of his committee, which allowed records of discussions to be closed. Senators who were skeptical of waiving their right to create their own bill were appeased by Cohen and Keppel submitting written interpretations of the bills' provisions, which would serve as commitments for future implementation (Bailey and Mosher 1968).

Administration officials were critical in maintaining support within the Senate. The Morse Subcommittee met for an hour on March 30. HEW's Deputy Assistant Secretary for Legislation Samuel Halperin reported that most members had no amendments but that Senators Peter Dominick (R-CO) and Winston Prouty (R-VT) would offer amendments soon.⁴⁶¹ Senator Dominick attempted to add an amendment that created a fixed rate of \$4200 per deprived child but the administration insisted that a flat rate was insufficient because high expenditure states require more money to make efforts to help the disadvantaged.⁴⁶² On March 31, both Cohen and Keppel wrote Morse about his questions concerning children with disabilities. While both emphasized that the bill did provide aid for disabled children, Cohen's memo was much more detailed, citing sections in the bill while Keppel's missive read more like a letter.⁴⁶³ While Cohen appears to have covered the details of the bill with congressional members with Keppel representing the administration's broader goals, Celebrezze also worked hard lobbying on the Hill. On April 8, Johnson said at a cabinet meeting that "on the legislative front...the champion quarterback of the team at this session has been the tireless, hard-working Secretary of Health, Education and Welfare, Tony Celebrezze. No one has had a more important job or a more

difficult job. I think you will agree with me no one has done a better job.”⁴⁶⁴ With their efforts and the efforts of Senator Morse, the Senate passed the bill on April 9 by a vote of 73-18.

Representatives Perkins and Powell and Senator Morse must be given credit for expediting the process in a way strategically designed to limit opposition to the bill. According to Bailey and Mosher (1968), the support of these committee chairs is curious considering that the administration did not consult members of Congress very much during the process of developing the bill. Keppel had some private conversation with Morse, and Representatives Hugh Carey (D-NY) and John Brademas (D-IN) in late 1964 and early 1965. Administration officials also consulted with committee staff members frequently but “most of the key senators and congressmen knew only what they read in the newspapers” (Bailey and Mosher 1968, 61). The administration did however structure the bill in ways that would reduce opposition from both members of Congress and interest groups.

The most important feature of the ESEA that was structured to make the bill’s passage feasible was the use of categorical aid rather than general aid. One result of using categorical aid was that appropriations could be targeted toward the areas that needed them the most. The creators of the bill purposefully allocated a higher amount of money to southern states, whose small rural communities needed education funding in order to avoid southern opposition to the bill on the grounds of race (Wirt and Kirst 1975). Receiving 42 percent of funds, southern states ultimately received more appropriations than they would have if general aid was given where each state would receive an equal amount per five to seventeen year old but a little less than they would have received if appropriations were based solely on poverty rates (Anderson 2007). While much opposition came from southern states, they did not vote as a bloc as they had done on many civil rights issues (Anderson 2007). Designing the bill to help poorer areas the most did

receive some opposition. Representative James O'Hara (D-MI) complained to Cater that the bill failed to distinguish between poor pupils and poor school districts. O'Hara felt that districts in suburban areas that were overpopulated needed relief even though few families were in poverty.⁴⁶⁵ In January, the USOE provided figures to CEA officials to help determine an income limit for the education program. Debating between a \$2,000 and a \$3,000 limit, the higher limit would reduce the rate of federal aid from 50% of the average expenditure per pupil to just 23%. With this formula, southern states would get less money while there were only slight increases for states with urban areas.⁴⁶⁶ CEA official Otto Eckstein discussed the issue with Moyers and later, with Cater.⁴⁶⁷

Perhaps the critical factor to the bills success in Congress was the fact that HEW, USOE, BOB, and the White House “devised provisions that all important interest groups accepted in advance, thus circumventing conflict,” and making changes to the bill unnecessary (Bailey and Mosher 1968). Some groups were absent from debate. Agnes Ernst Meyer of the National Committee for Support of the Public Schools declined to lobby for the bill in fear of losing tax-exempt status for her group. Meyer had recommended to Keppel that Titles I and III would be more easily passed separately because she expected harsh opposition to Title II. She later felt that Titles I and II were improved by amendments.⁴⁶⁸

Both the president and his top advisors recognized when interest groups needed to be consulted. Gardner and Keppel suggested that Johnson meet with members of the Educational Writers Association when they planned to be in town, telling Cater that they were the “most important single audience,” that could help forward educational policy.⁴⁶⁹ Johnson directed officials to consult with Catholic leaders because Cardinal Spellman had worked through Representative James Delaney (D-NY) to block Kennedy's education bill in Ways and Means.

Secretary Celebrezze was himself a Catholic and did consult with leaders as Johnson directed. By February, however, Catholics were joined by Protestant and Jewish lobby groups in opposition to the bill.⁴⁷⁰ The church-state issue was never solved but as Bailey and Mosher (1968) put it, was “neutralized.” The issue certainly flared up occasionally. The American Civil Liberties Union called the bill “a dangerous subversion” of the First Amendment.⁴⁷¹ While some opposition was always present during the process of developing and passing the ESEA, overall support was overwhelming. For example, the national chair of Americans for Democratic Action, a group that had a few years earlier been led by Eleanor Roosevelt, wrote to Speaker John McCormack (D-MA) in support of the bill. Though preferring a larger appropriation, the ADA described the bill as “bold and imaginative.”⁴⁷²

The enrolled bill was approved by HEW, Labor, Justice, Interior, BOB, CEA, OEO, and NSF. Title I differed from the administration bill by expanding eligibility to include children whose parents received more than \$2,000 annually from federal aid programs (which would add \$66 million to the cost), and by establishing a National Advisory Council on Education of Disadvantaged Children to examine local efforts. Title II was altered to include a requirement that a public agency retain title to all instructional material. Title V was amended to increase appropriations from \$10 million to \$25 million for FY 1966. The bill also included an amendment not proposed by the administration, which extended impacted areas legislation (PL 874). The BOB memo to the president recommended signing the bill, which recognized that “education is the primary means at our disposal to break the poverty cycle.” Cater was tasked with preparing a signing statement.⁴⁷³

On April 11, just two days after it passed the Senate, Johnson signed the ESEA on his Texas ranch outside the one-room school he attended as a child. Saying that, “the passing of the

education bill was the result of labor and dedication by a lot of people,” Johnson commended Cater by saying that “the work you did was an achievement of a superior kind” and the he was “especially pleased by the way that you did it.”⁴⁷⁴

Conclusion

I characterize President Johnson as a “hands-on manager,” because he maintained track of the ESEA and provided HEW officials with Cater as a conduit to the White House. He was also involved in reviewing the task force report, participated in a public strategy by using the State of the Union address to his advantage, and was active in working with members of Congress in passing the bill. Moreover, Johnson’s position on the issue was clear as his advisors knew that the president preferred education to a jobs package and there was a consensus that education was the key to the Great Society and the War on Poverty. Johnson embodied each of Mintzberg’s (1975) three managerial roles: informational, interpersonal, and decision-making.

Johnson did hold some distrust of the departments and scholars have suggested that White House officials had more influence in relation to the departments because they understood his views and could provide ideas more rapidly than the bureaucracy, a desirable characteristic because speed was very important to Johnson (Warshaw 2002). Yet, despite the important role played by BOB official Cannon and the Gardner Task Force, HEW was well represented by Celebrezze, Keppel, and Cohen. Keppel admitted that the USOE had more impact on the bill than the task force had.⁴⁷⁵ The three HEW officials were highly influential in both substance and legislative strategy. Secretaries were also more involved in public relations than they had been in the previous administration.⁴⁷⁶ They were also pleased with their relations with the White House and Celebrezze recalled that he could speak with the president at any time.⁴⁷⁷ Overall, the

passage of the education bill is an example of successful presidential management because White House organization fostered close cooperation with the departments while Johnson committed his efforts to the cause when necessary.

Chapter VII

Summary and Conclusions

Observations

The preceding case studies were conducted in order to answer three broad research questions:

1. How helpful a resource are cabinet secretaries in the president's attempts to develop and pass legislation?
2. How does a president's management style and level of involvement with cabinet secretaries affect policy development and legislative outcomes?
3. How have presidents utilized or failed to utilize cabinet secretaries in policy-making?

From the four case studies, several conclusions can be made. First, my thesis that cabinet members help to gain the support of (or neutralize the opposition of) interest groups is apparent. Second, my thesis that cabinet members help to gain support in Congress is also supported. Third, my thesis that having a prior relationship, especially during the transition, is important is unsupported. My fourth observation is that involvement or being 'proactive' is relative. In other words, being active within the process does not equate to being directly interactive with the cabinet official.

Each case highlights different methods of decision-making particularly in whether the bill was formulated within a single department or not, how secretive details were, and how and when Congress became involved. There are pros and cons to each of these strategies. Finally, I observed in all cases but Eisenhower's that cabinet secretaries delegated to their assistant

secretaries or the appropriate official within their department. Along with these general findings, a more detailed comparison of these four cases and how they provide answers to my research questions is appropriate.

Secretaries as a Presidential Resource

My first general question is, “are cabinet secretaries a helpful resource of the president in the president’s attempt to develop and pass legislation?” I conclude that they are. To come to this conclusion, I compare each case with the following specific questions:

- 1a. Are there any characteristics or previous experiences that enhanced the cabinet secretary’s performance?
- 1b. What policy ideas or legislative strategies did the cabinet secretary contribute?
- 1c. What level of influence did the cabinet secretary have with interest groups and Congress?
- 1d. What was the legislative outcome of the initiative? What achievements were made by the administration? What was left unachieved?

Secretary Characteristics and Performance

One of the first questions to ask in determining a cabinet secretary’s effectiveness is why we expect a secretary to perform well in their position. A secretary’s previous experiences affect their relationship to the president as well as their performance abilities, particularly in relating to their department, Congress, and interest groups. Previous studies on the cabinet have provided descriptive statistics aimed at discerning trends in cabinet appointments (Cohen 1986; 1988). From this study, I have determined that the characteristic presidents want to see in the cabinet officers whom they assign tasks to include managerial and political skills.

Brownell's experience allowed him to work more effectively with both Congress and Eisenhower. Though the two controversial provisions did not pass, the reason why Brownell was able to present them to Congress in the first place was because of his relationship with Representative Keating, whom he helped win election to Congress in 1946 when Brownell was RNC chair. His skill as a political insider and his team at Justice, which he chose based upon their knowledge of the political system, allowed Brownell to excel. Brownell's experience and skill gave him confidence to exert his influence and allowed Eisenhower to have enough confidence in him to allow him to work independently. The president allowed civil rights proposals to be written solely within the DOJ while Brownell was also given permission to file amicus briefs with the Court and testify before Congress as a legal expert, not necessarily as an administration official (Brownell 1993). Brownell used his experience to rally the cabinet to his side when Eisenhower was sick, circumvent the cabinet when they later opposed him, and used personal relationships with Congress to bring attention to his proposals without presidential directive to do so. The relationship epitomizes that of the "desk manager," whose positions are clear but who does not hold a tight rein on their subordinates and instead allows them to act on their behalf.

Ford chose Rogers Morton to lead the ERC because he was thought to be an effective manager. Evidence of Ford's trust in Morton's managerial and advisory skills lies in the fact that Morton was chosen to head Interior, Commerce, and Ford's 1976 campaign and was also a part of Ford's initial transition team. Morton's congressional experience should have also made him a more valuable resource in working with Congress. As it happened, however, Zarb and Seidman worked more closely with Congress during the process. Ford's appointment of Zarb invigorated energy policy because he had already been familiar with the FEA and his appointment settled

long-standing disputes between FEA, Treasury, and OMB, thus a department officials experience can make a difference in performance. In the same case study, Secretary Simon was also less influential than we would expect. Simon had headed the FEO and the Committee on Energy under Nixon (Grossman 2013; Sobel 1990). This experience would lead us to believe that Simon would be an influential advisor on energy. Yet, Simon was outspoken in his opposition to several administration proposals and after establishing a pattern for not attending several ERC meetings, he recommended a veto of the EPCA.

The two cabinet secretaries most involved in welfare reform had different experiences before entering office but unlike Brownell or Morton, neither had a previous working relationship with the president they would serve. Labor Secretary Ray Marshall was an academic at the University of Texas and held a PhD in Economics. His tenure as secretary of Labor was his only political post. Marshall would go on to found the non-profit think tank the Economic Policy Institute with several academics and future Labor Secretary Robert Reich. This might help explain how Marshall focused on employment and essentially deferred to Califano, the policy generalist, on issues such as benefits. Marshall also had a close relationship to his Assistant Secretary Arnold Packer (Lynn and Whitman 1981) and unlike Califano, he did not exert or aspire to hold political power. Thus, Packer was a more influential assistant secretary than Califano's Assistant Secretary Henry Aaron. Some evidence of this lies in Packer's writing of memos to Califano and Carter on Marshall's behalf without much guidance.

Califano was a Washington insider who knew how the White House operated and had no fear of confrontation. His experience encouraged him to view Carter and his team as inexperienced and naïve (Califano 1981). He was politically expedient yet dedicated to the issues he worked on and was also aware of congressional protocol and the influence of interest groups

and the public. While Califano did use his position to work with outside groups, Carter maintained a distance, which I believe prevented welfare from gaining the full support of these groups. Carter's approach to Congress was also erratic and he alienated them easily. While a cabinet secretary can be useful in courting support from interest groups and members of Congress, ultimately it is the president who must solidify their commitment.

Unlike Carter, Johnson supported the actions of his subordinates and used his influence with Congress and other individuals. Yet the experience of his department officials greatly contributed to Johnson's success. Johnson's HEW Secretary Celebrezze had executive experience as mayor of Cleveland. He admits that his experience affected how he viewed his role as a cabinet member. He did not believe an executive should be bothered very often. Celebrezze could handle most issues on his own and would only appeal to Johnson when necessary. This fit perfectly with Johnson's view of delegating assignments and not wasting time. Whereas Ford and his advisors based their relationship on consultation, Johnson worked more effectively by basing his relationships on delegation and trust. A president's preferences and comfort level with their organization is a critical element in their efficiency and success. The second main actor in the Johnson case, USOE Commissioner Keppel was a university level administrator. Chosen as a capable manager, he was also very determined to build valuable relationships. Whereas Ray Marshall's academic experience left him to defer legislative duties to Califano under Carter, Keppel was successful in working with Congress.

While managerial experience and a willingness to assert their influence seem to be important factors in a secretaries success, I have asserted that having a prior relationship with the president, especially during the transition, is important. This thesis is unsupported by this study. I believe Eisenhower's relationship with Brownell is important in explaining Brownell's limited

success but in the end, Eisenhower chose not to fight for Brownell's controversial provisions. Ford and Morton had a long-standing prior working relationship but Ford was collegial with most of his subordinates, thus their friendship did not provide Morton with any additional benefit. Carter and Califano did not know each other and it is true that their lack of a relationship worsened their working relationship. Califano complained that he did not know what Carter wanted and did not know how to appeal to him. The president obviously had no inclination to work more closely with Califano. Thus, the lack of a relationship might be harmful, but I have not shown that having a previous relationship is beneficial. Johnson too, did not know Celebrezze well but made him feel secure in his position and provided a White House staffer, Douglass Cater, as a liaison, maintaining strong White House-HEW relations. In terms of influencing policy during the transition, Ford and Johnson did not have a traditional transition period but Johnson was careful about timing his initiatives around the State of the Union address and his honeymoon period. Carter wasted his transition period as Califano's team was not in place at the start of Carter's term and obviously no clear objectives were defined prior to inauguration. Eisenhower's initiative did not occur until later in his fourth and fifth years in office. Having been a part of the transition team did not benefit either Brownell or Morton. Each happened to be trusted by their president but each still dealt with opposition within their administration.

Secretary Contributions to Policy and Strategy

A secretary's level of contribution to policy and legislative strategy depends upon the secretary's choice about how involved they wish to be. Only secondary, are the president's preferences on whose counsel they are willing to accept. An additional factor in a secretary's

possible contribution is whether or not the issue concerns the jurisdictions of multiple departments. In the cases of Eisenhower and Johnson, their initiatives concerned primarily one department. For Ford and Carter, energy and welfare concerned several departments and agencies. Ford used the ERC and EPB to resolve disputes and coordinate strategy, thus Morton and Zarb had greater influence than Califano or Marshall. While both Eisenhower and Johnson gave their secretaries and department heads autonomy, because they did not need to work with other departments, Eisenhower's lack of involvement in development and in strategy contributed to the failure of Brownell's bill. Celebrezze, Keppel, and other officials were able to make such large contributions because of Johnson's support and involvement. Significantly though, some cabinet members have chosen limit their own contributions. Morton and Simon faded into the background, giving Zarb and Seidman the lead. Celebrezze focused on legislative strategy while Keppel dealt with most of the substance. And under Carter, both Marshall and Califano delegated authority to their assistant secretaries and essentially gave up on dealing with the issue.

Of the four cases, Eisenhower's Attorney General Brownell was the most directly involved secretary. Brownell convinced Eisenhower to pursue civil rights policy by appealing to Eisenhower's view of the presidency as protector of the Constitution and found support in the Supreme Court's decision on desegregation, for which he provided testimony. The Court's orders helped to convince Eisenhower to take action (Anderson 1964). The Justice Department created the initiative internally and also maintained the lead during the legislative process. A political insider himself, Brownell had built his team based upon their political knowledge and worked with his close contacts in Congress to introduce the more controversial provisions of his bill. He slyly got Eisenhower's consent to share the two provisions with the Judiciary Committee as a legal witness (Anderson 1964). While Eisenhower campaigned on the issue later that year,

Brownell knew that the president would not actively pursue it. He thus put Eisenhower in the position of responding to congressional movement on the issue while giving Congress the impression that the president fully supported the provisions. Only someone as politically connected as Brownell could have gone against the rest of the cabinet in formulating a policy they disagreed with and could use such legislative tactics. Thus, Brownell dramatically contributed to policy creation and legislative strategy.

The Johnson case also dealt with an issue that was under the jurisdiction of just one department (other than Treasury's concerns for appropriations). Secretary Celebrezze remained behind the scenes on education policy, allowing Assistant Secretary Cohen and USOE Commissioner Keppel to solidify the recommendations of the task force into an HEW initiative. Celebrezze was, however, an excellent manager of the department who kept track of the major work being done. While much of the substance was devised by USOE Commissioner Keppel, all three officials (Celebrezze, Keppel, and Cohen) worked tirelessly to lobby Congress, spending the majority of their days on the Hill.⁴⁷⁸ Keppel also took the role of interest groups into account and included them in the legislative strategy. The strategy consisted of using categorical aid to deflect religious opposition, moving the bill quickly through committee, and avoiding a conference committee. Cohen may be assigned credit for categorical aid while the efforts of each HEW official were critical in keeping a fast pace in working with Congress (Berube 1991).

In the Ford and Carter cases, cabinet secretaries had to compete with other actors for influence. Califano was charged with developing Carter's initiative but the issue required him to work with other departments. HEW put much effort into reviewing comments from interest groups, the public, and Congress. At first, Califano was unaware of Carter's limitations. Once these limitations were made clear, he and other officials unsuccessfully attempted to change

Carter's mind (Califano 1981). Unlike Brownell, Califano had no idea how to relate to the president. Moreover, Califano and Marshall held competing views on the issue. Much of the negotiations occurred at the level of assistant secretaries but Labor had an advantage in that Marshall had a better relationship with Packer, who was given autonomy, than Califano had with Aaron. Though a plan most resembling HEW's initiative was adopted, the disputes between the two departments were never really settled. Carter further failed to heed the advice of his secretaries in regards to legislative strategy. Califano knew how to approach Congress but Carter had difficulty taking the appropriate steps and refused to concede his policy limitations. Eventually, Califano appears to have distanced himself from the issue as he and Marshall realized that the process of developing the initiative made selling it to Congress too difficult.

Under Ford, Morton and Simon were both active in deliberating on energy policy but delegated most of the work to Zarb and Seidman. The two secretaries had different perspectives with Simon being more skeptical and emphasizing, as a Treasury secretary should, economic matters over other aspects of the issue. Morton made sure that several issues were considered including surface mining, coal leasing, deepwater ports, and natural gas deregulation.⁴⁷⁹ He also suggested that the deregulation of gas was most essential to the success of the energy program,⁴⁸⁰ and that he was working with Secretary Simon on deregulation initiatives.⁴⁸¹ While I attribute the administration's agenda primarily to Morton and Zarb, the ERC and EPB provided for a collaborative effort at making policy decisions. Congressional strategy was based upon Ford's conception of the "floating coalition," which was outlined by Counsellor John Marsh. The administration's efforts at incorporating the initiatives of Congress did not leave much room for strategy. Morton argued that the president had to establish a working relationship with five or six key officials, particularly "Scoop" Jackson, whom Morton felt would be difficult to work with.

Morton also argued that the president must convince the public and make industry understand the facts.⁴⁸² These efforts were made but the issue became too complicated and too large.

For both Ford and Carter, their initiatives took longer than expected. By the time they were proposed to Congress, there were many other issues on the schedule that diverted attention and made dealings much trickier. Eisenhower discovered a similar problem when he capitulated in order to save an unrelated piece of legislation. Overall, I found that cabinet secretaries and their assistants make considerable contributions to policy initiatives and legislative strategy yet other factors such as timing, the commitment of the president, disputes within the administration, successful public relations, and other factors are often present to disrupt the secretaries' contributions.

Secretary Influence with Interest Groups, Congress, and the Public

In both creating policy and achieving legislative enactment, I suggest that cabinet secretaries can assist the president in working with interest groups, the general public, and members of Congress. Secretaries ought to have a good relationship with congressional committee members who oversee departmental actions as well as the interest groups and the general public who make up the department's clientele. The support of each of these three groups is highly sought after when a president proposes an initiative.

In Eisenhower's case, only two major interest groups were relevant to deliberations and both groups supported the passage of the full bill. For the most part, Eisenhower ordered Brownell not to work with outside groups because he wanted to appear non-political. During the 1956 campaign, Justice prepared a presidential message to the ACLU and as Election Day drew near, helped shift the campaign's position to one of support for all four provisions of the bill

(Anderson 1964). Meanwhile, the NAACP was courted by members of Congress, particularly Senator Knowland (Caro 2002). Thus, members of Congress did not feel pressure from interest groups and there was not much effort that the administration needed to put forth in courting groups. Instead, it was their constituents as well as their own personal views that prevented many congressional members from supporting the bill (Caro 2002).

Brownell's relationship with Congress was clear. The RNC backed the initiative so that they could attract black voters and though they were the minority party, many Republicans owed their position to Brownell.⁴⁸³ Brownell's political skill and personal relationship with Representative Keating provided him with some support in Congress even before he had much support within the administration. Opportunities for bringing the bill to the floor were provided by the skillful Vice President Nixon and some members of Congress. Much of the difficulty in passing the bill rested in Eisenhower's weak public strategy. His 1956 campaign lacked a strong commitment to the bill while he wanted to appear non-partisan. Eisenhower could have chosen a clear message for civil rights, either moralistic or based on his constitutional commitment to Court rulings. We know that his goal was to enforce Court decisions and avoid military action (Nichols 2007) but he was simply too passive in communicating to the public and to members of Congress. Brownell and Justice contributed what they could in securing the support of the ACLU and some key members of Congress. Perhaps Brownell could have provided more support if the president had allowed him to consult outside groups during the bill's preparation.

Johnson also maintained secrecy during deliberations, not in fear of being political, but to avoid early conflicts that would jeopardize the initiative. Yet, USOE Commissioner Keppel advised several task force members and approached the issue knowing that the support of education groups, like the NEA, and Catholic groups, such as the NCWC, was necessary. It

appears that the views of these groups were taken into consideration even though they may not have been directly consulted early on. Kearney (1967) suggests that unofficial contact with these groups was made by individual task force members. Later task forces, created by Califano, would visit colleges and professional groups for ideas and input.

The development of the bill using categorical aid, developed by HEW Assistant Secretary Cohen, was developed to appease Catholic groups and members of Congress. Once the initiative was developed, Secretary Celebrezze brought religious groups in to convince them to support the bill.⁴⁸⁴ He also addressed the NEA at one of their conferences and met some officials more casually. Both he and Keppel met several times with interest leaders from several groups including teachers unions, as well. Keppel also worked to gain input from other executive agencies. All three officials, Celebrezze, Keppel, and Cohen were very successful lobbying Congress. Celebrezze even missed scheduled presentations to the cabinet in order to work on the Hill. Despite all of his efforts, he suggested that much of HEW's legislative success was because of Johnson's personal dealings with Congress.⁴⁸⁵ Unlike Eisenhower and Carter, Johnson supported his cabinet members when they needed extra help with Congress. This proactive style, keeping track of a bill's progress, supporting subordinates, and lending the president's efforts, can be the difference between success and failure. Members of Johnson's cabinet also held more media appearances than they did under Kennedy. Along with Johnson's own efforts, particularly with his State of the Union address, cabinet members contributed to a public campaign that helped the initiative.

Carter felt that he could bypass working directly with Congress and make a successful public campaign for his initiative. He did not give Califano much direction in terms of how he wanted Congress and other groups involved. Califano and Bert Carp developed an advisory

system to receive input from Congress, state and local officials, and interest groups. Califano requested hundreds of written comments and HEW held over one hundred public hearings. HEW's expansive public outreach effort, including media contact, was seen as a waste of time because it did not substantially alter HEW's plan, it was more targeted at gaining support. Califano established a second consulting group that focused on substance and was led by Assistant Secretary Aaron. Because the administration had difficulty solidifying its own position, it could not diffuse outside opposition and the divisions between HEW and Labor amplified opposition from Congress. Many of the concerns Congress had were ignored as Califano could not convince Carter to abandon the no-cost principle. Though public support was at 70%, the bill was stalled because Carter overloaded Congress with initiatives (Lynn and Whitman 1981). Unlike with Johnson, this allowed opposition to strengthen. Ultimately, Califano and Marshall agreed that it was too difficult to sell the bill to Congress because they each had different understandings of what the bill did, and neither understood it fully because they had separated responsibility for benefits and the jobs program (Lynn and Whitman 1981). Ineffective methods of settling interdepartmental disputes and the lack of detail in Carter's decision-making did not allow Califano to effectively gain support in Congress or with interest groups.

Throughout the process of developing energy policy under Ford, ERC members at the cabinet-level maintained working relationships with major interest groups by exchanging letters, holding meetings, and hosting forums. Secretary Morton was an important advocate of reform because his position in Interior made him more highly regarded by environmental groups than other officials were.⁴⁸⁶ He had urged the ERC to consult with interest groups early on and also directed Commerce and FEA to develop a public education program while Interior published a letter in newspapers explaining to the public the need for energy independence, conservation,

and research and development. ERC members held forums with consumer groups, business and industry, environmental groups, and resource-oriented groups (coal, oil, gas, and nuclear) while Morton also traveled making public speeches that called for reform. While Zarb and others kept in contact with media officials, Zarb found that there were many misunderstandings about the program. As late as the conference committee's consideration of the EPCA, officials continued to seek support from the public, interest groups, and local government officials.

Ford's "floating coalition" strategy allowed Congress to have a major role in substantive debate. He ordered cabinet secretaries and their assistants to work closely with Congress on every issue. Ford never stuck to a single explanation for why he sought energy reform but he often presented it as a national security issue whereas the Democratic Congress saw it as an economic and employment issue. These goals have opposing policy options and made it difficult to negotiate, yet the effort certainly was there. The question that arises when comparing Ford and Johnson is, when and how early should Congress be consulted? Again, these two approaches were a product of the president's view of the presidency. Overall, the entire Ford Administration, particularly the FEA and ERC were very proactive in working with Congress and outside groups, but were unable to clearly communicate objectives and allowed consultations to continue for too long. Johnson, on the other hand, recognized that more time deliberating meant more time for opposition to build.

Based upon this evidence, I conclude that cabinet secretaries can help in securing the support of interest groups. This is best evidenced by HEW and USEO officials under Johnson who worked with education and religious groups. I also conclude that secretaries can be very influential in dealing with Congress. Johnson's Secretary Celebrezze, again exemplified this. A secretary's contributions might be more important for politically inexperienced presidents as can

be seen in Brownell's success with civil rights. Brownell took the bill as far as he could until Eisenhower capitulated to Senator Johnson. Lastly, this study has shown that cabinet secretaries often dedicate a lot of time to public relations. Future research may contribute to the assertion that secretaries have influence on public support by analyzing polling data and speeches.

Preliminary evidence from this study shows that secretaries have been successful as can be seen with Califano's extensive use of public forums to ascertain the views of recipients and minorities (Califano 1981). With over 7,000 attendees to these forums and with handouts and mailings being distributed, this effort likely contributed to the 70% public approval rating for HEW's plan (Lynn and Whitman 1981). The president's use of major addresses is a critical part of gaining public support but department officials are capable of communicating details to the departments' clientele.

Legislative Outcome and Achievements

Of the four cases, Johnson achieved the most with his initiative, the ESEA, which contained six major sections. Education policy was a key aspect of Johnson's Great Society program and the final bill included every provision proposed by the administration and even provided greater appropriations than requested.⁴⁸⁷ The bill resolved major political problems including the role of state governments and the treatment of students in religious schools. Over the following two years, amendments concerning disabled and bilingual students were added to the bill. The ESEA has shown its importance by being authorized every five years since its enactment, the most important reauthorization being the No Child Left Behind Act of 2001.

Like Johnson, Eisenhower and Ford succeeded in making their issue a national concern. Civil rights and energy policy, like education, were seen as issues almost impossible for the

federal government to tackle. Eisenhower's civil rights bill consisted of four provisions, two of which were passed in 1957. The two left unachieved were controversial and did not have the wholehearted support of the president or most of his cabinet. Unfortunately, these sections were crucial to allow the DOJ to prosecute civil rights violations (Caro 2002). Both Eisenhower and Ford struggled in their endeavors because they viewed Congress as the primary actor and deferred too much to them. Eisenhower did not commit to the strategic maneuvers of Brownell and Nixon while Ford did work with Congress but failed to provide a clear vision.

Ford began with four major policy goals: deregulation, maintaining reserves, conservation through alternative energy and mass transit, and surface mining legislation. The EPCA contained thirteen provisions, of which five passed. The conference committee bill totaled eleven provisions, including the five administration proposals. Of these, the FEA found two acceptable, three marginally acceptable, four marginally unacceptable, and two unacceptable.⁴⁸⁸ Administration officials claimed that they achieved making energy a top national priority and at least forced some action by Congress. Some of the administration's goals were ideological, thus moving in that direction was in itself an achievement. The election of 1976 prevented Ford from continued progress. It was thought that the bill would not lead to the conservation goals the administration wanted. Simon argued that the bill would counter Ford's main objectives, which were to increase conservation, increase supply, and reduce imports.⁴⁸⁹ Simon was primarily concerned that the bill's elimination of the import tariff and the subsequent reduction in the average price of crude would lead to a reduction of domestic exploration and supply, while increasing demand and our dependency on imports. I believe that much of the difficulty Ford ran into was caused by the opposing objectives of economic recovery and national security.

Carter's efforts were the least effective of the four cases. The PBJI never passed and the proposal was not one in which HEW or Labor officials would fight hard for in the future. The bill never even reached the floor for a vote. Carter attempted to turn the PBJI into two bills over the next two years but those bills were much weaker and did not promote the same policy goals as the PBJI. As explained, the disastrous outcome of the PBJI has been attributed to several factors including Carter's lack of direction and cooperation with Califano, his inability to settle interdepartmental disputes, and his lack of effort in courting interest groups and Congress.

Management Style and Outcomes

My second research question is, "how do a president's management style and level of involvement with cabinet secretaries affect policy development and legislative outcomes?" According to Mintzberg (1975) a manager has three roles to fulfill: interpersonal, informational, and decision-making. Presidents Johnson and Ford fulfilled each of these roles while Presidents Eisenhower and Carter performed weakly in each role. Essentially, these roles require a manager to be a leader on the issue, collect and be a source of information, and finalize decisions by negotiating or settling disputes. Not fulfilling these roles can make it difficult for a president to perform well. In evaluating a president's management style, two broad features are important: the president's level of involvement in the policy-making process (being proactive or passive), and the level of clarity with which a president displays their wishes. A secretary cannot serve the president well without clearly understanding what the president wants to achieve and the reasoning behind it. Presidents must be clear in articulating their priorities within an issue area and ought to provide direction to cabinet members on how to proceed while also defining expectations.

One major factor in how the president and a secretary reach an understanding is the way that options are presented and deliberated on. Ideally, there should be a formal method of accepting and rejecting ideas. Such a method was used by Ford with the ERC and EPB. Presidents should also avoid stifling the opinions of agency officials. The presentation of ideas not only affects the clarity of the president's program but also the working relationship a president has with their subordinates. Each of the four cases highlights a different managerial style. I found that being passive and having unclear directives contributes to failure. I have not shown that being proactive and having clear priorities necessarily contributes to success, however. Of note is the fact that being clear and proactive does help the performance of cabinet secretaries who help with Congress and interest groups. Thus, there is an indirect benefit to being proactive and clear. I ascertained this view by asking the following specific questions of each case:

2a. How clear was the president in proposing the administration's goals or articulating the purpose for action?

2b. How much direction did the president give cabinet secretaries? How were policy options presented to the president? How were decisions made?

2c. What sorts of disagreements occurred between the White House and the relevant departments? How did the president resolve disputes between advisors or departments?

Clear Goals and Directives

President's Johnson and Eisenhower were clear in articulating their goals. Johnson believed that education was the best solution to poverty and wanted to provide aid that helped public and private school students, particularly minorities. He was able to explain why he felt his

proposals were necessary. Education policy until that time was successful only when it had a broader purpose, such as national defense. Johnson and his staff described the importance of an education bill as central to the Great Society and the fight against poverty (Berube 1991). In terms of the specifics of the bill, many of the ideas had been proposed in prior administrations so there was not much debate as to what should be included. Johnson would go for as much as he thought Congress would allow. Rather than a question of what to do, it was a question of how far to take each of these provisions. Johnson was much clearer in his message to the public. He made final decisions before the State of the Union address, whereas Ford and Carter each used the State of the Union address only to advertise the fact that they were creating a program. They were not ready to provide specifics and could not benefit from any momentum or public response. Selling the program is a part of being proactive in the process. Those presidents who were weak in this area, Eisenhower and Carter, had the most difficulties overall.

Eisenhower did not believe that federal action on civil rights was appropriate at the time, but wanted to avoid using military action and saw his role as implementing the decisions of the Court and of Congress. Brownell knew what Eisenhower would and would not support and he was successful at convincing Eisenhower of the bill's importance. Eisenhower's main goal was to avoid using military action to control racial violence. In 1956, he was clear in asserting that he felt federal involvement in civil rights was unwarranted at the time. By 1957, his fear of using military action convinced him to pursue legislative action first.

Carter and Ford were unable to articulate clearly their goals in welfare and energy, respectfully. Ford's deference to Congress prevented him from fully explicating his own goals. His main difficulty was his inability to articulate the purpose behind his energy decisions. At first, his goal was energy independence but many of his advisors saw energy not as a national

security issue but as a central cause of the crippled economy, primarily inflation. These two goals have different consequences. In order to achieve independence, domestic production must increase and consumption must decrease. Domestic production requires a large initial investment and ultimately costs more than imports. Decreasing consumption requires time to create new technologies and the only way people are incentivized to reduce consumption is to increase prices. Repairing the economy, on the other hand, requires a decrease in prices. Ford's plan sought to stimulate domestic production (which companies needed to be more profitable) and included deregulation of domestic production of several energy sources, opening of reserves and new areas of exploration but also created a windfall profits tax-- which seem to counteract each other. Moreover, Ford used an executive order to tax crude imports that, while not much of an increase, was counter to the idea that foreign states were charging too much for crude. In addition, Ford's central goal was the decontrol of domestic crude oil prices, which Democrats in Congress were maintaining in order to reduce gas prices. Some of the president's initiatives seemed counter to each other and there was inconsistency in the shared goal of independence and economic recovery, which in the short term, was not reconcilable. Ford jumped between the two perspectives but a good promotional effort requires a focus. Johnson, on the other hand, realized that education policy only passed when it was related to a broader issue such as national defense or poverty. Johnson's main goal of alleviating poverty helped focus the administration's efforts whereas Ford's lack of a main objective fostered interdepartmental conflict and made it difficult to sell the issue to Congress and the public.

Carter had the most difficulty articulating his goals. He allowed Califano and Marshall to take the lead on developing a policy but failed to give them adequate guiding principles. Carter also failed to settle disputes between Labor and HEW, allowing negotiations to continue for too

long. Though Carter was insistent upon having a zero-cost plan, he did not articulate what sacrifices he would accept to have such a plan. His principles were vague and sometimes goals were contradictory. Ultimately, Califano did not believe in Carter's purpose because the restraints on the budget prevented HEW's primary goals from being realized. Though Carter eventually accepted a plan that increased appropriations, the plan was flawed because it alienated both fiscal conservatives and advocates for increased benefits. If he had chosen between budget cuts and increased benefits he might have achieved some success. Califano however, was not the right HEW secretary for a president who wanted to pursue appropriations cuts.

Level of Direction Given

After establishing clear objectives, a president must give adequate direction to cabinet secretaries. A president's view of their role and the role of secretaries is important. A major difference is whether presidents expect secretaries to be innovators or not. Carter and Eisenhower were passive and their lack of direction created difficulties. Ford took a more proactive approach by attending meetings, and using formal memoranda and detailed option papers to give direction while Johnson assigned tasks and made sure someone was held accountable. Giving direction is a continual process. Presidents may first assign tasks and create goals but they must then give feedback to policy ideas as they develop. A president's willingness to meet and listen to subordinates and how they receive and respond to information are critical aspects of this.

Eisenhower expected cabinet secretaries to initiate policy and gave them a large amount of autonomy (Brownell 1993). There is debate as to how informed he was on certain issues. In the specific case of civil rights, I found that Eisenhower was not very involved in the deliberation

process and did not use his “hidden-hand.” Brownell and Justice created the initiative without presidential guidance. Eisenhower resisted using the proposals until 1956 when he agreed to submit all four provisions. When he decided to run for reelection, he distanced himself from the bill until 1957. The case highlights the cabinet secretary’s efforts to influence the president rather than the president directing his secretary towards his own goal. Eisenhower’s lack of direction allowed Brownell to act on his own and portray the president’s indefinite position as tacit consent. Eisenhower has been credited with deliberating with his cabinet on a regular basis but many decisions were made in smaller meetings after the full cabinet meeting or at other times. He was subject to the views of those advisors who were able to meet with him privately, particularly at the right time. The president did not include Brownell in crucial meetings with Senator Johnson and failed to contact him during the final negotiations on the bill (Caro 2002).

Carter also gave Califano and Marshall little guidance at first. Even by April, Califano did not have a good idea about Carter’s goals and hoped that the few briefing meetings they held would help (Califano 1981). The only strong position that Carter took was to have a zero-budget plan, which in the end did not happen. Some view Carter’s insistence on zero-budgeting as a managerial method of simply aiming for that so that realistic budget increases are not too much higher but his insistence at several points, however, was more ideological than managerial. He forced Califano to start from scratch after three months of work because of the budget issue. Carter’s guiding principles released in May were constructed by Califano, Marshall, Watson, and Parham. While Carter built a set of principles from these memos, he was not the original author.⁴⁹⁰

Califano specialized in giving briefings and placed a large emphasis on visual charts but Carter never made decisions during a meeting or briefing. Besides simply being Carter’s style,

his EOP advisors recommended that he did not need to make decisions at meetings because they feared being left out of the process. Carter preferred to review memos in the evening and early mornings to make informed decisions. He received memos from several sources that may not have even been aware of each other's recommendations. He was deprived of choices compared to Ford because his option papers were much less detailed and in yes or no form. Ford's options papers provided several versions of an initiative and reported who supported which versions.⁴⁹¹ On at least one occasion, Carter spent hours early in the morning reviewing memos from different people. Carter's reliance on individual memos also may have inhibited OMB Director Carp, who preferred informal discussions. Ultimately, Carter's hands-off approach created distrust between he and Califano, and the administration lacked a method for settling interdepartmental disputes. This encouraged Califano to pursue his own objectives, such as anti-smoking, without consulting the president.

Ford's direction was limited to the awareness of a couple of principles that he held strongly. He wanted to work towards deregulation and decontrol of prices; essentially, he believed in a free market. Ford preferred to have collegial discussions with his principal advisors, thus some decisions were made collectively. While allowing several advisors and cabinet members to have input, discussions revolved around several aspects of the energy issue which grew to be too much to cover in a single initiative. Ford did not set forth any limitations on the topics that were being visited. Any issue that related to energy was included which resulted in an initiative that was too multifaceted. He also failed to direct congressional relations strongly enough, allowing debate to pass his May 1 deadline and not receiving a bill until December. Ford's strength, however, was that he used detailed options papers to make decisions and did attend meetings. Most disagreements arose between departments in which case either the ERC or

EPB provided the opportunity for mediation. Ford was the final arbiter after being presented with option papers that listed who supported which option. Thus, Ford can be considered proactive and did give direction but his direction remained unclear at times and contradictory at others.

Johnson did not need to give much direction to his cabinet. This was not a problem, as it was for Carter, because it was not a comprehensive program they were developing. Johnson did ask them to come up with ideas that they wanted regardless of political realities but much of the ESEA had already been developed before Johnson took action on it. The task force added to the program. Johnson allowed HEW and USOE discretion because the initiative was specific to helping elementary and secondary education. Because the issue did not cross over several departments, there were not so many alternatives for Johnson to choose from. He was able, in this case, to delegate supervision to Cater and made himself clear to all of his subordinates, that he felt education was the solution to poverty. HEW officials Keppel and Cohen usually communicated through Cater. Johnson had many other special assistants including Moyers, Valenti, and eventually Califano who took part as well. Each was assigned a particular issue to oversee. This provided Johnson with a single, direct source of information for each aspect. In the case of the ESEA there was no need for options papers such as with Carter and Ford. Because Johnson was able to frame the issue sufficiently and because no one doubted his commitment to it; Johnson's subordinates knew what to provide him with.

Reconciling Differences

When developing a major proposal, presidents need to be able to reconcile departmental differences, particularly as several departments may be able to claim jurisdiction in an issue area. A major aspect of being "proactive," Johnson and Ford maintained methods of achieving this,

while Eisenhower allowed Brownell to pursue civil rights legislation without much administration support and Carter expected departments to negotiate among themselves. The secretary of the department that has the lead on an issue must feel secure in the support they have, and it is difficult to garner the support of Congress and interest groups if there is little cohesion within the administration.

Eisenhower had no formal method of settling disputes. He used the full cabinet as an advisory tool but when Brownell's full program came under attack from most cabinet members, Eisenhower easily allowed them to sway his position, acting warily towards Brownell's program simply because of the cabinet's opposition. Eisenhower's position and the strength of his support for the program were inconsistent because no final resolutions to his own concerns and the concerns of the program's opponents were established.

Under Ford, typical White House staff such as Donald Rumsfeld and Robert Hartmann had very little influence in energy policy. Seidman was the primary White House staff member involved. He and Zarb both worked to incorporate the preferences of the departments into the administration's policy. Most disagreements arose between departments, rather than with the White House, and either the ERC or EPB provided the opportunity for mediation. In seeking a final decision, President Ford was presented with very detailed option papers which listed the supporters of each option and Ford was the final arbiter.

Carter experienced the same circumstances as Ford, the problem was interdepartmental rather than a disagreement between the White House and the departments. Except for the budget issue, the disputes were really between HEW and Labor, and the White House had difficulty settling these disputes. I believe that some White House officials did not care about policy outcomes as much as they did about simply getting something passed so that the president would

be seen favorably. There was distrust in the White House of Califano and HEW but with little guidance from Carter, White House officials knew no more of what to do than Califano had. Carter was absent in deliberations between Assistant Secretaries Aaron and Packer, though some of his staff members did participate in negotiations. The lack of a formal working body to create policy and negotiate with Congress made interdepartmental disputes difficult to settle.

In the Johnson case, no evidence was found of serious disagreements. If there were Johnson would have made sure that a staff member would be available to coordinate negotiations. While Johnson did not have a formal method of deliberating as Ford did, having Douglass Cater as a point person for education policy would allow the White House to identify potential conflict and provide agencies with a trusted liaison that could make decisions with or for the president depending upon the severity of the disagreement. In conclusion, having a deliberative body such as the ERC or a strong liaison like Cater is beneficial to the resolution of disputes.

Outcomes and Conclusions

The level of direction given by the president, how they receive information and make decisions, and how they settle disputes can affect whether a bill reflects the original proposal of a department or the administration. Interdepartmental disputes and a lack of administrative cohesion can alienate interest groups and members of Congress. If an administration forwards a position unsupported by a department or department officials have no incentive to lobby Congress and interest groups, the bill will be much more difficult to pass. By being passive during deliberations, presidents also allow other political actors to increase their influence and thus a proposal may not reflect the presidents' goals.

For the president's I describe as "proactive," each had differing results. Johnson succeeded in passing a bill intact. The legislation mirrored the administration's bill with only minor changes, which actually enhanced rather than diluted it. With Ford, the actual bill that passed did not represent the goals of the departments. This was not because the departments disagreed with what was proposed. The decision to sign the bill was more of a political decision than a policy decision. Ford took what he could get. Because there were so many aspects to the comprehensive plan, it is difficult to measure each department's gains and losses. The department's goals differed only slightly from the administration's goals so any 'loss' was not caused by division, rather the administration as a whole 'lost.'

For the passive presidents, the civil rights bill was unsupported by the Justice Department because the administration never fully resolved to support all four provisions. The initiative is considered a failure because two of just four provisions failed to pass. If the administration had decided on supporting all four or just two provisions before the latter stages of the legislative process, we could interpret it as an incremental success. Carter's PBJI did not pass, and if it had, it would have included many concessions by HEW. Many HEW officials disapproved of the final product. It was not congressional opposition that changed the bill. In fact, Califano would have been able to mold a suitable bill with congressional input if Carter had allowed it. Rather, interdepartmental disputes altered the administration's goals. Carter's failure to settle disputes and take the input of Califano and members of Congress into account caused the bill to deteriorate into a product that neither HEW, major interest groups, nor Congress could support.

The Utilization of Cabinet Secretaries

My third general research question is, “how have presidents utilized or failed to utilize cabinet secretaries in policy-making?” To gain insight I asked more specifically:

3a. What are the president’s views on the presidency and his expectations of cabinet secretaries?

3b. How have the president and cabinet secretaries cooperated in pursuing their initiative? In what ways did they work independently?

3c. What other actors were involved in the initiative and to what extent did the president rely upon them for information and advice? How much influence did the cabinet secretary have in relation to these actors?

3d. Was the cabinet secretary involved in most of the important policy formulation decisions? Were they involved in political decisions (particularly when these political decisions affected policy formulation)?

Most of our understanding of how presidents utilize their subordinates has come from literature on presidential organization (Burke 2001, Rudalevige 2005, Walcott and Hult 1987). Yet, presidents rarely maintain their commitment to any particular model of organization such as the collegial, spokes-on-the-wheel model or the hierarchical model. Rather the unique structure they use evolves over the course of their tenure and often, certain advisors are given special access based upon some personal relationship or special circumstances. I hypothesized that having a previous working relationship or friendship with a president provided a cabinet secretary with more influence. I found no evidence to support this expectation. A president’s

relationship with cabinet members is however, affected by the president's views on their own role and on the role of the cabinet member.

The Presidents Expectations

How presidents have viewed their own role helps us characterize each president's management style. As an "ineffectual executive," Carter did not have any innovative ideas of his own in terms of welfare; instead he expected cabinet members to come up with ideas. Similarly, Eisenhower was a "desk manager" who maintained certain principles but was passive in guiding cabinet members on how to translate these principles into policy. Ford was the "collegial supervisor," who was very proactive in working with cabinet secretaries but did not provide clear purpose while Johnson was the "hands-on manager" who maintained control, followed up on assignments, and acted personally when necessary.

Eisenhower and Ford each held a firm belief that Congress has the responsibility for creating new laws and programs. While neither president felt that they ought to remain outside of such deliberations, they did not feel as if they could push Congress into action. Ford understood that his administration could develop policy so long as members of Congress remained the primary actors and were included in the process.⁴⁹² Eisenhower certainly did not accept the idea that he could force social change in civil rights, particularly when such changes were thought to impede upon states' rights (Anderson 1964, Brownell 1993). Because of these views, the Ford administration worked very closely with Congress while Eisenhower did not challenge Congressional opposition to Brownell's initiative. I have maintained that a relationship with Congress is what makes a cabinet secretary an important resource for presidents. Working with Congress provided a certain level of success for Ford and Eisenhower, but the reasons why much

of their programs remained unsuccessful were the weaknesses I have identified. Ford did not effectively clarify his objectives because he felt Congress needed a role in that while Eisenhower felt that the presidency was limited in its responsibilities and so neither encouraged nor deterred Brownell in his endeavors, allowing the Senate Majority Leader to establish limitations on the initiative.

Carter and Johnson, on the other hand, felt that they could initiate action. Carter even felt that he could appeal to the public if Congress did not follow his lead (Bourne 1997). Johnson had a broad agenda that he intended on passing through Congress using tactics only a political expert such as himself could use. Carter's view of a strong presidency was in fact a weakness because he alienated members of Congress and interest groups whom he depended upon for success. Johnson also viewed the president as a primary actor in policy-making but recognized that he needed to court other political actors in the process. Thus, we have two presidents who felt confident in the power of their office and two who recognized some limitations. A president's view of their role in the broader political system contributes only part of the explanation of policy-making success. Other variables include the president's view of their role in the executive branch and their views of a cabinet secretary's role.

Carter and Eisenhower expected cabinet departments to formulate new proposals. In both cases, this view brought heavy responsibilities to Secretaries Califano and Brownell, as they could not expect much guidance from the passive presidents. Coming into office, Carter saw the cabinet as the center of policy innovation and avoided a White House staff reminiscent of Nixon (Burke 2000). In actuality, Stu Eizenstat's Domestic Policy Staff led domestic policy development; ultimately, political concerns created a wedge between Carter and the cabinet. Eisenhower allowed Brownell to formulate his program within the Justice Department without

outside interference (Brownell 1993). The president was not personally involved in the process and had no personal stake in the initiative. Because of their reliance on cabinet members for initiatives, it is ironic that neither Eisenhower nor Carter knew many candidates for cabinet posts and relied on advice for appointments, though Carter was personally involved in final decisions. Eisenhower had already built a friendship with Brownell but Carter and Califano had not known each other nor understood each other. This contributed to Carter's difficulty reconciling differences between departments and between himself and Califano.

Both Ford and Johnson were political insiders who knew almost everyone. Ford and Morton served in the House together for many years. Unusual for Johnson, however, he and Celebrezze had only met socially before Johnson's ascendance to the presidency.⁴⁹³ Ford understood, based on his career in Congress, that members needed to feel responsible for their initiatives and would not work hard for something that was not of their own initiative. Ford set out to provide Congress with room to negotiate and did not expect his cabinet members to initiate new proposals; rather he inherited much of his energy plan from the Nixon Administration. Because neither of these president's had high expectations of the departments, they were proactive with officials because they knew that the departments needed guidance and needed to incorporate their work with the work of either task forces or Congress. For Johnson, cabinet secretaries and their departments were meant to figure out how to implement policies, essentially how to manage the federal government. To him, departments were responsible for writing up legislative proposals that would enable them to advance the president's agenda but not necessarily to be the source of those ideas. Johnson used task forces to come up with innovative ideas because he felt that bureaucrats simply wanted to maintain the status quo. The Gardner Task Force however, happened to be heavily influenced by USOE

Commissioner Keppel (Bailey 1966). Because Johnson lacked trust in the bureaucracy, he wanted to manage them closely, assigning a White House staffer to liaison with each department based on the issue at hand. For education, this liaison was Douglass Cater. A second reason for this organizational strategy was based upon the recommendations of Jack Valenti.⁴⁹⁴ Throughout his political career, Johnson made sure that he knew whom to work with in trying to get things done. Unlike President Kennedy, Johnson would know who his commissioner of education was. When organizing his White House, Johnson made sure that he and agency officials would know whom to see on a certain issue. Part of the rationale for assigning a staff member sole responsibility on an issue was to make department officials feel as if they had an ally in the White House. Both department officials and the White House staff members would be more dedicated, productive, and fulfilled. Valenti's suggestions are similar to Maslow's (1943) "esteem" level in his hierarchy of needs. Maslow (1943) suggested that people were motivated, in part, by their desire for recognition and respect. Johnson knew people needed to feel important and would always ask for help and make requests in a way that made the person feel needed. Yet he only went so far as he also hated to waste time, thus any contact with department heads would be brief and necessary. He would expect subordinates to get things done with little need for his involvement. Thus, Cater and a few other staff members would act on Johnson's behalf. The important fact is that Johnson maintained the trust of his department heads and advisors. As Gosling and Mintzberg (2003) noted, managers earn their leadership roles through gaining trust.

How Presidents have Interacted with Secretaries

While a president's views on their role and the role of their secretaries helps to explain why Ford and Johnson were proactive and Carter and Eisenhower were passive, I found that

“proactivity” is a relative term. Presidents can be proactive by cooperating with their subordinates in many different ways. Presidents do not necessarily have to attend meetings and negotiations as long as they maintain contact with those acting on their behalf. Yet, presidents ought to give direction and step in when necessary, particularly when there are interdepartmental disputes or when their influence is needed during deliberations with Congress. Presidents must also monitor which actors are involved in the process to ensure that the appropriate interest groups and members of Congress are consulted while also making sure that these actors do not usurp too much influence.

Ford’s efforts with his subordinates were perhaps the strongest of these four cases. One strategy that Ford used that others did not was holding legislative meetings devoted to his initiative. He also held meetings of administration officials, solely devoted to energy, whereas the other presidents held issue specific meetings only sporadically if at all. Eisenhower failed to hold meetings focused around civil rights and proposals were constructed solely within DOJ. For Johnson and Carter, meetings were held between departments, usually at the assistant secretary level. For Johnson, regular meetings were unnecessary because many of the bill’s goals had already been established. In each case, the president would discuss the issue, at cabinet meetings or large staff meetings, amongst other issues; Ford stands as the only of these presidents to regularly attend meetings of a policy-focused group. Essentially the difference is that Ford occasionally attended a regularly held meeting, checking up on the group while the other three presidents would bring in the main spokespersons when they were ready to present something to the president. Johnson, unlike Carter and Eisenhower, would follow up on his own initiative and was very successful at delegating and keeping track of assignments.

In his efforts, Ford relied on what would be best described as cabinet councils, the ERC and EPB. They were chaired by the secretaries of the Interior and of Treasury, respectfully. However, their executive directors were FEA Administrator Zarb in the ERC and Assistant to the President Seidman in the EPB. Zarb was employed through the Interior Department so there was no conflict of interest there; he still reported to Secretary Morton. His ERC position however, did make him a de facto member of the White House staff. It was a dual relationship that Zarb had to balance. Seidman's position was outside of the departments. The consensus is that because he had no special interests, his efforts in the EPB were fair and effective. Under Ford, the ERC and EPB were organizing mechanisms so that department heads could be directly involved in the policy process. Each participating department was assigned an issue to work on while Zarb organized the process by setting deadlines, providing a forum for deliberations, comparing different opinions, and maintaining a paper trail. Because of the ERC and EPB, departments did not typically work separately, except State, and although they had individual assignments they shared resources and collaborated thoroughly. The formal processes of deliberation allowed Ford to give direction, provided a forum for departmental disputes, and included Congress during the process as Ford held many congressional meetings.

Without the ability to relate to many people in his administration, Carter's level of cooperation with Califano and Marshall was lacking. First, Carter failed to inform Califano of his dedication to zero-based budgeting. This forced Califano to start all over six months after beginning his welfare task force. It was not until May that Carter and Califano outlined guiding principles, a task that should have been completed soon after taking office or even before. Second, HEW and Labor developed their own plans independently of the White House. Allowing issues to be worked out informally between departments lengthened the process

because major issues appeared back on the table for discussion even after progress had already been made. For a comprehensive initiative this can be problematic because some provisions might have unintended consequences on other issue areas and the president needs to make sure this does not happen. Allowing too much independence can also give a secretary a greater sense of freedom than is appropriate, as seen in Califano's smoking initiative. Carter's third mistake was his alienation of Congress, which prevented him from supporting his department officials before Congress and which simply made the legislative process much more difficult overall.

Eisenhower too, was not an active participant in the development or the forwarding of civil rights policy. He did maintain contact with cabinet members but cabinet meetings were trivial. The few meetings where Brownell presented DOJ proposals, the president sided with those who held doubts about the program. It appeared more like backing down in the face of opposition than attempting to work out differences. For Eisenhower, it was a simple yes or no without any attempt to negotiate details. Eisenhower also failed to fight with Congress on the issue. One of Eisenhower's main objectives as president was to appear non-partisan. This idea of a temperate presidency restricted his options. When opposition arose, Eisenhower turned to advisors other than Brownell to decide that it was not worth fighting for the two controversial provisions of the civil rights bill.

The Influence of Other Actors

There are three major political actors who affect the relationship between presidents and their cabinet secretaries. It has been well established that president's risk losing the loyalty of their appointees to congressional committees or interest groups (Hecklo 2009). Secretaries, on the

other hand, may have to fight with the EOP, specifically White House staff, for the ear of the president. Below is an analysis of how these actors were involved in the four case studies.

Congress

Eisenhower was passive towards Congress and wanted to avoid confrontation. He did not use his political capital and even directed Brownell to propose the bill as a DOJ initiative rather than a White House initiative. Brownell's proposal was written without congressional consultation (Anderson 1964). Ultimately, it was presidential campaign politics and maneuvers by Senate Majority Leader Johnson that forced Eisenhower to capitulate without much effort at resisting Johnson (Caro 1982).

Because of his congressional experience, Ford met with members of Congress grouped as party leaders or committee members, often with either Zarb or Simon alongside him. Under Carter, members usually met with the president individually and at another time met with Califano. Califano established a consulting group, headed by Assistant Secretary Aaron that included representatives from the Senate Finance Committee and the House Ways and Means Committee.⁴⁹⁵ Essentially, part of the dysfunction of Carter's PBJI was caused by the fact that Carter did not include Califano in his congressional meetings and missed out on interactions with members by not playing a more active role when Califano met with members of Congress. Cabinet secretaries should certainly meet individually with members of Congress, but holding several meetings with the president in attendance would make congressional members feel more important, perhaps feel more pressure to comply, and can give the president a perspective that he could not get by simply reading a memo about the meeting he did not attend. From the beginning, Congress saw Carter's efforts as lacking and Carter favored programs that the

administration knew leaders would oppose. Members opposed the no-cost basis and eventually began to act without the administration, as Moynihan did. While Congress was consulted, because of disagreements between Labor and HEW, there was no united front against congressional opposition. Ford however, attempted to reconcile his plan with the initiatives of Representative Ullman and Senator Jackson (Grossman 2013). Thus, members had a lot of influence on the initiative. The essential problem Ford encountered was that his initiative was so broad that too many committees had jurisdiction and the landscape was difficult to traverse.

When he was president, Johnson opted to leave Congress out of the process as long as possible. In order to avoid criticism, the administration maintained secrecy until the bill was submitted.⁴⁹⁶ Johnson relied on favorable Senators Morse and Perkins, and Representative Powell to move the bill through committee quickly and to avoid a conference committee.

Conclusively, each president, but Johnson was negatively affected by congressional actors. Possible reasons for Johnson's success include the secrecy he maintained, restrictions on congressional input, quick maneuvering through committee, and personal contact by the president and Secretary Celebrezze with members. A question remains as to whether secrecy to avoid criticism is a better strategy than openness, which gives members a stake in the bill. Certainly Johnson could not succeed but for Morse, Perkins, and Powell. Thus, some consultation or collusion with members is required but the president and secretaries must have settled internal disputes and be clear on what the administration is willing to accept in an agreement.

Interest Groups

Because Eisenhower wanted to remain non-political and avoid the appearance of pressure, he ordered Brownell not to consult outside groups when providing amicus briefs in the *Brown* case (Brownell 1993). When Brownell built the civil rights bill, he still did not consult outside groups or Congress (Anderson 1964). When Carter became president, Califano did not have relations with relevant interest groups, whereas Secretary Marshall did. During the process, though, Califano sought written comments from about one hundred interest groups.⁴⁹⁷ Unfortunately, the opposition of many groups in addition to the Departments of Agriculture and HUD, forced food stamps, veteran's benefits, and housing subsidies to be taken out of consideration for being part of welfare reform. In the end, most groups saw the PBJI as inadequate.

At Secretary Morton's urging, Ford's ERC consulted interest groups early on, holding several conferences. Throughout the process, contact with interest group leaders was evident with FEA official's even receiving technical expertise from corporate officials.⁴⁹⁸ Outside groups and members of Congress retained a lot of influence in relation to cabinet members because they were allowed continually to provide input rather than simply being consulted early in the process. This was part of Ford's understanding of the political process. With Johnson's task force, each member had a different view as to whether they should remain insulated or act as the representative of certain groups (Kearney 1967). Contact with interest groups was unofficial, yet individual task force members made contact with education and Catholic interest groups while Keppel's input was based on his belief that the NEA and the NCWC needed to support the bill for it to pass.

For Ford, Carter, and Johnson, the views of interest groups determined what was included or excluded from their initiatives. The two proactive presidents, Ford and Johnson utilized department officials appropriately with Zarb and Keppel allowing groups to have input and reasonably shaping the initiatives around their perspectives. Carter capitulated too easily in reducing the scope of his initiative but at the same time, did not incorporate the views of those who favored higher appropriations and higher benefits. Ideally, department officials understand the views of their clientele groups and can reconcile differences with White House goals. While neither of the four cases showcased interest groups as saboteurs or saviors of an initiative, presidents want to avoid any possible barriers and large groups may be able to help with public relations. When groups have been supportive of initiatives it has come through the efforts of department officials like Keppel.

Executive Branch Officials

Eisenhower witnessed disparate views in his administration, was influenced during private meetings with various officials, and strived to avoid confrontation while often siding with those who had doubts. Many cabinet members including Folsom, Dulles, and Wilson opposed the bill. Special Counsel Gerald Morgan and Chief of Staff Adams also were skeptical. The bill's main supporters were Labor Secretary Mitchell and Presidential Advisor Arthur Flemming. Despite the opposition, Eisenhower would not directly order Brownell to stop his efforts, allowing Brownell to exaggerate the president's tacit consent, going beyond his directions and suggesting to others that the president supported him fully. It is difficult to say who had more influence on Eisenhower and it appears that the president changed positions as he held different meetings. He tended to side with the majority or with whomever had the last word, often in a

private meeting. Despite the differences within the administration, the content of the bill was purely Brownell's. Though it is difficult to tell Eisenhower's preferences, it does not appear that he favored the advice of EOP members over cabinet members.

Under Ford, EOP employees such as Greenspan in the CEA and Lynn from OMB were heavily involved. It seems, however, that they maintained a relatively neutral role, focusing on budgetary estimates without advocating from an ideological or policy perspective. While I initially assumed that Morton and Simon had enormous influence on energy policy, Morton was actually more of an administrator or organizer. He allowed Zarb to take the lead but reviewed and approved (at least tacitly) what occurred within the ERC. Simon acted similarly in the EPB, allowing Seidman to take the lead, but seems to have been very distant considering that he had once led Nixon's energy reform efforts, wanted to retain influence, and had a large stake in the process as secretary of Treasury. Simon was absent from many energy meetings where other principal actors such as Morton were present. In one instance, Simon purposefully sent his deputy even though his own schedule was open.⁴⁹⁹ Simon was involved at certain times but evidence suggests that he was somewhat disengaged at other times. Morton was credited with working with Congress on strip-mining and brokering a deal with manufacturers on appliance energy efficiency, but his lack of interest in energy after his move to Commerce gives us insight into why he was a background figure. The ERC and EPB were opportunities for Simon and Morton to exercise more influence than they actually did. Any lack of influence can more accurately be attributed to their efforts rather than organization. For the most part, it seems as if Morton and Simon were behind the scenes rather than intimately involved every day.

Departmental disputes were non-existent under Johnson, primarily because of the appointment of Cater as the overseer of the issue. Limiting those who were in charge of the issue

prevented territorial disputes. Cater acted as an intermediary between the president and Celebrezze and Keppel.⁵⁰⁰ Because Cater's assignment focused entirely on education policy, risks of compromise and deal trading that is sometimes a result of having someone outside the department work on an issue was nonexistent. Cater can be compared to Seidman under Ford who was an honest broker and to Schultz under Carter who favored HEW over Labor. Valenti's insight seems to have been correct in that department officials thrive when they know who to turn to at the White House.⁵⁰¹ Cater, like Seidman, was a bridge rather than a barrier. Celebrezze and Keppel each have stated that they could always see the president when they needed to.⁵⁰² They felt as if they were effective advisors. While Cater and Cannon were important actors, there is no evidence that they overshadowed department officials. Celebrezze worked behind the scenes, mainly with Congress. In terms of influencing the content of the bill, Keppel and Cohen along with past USOE staff are seen as the primary architects of the bill.

Under Carter, both Califano and Marshall delegated much of their authority to their assistant secretaries and some suggest that Califano 'checked out' towards the end of the process, leaving Assistant Secretary Aaron to fight for HEW's position. While Califano was given a lot of freedom in developing his plan, his level of influence was limited by Carter's zero-cost principle, and while Carter did accept higher costs in the end Califano was unable to get significant support from the White House for most of his goals. CEA Chair Charles Schultze was meant to be an 'honest broker' between HEW and Labor but was skeptical about Labor's jobs program (Patterson 2001). Schultze complained in April 1977 that merging the HEW and Labor plans was too difficult.⁵⁰³ Several EOP officials, particularly Eizenstat, worked with Assistant Secretaries Aaron (HEW) and Packer (Labor), but ultimately CEA official Nordhaus developed a compromise plan that HEW reluctantly went along with (Lynn and Whitman 1981). One

difficulty with Carter's advisors was that, unlike Greenspan in the CEA and Lynn from OMB during the Ford Administration, Eizenstat and others were much more ideological and politically minded in advising the president. It seems as though the political advice Carter received eclipsed some of his programmatic goals.

It appears that the involvement of EOP officials can be helpful so long as they act as honest brokers, like Seidman, or as a direct conduit to the president, like Cater. The ideological goals of Carter's advisors negatively affected the reconciliation process between HEW and Labor. In the Eisenhower case, it may have benefitted Brownell to have an ally in the White House to defend his position when he was not consulted during the legislative process.

Cabinet Secretaries Utilized in Legislative Strategy

Under Ford, legislative strategy was run by Zarb. In the end, each relevant secretary gave their opinion on the decision to sign the ECPA. Morton wanted the bill signed while Simon advocated a veto. There was no instance, as there was with Eisenhower, where the president made a tactical decision without consulting the relevant departments. In the eleventh hour, Eisenhower consulted with Senator Knowland and Representative Martin without consulting Brownell. With Ford, the approach to negotiating with the conference committee was more systematic and ultimately the decision was an 'all or nothing decision,' rather than one where some provisions were traded by the president as Eisenhower did. I suggest that had Brownell been consulted, he would have advised the president to use Johnson's need for a civil rights bill to his advantage and keep the four provisions intact.

President Johnson credited Celebrezze for his efforts getting the ESEA passed. Celebrezze delegated most of his responsibility for the ESEA to Keppel and Cohen but all three

worked with Congress during the legislative process and were critical actors implementing legislative strategy. I am unaware of any political decision that affected policy formulation during the legislative process because the bill was passed mostly intact. The major political decision made was the early decision to use categorical aid rather than general aid, which was attributed to Assistant Secretary Cohen. In the Carter case, Califano was one of the more skilled advisors in congressional relations. Califano took criticism from Congress about state fiscal relief and the zero-cost budget and attempted to remedy these complaints in July, but DPS officials and opposition from Labor and HUD prevented Califano from implementing his political concerns into policy formulation. He lost on issues such as state relief, the EITC, and housing subsidies. Besides affecting Califano's policy goals, these concessions made the bill insufficient politically as well.

While Eisenhower should have supported Brownell in the face of Senator Johnson's opposition, Carter should have accepted Califano's recommendations that their bill include elements that were supported by influential members of Congress. The two presidents did not allow their most politically savvy department heads guide their initiatives through Congress and shape the bill as necessary for success. Ford allowed Interior official Zarb to take the lead on legislative strategy which certainly contributed to his limited success while Johnson's HEW Secretary Celebrezze and Commissioner Keppel also worked tirelessly on the Hill to achieve their success.

Conclusion

Cabinet secretaries can be included in the policy-making process both formally and informally. Even with a formal structure such as the ERC that allowed for cabinet secretary

influence, their influence is not guaranteed if they do not put forth the effort or if they allow other officials to take the lead. I found that secretaries often delegate responsibility to assistant secretaries or agency directors within a department. Thus, while I chose to focus on cabinet secretaries, more studies similar to that of Villalobos' (2012) would be helpful where a focus is on broader agency input. While assistant secretaries might maintain even better relations with interest groups and Congress, the president does not have a strong relationship with assistant secretaries. Presidential relations with cabinet members are still critical in utilizing other department officials. This is particularly true if cabinet members are allowed to choose their own team, which is generally beneficial for the department's efficiency and motivation.

A Typology of Presidential Management

I devised a typology of presidential management in which I classify cases of management by two features. First, by the clarity with which presidents guide their subordinates and present their initiatives to outside actors and the public. Second, by the level of interaction presidents maintain with cabinet secretaries, which I denote as either "proactive" or "passive." Each of the four cases in this study embodies one of the four types of management styles. I suggest that every contemporary president can be categorized by at least one of these styles. Furthermore, I theorize that the management style used by the president has a profound effect on their likelihood of successfully developing an initiative and securing its passage into law.

Once again, Johnson was proactive and clear, Ford was proactive and unclear, Eisenhower was passive and clear, and Carter was passive and unclear. The classification of each case is unique to the relationship between the president and that particular cabinet secretary during that particular period. Presidents might embody a different managerial style with different

subordinates or might shift their style as their tenure carries on. Thus, these classifications are not full descriptions of a president's tenure. While presidents, based upon their character and predilections, tend to exhibit a particular style routinely, it is inappropriate to say that a particular president purely exhibits just one management style. Rather, each classification is case specific and it would be more appropriate to place presidents on a continuum rather than in a taxonomic box. My expectations were supported to the extent that having unclear direction and being passive contribute to initiative failure. A positive outcome however, does not clearly appear to be caused by being proactive and having clear directives. Other factors can be more important in successful cases. These two features of managerial strategy do, however contribute to the performance of cabinet secretaries, whom I found to be helpful in gaining support from Congress and interest groups.

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Notes

¹ "Notes on the President's meeting With Congressional Leaders," January 26, 1953, Legislative Meetings 1953 (2), Box 1, Whitman Collection, Dwight D. Eisenhower Presidential Library (DDEL)

² Legislative Leaders Meeting, December 12, 1955, Legislative Meetings 1955 (5), Box 2, Whitman Collection, DDEL

³ William P. Rogers to Warren Olney III, January 23, 1956, Box 2, A.B. Caldwell Papers, University of Arkansas

⁴ Ibid

⁵ Memorandum: The President's Views on the Proposed Civil Rights Program, Maxwell Rabb to Herbert Brownell, March 9, 1956, Meeting of 3/9/56, Box 6, Cabinet Series, DDEL

⁶ Minutes of Cabinet Meeting, March 9, 1956, Meeting of 3/9/56, Box 6, Cabinet Series, DDEL

⁷ Letter from Marion B. Folsom to Herbert Brownell, 3/19/1956, Civil Rights #3, Box 6, Morgan Records, DDEL

⁸ Minutes of Cabinet Meeting, March 23, 1956, Meeting of 3/23/56, Box 7, Cabinet Series, DDEL

⁹ "The President's Appointments- Sunday, March 11, 1956," Presidential Appointment Books, DDEL

http://www.eisenhower.archives.gov/research/online_documents.html

¹⁰ Memorandum, Gerald Morgan to Ann Whitman, March 24, 1956, Miscellaneous March 1956 (2), Box 14, Whitman: DDE Diaries, DDEL

¹¹ Ibid

¹² Letter from A.B. Caldwell, October 18, 1974, File 5, Box 2, AB Caldwell Papers, University of Arkansas

¹³ Letter, Herbert Brownell to Vice President Nixon, April 9, 1956, Meeting of 3/23/56, Box 7, Cabinet Series, DDEL.

¹⁴ U.S. Congress, House Committee on the Judiciary, 84th Congress, 2nd Session, 1956, p 19-20

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Memorandum, Max Rabb to Bryce Harlow, March 27, 1956, Civil Rights, Box 8, Harlow Records, DDEL

¹⁸ Ibid.

¹⁹ L.A. Minnich, Supplementary Notes on Legislative Leadership Meeting, Legislative Meetings 1956 (2), Box 2, Whitman: LL, DDEL

²⁰ Minutes of Legislative Meeting, July 10, 1956, Legislative Meetings 1956, Box 2, Whitman: LL, DDEL

²¹ US Congress, House Committee on the Judiciary, 84th Congress, 2nd Session, CR 12918 B to 12919 B

²² Note from Bryce Harlow to General Wilton Persons, July 18, 1956, Civil Rights, Box 8, Harlow Records, DDEL

²³ Pre-Press Conference Briefing, August 8, 1956, Press Conf. 8/8/56, Box 5, Whitman: PC, DDEL

²⁴ Letter from Hugh Scott to Sherman Adams, January 30, 1956, File 102-B-3-910, Box 430, Official Files, DDEL

²⁵ Memorandum, E. Frederic Morrow to Dr. Gabriel Hauge, March 21, 1956, Misc Mar '56 (2), Box 14, Whitman: DDE Diaries, DDEL

²⁶ Note from Bryce Harlow to Max Rabb, May 3, 1956, Civil Rights, Box 8, Harlow Records, DDEL

²⁷ Memorandum for Record. Wilton Persons, August 1, 1956, Diary Staff Memo 8/56, Box 17, Whitman: DDE Diaries, DDEL

²⁸ Letter, John Anderson to A.B. Caldwell, A.B. Caldwell Papers, University of Arkansas

²⁹ White House Press Release, November 2, 1960, 142-A Negro Matters 4, Box 731, Official Files, DDEL

³⁰ Letter from A.B. Caldwell, October 18, 1974, File 5, Box 2, AB Caldwell Papers, University of Arkansas

³¹ Legislative Meeting, December 31, 1956, Legislative Leaders, Box 2 (3), DDEL

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