*CHAPTER ONE*

# Managing the President's Program: Necessary and Contingent Truths

On the evening of June 11, 1963, President John F. Kennedy announced that he would ask Congress to pass comprehensive civil rights legislation. "We face . . . a moral crisis as a country and as a people," said the president. "A great change is at hand, and our task, our obligation, is to make that revolution . . . peaceful and constructive for all."

Kennedy spoke from the heart and without a completed text. Yet the substance behind the speech, if not its peroration, had been long discussed. The president had sent Congress a package of civil rights legislation on February 28, 1963—broad in scope, but relatively weak. Then, as the protest movement grew through the spring and was met with armed resistance, Kennedy met in long sessions with his advisers to hash out tougher measures.[1] Quickly jotted notes by JFK's special counsel, Ted Sorensen, open a window onto the wide range of choices that had to be made.

First came "questions of tactics," Sorensen observed. Should the "President deliver message in person? How great a price to pay for Dirksen co-sponsorship? Can any Southerner be persuaded to be a 'Vandenberg'? One bill or several? Should bi-partisan leaders and Mansfield staff review Message?"

Then there were "questions of substance," and closely related "questions of drafting." How might the president's staffers craft the proposed bill's public accommodations provisions and the power of the Justice Department to enforce the various aspects of the law? Should the bill be omnibus—combining multiple provisions—or would members of Congress only support a number of more discrete measures? Melding presidential preferences with legislative realities was proving a tricky business.[2]

And so it remains. Though particularly fraught in this instance, the questions facing Kennedy—questions of substance, tactics, and detail—were the choices that go into every presidential decision about his legislative program. "That we cannot have everything is a necessary, not a contingent, truth," wrote Isaiah Berlin.[3] Presidents know this better than anyone.

But if choice is inevitable, the basis for choice is contingent. This

book examines presidents' legislative programs over the past half century and the institutional circumstances that help dictate presidents' managerial choices in formulating those programs. I will argue that presidents are flexible managers, rather than reflexive, seeking to obtain reliable information about the political and substantive ramifications of their legislative proposals at minimal cost and utilizing their staff and extra-staff resources accordingly. But these choices are hard, because they are far from unconstrained—and because the stakes are so high. These choices are hard, because they help determine the success or failure of the presidential program, and in so doing the president's very place in history.

The following chapters theorize about the institution of the presidency on the basis of a new dataset compiling nearly five decades of information about presidential relations with the executive branch and with Congress. Rigorous hypothesis, qualitative research, and quantitative analysis are combined in a way that seeks to systematically extend what we know about presidential management. The approach also provides a new lens for examining other aspects of presidential decision making, highlighting the informational economics at the heart of presidential bargaining.

## The President's Program

Why study the president's legislative program? In part, certainly, because it is important in its own right for contemporary governance. Although the idea of a legislative program is outlined in the Constitution, it is only in the past half century that presidents have transformed invitation into institution. The "president's program," conceived as a bounded set of legislative requests, comprehensive in subject matter and specific in detail, dates just to the late 1940s and the Truman administration.

Within a few years, however, the legislative program had become a cornerstone of presidential-congressional relations, part of the definition of the "modern" presidency. "From a state of affairs in which there was at best a somewhat grudging acceptance that the President would be 'interested' in the doings of Congress," Fred Greenstein has written, "it has come to be taken for granted that he *should* regularly initiate and seek to win support for legislative action as part of his continuing responsibilities."[4] Congress may not always be inclined to dispose, but presidents are now very much expected to propose. John Kennedy observed in 1962 that "it is a responsibility of the President of the United States to have a program and to fight for it."[5]

Four decades later this point seems too obvious to require presidential utterance. Candidates on the campaign trail tout their legislative

proposals; presidents defending their performance turn, nearly automatically, to a recitation of their statutory achievements. In late 1997, for example, Bill Clinton was asked if he was already a lame duck. Hardly, said Clinton; after all, his administration had been very successful in Congress that year. "We passed. . . . a score of . . . things," the president boasted, listing the Balanced Budget Act, increases in education funding, NATO expansion, the Chemical Weapons Convention, and "sweeping reform" of adoption and drug approval laws—and pledging that 1998 would be more vigorous yet.[6]

This shift in the burden of legislative agenda setting matters to students of American politics in at least three related ways. First, of course, it matters for the nation's public policy agenda more broadly: the president has more influence here than any other individual actor. John Kingdon found that "the president can single-handedly set the agendas, not only of people in the executive branch, but also of people in Congress."[7] This should not be read to forecast presidents' success in achieving their policy preferences, or even to say, given the empirical evidence to date, that the president's role in agenda setting is either necessary or sufficient.[8] It seems clear, however, that the president's legislative initiatives almost invariably receive congressional attention and agenda space—and that the scope and content of the president's program will frequently form the backbone of national policy debate.[9]

Second, the shift in the burden of legislative agenda setting matters for presidential-congressional relations, in part because it elevates the importance of the legislative aspect of the presidency. Presidents have found that their capacity for leadership, even their competence, is assessed on the basis of their program and its reception by the Congress. Nixon budget director Roy Ash argued in a memo to his boss that "legislating is perceived as governing and governing is perceived as legislating. Legislation—conceiving it, proposing it, fighting over it, winning or losing, making the proper proclamation when passed or signed—not only is the main 'action' seen in Washington but is the key political currency in dealing with the voting public. . . . [T]he President must necessarily consider legislative initiatives and actions as central to his own interest and his own leadership efforts." A top adviser to a very different president, Jimmy Carter, agreed: "People judge strong presidents versus weak presidents on the basis of whether they perceive that the president is able to get the Congress to do what he wants. And brother, if you have the perception that you cannot, then regardless of how competent you may be you are not going to be judged competent in the office."[10] One academic review of the topic concludes that "since [Franklin] Roosevelt, presidents have been judged more by their legislative success than by their executive ability."[11]

Yet the third key implication of the rise of the presidential program—

as Kennedy's deliberation over civil rights makes clear—is that legislative success and executive ability are not so readily separable. It is here that the program grants a panoramic vantage over the terrain of presidential management and decision making. By its very nature, the president's legislative program gets at the heart of both the relationship between the White House and the departments and that between the president and Congress. Because legislating is crucial to presidents, managing the creation of that legislation becomes crucial too. After all, as Paul Quirk puts it, "a president's legislative success often will depend on the ability to design winning proposals that serve his objectives and yet provide the basis for winning coalitions in Congress. In view of the typical indeterminacy of majority preferences, there presumably is often a wide scope for shaping the outcome through the appropriate design of the proposal."[12] This, in turn, focuses attention on presidential management of policy formulation.

Despite the importance of this topic, we know surprisingly little about it. A frequent complaint about the academic literature on the American presidency is that it produces rich empirical detail but little in the way of theoretical heft.[13] The reverse is true, however, with regard to the president's program. True, much scholarly attention has been focused on the spotlighted side of the policy stage, on the congressional votes that delineate legislative success; gauging this endgame has engendered intense study and debate.[14] At the same time, though, the curtain drawn across backstage—the White House side of that process—remains mostly opaque. Two decades after Stephen Wayne delineated the "legislative presidency" and Paul Light's seminal work brought the president's agenda to scholarly consciousness, we know little about either the broad makeup of the president's program, year to year, or how it is drafted and specified for public and congressional consumption.[15]

Yet we do have a body of work springing from the "new institutionalism" (more specifically, from that part of it derived from rational choice theory in economics, strategic management, and political economy) that makes strong predictions about the development of presidential staff management.[16] It posits that development as a series of rational responses to the opportunities and constraints put in place by the broader political setting; thus, given a defined environment, we can predict presidential action across a range of individual presidents. Terry Moe goes so far as to argue that "the institutional presidency is destined to develop in a particular way over time," namely, in accord with a linear increase in presidential centralizing strategies.[17] In the case of the legislative program, this argument implies that presidents have centralized policy formulation resources over time, away from the wider executive branch bureaucracy and into organizations and staffers more di-

rectly under their command and responsive to their wishes. Thus an increasing proportion of policy will be made in the White House.

The present work aims to extend our understanding of both the theoretical and the empirical sides of the above equation. It takes the tenets of new institutionalism seriously: the overall analysis is clearly institutional, not personal. Concepts and insights from transaction cost theory in economics and public choice work will be used here frequently, though for the most part heuristically; though presidential styles and personalities clearly matter to American politics, the office shapes the occupant as much as the reverse.[18] As Charles Cameron has written, "savoring details and celebrating complexity require no models. Understanding the order beneath the details does."[19] This orientation may miss details that would allow a deeper understanding of a particular presidential decision. But it allows broader generalizations about what all presidents face with regard to their bargaining contexts within the White House, across the executive branch, and at the other end of Pennsylvania Avenue.

I will argue that environmental incentives and constraints matter very much for presidential behavior. Still, complexity will rarely be absent from the narrative. Building on the same basic notions of institutionally derived motivations that drive current theory, but tied into a new information-centered model of presidential bargaining needs, the chapters that follow show that centralization is not itself "destiny" or destined to increase over time. Instead, presidents over the entire era of the presidential program have chosen centralizing strategies according to predictable conditions governing White House–Cabinet relations and presidential information needs. A detailed look at the creation of the president's program over the past five decades shows that, when brought to bear on the president's program, those contexts point in a different direction: not toward linear centralization, but to what might be called "contingent" centralization.

## Contingent Centralization

How a president chooses to distribute policymaking resources within his administration outlines agenda-setting power not simply with regard to Congress but within the administration itself. Richard Neustadt, himself a Truman staffer, reflected that legislative proposals "are not merely vehicles for *expressing* policy, they are devices for getting policy *decided*" and thus how that process is worked affects "not only the power that goes with choosing the words but also the power that goes with presenting the issues for decision."[20] Organizational choice, and the informational flow it promotes (or prevents), is wound up tightly in

this process. It should be stressed that this *is* a choice: presidents have a good deal of discretion in structuring their staffs and channels of advice as well as their programmatic proposals.[21]

Seen in this light, the president's program has special relevance to arguments regarding the growth of the White House staff in size and importance (in both absolute and relative terms) and to presidential relations with the wider bureaucracy. That is, here the "institutional presidency" meets the "administrative presidency."[22]

The conceptual ground on which they intersect is that of centralization, which links presidential staff management decisions and White House–Cabinet relations. Again, centralization refers simply to the shift of duties and functions from the wider executive branch to the White House staff. Rational choice scholars lay out its logic in straightforward terms. If expectations of presidential performance have risen far above the capacities of the office to respond satisfactorily, presidents must attempt to expand their capacity to have an impact on policy. Since presidents' reach is institutionally (and constitutionally) limited, they act to build and shape what is within their grasp, namely the executive offices and the White House.[23]

That the history of White House–Cabinet interaction follows this path is the academic conventional wisdom, shared by scholars of widely varying methodological persuasions. One leading student of presidential management, for example, concludes that "the reality of the modern presidency is that the White House staff dominates the administration, and cabinet secretaries inevitably play a secondary role. . . . The most important reason . . . is that the White House has taken over a number of functions that used to be performed by cabinet departments and political parties."[24]

Still, given the potential importance of centralization as a tool for studying presidential management, the literature to date falls short on two key measures. First, with few exceptions the concept has not been paid the compliment of empirical scrutiny. Has centralization even occurred? The evidence gathered to date is largely anecdotal and even on those terms rather ambivalent. Second, and perhaps relatedly, theory building on the subject, while making strong predictions about presidential behavior, has not been pushed much beyond the broad notion already outlined. Rational choice centralization has thus not explored the subtleties inherent in its own assumptions.

I turn first to the latter problem, to provide a theoretical grounding for the hypotheses to be tested using the data gathered for this project. It is worth considering the argument briefly here.

Centralization posits that while presidents, driven by electoral incentives (plus the siren call of a "legacy") that reward coherent executive

management, must show they are in control, they have a hard time gaining that control. The main culprit is the separated system they survey, stretching even to the departmental bureaucracy they nominally head. Given these institutional realities, a rational president brings as much as possible under his direct control. Centralization is the key result.[25]

A quick glance shows this to be a plausible, even a linear, trend. After all, the Executive Office of the President (EOP) has grown dramatically in size and functional specialization since its creation in 1939. The government does more and spends more: the federal budget more than quintupled, in real terms, between 1949 and 2000. The Cabinet has grown from eight to fourteen departments, bringing new constituencies and their claims to the table, while at the same time each department has added new layers of internal management.[26] In short, presidents overlook a bureaucratic establishment larger and more unwieldy than ever. In these circumstances presidents might well find responsiveness elusive, with people, people everywhere but none to do his will. A president thus afloat should be a perfect candidate to import policymaking into the White House.

A pair of narratives helps to illustrate the conventional wisdom in substantive terms. The first comes from 1954. On January 14 of that year, President Dwight D. Eisenhower sent Congress a Special Message on Old Age and Survivors Insurance (OASI) and Federal Grants-in-Aid for Public Assistance Programs. In the message, Eisenhower urged that the OASI program (better known today simply as Social Security) be broadened to cover ten million more people, including dentists, clergymen, and self-employed farmers. To this he added five new proposals, including a general increase in OASI benefits (then averaging $50 per month) and new formulae for computing various aspects of those benefits.

The substance of Eisenhower's message had been formulated by staff in the Department of Health, Education, and Welfare (HEW) in the classic style of "Cabinet government." The previous October, HEW undersecretary Nelson Rockefeller had written to the president suggesting that the upcoming State of the Union message include a programmatic statement in favor of expanding OASI. At a November 20, 1953, meeting of the Cabinet, Secretary Oveta Hobby presented the departmentally prepared program for such an expansion. It was favorably received by the assembled secretaries, and approved by Eisenhower. Early in the new year the proposals were briefly mentioned in the State of the Union address and the president's Economic Report, then transmitted to Congress via the January 14 special message. On September 1, 1954, Eisenhower signed most of them into law.[27]

Nearly forty years later, in September 1993, President Bill Clinton stood before a joint session of Congress and presented his mammoth plan for reforming the American health care system. In his address, and in the subsequent message transmitting the text of the Health Security Act, Clinton urged nearly thirty broad proposals within a framework of "managed competition" in the $800 billion health care industry. "[A]fter decades of false starts," the president said, "we must make this our most urgent priority, giving every American health security, health care that can never be taken away, health care that is always there."

The Clinton plan was designed to ensure that every citizen was covered by a comprehensive insurance package covering all medically necessary care, including preventative treatment, prescription drugs, and, eventually, long-term care. Utilizing a series of competing regional health alliances, employers would either provide insurance directly or contribute toward pooled coverage; more people were to be insured, against a wider range of illnesses, while the cost of the overall system declined.[28]

Clinton's process of policy formulation bore little resemblance to Eisenhower's. It was centralized in the President's Task Force on Health Care Reform, led by Clinton's wife, Hillary Rodham Clinton, and coordinated by White House aide Ira Magaziner. This group contained a number of working groups organized in "clusters" and in charge of preparing options and recommendations for specific areas of health policy. A wide range of people (some five hundred in all) were involved. Although many of these were departmental employees, they were present as individuals rather than as departmental representatives, and Magaziner tightly controlled the working groups' output through grueling "tollgate" sessions. Departments were not even trusted to conduct technical analysis; this was handled inside the White House, as Magaziner insisted on controlling "what the Cabinet knew."[29] After the full task force disbanded in May, smaller White House teams continued to work on the issue, translating final decisions into legislative language. Clinton aide George Stephanopoulos later called health care a "wholly owned subsidiary within the White House," with its own staff, its own schedule, and even its own "war room."[30]

The tale so far is one oft-told and as such rather comforting. But what if the story had started another way? Shift back to the Eisenhower administration. This time the subject is space science and exploration, centered on the 1958 creation of a National Aeronautics and Space Administration (NASA). The Soviet launching of the Sputnik satellite the previous fall had made a new effort on this front a political necessity.

NASA was to take over management of the space program from the

Department of Defense and the outdated National Advisory Committee for Aeronautics (NACA, created in 1915). Though a major purpose of space exploration was, Eisenhower said, "the need to assure that full advantage is taken of the military potential of space," it was not the president's only interest. He wanted to ensure the wide dissemination of any scientific benefits accruing from associated research, and urged that the effort be placed firmly under civilian control.[31] In part this was a reaction to the military services' inability to work with one another, or anyone else, in developing missile or satellite technology. Their squabbling (and that of each branch's congressional allies) had resulted in an embarrassing lack of progress, and while Eisenhower grumbled privately that a moon shot would be "useless," he knew, as his message noted, that "the effect on national prestige" of the space program's success was of no small importance. Thus he decided to push the program forward.[32]

The Defense Department, NACA, the National Science Foundation, and other agencies interested in international relations generally all had a stake in the shape and scope of the new agency. But in the months after Sputnik, science advising had been consolidated in the White House, and in November 1957 Eisenhower chose to formulate the NASA proposal in the office of his special assistant for science and technology, James R. Killian, with assistance from the president's Science Advisory Council, a standing task force made up of scientists in industry and academia. The outline in place, in late January the legislative draft was sent to the Bureau of the Budget for fine-tuning. Only then was it more widely circulated.[33] Lyndon Johnson, then Senate majority leader, marveled that "Ike must have carried it through the Pentagon on a motorcycle," so little chance did Defense have to comment.[34]

Again, fast forward. In late 1995, President Clinton urged Congress to pass his Employee Retirement Income Security Act (ERISA) Enforcement Improvement Act, which beefed up the auditing of fraud or irregularities in 401(k) retirement accounts and increased the penalties for misuse of 401(k) funds. Twenty-two million American workers rely on 401(k) investments to supplement Social Security payments in retirement, Clinton noted: "We need to make certain the government has the tools to assure American workers they can put their savings—and their trust—into a system that will be there when they need it most."[35]

This proposal had been formulated in the Labor Department under Secretary of Labor Robert Reich and the department's Pension and Welfare Benefits Administration and ERISA Advisory Council, in conjunction with the Pension Benefit Guaranty Corporation. Senator Paul Simon, who introduced the Clinton legislation, noted that "recent investigations by Secretary Reich of 401(k) plans further demonstrate

the need for Congress to act promptly on this measure. . . . I want to commend Secretary Reich for the Department's substantial work and effort."[36]

All of these items were part of their president's programs. But they diverge on many other dimensions. Both Eisenhower proposals became law; neither of Clinton's did. In two cases (1954 and 1993) both Congress and the presidency were led by the same party; in the other two divided government held sway. The proposals are of different scopes on different subjects with differently oriented solutions.

If centralization is inevitable, why this variation? Although these cases in themselves are not "proof" of anything, they should give us pause nonetheless, sufficient at least to motivate new theoretical thinking about presidents' management of their staffs, broadly conceived. And, as detailed in Chapter Three, empirically it is far from clear that centralization has followed a linear course. There are unsatisfying ambiguities in the extant accounts of administration-by-administration policy formulation. It is worth noting, as above, that many of these questions come at the start of the process, presumably "decentralized" but in fact replete with Executive Office involvement in program production. The implication is that centralization may have been an arrow in the president's managerial quiver as early as there was a presidential program.

I am not arguing, then, that presidents do not centralize. Frequently they do—and they seem to have realized far earlier than did political scientists the virtue of the strategy. Variation in presidential centralizing strategy, however, is not a simple matter of chronology that can be summarized by noting "once there was Cabinet government, now there is centralization." For I am arguing that centralization is an instrument, not a mandate: it has costs as well as benefits, and even contemporary presidents do not *have* to centralize. If we look to the environment surrounding presidential choice of management strategies—as public choice theory itself urges—we do not see a unidirectional shift in its elements over time. Instead we find that environment fluctuating across a range of relevant dimensions, from the number of agencies interested in a given policy to the availability of extra-departmental sources of expertise. These changes are Congress to Congress and even issue to issue. The backdrop of presidential choice shifts regularly, even within a single presidency.

This does not mean, however, that the resultant choices are ad hoc. For there is common ground across the institutional environment presidents face, as it relates to the formulation of policy: namely, a continuous need for information. That the president and the executive branch he heads often feel at cross-purposes is at the heart of the centralization

strategy, since its analytic thrust presumes that presidents have an interest in where policy is formulated. And the source of policy formulation does matter, for it has a bearing on the information the president receives concerning issues and options. For example, departments bring to the table expert substantive knowledge usually unmatched in the White House staff; the president's personal staffers offer political expertise and a single-minded devotion to the president's interest. Both of these, in varying combination, may be of value to the president on a given piece of policy. His choice of how to structure the policy formulation process thus affects the scope and quality of the information he receives.[37]

Recast in these terms, centralization provides a link from the new institutionalism to the old. After all, in order to gain power, in Neustadt's classic sense of effective influence over governmental outcomes, presidents need information about the likely result of their policy choices.[38] This information is both political and substantive, to the extent those are separable. Presidents need to know what potential solutions exist to given problems, what likely real-world effect those solutions will have, what prospect each option has for attracting the support of various constituencies, and how to blend these dimensions into one or several pieces of draft legislation. For different issues, one or another of these considerations may be paramount; in combination, they add up to the president's gain from offering a legislative proposal to Congress. To calculate this—an exercise akin to solving a set of multiple equations—presidents must choose where to place their resources for policy formulation. They must choose, most simply, whether to centralize and to what degree.

If so, centralization is better seen as a matter less of evolution than of expedience. As such it remains a deeply institutional effect; presidents are still seeking responsiveness within a given environment's incentives and constraints. But this vantage suggests that presidents have been able to traverse that environment with a lighter tread than we tend to presume, shifting staffing strategies for policy formulation as the situation dictates.

The model used here posits that presidents will choose the source of that information which provides the optimal combination of reliability and cost. The "cheaper" (in a managerial sense) the information is, the better, providing that it is trustworthy. Minimizing costs will not always dictate drawing on centralized staff resources. Departments, after all, have their own legislative production line, and often a program, already in place. Thus, like firms in economics, presidents must choose whether to "make or buy" their policy, and, if the former, where within their organization to make it. Different choices have different transaction costs associated with them. The creation of a centralized staff for spe-

cialized, substantive policymaking has advantages, when bargains requiring high management costs are made frequently in a given area. But it has costs, too—in time, in the personal outlay of management effort, and sometimes in quality.[39]

When will presidents centralize? Chapter Two develops detailed hypotheses in accordance with the tenets above. Previewing that argument, I suggest that at least five sets of conditions will be taken into consideration. The first four increase the benefits of some form of centralized strategy; the last lowers the cost of pursuing alternative strategies.

First, centralization is more likely when the president wants quick action or when an issue is new to the president's program. Second, management needs dictate centralization when the policy area under consideration cuts across several different departmental jurisdictions. Third, and similar, are proposals that seek to reorganize one or more agencies or reorient the management of the executive branch itself. Fourth, the scope of the presidential agenda will affect the cost-benefit analysis. The more technical is any one proposal, the more departmental expertise is necessary—but the more concerned a president is likely to be about getting "rolled" by the department. A formulation process mixing EOP and department staff is most likely here. The larger the overall workload of messages and proposals, however, the more the president will find it necessary to institutionalize a staff to support those repeated tasks and the more likely any one item will be centralized. And having created that staff, presidents will use it more frequently than presidents without staff resources in place.

Finally, to the extent that the costs of extra–White House information are lowered, centralization will decline. One source of such information is, of course, the departments; another is the expert personal and committee staffs of relevant members of Congress. The extent to which presidential preferences are congruent with those of the bureaucracy and of Congress is the key variable of interest here. The former is tied in part to whether presidents have successfully "politicized" the departments and in part to the majority status of the president's party in Congress. In a situation of divided government, presidents will be more suspicious of departmental expertise, responsive as it must be to its alternate principals in Congress. Control of Congress—more specifically, the congruence of presidential and congressional policy preferences—should make presidential use of legislative expertise more likely.

These considerations form the framework of "contingent centralization." Do they hold true in reality? The approach is compatible with recent work finding evidence for contextual shifts in presidential policy formulation in individual presidencies. For example, Matthew Dickin-

son found that Franklin Roosevelt used a variety of staffing techniques to ensure that he had sufficient informational resources in his dealings with various bargaining audiences. Daniel Ponder found that President Carter employed a similarly flexible "staff shift" to best balance his dueling needs for responsiveness and competence.[40] However, there has been no systematic analysis of contingent centralization's observable implications across administrations. A broader view is needed to get around the "$n = 1$" problem that results from studying presidents as unique units of analysis.

## Plugging the Gap: New Data, Systematic Analysis

Such a view has been difficult to achieve, in part because until now there has been no unified, comprehensive set of presidential proposals available to scholars. Most researchers have relied instead on the items highlighted in the State of the Union address, sometimes screened in some way; others utilize the Boxscore listings compiled by Congressional Quarterly (CQ) from 1953 through 1975 or variants thereof.[41] Rarely do two sources have the same count of proposals from year to year.

This is not necessarily the fault of academe. When figures can be obtained from archival sources, they rarely match other tallies. Indeed, one Nixon staffer, assigned to the task of comparing his boss's legislative success with JFK's over each man's first two years in office, replied that "it will take more study to determine what they included in their figures. . . . we could be accused of comparing apples and avocados." He had reason to worry about the Kennedy count—a 1962 memo from JFK counsel Ted Sorensen on the legislative program suggests to the president that "other bills we expect to pass could be added to fatten our 'batting average.'"[42]

Even in the qualitative literature on the presidency, there is little comprehensive assessment of how presidential policy is formulated. A number of scholars, certainly, have made important contributions in this area. Stephen J. Wayne's 1978 book, *The Legislative Presidency*, for example, brought together oral history and primary research in tracing the origins and development of the EOP role in policy preparation. Paul C. Light's 1982 study, *The President's Agenda*, sought to highlight presidents' domestic priorities and trace the decision-making process that led to items' inclusion therein. My work owes much to these and other efforts.[43]

In general, though, evaluations of presidential policymaking processes have been most frequent in "president as chief legislator" chapters in textbooks on the presidency, traditional soup-to-nuts legislative case

studies,[44] or chapters on the topic in works devoted to the summary of one[45] or several[46] presidencies. Through this research, as Chapter Three details, one can trace an aggregate conventional wisdom through the ensuing administrations; indeed, there is a sense of how each president has organized for policymaking and which staff had what broad roles (indeed, the analysis may be limited to the White House staff organization nominally in charge of policy production). But this compilation is far from systematic and is often circumscribed by the substantive area of interest to the author.

Fortunately, the current question admits of a more comprehensive analysis. After all, there is no logical reason why one could not look at every presidential legislative proposal, determine its source, and calculate methodically the number and nature of those sources. Within the more limited bounds of statistical sampling and with the sometimes problematic constraints of available data, this has been my approach.

The *Public Papers of the Presidents* across the postwar period (1949 through 1996) were used to conduct two counts of the president's program. First, I tabulated the messages sent to Congress by each president. These included any communications from the president that made specific legislative proposals, whether transmitting an energy bill, a reorganization plan, or suggested joint resolution. Since messages vary in their complexity, the number of specific proposals contained in each message was also calculated. This second count incorporates an expansion and correction of the CQ Boxscore data, as adjusted for my needs.[47] (Chapter Four describes the data in depth.)

Using these criteria, a total of 2,796 messages comprising 6,926 proposals were identified across the forty-eight-year period. These vary widely by subject, scope, and substantive importance, ranging from the first item in the database (Truman's State of the Union call to strengthen antitrust laws, in January 1949) to the last (Clinton's plea in September 1996 to increase funding for NASA's "Globe" education program).

From this universe of proposals, a random sample of nearly four hundred legislative messages was drawn, stratified by administration. A legislative "prehistory" was generated for each, using a wide array of primary and secondary research resources, in order to determine its level of centralization. Each item's preponderant source within the executive branch was categorized along an index from least to most centralized: as the product of the Cabinet departments and executive agencies, of the White House, or some mix of the two. The term "preponderant" is used purposefully: it is a useful way to acknowledge that most proposals have many sires but that responsibility for the final, overall form and content of the presidential proposal can generally be assigned. This notion is borrowed from Lawrence Chamberlain, who used it in his

1946 book, *The President, Congress, and Legislation*, to evaluate whether a bill was mainly a legislative or executive product.[48] I ask the same basic question here. But the branches in question have shifted—from the executive and legislative to the executive and the presidential.

With these data and an array of control variables in hand, I used ordered probit analysis to test the hypotheses of contingent centralization developed above against those of a simpler linear centralization model. Controlling for more finely tuned managerial factors, there is little evidence for increased centralization over time. But the results strongly support contingent centralization. Whether a policy is old or new, is of a cross-cutting nature, or has a heavy reorganizational impact are the three strongest predictors of centralization. Centralization also rises with the president's in-house capacity for policymaking—and declines with the complexity of a given item or as the level of trustworthy expertise available to presidents outside the White House increases, as in times of unified government.

This last finding brings us back to the broader implications of centralization. Does it help presidents to design proposals that will meet legislative muster? Although the literature on presidential success in Congress is rich and vibrant, it tends to examine roll-call votes in something of a vacuum, without considering the process that went into formulating the policy in the first place. By contrast, the key question of interest here is whether a presidential centralizing strategy in formulating a given policy proposal increases the probability of its passage through Congress.

The findings of contingent centralization predict that it should not. Indeed, since centralization seems adopted in the main to coordinate complex policy areas encompassing a variety of departmental jurisdictions, it is likely that Congress—whose committee system, despite sporadic efforts at reform, is still extremely decentralized and turf conscious—finds it hard to deal with just those items linked to presidential centralization. Congress has long resisted efforts at comprehensive executive reorganization; and the rise of deficit politics in the postwar era has made any sort of large-scale change difficult. The extraordinary measures needed to expedite complex legislation make those processes vulnerable to hijack by small minorities in either chamber, especially the Senate.

Further, White House staff find it difficult to view the world through legislative lenses. A centralized process by its nature is less inclusive and consultative, with the established networks between congressional committee and departmental policy staff disrupted.

This implication of contingent centralization is once again tested using ordered probit analysis, this time with the measure of centraliza-

tion developed above as an independent variable. A number of control variables common in models of presidential-congressional relations are also utilized, including measures of co-partisanship and ideological proximity; the type of policy proposed (foreign or domestic, complex or simple); presidential popularity; the time in the term during which the policy was proposed; whether the request is in response to an external crisis or other focusing event; the fiscal climate; and the overall congressional workload.

The "usual suspects" do, indeed, play a strong role as predictors of legislative success; most prominently, presidents succeed as the number of seats held by their party increases and their ideological distance from legislators declines. However, as predicted, centralization undercuts presidents in the legislative arena—even controlling for the other factors known to matter for success, a centralizing strategy hurts presidential proposals. What helps in bargaining with the executive branch, hurts in relating to the legislative.

This is probabilistic, of course: all else is unlikely to be equal, and presidents may feel that the managerial exigencies of the executive branch make the strategy worth the risk. Nonetheless, this finding highlights the delicate position of presidents within America's separated system of governance.

## Limits

It is no wonder that presidents try to short-circuit that system by the use of unilateral administrative strategies.[49] Legislative policymaking is a critical subset of policy, but it is not the entire set; thus, while it serves as a vital test of linear centralization, I make no claim here that it is the only test. Just as centralization is contingent in presidents' legislative management decisions, so is it likely contingent in other areas of presidential policymaking where the management environment may have evolved in different ways. Indeed, the concluding chapter explores how models centered on informational economics can help explicate presidential choices between divergent policymaking arenas.

Still, in the end, the president's program is a robust institution. Presidents' legislative roles are not likely to fade away. Presidential efforts to act unilaterally will continue to supplement the presidential legislative program, but will not replace it. The limelight of the congressional stage brings benefits internal redirection cannot, along with the authority and legitimacy needed to cement policy change. Congress and the public continue to expect presidential programmatic leadership. Short-term electoral credit, the desire to have a lasting impact on the American

polity, and the related drive toward one's ultimate place in history mean that presidents will continue to comply.

## The Structure of the Book

The following chapters move from theory, to data and testing, to import. They move from what and why to "so what?" and "when?" Chapter Two develops in more detail the theory of contingent centralization. Chapter Three traces the history of the presidential legislative program and the conventional wisdom surrounding policy formulation, then raises additional questions about that conventional wisdom.

Chapter Four presents the presidential program database and explains the sampling and coding processes used in Chapter Five, which tests contingent centralization against other hypotheses. Chapters Six and Seven then trace the presidential program down Pennsylvania Avenue to assess theoretically and quantitatively whether, and how, management matters for legislative success. Chapter Eight concludes with reflections on presidential bargaining, institutions, and information. It argues that presidential leadership is wrapped up in how presidents manage the sequential bargains inherent in the legislative program—first with the executive branch, then with the legislative.

The answers are important to our assessment of executive governance over time—and to larger scholarly claims about the nature of the presidential quest for "responsive competence." This book aims to show systematically, with regard to centralization and the president's program, exactly upon what presidential decisions depend—and why this matters.

If the demands on the president leave him, in Neustadt's famous formulation, with the capacity only to be a clerk, how does he become a leader instead? One way is through the structuring of action-forcing processes in ways that benefit him—each president must submit a legislative program, but the shaping and formulation of that program is discretionary. Statesmen have long known that "events which cannot be avoided must be directed."[50] If the presidential power to command is limited, then the ability to bargain becomes key, and with it the ability to structure a situation. This book examines how presidents bargain with their executive branch, the better to bargain with Congress, and the better to exercise presidential power.