

THE WHITE HOUSE AND

LEGISLATING

CAPITOL HILL FROM

TOGETHER

EISENHOWER TO REAGAN

Mark A. Peterson



Legislating Together

**The White House and Capitol Hill
from Eisenhower to Reagan**

Mark A. Peterson

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For my parents

Preface

As long ago as 1977, in a report entitled *Studying the Presidency* (New York: Ford Foundation), Hugh Heclo commented that "at graduate schools across the country there is a ceaseless, disorganized, and non-cumulative flow of dissertations studying particular cases of Presidential/Congressional interaction" (p. 17). Over the past decade the situation has not improved. Nor is there a sense within the discipline as a whole that real progress has been made in articulating new approaches to the study of the presidency and its relations with other national political institutions. In spite of an abundance of writing on the subject, this area simply has not achieved the intellectual maturity exhibited in other fields of political analysis. Having completed my own study of the legislative interactions between the White House and Capitol Hill, I am hardly surprised at Heclo's lament. It is not easy to craft analyses that are broader in scope and more comprehensive in orientation than those that have already been performed.

I share the prevalent concern about the utility of some of the research designs, the quality of the empirical data, the seemingly small gains in useful generalizations produced by the years of scholarship on America's national representative institutions and the public policies they create. This book addresses many of those concerns. But it too has been years in the making and falls far short of my original goals. While I am satisfied that I furnish here original empirical support for the theoretical issues I raise, that both the concepts and the methods of my research suggest new directions for fruitful investigation of the presidential-congressional relationship, and that my overall assessment will invite both practitioners and observers to view the institutions somewhat differently, a thorough resolution of all the analytical ambiguities remains a distant dream.

Why is it so difficult to engage in truly innovative analysis? In the very process of trying to avoid the plague of noncumulative research, the student of the presidency, Congress, and public policy stumbles into a world of immense complexity. For me, the initial questions were easy. It struck me that the president and Congress need each other, that decisions on legislative issues are made by the president and members of Congress in a variety of identifiable ways, and that one can characterize the diverse styles of legislative action fairly simply without doing too much of an injustice to the real world. Even in the personality-ridden arena of presidential politics, the interactions between the two branches and the legislative decisions they produce are neither random nor dominated by the idiosyncratic. Moreover, the broad patterns of interaction seem to apply to all presidents and their dealings with Capitol Hill, so that it may be possible to generalize about the relationship between the two institutions.

The questions from that point on proved more difficult. As I pressed to identify the forces that influenced how the president and Congress together made choices about legislation, it became apparent that neither conceptual nor empirical parsimony would be easily attained. It was also obvious that good humor constituted a primary investigative resource. Consider the following sample of factors that the extant literature and my interviews with the practitioners themselves revealed to be of importance:

An unusual menagerie—whales, boll weevils, gypsy moths, and lame ducks, not to mention lions and foxes.

Assorted instruments of persuasion—whips, ships, telephones, tickets, planes, and (most infamous) “the Treatment.”

Diverse forms of exercise—elbow bending, often “lifting a glass to liberty,” arm twisting, coalition building, and the taxing gymnastic maneuver of going over the heads of Congress.

Utilitarian accounting conventions—political resources, currency, capital, and credits, all to be invested, expended, or squandered.

A variety of social gatherings—parties, interest groups, voting groups, study groups, chowder and marching societies, constituencies, and the last tuition-free institution, the electoral college.

Several inflatable objects—egos, rhetoric, positions, and consumer prices, though no ducks.

Plotted "ayes" and crossed "tees," especially committees, sub-committees, committees of the whole, committees on committees, committees to reelect, rules committees, special committees, select committees, and standing committees, since everyone is too busy to be sitting.

Programs approved for many audiences—to be moved or lost, major releases and minor dramas, new innovations and old reruns, and much type casting.

Finally, an assortment of letters to challenge even Johannes Gutenberg—from LAs, AAs, CBO, EOP, WHO, OMB, DC, OPD, PRMs, and the CEA, to OPL and OCL, the "liaison" d'être of the presidential-congressional relationship.

And James Sundquist, tongue only partially in cheek, suggested to me an explanation of congressional responses to the president reminiscent of the tit-for-tat strategy for playing Prisoners' Dilemma: instead of voting in accordance with the give-and-take of assorted political forces, members of Congress may merely do to the president this time what the chief executive did to them last time.

Just as I was striving to bring some order to these issues, one of my informants related the following story to me:

The process is so complex, it's impossible to . . . Well, your job is impossible. You can't generalize or even do a detailed analysis of how things happen . . . You see, on everything there are a million zillion things that can come up. There's no way you can get a fix on it . . . In the whip's office, we had a guy working for us who was doing a book. He had written some books on the process, and he came up and said he was revising one of the books. And he asked whether he could come to the office for a week and just watch. The head of the office said, "Let me read the book." Well, he took it home that night and read it. The next day he said to him, "I'll tell you what, you come work here for six months. I'll treat you like everyone else, and you will work on the staff—if you promise me that after that six months, you will go write a letter of apology to every student you have taught with that book." Well, he grumbled a few things and was quite upset. The boss said he'd hire him, not pay him much, just enough to cover his living in Washington, and he was a whip assistant or something. After the six months, he came back and said, "I

can't write the book about how the process works. I just can't do it." He had been at those things for some time, but he couldn't write it. He saw the thousands of people we talk to. He decided to write about one bill, one that he had been assigned. He could write about that, describing the forces that went into shaping that bill as it went along, but that one was different from fifty others. There's just no way to generalize.

At times, it did seem as though there was no way to generalize about the interactions between the president and Congress, especially for the range of domestic issues and the several administrations I was examining. At times it seemed there was no way to avoid aggravating Heclo's complaint.

The fundamental message of my research, however, is that despite the obstacles, one *can* identify patterns in the way the White House and Congress interact. Presidents, regardless of their individual skills and character, are advantaged and disadvantaged in their dealings with congressional opponents by the particular configurations of the institutional, political, and economic settings in which they must operate. These have fairly predictable consequences for how the issues will be decided. Furthermore, different kinds of policy proposals trigger fairly predictable types of congressional action. Although the circumstances surrounding each legislative issue are in some ways unique, and probably no situation precisely fits the dictates of any one identified pattern, generalizations are possible. Indeed, without them we cannot discover what is distinctive about each situation.

One prominent member of the White House press pool suggested to me that it is possible to identify patterns across administrations. The patterns, however, are not what is interesting; the differences are interesting. But how do we know what is different without knowing what is the same? We need to be able to judge the distance between a generalized baseline and what actually happens in a particular case in order to assess the contributions to the process that lie beyond the forces that affect all cases. The results of this research indicate that the distance is not great for most issues and most administrations. Still, having formulated a baseline of sorts, we are in a better position to evaluate the significance and sources of the differences that do exist, and therefore to judge both institutional conflict and presidential performance through a less subjective eye. These issues are the subject of the chapters that follow.

On the surface, few of life's experiences would seem to be as solitary as the process of researching and authoring a book. The gestation of ideas, the various forms of information gathering, the methods of analysis, the honing of interpretations, and the writing are all seemingly the province of the author alone. On quick reflection, of course, it is obvious that the completion of almost any scholarly work is possible only as a result of the contributions made by many others. This project, like most, would not have progressed very far without a wide range of financial, institutional, and individual encouragement.

The Earhart Foundation twice funded my research, first in the form of a graduate fellowship and later as a faculty fellowship research grant. Additional financial assistance came from the Horace H. Rackham School of Graduate Studies at the University of Michigan, the National Science Foundation (grant no. SES-8216865), as well as the Harvard Graduate Society Fund and the Faculty Aide Program at Harvard University. John Dolfin and the Universities Service Centre in Hong Kong provided an uncommonly captivating place to begin thinking in earnest about the presidency and Congress. Martha Derthick, Diane Hodges, Paul Peterson, and the Brookings Institution furnished a hospitable and gracious base of operations each time my research took me to Washington, D.C. The Gerald R. Ford Presidential Library, the Department of Political Science, and the Institute of Public Policy Studies at the University of Michigan afforded the use of their facilities and the good humor of their staffs. Since my arrival at Harvard University, I have benefited greatly from the resources and able staff of the Department of Government and the Center for American Political Studies.

From the beginning, I profited from the advice and guidance of several unusually helpful individuals at the University of Michigan. John Kingdon provided invaluable direction and assistance; he has always set the high standard by which to judge both scholarship and teaching. Each conversation with Joel Aberbach was a learning experience and improved my thinking about all aspects of American politics. George Grassmuck made the seemingly impossible become possible. And economist Paul Courant willingly subjected himself to a great deal of ponderous discourse. Special thanks are owed each one of them.

Another member of the Michigan community had an influence on me that I shall always cherish and the dimensions of which I

cannot even begin to express. In addition to posing tough questions and furnishing a solid backboard for my sometimes less than penetrating ideas, Jack Walker touched all aspects of my life. He began as my teacher and supervisor, then soon became a lively collaborator, a valued colleague, and a deeply respected friend. As I was reviewing the page proofs of this book, his spirited life was tragically cut short in an automobile accident. I, and all who knew Jack, will sorely miss him.

My warmest appreciation is extended to former Presidents Jimmy Carter and Gerald Ford and to the scores of journalists and executive and congressional officials all of whom granted interviews, gave generously of their time, and shared their perspectives with me.

Many other individuals lent their ideas and raised important issues as the research progressed. I am grateful to Thomas Anton, Lawrence Baum, Jon Bond, Roger Davidson, Louis Fisher, Richard Fleisher, Thomas Gais, James Garrand, Stephen Hess, Cathy Johnson, John Kessel, Susan Lawrence, Paul Light, Thomas Mann, Norman Ornstein, Eric Peterson, James Pfiffner, Bert Rockman, Austin Sarat, Deborah Snow, and James Sundquist.

Colleagues in the Department of Government at Harvard had an enormous influence on the book, often just by creating a pervasive atmosphere of intellectual liveliness. H. W. Perry, Jr., originally a fellow graduate student at Michigan, read in its entirety everything that emanated from this project; the manuscript and I would have suffered greatly without his contributions. Richard Neustadt, in addition to reading and probing one version of the text after another, was an invaluable source of support and inspiration. One could not hope for a better teacher or a more genial friend. Morris Fiorina, Nelson Polsby (who visited for a year), Robert Putnam, and Judith Shklar perused one or more complete drafts and offered much-appreciated suggestions. Thanks are also due Henry Brady, Gary King, Douglas Price, Kenneth Shepsle, and Margaret Weir for the advice, perspectives, and fellowship they offered.

Many students at Harvard made it possible for me to enhance the empirical analysis and introduce other improvements in the manuscript. Marc Bodnick, Andrew Clubok, Carolyn Duffy, Robert Gustafson, Thomas Joo, Elizabeth Knapp, Chan U Lee, and Jeffrey McGuire were admirable research assistants. Much of the data collection, management, and analysis depended on

the talents of Stephen Ansolabehere and Erik Corwin. Matthew Dickinson assisted with the coding, and students in various undergraduate and graduate seminars supplied pointed critiques and volunteered important ideas.

My two editors at Harvard University Press deserve a special note of appreciation. Aida Donald, patient as always, cheerfully stayed with me as the project took longer to complete than either of us had anticipated. Vivian Wheeler, with professional care and imagination, gently moved the prose in the direction of the standards I profess but did not always practice. And I am grateful for the thoughtful comments of two anonymous reviewers, who provided encouragement as well as insightful guidance in improving the manuscript.

Each of these institutions and individuals has my enduring gratitude. But it is to my parents, Elbert and Mabel Peterson, that I owe the most. If there is an American ethos articulating the virtues of education, they embody it. Without their years of support, encouragement, and patience, this book would not have been possible.

Legislating Together

Contents

Preface	ix
1. Introduction	1
2. A Point of Departure	32
3. Conflict, Cooperation, and Context	76
4. The Pure Context and the Malleable Context	100
5. Strategic Choices and the Policy Context	148
6. An Integrative Analysis	185
7. Presidents, Choices, and Policy Leadership	216
8. Representative Institutions and Policy Making	268
Appendixes	299
Index	332

1. Introduction

"Mr. Speaker, the President of the United States!" With that proclamation from the sergeant-at-arms of the House of Representatives, the assembled members of Congress and other dignitaries in the House chamber rise each January to greet the president for the annual State of the Union address. Millions of citizens view the spectacle on television. For here are gathered virtually all the major officials of the American national government. The executive branch, of course, is represented by the president, accompanied by the vice president and members of the Cabinet. The bicameral legislature is for this one event joined, representatives and senators together. The judiciary is embodied in the robed justices of the Supreme Court. It is in this setting that we see our national government as one enterprise, but with all eyes fixed on the president at center stage.

The address itself has myriad audiences. The president speaks to our allies and adversaries abroad, indirectly via media coverage and directly via the invited foreign diplomats who are present. The president also addresses the American public, indeed often more with an eye to the television sets in innumerable family rooms across the country than to the politicians seated in close proximity just beyond the rostrum. At the core of the State of the Union address, by virtue of its origins in Article II, Section 3, of the United States Constitution and by evolving tradition, is the delineation of the president's policy priorities and what they require, either implicitly or explicitly, in terms of congressionally enacted legislation. Congress is an audience of special significance: little of import desired by the president and proffered in the State of the Union can be accomplished in any enduring fashion without the support of a majority of its members.

The visual imagery surrounding the delivery offers a meta-

2 Legislating Together

phor for the most pervasive interpretation of American politics and executive-legislative relations, what I term the *presidency-centered perspective*. The president, standing at the heart of the House chamber, dominates the room and the camera. The message is the president's, the agenda is the president's. Legislators seated throughout the chamber expect and to a considerable degree self-consciously require this projection of leadership from the chief executive, cast here as chief legislator. Whether the president succeeds or fails—in this oration and later in the policy domain—depends upon the skill with which the president fashions influence, which itself is derived from the national expectation that the unifying force of political leadership resides in the Oval Office. All too often the president does fail, by reason of either the incumbent's own shortcomings or the insurmountable barriers erected by the contemporary American political system.

The presidency-centered perspective represented in this State of the Union metaphor is firmly rooted in the popular imagination and in our civic culture. It constitutes a basic theme of textbooks at all levels and finds reinforcement in the media coverage of the Washington political scene. It is also, though not exclusively, the intellectual tradition within which scholarly work on the president and Congress has been accomplished. While this perspective has in its origins many truths about American politics in the modern era, it is also severely limited, both conceptually and empirically.

This book offers an alternative to the presidency-centered perspective. The *tandem-institutions perspective* is constructed from a more realistic prescriptive and descriptive appraisal of the symbiotic relationship of the president and Congress in the legislative arena and of the elaborate contexts in which the institutional interactions are played out. I examine these competing perspectives in some detail in this introductory chapter and give concrete illustrations of how they lead to contrasting interpretations of presidential-congressional exchanges on legislative issues. I also present an overview of the book, reporting on an empirical study conducted within the tandem-institutions framework. The focus is on the domestic issues associated with the legislative programs introduced from 1953 to 1984 by presidents from Dwight Eisenhower to Ronald Reagan. My conclusions are derived from interviews with the practitioners themselves, including two of the former presidents, and a detailed analysis of 299 presidential legislative initiatives drawn from this period and afforded congressional action between 1953 and June 1986.

From the argument and analysis built progressively in the subsequent chapters I demonstrate the advantages of the tandem-institutions approach, along with the concepts and methodology that logically evolve from it. I identify the numerous ways in which congressional coalitions respond to presidential initiatives and show how they reflect the varying degrees of conflict and cooperation in legislative deliberations. By integration of the interviews with quantitative analysis of the sample, I evaluate how congressional responses are shaped by the diverse factors that make up the institutional, political, economic, and policy contexts of legislative action on the president's program. Establishing that contextual baseline, which explains much of the variation in executive-legislative interactions, yields a unique opportunity to assess more systematically than before the performance in the legislative arena of each president from Eisenhower to Reagan. Their experiences, viewed through the lens of this analysis, provide insight into the generic role of presidents in the realm of legislative leadership.

Competing Perspectives

Given the complex and politically formidable issues confronting modern societies, along with the threat to unified leadership embodied in the potentially parochial concerns of a collective body such as Congress, it is not surprising that most evaluations of the American system have sought to identify a single institutional repository of coherent political leadership. Nor is it astonishing that due to the centrality of the modern presidency in the policy-making structure, the presidency has become the prescriptive cynosure for regenerated leadership. Studies of presidential-congressional interactions on legislation, then, often assimilate the attributes of the presidency-centered perspective, which incorporates a particular set of perceptions about the historical and contemporary institutional relationship. This perspective dramatizes interbranch autonomy and power, typically linking notions of presidential policy "success" with the interests of the nation as a whole.

The presidency-centered perspective has five main facets.¹ Foremost is the heated battle between the executive and legislative

1. I derived the "presidency-centered perspective" by reading widely on the president and Congress. The relevant sources include James MacGregor Burns, *The Deadlock of Democracy: Four-Party Politics in*