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OCCASIONAL
PAPER

Leading the Executive Branch

Strategies and Options for Achieving Success

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Preface

This occasional paper examines how future U.S. presidents can lead the Executive Branch, particularly in light of recommendations made in 2003 by the National Commission on the Public Service—also known as the Volcker Commission—pertaining to comprehensive reorganization of the federal departments and agencies. The analysis is based on a review of historical and current presidential scholarship, public administration, and governance literature, providing a timely look at presidential strategies for achieving responsiveness from the departments and agencies of the Executive Branch. The paper should be of interest to presidential candidates and their staffs, cabinet secretaries, members of the civil services, members of Congress, the president, public administration scholars, and stakeholders seeking to influence federal policy.

Expert reviewers assisted the authors in generating the final version of the paper presented here. These reviewers were Jack D. Fleer, Professor Emeritus of Political Science at Wake Forest University; Andrew Rich, Associate Professor of Political Science at the City College of New York; and James Q. Wilson, Ronald Reagan Professor of Public Policy of Pepperdine University. The authors give special thanks to Professor Wilson, whose note about a future inquiry into the performance of the three largest cabinet agencies helped shape the final essay.

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Contents

Figures

Summary

When a new president takes office, one of his or her first challenges is to exercise control and leadership of the Executive Branch.[1] The president cannot lead the country effectively without a responsive Executive Branch because it is the departments and agencies that help design and implement his key domestic and foreign policies.

The president's limited formal authority over the departments and agencies makes leading them difficult. From the president's perspective, the departments and agencies are the least proximal to him and most inclined to adopt institutional paths independent of his policy agenda. Significant gaps and overlaps in agency responsibilities make it a challenge for him to hold a single agency accountable on a particular issue. Furthermore, the growing size, scope, and complexity of the federal government since the founding of the nation complicate the policymaking process. Thus a new president will strive to ensure that his policy objectives are met by the agency leaders he appoints.

Despite any difficulties the president may face in working with the departments and agencies, he is highly motivated to do so. The president's proposals have a higher chance of surviving the legislative process and being implemented if the departments and agencies help develop and support them.

To work around any constraints they face, presidents developed, over time, a portfolio of strategies to help them lead the departments and agencies. Most importantly, presidents have taken advantage of the Constitution's ambiguity about who should lead the departments and agencies. If the president wants to review a previous agency policy, restructure an agency, or otherwise impose his views on the federal government, he proceeds. If the Congress or courts do not react, the president wins. And he will often win because the majorities needed to challenge the president in Congress are hard to assemble.

Over the course of many administrations, presidents fortified the Executive Office of the President. This occurred primarily through administrative action—for example, by increasing the size and scope of the White House staff. As a result, presidents have gained control of policymaking by shifting the policymaking role away from the departments and agencies and centralizing it in the White House. This strategy of centralizing power among the

[1] Despite RAND's preference for gender-neutral language, when writing about future presidents, the authors will use the pronouns *he*, *him*, and *his* hereafter, in order to avoid overuse of phrases such as *he or she*, *him or her*, and *his or her* throughout the rest of this paper.

White House staff became the preferred presidential alternative during the course of the 20th century.

Although somewhat effective, we argue that the rising power of the White House staff may insulate the president from the valuable knowledge and experience in the departments and agencies. This, combined with the unchecked proliferation of departments and agencies, has made it difficult for the president to develop meaningful, trusting relationships with each cabinet member.

The National Commission on the Public Service (also known as the Volcker Commission) suggested that the performance of the Executive Branch could be improved through a comprehensive reorganization plan. Reorganization is intended to redress some of the gaps in the president's current portfolio of strategies by reducing the number of cabinet secretaries and rationalizing the missions of each agency. The Volcker idea may be attractive to a future president who seeks to share the burden of leading our country with a small but capable group of leaders who rival the White House staff in both Oval Office access and policy impact.

If a future president pursues comprehensive reorganization, we argue that a careful inquiry into the lessons drawn from the performance of our current "mega-agencies"—the Department of Defense, the Department of Health and Human Services, and the Department of Homeland Security—is required. A future president should consider comprehensive reorganization as yet another strategy with the potential for accomplishing more-effective leadership of the Executive Branch. However, this type of reorganization will be controversial and difficult to implement and should be initiated early in a president's first term in order to have any realistic chance of congressional cooperation.

Acronyms

DHS	Department of Homeland Security
DoD	Department of Defense
EOP	Executive Office of the President
EPA	Environmental Protection Agency
EPB	Economic Policy Board
EQC	Environmental Quality Council
FEPC	Fair Employment Practices Commission
HHS	Department of Health and Human Services
NSC	National Security Council
OMB	Office of Management and Budget
UAC	Urban Affairs Council

PART ONE

Introduction

In Federalist No. 70, Alexander Hamilton wrote "energy in the executive is a leading character in the definition of good government" because, he thought, unitary and energetic leadership would bring greater accountability, transparency, and responsiveness of government to the American people. For these reasons, the framers created a single head of the Executive Branch, yet they endowed him with limited formal powers.

The quality of presidential leadership rests in part on his capacity to effectively energize the departments and agencies. These units contain the collective knowledge and expertise of the federal civil service: the experience the president needs to develop and implement his policies. If the agencies and departments are unresponsive to him, then he will experience difficulty ensuring that his policies are thoughtful, well developed, and likely to survive the legislative process.

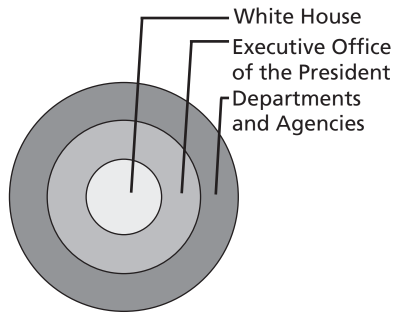
This paper describes the rising power of the U.S. presidency over the last 100 years and its response to the proliferation of federal departments and agencies. Over many administrations, presidents adopted a range of strategies to achieve more responsiveness from the departments and agencies, including creative use of the First Lady and vice president, centralization of policymaking power in the White House, emphasis on loyalty to the president in the selection of cabinet and subcabinet appointees, aggressive use of executive orders, and strategic use of interagency task forces.

In the past, presidents have also had the statutory authority to reorganize the departments and agencies at the start of a new presidential term. A comprehensive reorganization strategy recommended in 2003 by the National Commission on the Public Service (also known as the Volcker Commission) suggests restoring this authority. It also suggests creating a smaller number of mission-driven "mega-agencies" to help the nation achieve more efficient and effective governance. Regardless of how the Executive Branch is organized, the president will need substantial assistance from the cabinet to guide him (Warshaw, 1996) and implement his agenda.

Executive Branch Structure

The Executive Branch of the United States government is divided into three components: the White House, the Executive Office of the President (EOP), and the cabinet departments and

Figure 1
The Executive Branch from the President's Perspective



agencies. From the president's perspective (see Figure 1), the members of his White House staff are the closest and most responsive to him—in fact, White House staff serve purely at the president's discretion. By contrast, the civil servants in the 15 or more departments and agencies are least proximal to the president and must be responsive to both the president and the Congress.

The EOP, established in 1939, consists of senior and support staff reporting directly to the president. It houses the Office of Management and Budget (OMB); the National Security Council (NSC); the Council of Economic Advisers; the Office of Science and Technology Policy; the President's Foreign Intelligence Advisory Board; the Homeland Security Council; and additional environmental, trade, and drug control councils. The EOP plays a very important role in setting the president's policy agenda. In 2006, it employed about 1,800 full-time equivalent staff.

The White House Office is a large subcomponent of the EOP, made up of 18 offices such as the White House Counsel, the offices of the vice president and First Lady, the Office of Intergovernmental Affairs, and the National Economic Council. In addition, there are offices supporting the president's logistics and communications; e.g., the press secretary, speech writing, public liaison, and scheduling offices. Other offices manage the president's political and legislative affairs and personnel. In sum, the White House comprises about 400–500 people who provide policy, administrative, and logistical support to the president.

There are four important conditions that help ensure that the White House staff is highly responsive to the president (Patterson, 2000). First, the sole legal responsibility of White House staff is to serve the president. By comparison, EOP institutions (e.g., the Homeland Security Council and OMB) do not serve the president alone; they also have specific statutory duties and are subject to congressional oversight. Second, White House employees serve the president at his discretion. By contrast, some EOP institutions combine presidentially appointed senior leadership with a cadre of career civil servants. Third, papers generated by the White House are deemed "presidential records." As such they are protected by the Presidential Records Act of 1978, which mandates they become the property of the federal government upon the president's departure and that they be protected from public scrutiny for a period of no more than 12 years. The records and papers of staff outside the White House (e.g., in the EOP) fall under the Federal Records Act, which leaves them more accessible to Congress and the public. Finally, White House staff generally do not testify before congressional committees whereas EOP staff frequently do. These four conditions enable the White House staff to carry out their responsibilities with minimal public scrutiny and congressional oversight and thus enable them to be highly responsive to the president (Patterson, 2000).

The 15 cabinet agencies employ more than 1.67 million civil servants and senior executives—and the extent to which the president controls this talent varies across agencies (Office of Personnel Management, 2005). The Constitution divides agency accountability and responsiveness between the Executive and Legislative Branches. The president must "take care that the laws be faithfully executed," ensuring agency accountability while Congress is vested with "all legislative powers" (Wilson, 1989, p. 258). Thus, neither the president nor the Congress holds complete control over the departments and agencies.

PART TWO

Presidential Leadership of the Departments and Agencies Is Difficult

The president's ability to effectively lead the departments and agencies is made difficult by the president's tenuous formal authority over them. In addition, the growth of the Executive Branch, especially the unstructured proliferation of the cabinet departments and agencies over time, has made the president's leadership task more complex. Finally, the departments and agencies serve at least three "constituencies": the president, congressional committees, and interest groups. Each of these could pull the agency in an entirely different policy direction. As a result of these factors, the president's job of leading the departments and agencies is challenging.

Tenuous Formal Authority

The U.S. Constitution gives Congress exclusive lawmaking authority along with the powers to raise revenue and distribute federal dollars. Among other powers, Congress may coin money, regulate trade, secure patents, establish post offices and roads, declare war, and create militias.

By contrast, the president's powers are certainly not trivial; after all, the president is Commander in Chief of the Army and the Navy of the United States. But the president's other powers seem insubstantial compared with Congress's ability to make laws and raise revenue. The president is authorized to obtain advice from executive department officers and may nominate (for Senate consideration) ambassadors, Supreme Court justices, and federal judges. The president also recommends legislation to Congress, may veto objectionable laws passed by the Congress (subject to a two-thirds congressional override), keeps Congress abreast of the State of the Union, and may convene and adjourn Congress on extraordinary occasions.

With respect to the departments and agencies, the Constitution directs the president to "take care that the laws be faithfully executed" (Wills, 1982). This authority, coupled with the right to seek advice from executive department officers, provides the slim legal thread on which the president rests his control of the departments and agencies.

But the constitutional framers gave neither the president nor the Congress exclusive responsibility for public administration. The choice to leave the role of administration ambiguous was inconsequential in the years following the birth of the nation. However, the framers could not have predicted how the issue of presidential administration would evolve over time. Furthermore, they had no way to forecast the tremendous growth of the Executive Branch that would occur over the course of the 20th century.

The U.S. constitutional system allows for "creative tension" in the relationship of the Congress and the president to the executive bureaucracy. As a result, which of these two major branches dominates the departments and agencies has varied over time (Fleer, 2006). Until 1900, the conventional view was that Congress, not the president, had primary responsibility for the activities of cabinet departments and agencies. Even so, in Federalist No. 51, James Madison, in discussing how the Congress would be the dominant institution in our "republican government," noted that the "weakness of the executive may require . . . that it should be fortified" (Wills, 1982). And it has been.

The Expanding Executive Branch

The Executive Branch expanded rapidly during the period of American industrialization at the turn of the century. In the 20-year span from 1890 to 1910, for example, the number of federal employees grew by 30 percent to a total of 370,000 (Arnold, 1986). At the same time, a flood of new public-sector responsibilities emerged, thereby increasing the scope of the federal government.

In the Progressive Era, reformers argued that the Congress was incapable of leading such a large and complex Executive Branch. They also created, through the Pendleton Act, the seeds of a civil service system where employees are hired on the basis of merit and expertise rather than political connections to politicians in the Congress or the White House.

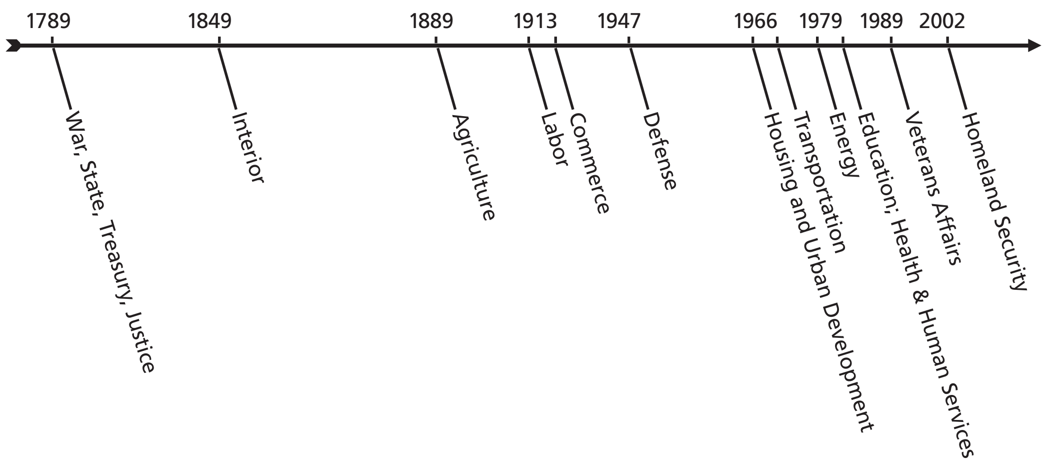
In order to better ensure that the departments and agencies delivered quality goods and services for each tax dollar, the Progressives argued for the professionalization of the agencies.

Woodrow Wilson and other public-administration advocates envisioned a "politics-administration dichotomy," whereby Congress makes the political judgments through lawmaking and the departments and agencies perform objective, policy-neutral implementation. In reality, however, the Congress simply delegated many of the difficult political questions to the departments and agencies, a trend the federal judiciary did not effectively oversee. The result was the creation of a virtual "fourth branch" of government that was not envisioned by the constitutional framers.

The size of the federal government mushroomed again in the 1930s in response to the Great Depression and World War II and grew even further during the Great Society years of the 1960s.

With the growth of the Executive Branch came additional layers of complexity in all areas of government, but especially in the departments and agencies. Whereas in 1789 President George Washington had 4 cabinet agencies, today we have 15. More recently, under George W. Bush, cabinet-level rank has been accorded to four additional officers—e.g., Administrator, Environmental Protection Agency (EPA); Director, National Drug Control Policy; Director, OMB; and U.S. Trade Representative (see Figure 2). In addition, the layers of government "thickened" with numerous subcabinet political positions created under the cabinet secretaries (Light, 1995).

Figure 2
Cabinet Agency Time Line



NOTE: Under President George W. Bush, cabinet-level rank has also been accorded to Administrator, Environmental Protection Agency; Director, National Drug Control Policy; Director, Office of Management & Budget; and U.S. Trade Representative. Dates are given for the year in which the cabinet secretary post was created.

RAND *OP181-2*

Cabinet agency proliferation in the last 50 years occurred without any structured or comprehensive view of how the agencies would be administered. The result is multiple agencies with overlapping areas of policy responsibility. According to the Volcker report (National Commission on the Public Service, 2003), there are numerous areas of overlap and duplication in several critical government functions. The commission reported that

- 12 different agencies administer more than 35 food safety laws, resulting in an unacceptable level of public health protection.
- with 541 clean air, water, and waste programs in 29 agencies, no one can effectively manage the application of federal resources devoted to these goals.
- eight different federal agencies operate 50 different programs to aid the homeless.
- 90 early childhood programs are scattered among 11 federal agencies.

The Volcker Commission argues that this diffusion of accountability leaves no single agency responsible for a given policy area. Further, having agencies with overlapping responsibilities creates inefficiency and adds layers of complexity. The federal government's complexity leaves the president with little choice but to outsource key issues to his close advisors and counselors. There is simply too much fragmentation and complexity for a single individual to manage alone, despite his best intentions.

Department and Agency Interests

A closer look at how the departments and agencies relate to Congress and the interest groups reveals the formidable challenge any president faces in leading them. "Issue networks" comprising key public, private, and nonprofit stakeholders who coalesce to take action on common policy or issue areas can include members of interest groups, congressional committee staff members, and policy experts inside the various departments and agencies (Heclo, 1978).

Issue networks are fluid and changeable: They can develop and disband around specific policy initiatives. As a result, it can be difficult for a president to navigate them, or understand how different players work together to accomplish political and legislative goals. The departments and agencies work within issue networks at all times, building relationships that may have more direct influence on their day-to-day work than the president has.

Departments and agencies work with Congress to help craft legislation and to ensure, during the appropriations and implementation process, that congressional concerns are addressed. In turn, the committees make appropriations to the agencies and lend political support when required. Interest groups represent constituencies and lobby for congressional support by financing campaigns, meeting with members of Congress, and issuing papers and briefs on topics of interest. Members of Congress can gain interest-group electoral support by supporting favorable regulatory legislation. Agencies and departments can ease the burden on interest groups by recommending favorable regulatory policies—and they stand to gain the support of the congressional committees if they do so.

The president's policy objectives might fall low on the agency's list of priorities relative to the persuasive power of other groups. For instance, organized farm interests may collaborate with the agricultural committees in Congress to ensure the continued growth of the Department of Agriculture and its generous farm subsidy programs. Or environmental advocacy groups may work the environmental committees in Congress to ensure that the EPA and the Department of the Interior have the necessary budget, rulemaking power, and enforcement resources to protect the natural environment. Some of these coalitions become incredibly powerful. President Eisenhower warned us about one: the military-industrial complex, formed by the House and Senate Armed Services Committees, the defense contractors, and the Department of Defense (DoD).

Further complicating the picture, the number of organized lobbying groups in Washington, D.C., has mushroomed since 1960. Although many represent commercial interests of various sorts, others represent occupations, professional societies, labor unions, environmental causes, civil rights interests, consumer causes, and social concerns ranging from a pro-life to an English-first agenda. Often representing large constituencies, each of these organized interests develops useful connections inside both departments and agencies and among the congressional staff.

Sometimes the departments and agencies develop their own set of institutional priorities in response to the needs and desires of the powerful members of their key issue networks. Agencies and departments may even pursue policy agendas that are independent or in conflict with the policy objectives of the president. In fact, the White House should expect bureaucratic resistance if it establishes a policy direction different from the agency's natural momentum (Wilson, 1989). An agency determined to resist a presidential initiative has time on its side, since presidents have much shorter time frames for accomplishing things than do departments and agencies. Civil servants know from experience that presidents come and go, sometimes faster than expected, for a variety of reasons (e.g., failed reelection bids, resignations, and diverted priorities).

Agency resistance does not typically take the form of outright opposition or recalcitrant behavior. Instead, departments and agencies can subtly play the president and Congress against one another. A cabinet member could, for example, choose to elevate the priorities of a congressional committee while deemphasizing the president's goals for his agency. Thus agencies can be nonresponsive to, or slow-moving in their response to, the president, should their institutional priorities lay elsewhere.

In terms of centrally managing the departments and agencies, the president has a significant battle on his hands. Perhaps at best, the president can make his preferences known to his appointees in the agencies. Since the agencies and departments also serve Congress—the body that holds the purse strings—there is little to guarantee that the departments and agencies will be fully responsive to the president's wishes.

A president faces substantial challenges in leading the departments and agencies. Yet as the only elected representative with a national constituency, the public is likely to hold the president accountable for any policy the departments and agencies issue. As these expectations of the president have only grown since Franklin D. Roosevelt's New Deal, the president has a clear incentive to attend to administrative matters, despite the difficulties he may face in doing so. As a result, over time, in addition to using their formal powers, presidents have adopted a number of "work-around" solutions to the challenges they face in leading the departments and agencies.

Informal Presidential Powers

To accomplish the formidable task of leading the departments and agencies, presidents use their formal appointment power to appoint cabinet secretaries and propose agency budgets to Congress. But in addition to these formal powers, they rely heavily on the informal, institutional advantages the Executive Branch affords them. As Charles O. Jones (2005) observed: "Election does not guarantee power in the American political system. Rather it legitimizes the effort of a president to lead" (p. 4).

Informally, the president has unitary leadership of the Executive Branch, a national constituency, and perceived public accountability on his side. Most importantly, however, the president has what economists call "residual decision rights" stemming from Congress's collective bargaining problem and the Constitution's failure to designate who administers the departments and agencies (Moe and Wilson, 1994). Residual decision rights apply in areas where the law is silent or ambiguous, giving an actor (e.g., the president) the opportunity to move first and wait for a response from the other actors or stakeholders (e.g., the Congress, or the courts).

The president's unique, unitary leadership of the Executive Branch gives him substantial authority, as a single individual, to lead. Unlike the Congress, whose power is highly decentralized, and the Supreme Court, whose authority rests with a body of nine votes, there is no other entity in the U.S. government with this unitary character.

This unitary character of the executive has enabled the president to play a key role in "knocking heads" together. John Gardner said, "Whatever may be said for the parties and for Congress, the best hope of accomplishing the orchestration of conflicting interests, the building of coalitions and the forging of coherent national policy is the President. It is his natural role" (Gardner, quoted in Patterson, 2000, p. 434). As the leader of the Executive Branch, the president is uniquely positioned to coordinate the activities of the agencies. In areas of overlapping authority, when conflicts arise or when collaboration is required, the agencies only respond to the president's leadership.

The president is also the only person in the federal government with the reach and authority to give instructions about policy or release information to any staff member in any cabinet department (Patterson, 2000). No other member of the Executive Branch has this sweeping authority, though a cabinet officer may exercise it within his own department (unless the president stipulates otherwise). No single member of Congress has this authority either, even though committee chairs have sometimes strived—and with some success—to exercise this kind of power. Even in the case of an aggressive congressional committee chair, the reach is typically limited to a defined range of issues that are within the Committee's jurisdiction.

The president is also the only elected official who represents the entire nation, and as such, has a significant stake in demonstrating leadership. However, in an era of congressional polarization and gridlock, it is increasingly difficult for the president to achieve his goals legislatively. At the same time, the press, partisan opposition, and stakeholders are likely to publicly challenge the president on Executive Branch policies. In some cases, this can cause a generally inattentive public to hold the president accountable for unpopular actions, regardless of whether he is truly responsible. For these reasons, the president is often more concerned with matters of public administration than are legislators. In contrast to the president, legislators are motivated by the ballot and the narrow constituencies that elect them. Thus, legislators stand to gain little from increased personal accountability for agency behavior.

When it comes to taking action, the institutional relationship between the Legislative and Executive Branches affords the president unique advantages. The framers left many of the power issues between the branches unresolved. As a result, presidents have shown an historical pattern of asserting decisionmaking power in constitutional gray areas—for example, with respect to the agencies whose accountability is divided between the president and the Congress.

By asserting power and waiting for Congress or the courts to react, the president uses those aforementioned residual decision rights (Moe and Wilson, 1994). Thus, if the president wants to reverse or change policy in a particular area, he may use presidential signing statements or task OMB with a special oversight role to accomplish his goals. Presidents have applied residual decision rights to review previous agency policies, restructure agencies, reverse a cabinet department's decision, and change agency leadership. If the Congress or courts do not react, the president wins. And he will often win by default, since—for a variety of reasons—Congress and the courts may not respond (Moe and Wilson, 1994). There are some cases where the Congress and the courts have effectively blocked new assertions of presidential power but the president is often uncontested.

Elena Kagan (2001) argues that by the end of the Clinton administration, this type of presidential activity became so prevalent that an era of "presidential administration" had emerged. President Ronald Reagan initiated a new level of administrative leadership when, "in the first month of his tenure, Reagan issued an executive order creating a mechanism by which the Office of Management and Budget (OMB), an entity within the Executive Office of the President (EOP), would review all major regulations of executive branch agencies." Reagan used OMB to scrutinize regulations, eliminating many of them. President Clinton went even further by using directive authority to promote a regulatory environment in support of his policy agenda (Kagan, 2001).

The net result of the president's formal and informal powers is that he can move much more swiftly and decisively than the Congress and therefore lead the departments and agencies more efficiently. Congressional decisions require deliberation and time. The framers intended that the bicameral Congress would carefully consider the most pressing business of the nation (Ornstein and Mann, 2006). And the Congress does this. Yet in some cases, the unintended consequence of deliberation is inaction as the partisanship, complexity, and scale of the decisions being weighed have increased.

An activist president, determined to demonstrate leadership, is bound to turn to administrative action to accomplish his goals. As Kagan (2001) argues, "In comparison with other forms of control over administration, which continue to operate, presidential administration renders the bureaucratic sphere more transparent and responsive to the public and more capable of injecting energy as well as competence into the regulatory process." Whether this is true is yet to be seen, but in their historic search to control administration, presidents have dramatically increased the power of the presidency.

Institutionalizing the Executive Office of the President

The emergence of "presidential administration" was preceded by the long, steady growth of the president's power. Over the course of many administrations, presidents successfully expanded the capacity of the White House and the EOP, helping them to centralize authority in the institution over which they have the most direct control. Through these actions, presidents gained substantial flexibility to organize the White House staff and the EOP.

The process began in 1921 when Congress passed the Budget and Accounting Act, requiring the president to draft the U.S. budget. With new budgetary responsibilities, the president's staff transformed from a "personal staff" to a "rudimentary presidential organization" (Ragsdale and Theis, 1997). Franklin Roosevelt came into office in 1932 with ambitious spending plans to pull the country out of the Great Depression. But the executive office he inherited was hostile to his policy directions, and he could not gain support for the New Deal with a meager White House staff and 35 employees at the ossified Bureau of the Budget. To accomplish his New Deal goals, President Roosevelt bolstered his White House staff by cobbling together selected aides and borrowing personnel from other departments.

As the executive office expanded, however, President Roosevelt became overwhelmed with the details of administration. In 1936, he appointed Louis Brownlow to chair his Committee on Administrative Management, charging the group of public administrators with finding ways to tame the growing bureaucracy (Arnold, 1986).

Brownlow, a seasoned public administrator with a "passion for anonymity," recognized that the president needed help and recommended giving him an expanded, loyal, and accountable staff, insulated from political pressures. Gaining legislative support for Brownlow's recommendations was a difficult fight, however. The president's opponents viewed the strategy as a power grab (Arnold, 1986). Only after two years of negotiation were the Committee's recommendations accepted by the Congress.

The Reorganization Act of 1939 established the EOP and gave the president short-lived authority to reorganize his staff. With the EOP's formation, the president gained a personal staff, a personnel staff, and budgetary control (the act transferred the Bureau of the Budget from the Treasury Department to the EOP). The president also gained new authority to propose a reorganization plan to the Congress in the first two years of his term. Congress could debate and pass or veto the proposal in its entirety, within a limited time frame. The Reorganization Act did not allow the president to create new departments; rather, it gave him temporary authority "to reorganize the executive branch, subject to a simple resolution of disapproval (one-house veto)" (Fisher and Moe, 1981, p. 303).

The Reorganization Act played a very important role in helping to further institutionalize the EOP throughout the 20th century. As a result, the *complexity* of the executive workforce increased over time as the number of EOP units more than doubled from 6 in 1939 to 15 in 1992 (Ragsdale and Theis, 1997, p. 1291). At the same time, the size of the White House staff increased 10-fold from 1924 to 1992 while EOP staff grew 14-fold. The division of labor increasingly specialized: "From 1939 to 1943, over 90% of [White House Office] WHO staff had no functional titles, while by the late 1970s, more than 90% of the staff did, including assistants in communication, press, legislative affairs, public liaison, legal counsel, and personnel" (Ragsdale and Theis, 1997, p. 1297). Despite this growth, the division of labor helped the EOP to become more *coherent* through improving routine and allowing staff to manage their workloads more effectively.

Over time, the EOP became more *autonomous* through the growth of its budget and growth in policy-specific executive orders as a share of all executive orders. Ragsdale and Theis argue that the increase in policy-specific executive orders demonstrates the president's autonomy, showing his independence from other governmental units. In addition, the EOP became more *adaptable*—providing presidents with increased ability to "create, modify, and eliminate units" as well as protect the "resilience of key units no matter who is president" (Ragsdale and Theis, 1997, p. 1290).

In sum, the institutionalization of the EOP increased its autonomy, complexity, and coherence and strengthened the president's authority to adapt the structure of the branch to his specifications. The process was greatly enabled by the Reorganization Act legislation, which was renewed with every new presidential term until 1984.

PART THREE

Presidential Strategies

One of the chief differences between policymaking in the 19th century and policymaking in the 20th and 21st centuries is the centralization of authority in the White House. Centralization is characterized by "increases in White House organizational competence—for example through greater size, division of labor, specialization, hierarchical coordination, formal linkages, with outside organizations and constituencies— . . . which have direct, undiluted payoffs for the pursuit of presidential interests" (Moe, 1985, p. 244).

Presidents gradually assumed control of and began to lead the policy agenda, moving that job away from the cabinet agencies and departments. This shift was partly enabled by the president's ability to move swiftly and unilaterally with presidential directives. In addition, the Reorganization Act gave the president administrative license to reorganize and legitimized the president's efforts to control the White House and EOP staff.

The following section of the paper describes how the president works to ensure that the departments and agencies respond to his policy goals. How the president accomplishes his agenda has changed dramatically since the founding of the nation. Accordingly, we organize the discussion according to the proximity of various advisors and offices to the president. We start by describing how the president works with his close advisors in the White House. We then proceed to describe key players in the EOP. Finally, we describe how the president directly works with and coordinates the activities of the departments and agencies.

Deploying Key Advisors

The president can't do it all. Many presidents have led the departments and agencies by delegating the leadership of their highest-priority issues to their closest and most trusted advisors. These advisors include, among others, the First Lady and the vice president.

The First Lady (or Gentleman)

Although the Constitution makes no mention of the First Lady's role, she has played an important part in presidential policymaking throughout American history. She has the "broadest turf of any White House counselor" (see AmericanPresident.org). She retains unquestioned authority, she can't be fired, and she has her own staff to help her prepare on important issues.

Traditionally, she supervised the residence and managed White House social life. But in addition to these roles, First Ladies have established their own offices and interests. Eleanor Roosevelt created an activist position, advocating for civil and human rights on a national and international stage (Online Newshour, 1996). And Nancy Reagan, while she advocated publicly against drug abuse in her "Just Say No" campaign, lobbied the president on foreign policy and personnel matters internally—many believe she was responsible for firing Reagan's chief of staff, Donald Regan.

Hillary Clinton took the First Lady's role in a new direction: Building from her own well-established career, she co-led the president's health care policy initiative. Health care was one of the most important issues to emerge from President Clinton's 1992 campaign; and Mrs. Clinton's policy office was center stage, housed in the West Wing of the White House. She retained staff in the East Wing as well, keeping responsibility for many other aspects of White House policy and life (Patterson, 2000). Hillary Clinton's substantial expansion of the First Lady's role into policymaking garnered considerable antipathy. Detractors argued that her presence in policy meetings inhibited true political debate. "Having the first lady be the principal manager of a policy development team, furthermore, meant that the president's flexibility to judge, qualify, or amend the product of that team was narrowed—if not eliminated" (Patterson, 2000, p. 284). Given Hillary Clinton's impact on the position, the First Lady's is a role to watch in the future.

Unofficial and yet powerful, the First Lady is a second pair of eyes and ears with complete loyalty to the president. Since she is close to the president, the issues she raises are more likely to receive attention. She serves as an important political ally and provides a means by which the president can centralize policymaking authority in the White House.

The Vice President

Until recently, the vice president was selected primarily to balance the ticket, unify the party, broaden a ticket's geographic appeal, and thereby help win the election. Once elected, vice presidents were often forgotten and only a few have ever become president. Indeed, the vice president's role has been called insignificant, and was widely considered an afterthought by the founders. Their only official role is as President of the Senate, where they may occasionally vote to break a tie, as John Adams did a record 29 times while serving as George Washington's second man (Hatfield, 1997). But even then, Adams complained that his was the most insignificant role of any public office. Since then, however, the office has evolved significantly so that now, more often than not, the vice president is absent from the Senate.

During the latter half of the 20th century, the vice president's role was institutionalized within the EOP, shifting from a legislative position to a predominantly executive post. The vice presidency gained spacious quarters in the Executive Office Building under Vice President Richard Nixon. A 1978 law authorized paid staff and consultants to help the vice president assist the president in fulfilling the executive's duties and responsibilities (Patterson, 2000). Vice President Nixon had fewer than 20 staff members, but this number "increased to 60 during the 1970s, with the addition of not only political and support staff but advisers on domestic policy and national security" (Hatfield, 1997).

Vice President Al Gore served under President Bill Clinton and played an important coordination role across the agencies. According to Gore's domestic policy chief, everyone "knew that *he* was the *president's* guy. So all these people [staff] would want to know, 'What can I do to help the vice president on this issue?' I think the fact that Gore reported to the president on these issues energized people throughout the departments, because they knew their advice was going to the president through the vice president" (Greg Simon, quoted in Patterson, 2000, p. 310).

Gore ran the administration's National Performance Review (now the National Partnership for Reinventing Government), a task force charged with finding ways to improve government performance. Its report, *From Red Tape to Results: Creating a Government That Works Better and Costs Less*, made 284 major recommendations covering 27 federal agencies and 14 government systems (United States Senate [Web page], undated). Recommendations pertained to budgeting practices, information technologies, personnel procedures, and procurement regulations. In addition to his domestic activities, Gore participated in many aspects of diplomacy, frequently meeting and speaking with foreign leaders. With his own national security affairs staff, he was positioned to extend the reach of the White House in international affairs.

After taking office in 2001, Dick Cheney quickly garnered a reputation as a powerful and hands-on vice president. Cheney took an active role in formulating both domestic and international policies as well as participating in Oval Office meetings on key issues. In foreign policy, Cheney is widely considered a chief architect of the war in Iraq. On the domestic side, he directed the National Energy Policy Development Group to develop the Bush administration's energy policy.

As a result of the office's growth and expansion, the vice president is likely to play a powerful role in day-to-day policymaking. The last four presidents (Bush, Clinton, Bush Sr., and Reagan) have each charged their respective vice presidents (Cheney, Gore, Quayle, and Bush Sr.) with high-priority assignments, allowing them to become veritable extensions of the president with his direct authority. This represents a tremendous change from the time when Franklin Roosevelt died and some wondered whether Harry Truman could effectively fill the president's shoes since he had been so excluded from the key deliberations of the Roosevelt administration.

Although much depends on the relationship between the president and the vice president, there is little question that the vice president is a valuable resource to the president. The president will deploy him in specific policy arenas to ensure that the administration's policy priorities are well defined and executed. However, it is important to keep in mind that the political realities of a stronger vice presidential role may also precipitate conflicts with the White House staff, the cabinet secretaries, and members of Congress.

Deploying the White House Staff

Of all the methods for establishing and strengthening policy control, centralizing policymaking among the White House staff has been the favorite presidential choice (Hess and

Pfiffner, 2002). It is more difficult for presidents to gain the complete support of the agencies and departments, which (a) are more independent of presidential control and (b) must be responsive to Congress. As a result, presidents have become distrustful of the agencies and fearful that agency ossification renders them unable to create innovative solutions to pressing and emerging problems (Kagan, 2001).

Centralization pulls policymaking authority into the White House and away from the departments and agencies. While centralization expands the size and responsibility of the White House staff, it also brings issues closer to the president (Hess and Pfiffner, 2002). As an activist president, Kennedy inaugurated this type of policy centralization. According to Hess and Pfiffner, Kennedy "randomly grew" the White House staff in key policy areas—"if a task was important enough, [Kennedy believed] it was necessary to have someone at the White House with responsibility for prodding the bureaucracy" (Hess and Pfiffner, 2002). Many presidents have followed his lead.

A recent example highlights the benefits of such an arrangement for the president. Affirmative action was a hot issue after the 1994 election and President Clinton needed to take a policy position. Two Senate bills proposed terminating all race, color, national origin, or gender preferences in the federal government. Clinton tasked George Stephanopoulos, his senior policy and strategy advisor, and Christopher Edley, special counsel to the president, to review affirmative action policy.

Notably, the president did not task the Justice Department with this important policy review. Why? In interviews, Edley gives three reasons: (1) The president's interest was *personal*, so he gave the task to highly skilled advisors he trusted; (2) the task required centralized dispute resolution, a role the White House staff can play, to reconcile multiple viewpoints from actors across the bureaucracy ("the agencies simply are not going to defer, even to so powerful an officer as the attorney general and the Justice Department" [Patterson, 2000, p. 31]); and (3) the decision required aggressive presidential pacing and not the pacing of ordinary agency decisionmaking.

Edley and Stephanopoulos organized a subcabinet-level steering committee of agency representatives to analyze affirmative action policies. They also met with civil rights groups. Eventually they presented their policy review to the president, which he accepted by issuing a directive in July 1995 (Patterson, 2000).

Downside Risk of Overreliance on the White House Staff

The overall balance of power between cabinet officers and White House staff has shifted decisively in favor of the White House. Key policymaking is usually initiated and developed inside the White House, with cabinet officers treated as collaborators (at best), reviewers, advocates, or even figureheads. There are, however, important downsides to centralization.

Presidents often pick their White House staff from those who participated in their campaign. White House staffers are "usually younger than cabinet officers, a trend that has been a by-product of recent activist presidencies and reflects the supposed need for stamina as the White House has become more operations-oriented. Actually, however, the energy of the young aides often draws operational matters into the White House. And the confluence of loyalty and ambition, when unchecked by experience and public scrutiny, has caused egregious conduct [as exemplified] in the Watergate and Iran-Contra affairs" (Hess and Pfiffner, 2002, p. 182). A review of Iran-Contra powerfully demonstrates the downside of centralization where proper presidential oversight is lacking.

Originally created in 1947, the NSC "advise[d] the President with respect to the integration [i.e., the coordination] of domestic, foreign, and military policies relating to the national security" (Wilson, 1989, p. 272). The NSC had gained power throughout the Kennedy and Johnson administrations, becoming a source of policy advice rather than just a coordinating council. Under Reagan, the NSC further evolved from a coordination and policy-advising function to an operating agency involved in the design and management of programs. After the Iran-Contra scandal unfolded, the fact-finding Tower Commission reported that key members of the NSC staff sold arms to Iran and used the profits to support the Contra rebels in Nicaragua. What went wrong? When the NSC went operational, it produced no policy recommendations for the White House to review. In short, the NSC's activities apparently had no systemic oversight from the president or the White House. Not only that, but the NSC staff were inexperienced and, as a result, implemented a dubious operation with disastrous implications for the president (Wilson, 1989).

Overreliance on the White House staff produces mixed results for the president. On the one hand, White House staff keep policy focused on the president's priorities—cabinet officers may be inclined to pursue the more parochial interests of their agencies, such as pleasing valued interest groups or responding to congressional patrons. On the other hand, centralizing policy in the White House may limit the president's exposure to a variety of viewpoints and expertise. In addition, fewer problems are resolved at a lower level—which can lead to an overwhelming number of decisions brought to the president.

Critics have argued that the president needs colleagues, not aides, to help him move a legislative agenda through Congress. "White House aides generally are not colleagues; they are extensions who can be lent presidential powers but who rarely have additional resources to throw into battle on the president's behalf. Among the limited number of people who are in varying degrees beholden to the president, cabinet members are the best bet to extend the reach and effectiveness of presidential leadership" (Hess and Pfiffner, 2002, p. 208). Thus, a president needs to carefully consider the trade-offs involved in heavy reliance on the White House staff for analysis and policy advice.

Exerting Influence Through the EOP

Executive Office of the President

The EOP houses vital offices including the Council on Environmental Quality, the Office of Science and Technology Policy, the Council of Economic Advisers, and the U.S. Trade Representative. These groups counsel presidents on a wide variety of important policy issues and often help coordinate the policies of quarreling agencies.

OMB is the largest office in the EOP and works closely with the White House to help the president prepare the budget and oversee regulatory policy. To accomplish this work, OMB staff interact with agencies and congressional committees on a regular basis. As a result, OMB's established networks and knowledge make it an invaluable asset to the president. Because of these strengths, when OMB works well, its director becomes more valuable to the president than most cabinet officers.

OMB in both budgetary and regulatory policy can play the "bad cop" role to force departments and agencies to align their priorities with presidential agendas. Ronald Reagan was the first president to politicize OMB by requiring it to review the appropriateness of all major agency regulations using cost-benefit analyses as the key decision criteria (Kagan, 2001, p. 2247), thus exemplifying how the president could influence the conduct of regulatory review using administrative action. In short, regulations whose benefits failed to exceed their costs were blocked or eliminated; hence, Reagan was able to accomplish his goal of deregulation while avoiding any personal consequences, as he could deflect criticism to OMB. As a result, "the OMB plays a much more aggressive role in designing and enforcing presidential budget policy: whereas it once reviewed agency requests to see if they conformed to the president's program and the canons of administrative efficiency, it now (at least in the Reagan administration) sets policy by mandating reductions and redirections in spending plans" (Wilson, 1989, p. 264).

The NSC, another EOP office, helps the president coordinate the large number of agencies and departments involved in various aspects of national security and foreign policy. In addition to the president, its members include the vice president, the secretary of state, the secretary of defense, and the national security advisor. Thus, the NSC is a very high-level policy council. In fact, President Eisenhower chaired weekly NSC meetings overseeing the interagency review of major foreign and national security issues. The NSC was such a high priority for Eisenhower that it constituted the largest item on his weekly agenda and he attended 329 of 366 NSC meetings held during his presidency.

Executive Orders and Directives

Throughout history, presidents have used their executive authority to make policy on their own without interference from either Congress or the courts. The president's power to make policy administratively has risen through the use of executive orders (Mayer, 1999).

Executive orders are presidential directives that require or authorize some action in the Executive Branch. Using an executive order, President Roosevelt established the EOP in 1939; President Truman integrated the armed services in 1948 and President Kennedy required government contractors to implement affirmative action policies in 1961.

Following the model Reagan pioneered, President Clinton significantly expanded presidential control by using executive orders to drive pro-regulatory action. In 1995, for instance, he issued an executive order "to protect the young people of the United States from the awful dangers of tobacco" (Kagan, 2001, p. 2283) by authorizing the Food and Drug Administration to take action to stop advertising and marketing of cigarettes to children. Clinton also used executive orders and directives to achieve many of his domestic policy goals, as when he directed the secretary of labor to find a way for parents to receive paid leave following the birth or adoption of a child.

In issuing such executive orders, President Clinton gambled that "Congress would fail to override presidential directives." And in fact, Congress did not take action as its collective bargaining problem prevented it from even preserving its own power to make the laws. The president's assertion of such administrative power raises constitutional questions (Kagan, 2001). In fact, the Supreme Court effectively rejected President Clinton's initiative on tobacco in 2000, ruling that the government lacks authority to regulate it as an addictive drug. The Constitution's separation of powers authorizes only Congress to grant the president lawmaking power.

Direct Influence of the Departments and Agencies

Coordinating the Agencies and Departments

There are a number of ways in which presidents coordinate the agencies and departments—by, for instance, designating a lead agency, creating coordination task forces, and assembling various kinds of commissions to address crosscutting issues.

Presidents can draw upon the strengths of the cabinet and retain control of the process by facilitating interagency committees in the White House. Porter (1980) finds that President Ford's Economic Policy Board (EPB) was an effective coordination mechanism. It provided the president with consistent, timely advice and served as a means for cabinet secretaries to resolve disagreement about economic policies. The factors contributing to its success were that the EPB (a) met at the White House and (b) reported directly to President Ford—thus it had the political authority of the president behind it. In addition, the EPB was concerned with policy and not action: "Cabinet secretaries were asked to agree to courses of action, not to change the missions of their own organizations" (Wilson, 1989, p. 270).

Wilson's review of President Roosevelt's Office of War Mobilization notes that it was successful only after many other attempts and failures. The successful variant was small, had the direct power of the president behind it, and was located in the White House. Its head was a well-respected and credible person. It did not run programs; rather, it constrained its tasks to resolving interagency and departmental disputes in the area of war procurement, functioning as a "courtroom, not an agency" (Wilson, 1989).

Cabinet Appointments

Presidents have always had the power to make cabinet appointments. Consistent with laws set forth in the U.S. Constitution, the president nominates—and the Senate confirms—the heads of all cabinet departments and agencies plus hundreds of other high-ranking federal officials. In 2003, of the 3,000 executive agency positions subject to presidential appointment, 1,200 (40 percent) required Senate approval.

In the beginning, presidents appointed their most trusted advisors. President Washington appointed Alexander Hamilton and Thomas Jefferson to cabinet posts. Eventually, however, the appointment process became politicized. Andrew Jackson treated the cabinet posts as political outreach to important groups while eliciting his policy advice from less official sources.

According to Moe (1985), President Reagan perfected the process. More than any other president, Ronald Reagan politicized appointment-making by nominating loyal individuals at cabinet and subcabinet levels of government. He extended his reach deeply into the departments and agencies, breeding responsiveness into them. President Reagan not only placed ideologically supportive and loyal leaders but also appointed subordinates in key positions within the agencies, while keeping a primary eye on loyalty.

The Reagan strategy went even further to coordinate, centralize, and integrate the actors in the executive policy process from the top down. President Reagan's team of supporters managed the transition from campaign to governance and often appointed task leaders to the very jobs in the agencies they had been charged with studying. In addition, the president removed certain career officials and replaced them with partisan Senior Executive Service managers (Wilson, 1989, p. 261).

But such an expansion of appointments means that a president cannot be personally involved in each individual choice. Instead, the president relies on the White House Office of Presidential Personnel to vet potential appointees, to ascertain that all appointments reflect his political philosophy and policy priorities, and to ensure that he is not embarrassed by the nominations he makes. In addition, the cabinet-level officers are rarely permitted to pick their deputy and assistant administrators without a potential veto by the Office of Presidential Personnel.

Despite the importance of the president's appointment power, this power does not allow him to control the agencies. The president's 3,000 appointments in 2003 made up just 0.1 percent of the roughly 1.67 million civil servants—a level of influence unlikely to transform the departments and agencies. As a result, a president will need much more than his appointments to effectively lead the departments and agencies.

Cross-Agency Coordination

Designating a lead agency (outside the EOP) to coordinate others has been attempted in a number of administrations. Nixon popularized the idea of "cabinet government" in his 1968 campaign, in which he promised to restore the cabinet officers to their roles as deputy presidents. Yet, these efforts have often failed in short order, so presidents recover by putting White House leadership in control of their coordination efforts.

The Carter administration convened a network of agencies under Housing and Urban Development secretary Patricia Harris's leadership to review all federal programs pertaining to urban development. The various agencies involved were supposed to coordinate policies and make recommendations for reorganization. But disagreement over the role of each agency and attacks on Secretary Harris's leadership crippled the effort and ultimately led to her insistence that the White House back her. Coordination was so problematic that, in the end, the final report looked not like "an integrated urban policy statement but a set of departmental wish lists—stapled together, no less" (Patterson, 2000).

The Carter example illustrates the difficulty of having a single agency coordinate or lead the activities of the others. Because no individual agency has authority to direct the others, agency-led coordination efforts have often failed. Instead, presidents find that centralized policy leadership by White House staff works reasonably well.

Cabinet Government

President Nixon experimented with cabinet government using the Urban Affairs Council (UAC)—a coordinating team within the White House that worked closely with the agencies on poverty and welfare in America. Daniel Patrick Moynihan, Nixon's chief advisor on urban affairs, convened ten committees on various urban policy issues. Although formed under White House leadership, the primary role of the UAC was to bring the cabinet officers together (Warshaw, 1996).

With cabinet leadership, Nixon was unable to achieve much legislative success in his first 100 days. In particular, Nixon struggled to get the cabinet secretaries to adopt his agenda, beholden as they were to serving the vast civil service. Within 10 months of the start of his administration, Nixon replaced Moynihan with John Ehrlichman, eliminated the UAC, and created the centralized Domestic Council, composed solely of White House staff, to address urban affairs issues.

The experiences of our most activist presidents illustrate the point that agency leadership, either in the form of cabinet government or by assigning agencies the task of leading others, is often unsuccessful. Instead, presidents have consistently relied on managing the departments and agencies by coordinating and leading their activities from the White House.

Presidential Agencies

Presidents have created more than half the administrative agencies in the United States, often through unilateral action. By exercising administrative powers, presidents may retain greater control over the agencies they create than they would if Congress initiated their creation. Creating an agency administratively ensures presidents greater control because they place them where they can keep a watchful eye.

Using executive order, the president may lawfully create a cabinet-level agency whose policies affect the federal government. The actual creation of the agency (its physical existence) goes a long way toward securing potential legislative approval. Presidents may temporarily support their agency-creations through the use of emergency funds. But in order for them to achieve permanence, Congress will decide whether to make an appropriation. It is much easier for the president to create the agency first and secure permanent funding later.

Initiating the legislative process is time-consuming and fraught with uncertainty. Although the president may not make national law, he can use his executive authority to resolve key issues and get a jump-start on controversial and potentially lengthy legislative processes. The following two examples demonstrate how presidents have used this authority to move swiftly on their top priorities.

In 1941, President Franklin Roosevelt created the Fair Employment Practices Commission (FEPC) using an executive order. The order prohibited the federal government from discriminating against workers on the basis of race, creed, color, or national origin and gave the FEPC the right to "formulate policies to achieve the purposes of this order." The FEPC could "receive, investigate, and conduct hearings involving complaints of employment discrimination" in the federal government. A second executive order in 1943 strengthened the FEPC by making it an independent agency within the Office for Emergency Management and by requiring all federal contracts to contain nondiscrimination clauses (Brazeal, 1951).

President Roosevelt funded the FEPC with monies from the President's Emergency Fund and sought congressional appropriations later. The significance of the FEPC is that it was the first federal response to the problem of civil rights. While the president could not enact civil rights laws to affect the nation, he could affect the federal government's employment practices. What began with the president's executive order eventually became civil rights legislation—but not until after a lengthy and painful fight in the Congress and across the nation. In sum, President Roosevelt used executive power to create action on civil rights at a time when the alternative was not an "agency designed through legislation: rather, it was no agency at all" (Howell and Lewis, 2002, p. 1102).

Like Roosevelt, President Richard Nixon used an executive order to address a critical need and jump-start the legislative process. Congress and President Nixon made the EPA into an official agency in 1970 using the president's reorganization authority. But this was only after President Nixon first created the cabinet-level Environmental Quality Council (EQC) by executive order in 1969 to "protect all of our natural resources" (Nixon, 1969). Soon after the EQC formed, Congress proposed its own legislation—the National Environmental Policy Act—to promote national environmental protection. Later, in 1970, using his reorganization authority, President Nixon proposed to consolidate the environmental activities of several departments into a stand-alone agency. Thus, the EPA was born in December 1970.

When they do create agencies, presidents often structure them to ensure they retain authority over them, or at least shield them from excessive congressional interference. In their analysis of 425 agencies created between 1946 and 1995, Howell and Lewis (2002) find that executive-created agencies are more responsive to presidents. Since the end of World War II, "using executive orders, department orders, and reorganization plans, presidents have established administrative agencies that would never have been created through legislative action" (p. 1096). Almost always, presidents locate the agencies close by, within the EOP or in the cabinet, to maximize their control over them. Furthermore, presidents rarely limit their appointment power or demand the fixed terms or "party-balancing" stipulations that legislatively created agencies would be required to have (Howell and Lewis, 2002).

Although the expediency of creating an agency through unilateral action is attractive, Howell and Lewis (2002) conclude that presidents would prefer to take the legislative route. Based on their analysis, they argue that legislatively created "agencies are more durable over time. Presidents frequently establish agencies on their own not because Congress wants them to, but because Congress is mired in gridlock" (p. 1102).

The unplanned and unstructured creation of departments and agencies, including the "independent" commissions, leaves the president with a complicated Executive Branch structure. Arguably, this Executive Branch serves the desires of interest groups, bureaucrats, and congressional subcommittees as much as it serves the long-term needs of the president. The unmanageable size of the cabinet long ago converted cabinet meetings into photo ops, ensuring that the president was unlikely to develop sustained, meaningful, and trusted relationships with each cabinet officer. If the structure of the Executive Branch were reconsidered, overlapping and conflicting units could be consolidated while less appropriate functions are privatized or delegated to state and local leaders.

Comprehensive Reorganization

Comprehensive reorganization is yet another strategy presidents should consider when seeking increased responsiveness from the departments and agencies. The 2003 Volcker Commission recently recommended a large-scale reorganization of the federal departments and agencies (see Part Four). Large-scale reorganizations have been tried before with many failures and few successes. Before we discuss the Volcker Commission recommendations, we review three significant reorganization efforts from which potential lessons can be derived.

The Reorganization Act of 1939

Some viewed the Reorganization Act of 1939 as "genuine problem-solving institutional innovation" because it recognized "that reorganization is a perennial problem, in need of continuing study under the President's direction, and likely to be neglected unless he is charged with more specific responsibility for initiating concrete proposals than his general duty to advise Congress on the state of the union" (Mansfield, 1969, p. 336). Congressional leaders and presidents alike favored the expediency of the reorganization acts—they provided a means to accelerate administrative change and avoid congressional gridlock. This feature made sense at the time, as "the early reorganization acts coincided with a period in which Congress doubted its own capacity to act rapidly and in the 'public interest'" (Fisher and Moe, 1981, p. 304).

Critics attack the part of the Reorganization Act that gives the president temporary authority to reorganize the Executive Branch. Fisher and Moe (1981) argue that this aspect of the Reorganization Act circumvents constitutional process; undermines the efficacy of the departments, agencies, and the Congress; and has accomplished little more than what could have been done through legislation. Further, the effects of each renewed reorganization act only last as long as the president's term and are passed quickly through Congress with little scrutiny. While expediency is beneficial, they argue, it may lead to more ad hoc agency-creation as opposed to a more systematic or rational reorganization planning.

Under the original Reorganization Act, a president had one shot at reorganization. Once submitted, Congress either accepted or rejected a president's proposal in total. But this provision was changed in the 1977 Act, which permitted the president to amend his proposal after it was submitted to Congress. This introduced the possibility of political tinkering—for example, if the original proposal could incorporate amendments that interest groups requested, a president may be obliged to submit them as a price for passage (Fisher and Moe, 1981). In the end, reorganization authority died in 1984 after President Reagan failed to renew it. In more recent years, members of the 2003 Volcker Commission have argued for its reconstitution with a few amendments to bring it up to date.

The First Hoover Commission

In the aftermath of Franklin Roosevelt's New Deal, the federal government expanded well beyond its previous size—and many conservatives felt it had grown out of control. Anticipating results that would fuel a Republican victory in the upcoming 1948 presidential election, the Republican Congress created the Hoover Commission to "straighten out" government. It was intended that the chairman, former president Herbert Hoover—a bitter critic of the New Deal—would recommend economy in government.

Congressional legislation in 1947 created the first Hoover Commission to review and recommend administrative changes and promote efficiency in the U.S. government. To balance this highly political endeavor, it featured 12 bipartisan members drawn from Congress, the Executive Branch, and the private sector. Although congressional Republicans hoped the Commission would recommend reducing the size and scope of the government, the Hoover Commission instead recommended augmenting the president's power.

More specifically, the Hoover Commission increased the president's capacity to administer the departments and agencies. As a former president, Hoover's respect for the institution of the presidency prevailed. Indeed, his high opinion of management dominated: Although he attacked the New Deal, Hoover admired the organizational strength and capacity Roosevelt and Truman brought to the office. After Truman's surprising victory, many thought the Hoover Commission's recommendations would fall to the wayside. Instead, Truman supported the Commission's work and allowed it to proceed; after all, the resulting recommendations would bolster the president's power.

Ironically, the Hoover Commission's recommendations had much in common with those proposed by Franklin Roosevelt's Brownlow Committee. Chairman Hoover "described the administrative problem of the executive branch in terms of orthodox administrative values and linked the concept of proper administrative organization with the notion of political responsibility. He stated: 'The president, and under him his chief lieutenants, the department heads, must be held responsible and accountable to the people and the Congress for the conduct of the executive branch. Responsibility and accountability are impossible without authority—the power to direct. The exercise of authority is impossible without a clear line of command from the top to the bottom, and a return line of responsibility and accountability from the bottom to the top'" (Arnold, 1976, p. 63).

The Commission made 273 recommendations to Congress in 19 reports—116 of these were fully implemented and another 80 were partially implemented. Recommendations removed barriers to vertical responsibility and accountability, and gave discretionary authority to the department heads rather than to the bureau chiefs. This was in response to a congressional proclivity for giving authority to bureau chiefs who then acted independently of the department heads. Hoover recommended grouping departments by coherent mission and allowing the president to have complete control over his own staff and how they're organized.

The success of the Hoover Commission can be attributed to the quality of its leadership, its membership, and the level of political support for the Commission. But more importantly, its recommendations were successful because, like the Brownlow Committee, it cast them in administrative terms. In short, even Congress can agree that the president needs help to accomplish his work.

The Ash Council

Kennedy's and Johnson's activist presidencies demonstrated that an ambitious legislative agenda would require new kinds of administration. The Bureau of the Budget had failed to generate innovative policy and both presidents adapted by centralizing policymaking in the White House. A handpicked and trusted domestic staff tackled core issues head-on—for example, civil rights—and pushed peripheral issues through the usual Bureau of the Budget process. Johnson's Great Society further expanded the complexity of the bureaucracy; for each issue he created a new program without regard to coherent design.

Nixon inherited a White House in transition and brought in business-savvy and management science–minded Washington outsiders to help him organize the Executive Branch. Forming the Ash Council in 1969, President Nixon set it to work on organizational problems in the Executive Branch, the agencies, and intergovernmental relations. Named for its chair, Roy Ash—the enormously successful cofounder and president of Litton Industries—the Ash Council had the president's strong support.

The Ash Council made several basic recommendations that were passed into law in 1970, including legislation that enlarged the Bureau of the Budget and renamed it the Office of Management and Budget. OMB would be the center of policy coordination, and a cadre of presidentially appointed OMB department heads would help make the office more responsive to his policies. The 1970 legislation also created a Domestic Council comprising the cabinet secretaries and White House policy staff, with Nixon as chair. The Council became the center for policy development where the cabinet secretaries and the president could work together to resolve issues. All coordination of state and local relations also took place through the Domestic Council.

Nixon appointed people he trusted to important OMB positions. He placed his trusted advisor, George Schultz, in the budget director position, which had the effect of centralizing policy decisions in the White House. Nixon appointees responded to the president and not to policy proposals coming from the civil service. His moves to politicize departments and agencies helped garner his reputation as a power grabber.

Ash worked on a second set of recommendations regarding the total reorganization of the cabinet departments, which Nixon promised to deliver in his 1971 State of the Union message. In March of that year, Nixon sent four bills to Congress proposing to demolish those departments that arguably served relatively narrow clients and interests (i.e., the departments of Agriculture, Commerce, Labor, and Transportation) and replace them with goal-oriented superdepartments—Natural Resources, Economic Affairs, Human Resources, and Community Development—merging the eight domestic departments into four larger ones. The goal was to reduce the number of departments reporting to the president and let the new supercabinet heads play two roles: department head and presidential counselor.

Congress would have nothing to do with such a drastic change; the four superdepartment bills never left congressional committee. In response to congressional rejection of his plans, Nixon attempted to accomplish his goals administratively. In a single month, he announced 57 resignations and 87 other personnel decisions. Next, he named four of his cabinet members as counselors to the president.

While President Nixon successfully implemented reorganization plans that tinkered with the system, his comprehensive plans were received with acrimony. Nixon's efforts to centralize control looked more like a power grab than good governance and, worse yet, threatened the status quo in Congress. Nixon's massive reorganization plans were rejected outright, in part because they were ambitious but also because he introduced them late in his presidency (during his second term) and after he had already begun to lose credibility.

PART FOUR

A New Reorganization Proposal

The 2003 National Commission on the Public Service (the Volcker Commission) recommended comprehensive reorganization of the executive departments, agencies, and commissions into a manageable number of mission-driven departments.

Under the chairmanship of Paul Volcker, the Commission drew members from the Kennedy School of Government, the National Academy of Public Administration, the U.S. Government Accountability Office, and the Office of Personnel Management, as well as the Partnership for Public Services and the RAND Corporation. Volcker Commission members reviewed the literature, including numerous studies and commentary from scholars around the country. In January 2003, the Volcker Commission released a report called "Urgent Business for America: Revitalizing the Federal Government for the 21st Century."

The Volcker Commission concluded that reorganization is an urgent task facing the next administration. It recommended creating a few "mega-departments" that might cover the entire fields of economic policy, social policy, and natural resources policy. At the top of each mega-department would be a Senate-confirmed leader of the stature and life accomplishment of the typical secretary of state or secretary of defense. With such a structure, the Volcker Commission envisioned a leaner federal government with fewer departments, less top-heavy organization, and operating agencies organized around complementary substantive responsibilities.

The Volcker Commission recommended giving agency leaders flexibility to shape their departments according to task requirements. The Commission also recommended substantial changes to personnel policies to make hiring and firing less bureaucratic and more responsive to the mission-driven needs of the organization.

The Volcker Commission's reorganization recommendations are intended to address some of the gaps in the president's current portfolio of strategies for leading the executive departments and agencies. Reducing the number of cabinet secretaries could improve the chances that each cabinet secretary will develop a close relationship with the president and serve as his entrusted counselor. The Volcker idea may be attractive to a future president who seeks to share the burden of leading our country with a small but capable group of leaders who rival the White House staff in both Oval Office access and policy impact.

Congress stands to both gain and lose from such an arrangement. On the one hand, a small number of "supersecretaries" could balance the power of the White House staff, who now operate without congressional access and oversight. If the "supersecretaries" have the confidence of the president and oath-sworn responsibility to the Congress, then they should add transparency to policymaking by the White House. At the same time, Congress too will be required to reorganize its committee and oversight structure to align itself with a reorganized Executive Branch. From the congressional viewpoint, moving agencies from one department to another "means shifting oversight responsibility for that bureau from one committee (or subcommittee) to another. A willingness to surrender turf is as rare among members of Congress as it is among cabinet secretaries" (Wilson, 1989, p. 268).

Missing from the case for comprehensive reorganization is a systematic study that compares the performance of the larger cabinet departments with that of the much smaller ones, including an inquiry into why some large cabinet departments seem to work better than others. A case study of the recent experience with the new Department of Homeland Security (DHS) may also contribute to a better understanding of how large-scale reorganization can achieve desired results without unintended side effects.

The key empirical question is whether the past reorganizations have made things better, made them worse, or left them the same. To answer this question, we should consider what we know about the performance of our largest agencies:

1. **Department of Defense (DoD):** Did the 1947 restructuring of the DoD improve governance and make the military more effective?
2. **Department of Health and Human Services (HHS):** Are its many constituent parts (e.g., the Administration on Aging, the Administration for Children and Families, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Centers for Medicare and Medicaid Services, the Food and Drug Administration, the Indian Health Service, the National Institutes of Health, and the Substance Abuse and Mental Health Services Administration) doing a better job now that they are (in theory) directed by one person rather than by several? Indeed, given its many programs, can HHS even be said to be directed by one person?
3. **Department of Homeland Security (DHS):** Has the DHS successfully merged immigration, border patrol, customs, the Federal Emergency Management Agency, and the Secret Service? How well-functioning are these units? How did consolidation under the DHS change their performance?

Without this type of inquiry, we can only speculate as to whether performance and responsiveness are trade-offs when it comes to reorganizing the departments and agencies into mega-departments.

Can It Happen?

Could such a massive reorganization of the federal government happen? Since the Constitution is virtually silent on the structure of the Executive Branch, the president can do whatever he wants to do—assuming Congress cooperates. The idea is certainly not new. The Ash Council under President Nixon made a similar suggestion but Watergate destroyed the Nixon presidency before it could be implemented.

The president's job has changed dramatically since the founding of the nation. Much of this change resulted from the growth of the nation—and the national desire for effective presidential leadership. The changes to the presidency took place under the rhetoric of administrative and managerial reform, but they all had the effect of increasing the president's power.

The Brownlow Committee set the stage for formal reorganization authority and laid out the first theoretical arguments in support of building the president's administrative capacity. Recasting the language of reform in administrative terms, the Hoover Commission was extremely successful in implementing its recommendations. Its acceptance was built partly on the theoretical arguments first articulated by the Brownlow Committee, but also built on Hamilton's argument in Federalist No. 70 that "an energetic and unified executive is not a threat to free and responsible government." Writing about the Hoover Commission recommendation, former president Hoover explicitly linked strong presidential leadership with managerial efficiency (Arnold, 1976).

And it certainly didn't hurt that the Hoover Commission had a plan in the works, formed before President Truman came to a surprising victory in the 1948 presidential election.

The lesson from Nixon's experience with the Ash Council is that legislators may easily confuse the scale and scope of an ambitious plan with the credibility of the president who is proposing it. Nixon introduced a sweeping proposal for reform late in his presidency, when he was fast losing credibility—an ill-conceived political and legislative strategy.

Timing is critical. There are some windows of opportunity where Congress is willing to accept a massive reorganization. The recent example of the DHS, formed after 9/11, is a case in point. It was the largest reorganization in the last 50 years (since the DoD was reorganized in 1947). Clearly, however, we don't want to count on national disasters or massive terrorist attacks to stimulate reorganization.

Each of the examples shows that reorganization efforts require the president's support and his patience, for such recommendations often take years to implement. Therefore, before moving forward with a reorganization plan, the president should assess whether more "mega-departments" would be desirable. Additionally, a major reorganization would require examination of all executive departments and agencies to determine how they should be reorganized. The president should carefully consider how to win the collective commitments of the Congress and the departments and agencies to this endeavor. Even if the president is able to gain the support of the key stakeholders on a reorganization plan, implementation could take a decade or more, and the transition period could be difficult to manage. Thus, the risks associated with such a massive reorganization are also high.

Although the Volcker Commission envisions a large-scale legislative reorganization plan, a more modest administrative reorganization could also offer some benefits to the president. For example, the president could identify the major domestic policy areas in broad groupings (e.g., economic, social, and natural resources policy) and designate a single cabinet officer as the lead or chair of an interagency group to chart thematic policy directions for the president. Meeting regularly with this officer would be feasible, even if holding routine meetings with each of the 15 cabinet heads is not realistic.

When these lead cabinet officers are recruited, the president might target accomplished leaders with backgrounds equivalent to the typical secretary of defense or secretary of state and make it clear to them and the Congress how much leadership authority he intends to entrust in them. If this more modest administrative reorganization works effectively, a president might become invested in a more large-scale legislative approach to reorganization, such as that envisioned by the Volcker Commission.

Although the benefits of comprehensive reorganization remain an open question, the use of reorganization as a strategy to achieve greater responsiveness from the departments and agencies should remain in the president's toolkit.

The conventional wisdom is that comprehensive reorganization has not happened because Congress would not tolerate it. We suggest a different possibility. It has never been attempted at the time when it has a chance to succeed: namely, at the start of a new presidency, before cabinet officers are selected and become entrenched, before the president becomes overly comfortable with his relationships with White House staff, and before Congress settles into more decentralized bargaining with the new administration.

Conclusion

Given the size and complexity of the federal government, there is no one "magic bullet" that will allow a president to effectively lead. Instead, a president should use a mix of strategies in his portfolio to ensure that agencies and departments are responsive to his agenda. He should appoint qualified and experienced individuals as agency or department heads. But given the potential for such individuals to develop their own personal agendas, he should also deploy key personnel, White House staff, and EOP offices to ensure that they remain on track with presidential policies.

In addition to ensuring competent and strategic management, he should also attempt to control the massive civil service, which can undermine or stall the efforts of even the most effective and well-intentioned leaders. To do so, he can deploy various EOP offices such as OMB to review and control agency actions, as Reagan and Clinton did in their administrations. He can also attempt cross-agency coordination, keeping in mind the necessary features of such efforts based on successful coordination efforts in previous administrations.

Finally, reorganization should be considered one of the tools in the president's portfolio of strategies to achieve more responsiveness from the Executive Branch. While achieving responsiveness is a primary goal of reorganization, any comprehensive plan must also consider agency effectiveness, efficiency, and overall performance. A comprehensive reorganization will require the president's support and his patience, for such recommendations will be resisted and can be expected to take years to implement. Before launching into large-scale reorganization, the president should insist on a careful inquiry into the successes and failures of our larger cabinet agencies: DoD, HHS, and DHS.

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