

CRS Report for Congress

Received through the CRS Web

The President's Cabinet: Evolution, Alternatives, and Proposals for Change

September 12, 2000

(name redacted)

Specialist in American National Government
Government and Finance Division

The President's Cabinet: Evolution, Alternatives, and Proposals for Change

Summary

The President's Cabinet is an institution whose existence rests upon custom rather than law. President George Washington found the Cabinet concept, a meeting of departmental secretaries, to be useful, and all subsequent Presidents have followed this precedent. Presidents have differed in their opinions as to the utility of the Cabinet, but all have found some political and administrative strengths in its continuance.

This report discusses how membership in the Cabinet has changed over the decades. The selection and removal processes are examined as well as commentary on the Cabinet by persons who have been participants.

In this century, a whole host of sub-Cabinet groups have been created as substitutes for full Cabinet sessions. The authority and configuration of these sub-Cabinet groups (*e.g.*, Council on Economic Policy) vary from administration to administration and few institutions and sets of relationships have acquired permanent status. A number of sub-Cabinet groups have staffs (*e.g.*, National Security Council), and it is these staffs that help provide some measure of institutional depth to the presidency.

Despite two centuries of criticism, the Cabinet remains a fixture in the President's political world. This report reviews criticisms directed at the Cabinet, and the "reforms" offered to correct alleged deficiencies, and provides an assessment of the utility of the Cabinet to successive Presidents. The Cabinet is retained because it provides to the President: (1) political and managerial advice; (2) a forum for interdepartmental conflict resolution; (3) a location where he can address most of the executive branch and thereby enhance administrative coherence; and (4) a source of political support for his programs and policies.

This report concludes with several observations on the nature of the Cabinet. The Cabinet is not now, and is not likely to become, a body with collective responsibility. Presidents cannot appropriately share their legal authority or responsibilities with the Cabinet. Thus, there are inherent limitations to the Cabinet that no reforms can alter or overcome. The Cabinet, its members, and its sub-groups provide the President with an adaptive resource with which to manage the executive branch of government.

Contents

Origin and Evolution	1
Membership on the Cabinet	5
The Cabinet Meeting	9
Cabinet Alternatives	12
Informal and Formal Subgroups	12
White House Staff	16
Reinventing Government and the Cabinet	19
Utility of The Cabinet	21
Political and Managerial Advice	22
Interdepartmental Conflict Resolution	23
Administrative Coherence	24
Political Assistance	24
“Reforming” The Cabinet	25
Concluding Comments	29

The President's Cabinet: Evolution, Alternatives, and Proposals for Change

Origin and Evolution

The President's Cabinet is an institution whose existence rests upon custom rather than law.¹ While the wording of Article II, Section 2 of the Constitution, that the President may require "... the Opinion, in writing, of the principal Officer in each of the executive Departments," clearly indicates the intention of the Framers that the President was expected to seek the advice of his department heads, there was no constitutional requirement that he meet with them either individually or collectively.

The Cabinet came into being because President George Washington found it useful. He began meeting with his three departmental secretaries and the attorney general in 1791, although it was not until 1793, during a crisis with France, that this group acquired the popular name of "Cabinet."²

While all subsequent Presidents have considered it necessary to meet with the Cabinet, their attitudes toward the institution and its members have varied greatly. Some Presidents have convened their Cabinet only for the most formal and routine matters while others have relied heavily upon it for advice and support. Richard Fenno has noted the absolute dependence of the Cabinet upon the President: "The President's power to use or not use it is complete and final. The Cabinet is his to use when and if he wishes, and he cannot be forced into either alternative. He has the power of life or death over it at this point."³

The composition of the Cabinet from the beginning has reflected two critical concepts promoted by the ascendent Federalist leadership. First, to meet the problems facing the new republic, energy, they argued, must be the hallmark of the

¹ The first time the Cabinet was recognized in statute law was on February 26, 1907, when Congress provided for an increase in the salaries of heads of executive departments, who were designated as "members of the President's Cabinet." 34 Stat. 935, 993.

² Henry Barrett Learned, *The President's Cabinet: Studies in the Origin, Formation and Structure of an American Institution* (New Haven: Yale University Press, 1912), Chapter 5. Mary L. Hinsdale, *A History of the President's Cabinet* (Ann Arbor, Michigan: Wahr, 1911).

³ Richard Fenno, *The President's Cabinet* (New York: Random House, 1959), p. 29.

executive branch and such energy, leavened by law and shared powers, must be centered in an institutionally strong President.⁴ In *Federalist 70*, Hamilton asserts:

Energy in the Executive is a leading character ... of good government A feeble executive implies a feeble execution of government. A feeble execution is but another phrase for a bad execution ... all men of sense will agree in the necessity of an energetic Executive.

President Washington was not in any doubt that the heads of departments were his agents when he wrote to the Comte de Moustier in May 1789: “The impossibility that one man should be able to perform all the great business of the State, I take to have been the reason for instituting the great Departments, and appointing officers therein, to assist the Supreme Magistrate in discharging the duties of his trust.”⁵ The issue took the form of a challenge to the President by Congress that he could not dismiss anyone confirmed by the Senate from Office without first obtaining Senate approval. In what has come down to us as the “Decision of 1789,”⁶ Congress, under Madison’s leadership, retreated from this position and indicated to the President that from the outset he could dismiss any officer, thus cementing the position of the President as chief of an integrated executive branch.⁷

Second, the Cabinet reflects the Framers’ belief in the superiority of single executives to manage departments over a plural executive arrangement. The Framers turned away from grand theory and reflected instead upon their own experience in waging the Revolutionary War against a global power and in attempting to run the nation under the Articles of Confederation after the close of hostilities in 1781.⁸

⁴ For a general account of the intentions of the Framers with respect to the institutions of the new republic, consult: Martin Diamond, *The Founding of the Democratic Republic* (Itasca, IL: F.E. Peacock Publishers, 1981).

⁵ George Washington, *The Writings of George Washington*, ed., John C. Fitzpatrick, vol. 30 (Washington: GPO, 1939), p. 334.

⁶ For a discussion of the “Decision of 1789,” consult, Leonard D. White, *The Federalists* (New York: Macmillan, 1948), pp. 20-25, also: (name redacted), *Constitutional Conflicts Between Congress and the President*, 4th rev. ed. (Lawrence, KS: University Press of Kansas, 1997), chapter 3.

⁷ With respect to fundamental authorities and lines of accountability, the executive branch has never been a pristine unity. From the decision of the first Congress to give the comptroller in the Treasury department a substantial degree of legal autonomy within the department, (1 *Annals of Congress*, (1789), p. 164), down to the present day “independent prosecutors” functioning in an uneasy relationship with the executive branch, not all officers have been directly accountable to the President. Katy J. Harriger, “Separation of Powers and the Politics of Independent Counsels,” *Political Science Quarterly*, vol. 109, summer 1994: 261-86. (name redacted), “The Independent Counsel Statute,” in Mark Rozell and Clyde Wilcox, eds., *The Clinton Scandal and the Future of American Government* (Washington: Georgetown University Press, 2000), pp. 60-80. These exceptions notwithstanding, the prevailing organizational norm has historically been toward an executive branch and its officers accountable to the President.

⁸ “[T]he advantages of single-headed control [of departments] had been so conclusively (continued...)

Their personal experiences became the crucible for political thought. This was particularly true for Alexander Hamilton, who found his administrative experiences with plural executives during the Confederation period to have been extremely frustrating. In 1780 Hamilton stated:

A single man, in each department of the administration would be greatly preferable. It would give us a chance for more knowledge, more activity, more responsibility and, of course, more zeal and attention. Boards partake of a part of the inconveniences of larger assemblies. Their decisions are slower, their energy less, their responsibility more diffused. They will not have the same abilities and knowledge as an administration of a single man.⁹

One of the first orders of business for the new Congress in 1789 was the establishment of executive departments. Three “organic” statutes were passed creating three “great” departments: Treasury, State, and War.¹⁰ A fourth department, a Department of Home Affairs, was considered and abandoned; the functions likely to have resided in that department were assigned to the other three departments. All the particular functions of the newly created executive branch, save that of prosecuting the laws and delivering the mails, were assigned these departments.¹¹

As noted above, President Washington assembled his department secretaries for advice and counsel and, in 1793, this informal group became popularly referred to as the Cabinet. In addition to the three secretaries (after 1798 there was a fourth secretary representing the new Department of the Navy), the President received legal advice from an Attorney General. The Attorney General was a private lawyer on retainer (\$1,500 annually) to the federal government. The Attorney General subsequently became a full-time officer of the United States and finally the head of the newly created Department of Justice in 1870.¹²

As for the Postmaster General, he was the head of the Post Office, although not a member of the Cabinet until 1829. The Post Office became an executive department

⁸ (...continued)

demonstrated that when the first Congress under the new Constitution began consideration of administrative organization in 1789, serious objections were raised against the establishment of single-headed administrative departments in only one instance; namely in connection with a finance department.” Lloyd M. Short, *The Development of National Administration in the United States* (Baltimore: The Johns Hopkins Press, 1923), chapter 9.

⁹ Alexander Hamilton, *The Works of Alexander Hamilton*, ed., J.C. Hamilton, 7vols. (New York: John F. Throw, 1850-1851), vol. I, pp. 154-55.

¹⁰ Discussion of the acts creating the three “great departments” may be found in James Hart, *The American Presidency in Action, 1789: A Study in Constitutional History* (New York: Macmillan Company, 1948), chapter 7.

¹¹ For a discussion of the administrative philosophy and practices that guided the early development of the United States government, consult: White, *The Federalists*. See also: Lynton K. Caldwell, *The Administrative Theories of Hamilton and Jefferson*, 2nd ed. (New York: Holmes and Meier, 1988).

¹² John A. Fairlie, *The National Administration of the United States* (New York: Macmillan Co., 1905), chapter 9.

in 1872 (17 Stat. 283), a status it held until 1971, when it was redesignated by Congress as “an independent establishment of the executive branch.”¹³ The position of Postmaster General was consequently removed from the Cabinet. The first major addition to the list of executive departments was the Department of the Interior in 1849.¹⁴

The point to be recognized, however, is that as functions were assumed by the federal government, they were assigned to new or existing departments, thereby retaining the essential unitary basis for the executive branch. Prior to 1860, only four permanent “detached agencies” were created: the Library of Congress, the Smithsonian Institution, the Botanic Garden, and the Government Printing Office.¹⁵ For the first century of the republic, therefore, the executive branch, with few exceptions, consisted of departments headed by single administrators under the authority of the President.

There are presently (2000) some 14 departments in the executive branch, the most recent department to be established being the Department of Veterans Affairs (1988). The departments represented on the Cabinet with their date of establishment are:

- (1) Department of Agriculture (1889)
- (2) Department of Commerce (1903, 1913)¹⁶
- (3) Department of Defense (1789,1949)¹⁷
- (4) Department of Education (1979)
- (5) Department of Energy (1977)
- (6) Department of Health and Human Services (1953,1980)¹⁸
- (7) Department of Housing and Urban Development (1965)
- (8) Department of the Interior (1849)
- (9) Department of Justice (1870)
- (10) Department of Labor (1903, 1913)¹⁹
- (11) Department of State (1789)

¹³ Gerald Cullinan, *The United States Postal Service* (New York: Praeger, 1973).

¹⁴ Short, *National Administrative Organization*, chapter 9.

¹⁵ U.S. Congress, Committee on Governmental Affairs, *The Federal Executive Establishment: Evolution and Trends*, by (name redacted), Committee print, 96th Cong., 2nd sess. (Washington: GPO, 1980), p. 3.

¹⁶ A Department of Commerce and Labor was established in 1903. After 10 years, and the election of Woodrow Wilson, Congress approved the separation of this joint department into two separate departments; one for commerce and the other for labor. Short, *National Administrative Organization*, chapter 29.

¹⁷ The War department, established in 1789, was reorganized in 1947 into the National Military Establishment which, in turn, was redesignated the Department of Defense by Congress in 1949.

¹⁸ The Department of Health, Education and Welfare was established in 1953. The department was renamed as the Department of Health and Human Services in 1979.

¹⁹ See footnote 8.

- (12) Department of Transportation (1966)
- (13) Department of the Treasury (1789)
- (14) Department of Veterans Affairs (1988)

The Cabinet today is alternately viewed with despair and hope. Self-described “realists” say that the Cabinet, both collectively and as a shorthand way of referring to the 14 departmental secretaries individually, is an institution of limited utility and not likely to change. Self-described “reformers,” on the other hand, still seek a formula that will elevate the Cabinet, both collectively and individually, to a primary role as advisor to the President. The debate over the proper role for the Cabinet is now more than two centuries old and shows no signs of being resolved. For most Presidents at least, it is more a problem to be lived with than solved.

Membership on the Cabinet

Traditionally, membership on the Cabinet has consisted of the secretaries of the several executive departments, the present number being 14. From the beginning, however, Presidents have accorded to others the privilege of attending and participating in Cabinet meetings. Although Vice Presidents were from time to time invited to attend, it was not until President Warren Harding invited Vice President Calvin Coolidge in 1921 to be a regular attendee and to preside in his absence that the Vice President has been recognized as a member of the Cabinet.²⁰

President Dwight D. Eisenhower initiated the practice of designating certain positions as having “Cabinet rank.” This special status is not recognized in law and is purely a presidential distinction that can be given and later withdrawn. The number of positions assigned Cabinet rank has varied over time but has included, among others, the Ambassador of the United States to the United Nations, the Director of the Office of Management and Budget (OMB), and the Special Trade Representative. In the case of the Director of OMB and the Special Trade Representative, both have been given the rank for pay purposes of Executive Level I, the rank assigned department secretaries.²¹

Cabinet rank may be assigned to individuals as well as to positions. Thus, recent Presidents, beginning with Richard Nixon, have designated individuals as “counselor to the President,” (*e.g.*, Daniel P. Moynihan by Nixon and Hedley Johnson by Jimmy Carter). For the most part, such designations are given to individuals the President desires to have nearby for advice, although they only occasionally have a portfolio of

²⁰ George Haynes, *The Senate of the United States: Its History and Practice*, 2v. (Boston: Houghton-Mifflin Co., 1938), vol. 1, p. 225.

²¹ President Bill Clinton designated a number of positions as having “honorary Cabinet status,” although the positions may not be assigned Executive Level I compensation. In addition to the three positions noted in the text, the following positions were designated in 2000: (1) White House Chief of Staff; (2) Director, Central Intelligence Agency; Administrator, Environmental Protection Agency; (4) Administrator, Federal Emergency Management Agency; (5) Chairman, Council of Economic Advisers; (6) Director, Office of Drug Control Policy; and (7) Administrator, Small Business Administration.

responsibilities. The title of “counselor” may also serve as a consolation prize by which a President can, as a face-saving gesture, ease a person out of some other position. In 2000, President Clinton had one person designated as counselor, Ann F. Lewis.

Historically, staff aides to the President, including the chief of staff, have not been members of the Cabinet and have not sat at the Cabinet table. Rather, staff members may have been invited to the meeting but occupied chairs located at the side of the Cabinet room. The President may invite others from time to time (*e.g.*, Under Secretary of the Treasury for Monetary Affairs), if the subject to be discussed warrants their inclusion. The Cabinet remains, however, ultimately what it has always been, a creation of the President’s will and style.

While Presidents enjoy a degree of deference in the appointment process for departmental secretaries, it has become increasingly difficult for nominees to be confirmed without controversy. The Federal Bureau of Investigation conducts rigorous character and security checks prior to the submission of names. Standards and expectations for public officials are higher than in the past, and large numbers of would-be appointees never make it through the White House Personnel Office to the nominee stage.²² If they successfully navigate the White House political and security minefields, they are then subject to confirmation by the Senate, which has its own capabilities to generate additional information and perspective on appointees.²³

Notwithstanding these recent developments, only 19 Cabinet nominations have failed to be confirmed since 1789. Nine were rejected on the floor of the Senate, seven withdrawn by the President, and three died in committee. In addition, two Cabinet nominations were announced but never submitted to the Senate. Of the Cabinet nominations rejected on the floor of the Senate, one nominee, Caleb Cushing was rejected three times in 1843 to be Secretary of the Treasury while a second nominee, Charles Warren, was rejected twice in 1925 to be Attorney General.²⁴ In one instance, a nominee, former Vice President Henry Wallace, was rejected by a committee to be Secretary of Commerce but later confirmed by a vote of the full Senate.

At least seven Cabinet nominations have been withdrawn by Presidents, the most recent occurrence being in October 1997. President Clinton withdrew the name of his nominee, Herschel Gober, to be Secretary of Veterans Affairs, an action previously taken in 1993 with respect to his nominee, Zoë Baird, to be Attorney

²² For a discussion of the pre-nomination processes, consult: Calvin Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981). Thomas Weko, *The Politicizing Presidency: The White House Personnel Office, 1948-1994* (Lawrence, KS: University Press of Kansas, 1995).

²³ For a somewhat dated but still useful overview of the Senate’s confirmation process, consult: Joseph P. Harris, *The Advice and Consent of the Senate: A Study of the Confirmation of Appointments by the United States Senate* (Berkeley: University of California Press, 1953).

²⁴ The Cushing and Warren rejections are discussed in Louis C. James, “Senatorial Rejections of Presidential Nominations to the Cabinet: A Study in Constitutional Custom,” *Arizona Law Review*, vol. 3, winter 1961: 232-261.

General. Three Cabinet nominations died in committee, the most recent being the 1996 nomination of Michael Kantor to be Secretary of Commerce. The Senate committee simply declined to hold hearings. In addition, two Cabinet nominees had their nomination withheld by the President prior to formal submission to the Senate. In one instance, disclosure of the name of Kimba Wood to be Attorney General, generated media controversy sufficient to induce the President to issue a statement withdrawing Wood's name from consideration.²⁵ Similarly, the President had announced his intention in 1993 to nominate Bobby R. Inman to be Secretary of Defense, replacing Les Aspin. The adverse political reaction was such that the President determined that submitting his name formally was a futile gesture. Traditionally, when a President wanted to maximize the likelihood that a nominee would be confirmed, he would select a Member of Congress. Even this strategy is no longer a sure route to success, however, as the 1989 rejection of former Senator John Tower to be Secretary of Defense attests.²⁶

Members of the Cabinet, like most other presidential appointees, serve at the pleasure of the President. Presidents can (and have) "fired" Cabinet secretaries, the most striking recent instance being in 1979 when President Carter required that all 12 Cabinet secretaries, plus 21 other officials, submit their resignations. He accepted the resignations of secretaries Joseph Califano (Health, Education and Welfare), Michael Blumenthal (Treasury), and Brock Adams (Transportation), all generally viewed as effective administrators, but all also viewed by the White House staff as failing to be "team players."²⁷

Historically, membership in the Cabinet has been diverse within the cultural context of the period. The single most constant factor in the selection process over the years has been partisan affiliation.²⁸ Presidents generally confine their list of potential Cabinet members to persons affiliated with their own party. A Republican President will occasionally select a Democrat to head an executive department, but this is an exceptional event, and the situation is the same with Democratic Presidents. The most recent instance of a President reaching to the opposing party for a departmental secretary occurred in January 1997 when President Clinton nominated former Republican Senator William Cohen of Maine to be his Secretary of Defense.

The political considerations present in selecting members of the Cabinet tend to reflect the two basic approaches to the Cabinet as an institution. First, there are factors that influence a President when viewing the Cabinet collectively. Presidents

²⁵ Shortly after the name of Kimba Wood was leaked to the press as the President's nominee for Attorney General, the President issued a statement that Wood had withdrawn as a candidate. "Statement of Withdrawal of Kimba Wood as a Candidate for Attorney General," Weekly Compilation of Presidential Documents, vol. 29, no. 5, Feb. 8, 1993, p. 154.

²⁶ "Tower Nomination Spurned by Senate," 1989 CQ Almanac (Washington: CQ Press, 1990), pp. 403-13.

²⁷ Dom Bonafede, "Carter Moves Boldly to Save His Presidency," National Journal, July 28, 1979: 1236-1240.

²⁸ Jeffrey Cohen, *The Politics of the U.S. Cabinet: Representation in the Executive Branch, 1789-1984* (Pittsburgh, PA: University of Pittsburgh Press, 1988), chapter 4.

seek a “representative” Cabinet in the sense that it represents to the public where their priorities lie. The factors playing a role in the selection process include, but are not limited to, partisan affiliation, ideology, gender, geography, friendship, ethnicity, interest group support, and professional reputation. The managerial competency factor appears to play a relatively minor role.

When the Cabinet is not viewed as simply a collectivity tied to the President’s political interests, however, but as the sum total of individual department secretaries who have as part of their job descriptions periodic meetings in the White House, the factors influencing the selection process differ in emphasis, if not in kind. Experience and managerial competence will often be considered as a factor in the selection process if the discussion centers on the needs of the department and its programs, rather than on the aggregate political fortunes of the President. The more prestigious the department, the more likely that some measure of demonstrated competence will be expected. Thus, the Secretary of State is generally expected to be a person with considerable international experience. As with all generalizations, however, there have been notable exceptions, as when Woodrow Wilson selected William Jennings Bryan to be his Secretary of State in 1913.²⁹

While Presidents have generally been involved in the selection process for Cabinet officers, President Clinton stood apart by his very public pledge to commit his time and prestige to the process. The goal in this instance was to appoint a Cabinet that reflected his definition of ethnic and gender “diversity.”³⁰ The process and the nominations submitted were not without their problems and political risks, however, as evidenced by the withdrawal of two nominees for Attorney General. President Clinton found, as had most of his predecessors, that they personally knew relatively few persons fully capable of performing the responsibilities of department secretaries and whose past could withstand close public scrutiny. Cabinet appointments, in short, rarely add substantively to a President’s political capital and may inflict considerable harm.

The first set of Cabinet appointments in a new administration tends to favor interests that were instrumental in the candidate’s electoral success. Often these appointments are disappointments to the President, particularly if they appear to be more responsive to the interests from whence they came than to the President. Also, initial appointments are more likely to become ambassadors to the President from the departments rather, than the reverse. All in all, experience suggests that as an administration ages, Presidents weigh personal and party loyalty more heavily in their

²⁹ President Wilson found his first Secretary of State, William Jennings Bryan, to be “incompetent” and his second, Robert Lansing, to be “inept,” thereby reinforcing Wilson’s reliance on Colonel Edward M. House as his intimate advisor on international affairs. Arthur S. Link, *The Higher Realism of Woodrow Wilson*, (Nashville, TN: Vanderbilt University Press, 1971), pp. 83-85.

³⁰ Gwen Ifill, “Clinton Completes Cabinet and Points to Its Diversity,” *New York Times*, Dec. 24, 1992, p. A-1. Shirley Anne Warshaw, *Powersharing: White House - Cabinet Relations in the Modern Presidency* (Albany, NY: State University of New York Press, 1996), chapter 8.

selections than initially.³¹ Moreover as an Administration's tenure draws to a close, Presidents occasionally will promote career executives or relatively unknown, but competent and politically safe, administrators to serve as Cabinet members until the Administration completes its term.

The Cabinet Meeting

The very name "Cabinet" suggests a collective concept. This title, however, is misleading. The Cabinet in the United States is simply a gathering of individuals, selected by the President to perform specified responsibilities, who exhibit no collective responsibility and little collective consciousness.³² The Cabinet never resigns *en masse* simply because Congress has rejected one of the President's proposals, nor do they feel an obligation to come to the aid of one of their number when that individual may be political trouble. The single common thread to the members of the Cabinet is their loyalty to the President who appointed them.

Since the Cabinet is not a statutory body, its use has varied greatly over time, depending upon the practices and philosophy of the particular President. We know that President Washington placed great reliance upon his Cabinet members both individually and collectively.³³ In the 19th century, a number of Presidents, in the absence of a White House staff, came to rely upon individual executive department secretaries for policy advice, administrative assistance, and political support. Some Presidents went outside their official Cabinet and formed "kitchen cabinets" as sources of advice and support.

In the 20th century, the Cabinet has experienced a not-so-gradual decline in its political and administrative relevance to the President. This decline has not been a straight line, however, as several Presidents (*e.g.*, Jimmy Carter) have attempted to resurrect the Cabinet, and particularly the Cabinet meeting, as a forum for serious policy discussion.³⁴ Regardless of good intentions, however, the institutional Cabinet

³¹ James D. King and James W. Riddlesperger, "Presidential Cabinet Appointments: The Partisan Factor," *Presidential Studies Quarterly*, vol. 14, spring 1984: 231-237.

³² Louis Brownlow had this to say about the collective consciousness of the Cabinet. "Each [member] feels his responsibility—as indeed it is—personally to the President and not to the President in Council nor to the President and his Cabinet, and above all not to his Cabinet colleagues." (Emphasis in the original) *The President and the Presidency* (Chicago: Public Administration Service, 1949), p. 100.

³³ Learned, *The President's Cabinet*, pp. 47, 119.

³⁴ President Jimmy Carter was influenced early on by the recommendations by Stephen Hess made in person and in his book that he create a "cabinet government." *Organizing the Presidency*. (Washington: The Brookings Institution, 1976), chapter 11. Carter did try to follow Hess's recommendations, but soon retreated. Hess himself later backed away from his advocacy of "cabinet government." See: *Organizing the Presidency*, 2nd ed. (Washington, The Brookings Institution, 1988).

As for Cabinet meetings, in a symbolic gesture against alleged "secrecy in government,"
(continued...)

has simply not responded to most efforts to “reform” its character. The truth is that matters of high government policy are rarely raised at Cabinet meetings by the President or any of those present. Even with respect to questions of high politics to which, presumably, the collective wisdom of the Cabinet might be properly directed, Presidents rarely avail themselves of this opportunity. President Franklin Roosevelt, for instance, never raised the issue of the soundness and political viability of his “court-packing bill” with the Cabinet, although such a body might have given him useful advice. Nor were issues connected with World War I discussed at Wilson Cabinet meetings.

The Cabinet meeting belongs to the President. The President sets the agenda for the meeting. Individual Cabinet members may be asked to present reports of general interest (and not so general interest) concerning their respective fields of responsibility. Members tend to be reluctant to raise problems concerning their own departments for general discussion. According to memoirs of some attendees at these meetings, all too often the meetings become fora for the weakest members to expound their views.³⁵ What usually happens is that the Cabinet meeting is a prelude to a line-up of individual department secretaries who want to see the President alone. Jesse Jones, one of the more colorful Cabinet members of the Roosevelt years, said: “My principal reason for not having a great deal to say at Cabinet meetings was that there was no one at the table who could be of help to me except the President, and when I needed to consult him, I did not choose a Cabinet meeting to do so.”³⁶

President Dwight Eisenhower determined upon taking office to bring some structure to Cabinet meetings and White House staff work generally. Cabinet meetings were regularly scheduled on a weekly basis with a predistributed agenda, minutes, and follow-up action report. A small Cabinet secretariat was created, not only to provide institutional support for meetings but also to serve an activist troubleshooting role. The Cabinet secretary was expected to seek out problems that

³⁴ (...continued)

Carter announced he was considering “opening the Cabinet meetings” to press coverage, a proposal that met with skepticism and scorn by some, even in his own administration. Edward Walsh, “Carter Might Open Meetings of Cabinet to Press Coverage,” *Washington Post*, Feb. 1, 1977, p. A-2. The proposal was withdrawn within days, as was his idea to make the Cabinet minutes public. Edward Walsh, “Coverage of Cabinet Meetings Barred,” *Washington Post*, Feb. 13, 1977, p. A-20. “Minutes of Cabinet Won’t Be Disclosed,” *Washington Post*, April 6, 1977, p. A-18.

Carter’s loss of confidence in the Cabinet is reflected in the declining frequency of their occurrence as the administration aged. During the first year Carter met with his Cabinet every week, every other week during his second year, once a month during his third year, and sporadically during his final year. George C. Edwards III and Stephen J. Wayne, *Presidential Leadership: Politics and Policy Making*, 4th ed. (New York: St. Martin’s Press, 1997), p. 205.

³⁵ Harold Ickes, *The Secret Diary of Harold L. Ickes* (New York: Simon and Schuster, 1953-4), vol. III, p. 190,

³⁶ Jesse Jones and Edward Angly, *Fifty Billion Dollars* (New York: DaCapo Press, [1951] 1971), p. 303.

were ripe for resolution at the Cabinet level.³⁷ This attempt to institutionalize certain Cabinet related functions was both praised and criticized. To supporters, it was merely common sense to have organized meetings, record-taking, and systematic follow-up actions. To critics, however, it was unproductive procedure amounting to tidiness for its own sake. After Eisenhower's 1958 heart attack and the departure of Maxwell Rabb, the first Cabinet secretary, there was some movement away from the highly structured Cabinet meetings.

Eisenhower's successors, Presidents Kennedy and Johnson, lost little time in dismantling the institutionalized Cabinet, even eliminating the position of Cabinet secretary. President Kennedy reputedly commented: "Cabinet meetings are simply useless. Why should the Postmaster General sit there and listen to a discussion of the problems of Laos?"³⁸ Not surprisingly, Kennedy held Cabinet meetings as seldom as possible. He was openly critical of his predecessor's structured approach to decisionmaking preferring instead to rely on individuals—staff and otherwise—whom he trusted most, irrespective of their responsibilities or position. Under Kennedy, the White House staff began to grow, with individual staff members increasingly becoming political personalities and powers in their own right. President Johnson tended to use Cabinet meetings as opportunities for one-way conversations and to promote the appearance of political consensus within his administration. President Richard Nixon was marginally more concerned with building structured decisionmaking than Kennedy and Johnson, but his views on the value of Cabinet meetings still remained closer to his immediate predecessors than to Eisenhower.

President Gerald Ford, however, discerned value in providing some structure to his management decisionmaking and reinstated the Cabinet secretariat, which has remained in operation, in some form, since that time. Ford also determined that at least part of the cause for the Watergate debacle lay with Nixon's over-reliance upon personal staff whose only formal responsibility was to serve the President's political interests. This narrow focus tended to distort the type of advice given the President and was easily corrupted. The departmental secretaries, meeting individually with the President or in Cabinet, provided a useful antidote to any arrogant attitudes that might be assumed by White House staffers.

Presidents work today within rigid time constraints on complex subjects that need to be translated into relatively simple political terms. Such problems do not lend themselves to long discussions by generalists in a Cabinet setting. Additionally, Cabinet meetings involve a relatively large number of people so that the ability to control leaks to the press is limited. The White House staff, on the other hand, is in close physical proximity to the Oval Office and tends to share the presidential perspective, which rarely goes beyond the next congressional or presidential election. The meeting of the Cabinet, no matter how it is "reformed" by a particular President,

³⁷ For a detailed description of the efforts by President Eisenhower to institutionalize some of the Cabinet functions, see: Fenno, *The President's Cabinet*, chapters 3 and 4; Bradley H. Patterson, Jr., *The President's Cabinet: Issues and Questions* (Washington: American Society for Public Administration, 1976); and Fred I. Greenstein, *The Hidden-Hand Presidency* (New York: Basic Books, 1982).

³⁸ Arthur M. Schlesinger Jr., *A Thousand Days* (Boston: Houghton-Mifflin, 1965), p. 688.

remains only one among many options available to a President in seeking advice, in providing administrative direction to the executive branch, and in developing political support for policy initiatives.

Cabinet Alternatives

Informal and Formal Subgroups

Presidents, recognizing the limitations inherent in the institutionalized Cabinet, have long sought alternative ways to provide themselves with advice and political support. Before Presidents had substantial White House Office staffs, they frequently turned to informal groups for advice. The first and most famous informal cabinet was Andrew Jackson's "kitchen cabinet," a group of friends and newspapermen with whom he felt comfortable.³⁹ Jackson reportedly met with his Cabinet only 16 times in eight years.⁴⁰ Later Presidents had their informal advisers given names such as Grover Cleveland's "fishing cabinet," Herbert Hoover's "medicine ball cabinet," and Franklin Roosevelt's "brain trust." With the development of White House staffs, however, and the growing complexity of issues, the appeal of "kitchen cabinets" has declined.⁴¹

In the post-World War II period, Presidents have experimented with sub-Cabinet groups as a substitute for full Cabinet sessions.⁴² The best known sub-Cabinet group is the National Security Council (NSC), established by law in 1947.⁴³ Formally, the NSC consists of the President, Vice President, and the Secretaries of State and

³⁹ Richard P. Longaker, "Was Jackson's Kitchen Cabinet a Cabinet?" *Mississippi Valley Historical Review*, vol. 44, June 1957: 94-108.

⁴⁰ Gordon Hoxie, "The Cabinet in the American Presidency," *Presidential Studies Quarterly*, vol. 14, spring 1984, p. 217.

⁴¹ Just as "kitchen cabinets" have lost their appeal, so have close individual non-official advisors to Presidents. It is unlikely that there will be in the future another relationship between a President and a private citizen to rival that of President Woodrow Wilson and Colonel Edward Mandell House. The reasons for the retreat from informal advisors and advisory groups appear two-fold. First, the complexity, intensity, and rapidity of events today simply makes it unlikely that outsiders can gain ascendancy over the nuances of issues to the degree possible by "insiders." Second, the media are more probing than in the past and look with suspicion upon the acquisition of influence by outsiders of any sort.

⁴² For an overview of the varieties of sub-Cabinet-level groups created during the post-War decades, consult: Patterson, *The President's Cabinet: Issues*, pp. 87-98. Colin Campbell, *Managing the Presidency: Carter, Reagan, and the Search for Executive Harmony* (Pittsburgh, PA: University of Pittsburgh Press, 1986), chapters 2, 5.

⁴³ 50 U.S.C. 402. U.S. Library of Congress, Congressional Research Service, (name redacted), and Mark M. Lowenthal, *The National Security Council: An Organizational Assessment*, CRS report, 93-517F (Washington: May 12, 1993). Kevin V. Mulcahy and Cecil V. Crabbe, "Presidential Management of National Security Policy-Making, 1947-1987," in *The Managerial Presidency*, James P. Pfiffner, ed. (Pacific Grove, CA: Brooks-Cole, 1991), pp. 250-64.

Defense, with the director of the Central Intelligence Agency and the chairman of the Joint Chiefs of Staff as advisers. It is intended to be highest-level advisory body to the President on military and international affairs. Once again, the formal NSC itself does not make collective decisions. It meets at the President's request, but the real contribution of the NSC is found in the work of its staff. The staff is a unit with foreign policy expertise and has been influential when the President has appointed a national security adviser to whom he is particularly close (*e.g.*, Henry Kissinger with President Nixon).

President Nixon, appreciative of the strengths of the NSC, wanted a similar type organization for the domestic side of presidential responsibilities. In April 1969, the President established the President's Advisory Council on Executive Organization (known popularly as the Ash Council, after its chairman, Roy L. Ash), to recommend changes in Executive Office organization and in the organization of the executive branch generally.⁴⁴ During the period when the Ash Council was meeting, in 1969 and 1970, the White House staff emerged as the dominant force within the presidential advisory orbit. Aware of this trend, and in general agreement, the Ash Council recommended to the President that he submit a reorganization plan to Congress that would establish a Domestic Council and reconstitute the Bureau of the Budget, changing its name to the Office of Management and Budget. In his message to Congress accompanying the plan, the President noted that the reorganization plan established a Domestic Council with an institutional staff to coordinate policy formulation in the domestic arena. To a considerable degree, it was intended to be the domestic counterpart to the National Security Council.⁴⁵

Formally, the Domestic Council was composed of the President, the Vice President, the Attorney General and the Secretaries of the Treasury; Interior; Agriculture; Commerce; Labor; Health, Education and Welfare; and Transportation. The President could also designate persons to serve on the council relevant to the issue at hand. The key to the council was its staff, located in the Executive Office and headed by an assistant to the President. The expectation was that ad hoc groups of departmental representatives would meet and formulate policy options for the President, supported by a small, elite staff corps based at the White House. The growth in the staff of the Domestic Council during the years 1970 through 1972

⁴⁴ As a result of the Ash Council recommendations, President Nixon submitted four bills to Congress which would have abolished seven existing departments (*i.e.*, Agriculture; Interior; Commerce; Health, Education and Welfare; Housing and Urban Development; Labor; and Transportation) and created in their place four new departments (*i.e.*, Human Resources; Community Development; Natural Resources; and Economic Development). Additionally, the functions of a number of independent agencies were to be absorbed within the new departments. U.S. Executive Office of the President, Office of Management and Budget, Papers Relating to the President's Departmental Reorganization Program (Washington: GPO, 1971). U.S. Congress, House, Committee on Government Operations, Executive Reorganization: A Summary Analysis, H. Report 922, 92nd Cong., 2nd sess. (Washington: GPO, 1972).

⁴⁵ U.S. Congress, House, Committee on Government Operations, Disapproving Reorganization Plan No. 2 of 1970, H. Report 1066, 91st Cong., 2nd sess. (Washington: GPO, 1970). Larry Berman, "The Office of Management and Budget That Almost Wasn't," *Political Science Quarterly*, vol. 92, summer 1977: 281-304.

reflected the utility of the approach at the time. By the election of 1972, the council had 66 persons on the staff, divided into six substantive policy units, each with an assistant director.

Initially, the Domestic Council staff and subcommittees worked reasonably well. They studied issues and provided background option papers. The dynamics of White House life intruded on the Council and its staff, however: there were fewer and fewer meetings and less longer-term planning. Peri Arnold concluded: “[T]he Domestic Council never quite fulfilled the expectations of the Ash Council. Far from being a mechanism for policy formulation, the Domestic Council became a large staff for Presidential errands, admittedly increasing Presidential reach but often providing little analytic or formulative capacity over policy.”⁴⁶ The President’s short-term political needs simply displaced any efforts to develop an institutionalized policy process within the White House.

In 1974, the Ford transition team concluded that there was a useful role for the Domestic Council and its staff, and Ford named his new Vice President, Nelson Rockefeller, to be the vice chairman of the Domestic Council and to head the staff. This decision, however, quickly drew opposition from the President’s chief of staff, Donald Rumsfeld, because, in effect, there would now be a “two-track” system for political and policy advice for to the President. This arrangement lasted but a short time, with Vice President Rockefeller opting to forego his role as “chief” of the Domestic Council staff.⁴⁷

President Jimmy Carter ended the Domestic Council experiment but maintained the Domestic Council staff, renaming it the Domestic Policy Staff, and having it headed by a single administrator. The staff has undergone several organizational and name changes in subsequent years (President Ronald Reagan changed the title to the Office of Policy Development (OPD); President Bush to the Domestic Policy Council (DPC)), but the unit still retains a separate statutory status and account in the budget.⁴⁸

In 1973, President Nixon made a second attempt to alter the character of the Cabinet. Disappointed that Congress had “rejected” his legislative proposals to reorganize the seven domestic departments into four larger departments, Nixon decided early in his second term to accomplish much the same objective through administratively creating a “super-cabinet” comprised of three departmental secretaries (Agriculture; Health, Education and Welfare; and Housing and Urban Development) who would be designated “counselors” as well as department

⁴⁶ Peri E. Arnold, *Making the Managerial Presidency: Comprehensive Reorganization Planning, 1905-1996*, 2nd ed. (Lawrence, KS: University Press of Kansas, 1998), p. 298.

⁴⁷ (name redacted), “The Domestic Council in Perspective,” *The Bureaucrat*, vol. 5, Oct. 1976: 251-72.

⁴⁸ Margaret Jane Wyszomirski, “A Domestic Policy Office: Presidential Agency in Search of a Role,” *Policy Studies Journal*, vol. 12, June 1984: 705-18. Colin Campbell, “The White House and Presidency Under the ‘Let’s Deal’ President,” in *The Bush Presidency: First Appraisals*, eds., Colin Campbell and Bert A. Rockman (Chatham, NJ: Chatham House Publishers, 1991), pp. 185-222.

secretaries, and who would also have offices in the White House.⁴⁹ These counselors were to be given responsibility for initiating and coordinating broad policy initiatives that cut across departmental lines. Each counselor was to have a small staff under the “oversight” of an assistant to the President.⁵⁰ The other domestic departmental secretaries would definitely be relegated to an “outer cabinet.” This experiment with a “super cabinet” was abandoned almost as soon as it was announced, the first casualty of the Watergate debacle that would soon consume the President and his White House staff.

Presidents Reagan and Bush made little pretense of promoting a Cabinet government. What President Reagan did do, however, at the urging of one of his top aides, Edwin Meese, was to create a set of seven Cabinet councils as working groups. Each council was assigned a specific substantive area to cover; (e.g., economic affairs, agriculture).⁵¹ The idea was to have Cabinet members and their deputies concentrate on those areas of special concern to themselves or to their department. Each council was provided some modest staff assistance. The Cabinet council system worked reasonably well in Reagan’s first term but gradually lost steam. Once Meese left the White House to become Attorney General, the seven councils became two councils (Council on Domestic Policy and Economic Policy Council), with few meetings and relatively little impact on presidential decision-making.

Under President George Bush, the two policy councils remained and were the forum for issues that cut across departmental lines. Both councils, as well as the full Cabinet, were supported by staff from a small Office of Cabinet Affairs, which viewed its task as being that “of an ‘honest broker’ between Cabinet secretaries and between the Cabinet and the White House staff in—other words, to make certain that the President understood without prejudice or bias or distortion what it was the Cabinet was doing, what they were concerned about, what proposals they wanted made.”⁵² The Bush administration experience tended to reinforce the view that the Cabinet itself was ill suited for substantive policy development and, that insofar as Cabinet-level input to the President was useful, it was best provided in the setting of Cabinet sub-groups or councils.⁵³

President Clinton meets with his Cabinet infrequently: just twice in 1998 and five times in 1999. Like his recent predecessors, Clinton relies more on his White House staff than on Cabinet secretaries for both policy advice and political appointee recommendations. With respect to the Cabinet itself, Clinton has delegated to his

⁴⁹ Richard Waterman, *Presidential Influence and the Administrative Presidency* (New York: John Wiley and Sons, 1975), chapter 4.

⁵⁰ Richard Nathan, *The Plot That Failed: Nixon and the Administrative Presidency* (New York: John Wiley and Sons, 1975), chapter 4.

⁵¹ “Cabinet Councils of Government: Effectively Running the Federal Machine,” *Government Executive*, Jan. 1983, pp. 20-30.

⁵² “Two Former Staffers Discuss Bush Cabinet,” *Miller Center Report*, vol. 13, spring 1997, p. 6.

⁵³ The staff support of such councils, and their relationship to White House units such as the Office of Policy Development, has never been institutionalized or viewed as satisfactory.

chief of staff, John Podesta, the chairing of “executive” Cabinet sessions which have been called more frequently, although the number of meetings held in 1999 and 2000 has yet to be disclosed.

Within the White House, three primary sub-Cabinet councils—the National Security Council, the Domestic Policy Council, and the National Economic Policy Council—dominate the process for establishing administration policy. What makes these sub-Cabinet councils different is that the President has ended the practice of viewing the departmental secretaries as superior in status to White House staff. With respect to the Domestic Policy Council, it is officially composed of departmental secretaries, several independent agency directors, and White House staff officials. “Unlike the Reagan and Bush administrations,” reports Shirley Anne Warshaw, “which placed one Cabinet officer in charge of a Cabinet council, the Clinton approach was to place presidential assistants directly in charge. White House-Cabinet interaction for policy development was purposely structured to ensure that the White House staff controlled the process.”⁵⁴ Apparently, it is the belief and practice of President Clinton to view Cabinet secretaries and top White House officers as equal in status and members of a team.

White House Staff

The more serious contemporary alternative to the Cabinet as a source of political and policy assistance to the President is the White House staff. Presidents generally enter office with the view that the White House staff should be tamed in power and reduced in numbers.⁵⁵ They often issue a statement suggesting that the department secretaries will be viewed as superior to White House staff. Thus, President Carter laid down the law early in his administration: “There will never be an instance while I am in office where the members of the White House staff dominate or act in a superior position to the members of the Cabinet.”⁵⁶ This pledge was soon broken.

While Presidents have always had assistance of one sort or another, complaints throughout the 19th century were that it was insufficient.⁵⁷ As late as 1922, the White House staff consisted of a secretary to the President, an executive clerk, and approximately 25 lesser clerks plus some detailees from departments. Herbert Hoover requested and received from Congress additional formal positions clearly at the

⁵⁴ Shirley Anne Warshaw, *Powersharing: White House-Cabinet Relations in the Modern Presidency* (Albany, NY: State University of New York Press, 1996), p. 211.

⁵⁵ Ann Devroy, “Clinton Announces Cut in White House Staff,” *Washington Post*, Feb. 19, 1993, p. A-1. President Clinton announced he was cutting the size of the White House staff, a term later defined as encompassing the entire Executive Office of the President, by 25 percent. The reduction never reached the projected figure, and where downsizing occurred, it was principally in the National Drug Control Policy Office. The number of senior staff positions in the White House proper actually increased.

⁵⁶ Edward D. Feigenbaum, “Staffing, Organization, and Decision-Making in the Ford and Carter White Houses,” *Presidential Studies Quarterly*, vol. 10, summer 1980, p. 371.

⁵⁷ For a discussion of early staff support to the President, see: John Hart, *The Presidential Branch*, 2nd ed. (Chatham, NJ: Chatham House Press, 1995), chapter 4.

executive assistant level, but the situation remained extremely lean for a President bent upon an activist managerial role.

In 1936, in preparation for his second term, President Franklin Roosevelt appointed Louis Brownlow to head a three-member committee to study how he might reorganize the executive branch generally and the White House in particular, to enhance his managerial capacity as President. The Brownlow committee (President's Committee on Administrative Management) submitted its report on January 1, 1937, and proposed, among other things, that some 100 independent agencies, administrations, boards and commissions, and corporations be placed within 12 executive departments. Of these departments, two—Public Works and Social Welfare—would be additions to the Cabinet. The principal thesis of the report was that the executive branch should be reorganized to create an integrated, hierarchical structure with the President as an active manager. In short, it became the foremost contemporary statement favoring departmentalism.⁵⁸

In terms of legislative accomplishment, relatively little was directly forthcoming from the Brownlow committee work. The two most important results were the passage of the Reorganization Act of 1939 (53 Stat. 561) with its provision for the legislative veto of presidential initiatives to effectuate reorganizations⁵⁹ and the establishment, by way of Reorganization Plan No. 1 of 1939, (53 Stat. 1423) of the Executive Office of the President (EOP).⁶⁰ The EOP initially consisted of five presidential agencies; the White House Office, the Bureau of the Budget, the National Resources Planning Board, the Liaison Office for Personnel Management, and the Office of Government Reports.

In the half-century since that time, a number of units have been added and removed from the EOP, with the current number standing at approximately 12. The two key units of the EOP from the perspective of the institutional Cabinet are the White House Office and the Office of Management and Budget (in 1970 the Bureau of the Budget was renamed the Office of Management and Budget (OMB)). The White House Office consists of approximately 400 persons, not including the Office of Administration, Office of Policy Development, National Security Council, and other units frequently associated in the public mind with the White House.⁶¹

The staff of the White House, plus the director of OMB, are competitors to the several department secretaries. They differ, however, in their authorities, perspectives, resources, and objectives. Departmental secretaries, as heads of departments, are

⁵⁸ U.S. President's Committee on Administrative Management, Report with Special Studies (Washington: GPO, 1937). (name redacted), "The Brownlow Report: A Timeless Message," *The Bureaucrat*, vol. 16, fall 1987: 45-48.

⁵⁹ John D. Millett and Lindsay Rogers, "The Legislative Veto and the Reorganization Act of 1939," *Public Administration Review*, vol. 1, winter 1941: 176-89.

⁶⁰ (name redacted), ed., *The Executive Office of the President: A Historical, Biographical, and Bibliographical Guide* (Westport, CT: Greenwood Press, 1997).

⁶¹ U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 1998* (Washington: GPO, 1997), p. A-59.

required by law to perform certain functions. Members of the White House staff are not generally assigned statutory functions. Cabinet secretaries are subject to centrifugal forces working to separate secretaries from the appeals of the President. Staff generally believe that secretaries succumb to these pressures.

From their point of view, White House staffers tend to see department secretaries as inflexible, politically insensitive, and resistant to interagency cooperation or cooperation with the White House Office. Department secretaries, for their part, often view staffers as holding less responsible positions with little to no statutory basis, and thus tend to resent or resist White House staff directives or initiatives. In their view, the departments have the experts, the White House the dilettantes. These conflicting perspectives can be useful or harmful to Presidents, depending upon how well they harness these institutional forces to achieve their political and managerial objectives.⁶²

Many Presidents and their staffs have tended to see in the executive branch a morass of departments, agencies, regulatory commissions, corporations, and other units too complicated and numerous to fathom fully. The sheer complexity of the structure and system acts as an invitation to politically motivated aides near the President to promote reorganization proposals. Many of these proposals, which frequently involve the creation, merger, or elimination of whole executive departments, are highly charged and erode collegiality. Other efforts to reorganize agencies and programs within departments (particularly through the reorganization plan process, an authority allowed to lapse in 1984) have been characterized as flawed in concept and implementation.⁶³

If an early enthusiasm for reorganizing departments wanes in a first term, it may be replaced by a presidential desire to further politicize the departments and agencies through loyalist political appointees and to centralize critical decisionmaking in the White House. These twin objectives—politicization and centralization—are often pursued by Presidents pledged to fulfill the opposite, or at least different, goals. These two trends away from reliance upon career executives and from decentralized policymaking in the departments, while subject to noteworthy exceptions, are often accepted as the norm in the evolving institutionalized presidency.⁶⁴

⁶² For a discussion of these contrasting perspectives by one who served both as a White House Assistant to the President and later as a Cabinet Secretary, see: Joseph A. Califano, *Governing America: An Insider's Report from the White House and the Cabinet* (New York: Simon and Schuster, 1981), chapter 10.

⁶³ U.S. Congress, House, Committee on Government Operations, *Reorganization Act Amendments of 1983*. H. Rept. 93-128, 98th Cong., 1st sess., (Washington: GPO, 1984). (name redacted) and (name redacted), "Presidential Reorganization Authority: Is It Worth the Cost?" *Political Science Quarterly*, vol. 96, summer 1981: 301-18.

⁶⁴ Terry M. Moe, "The Politicized Presidency," in *The New Direction in American Policies*, eds. John E. Chubb and Paul E. Peterson (Washington: The Brookings Institution, 1985): 235-71.

Reinventing Government and the Cabinet

President Clinton has followed a complex pattern of relating to his departmental secretaries and other agency heads. For the most part, Clinton has informally delegated responsibility for management of the executive branch to Vice President Al Gore Jr. The Vice President embarked in 1993 on a widely publicized program, under the heading of National Performance Review (NPR), to “reinvent” the government to more closely resemble a large corporation in the private sector.⁶⁵ “Chief Executive Officers—from the White House to agency heads—,” the Vice President asserted, “must ensure that everyone understands that power will never flow through the old channels again. That’s how GE did it; that’s how we must do it as well.”⁶⁶

The National Performance Review team was created as part of the Vice President’s office on a non-institutionalized basis intentionally separate from the Office of Management and Budget and the Cabinet. In 1994, OMB was reorganized with the “M” side of the agency being integrated into the “B” side and reconstituted into five Resource Management Offices (RMOs). This reorganization of OMB was not without its critics, who argued that critical management issues would always be subordinated to near-term budget priorities.⁶⁷

Two major consequences affecting the Cabinet as an institution have followed in the wake of the executive branch reinvention. First, there has been a general shift away from reliance upon central management agencies, such as the Office of Personnel Management (OPM), to support and hold executive agencies accountable to meet governmentwide standards. The thrust of the NPR approach has been to assign wherever possible management responsibilities to the specific department and agencies and more directly to “front line” personnel because, in their view, that is where accountability properly resides.⁶⁸ Second, there is increasing emphasis on devolving authority within departments and the assignment of functions to third parties, generally private contractors.⁶⁹

⁶⁵ For a full iteration of Vice President Gore’s objectives in “reinventing” the government, consult: U.S. Executive Office of the President, National Performance Review, *From Red Tape to Results: Creating a Government That Works Better and Costs Less* (Washington: GPO, 1993).

⁶⁶ *Ibid.*, p. 68. See also: Vice President Al Gore, National Performance Review, *Businesslike Government: Lessons Learned from America’s Best Companies* (Washington: GPO, 1997).

⁶⁷ Alan Dean, Dwight Ink and Harold Seidman, “OMB’s ‘M’ Fading Away,” *Government Executive*, June 26, 1994, pp. 62-64.

⁶⁸ “Effective, entrepreneurial governments transform their cultures by decentralizing authority. They empower those who work on the front lines to make more of their own decisions and solve more of their own problems. National Performance Review, *From Red Tape to Results*, p.7.

⁶⁹ For a discussion of contemporary third party administration of government programs see: James W. Fesler and Donald F. Kettl, *The Politics of the Administrative Process*, 2nd ed., (Chatham, NJ: Chatham House Publishers, 1996), Chapter 11. U.S. General Accounting Office, *Government Contractors: Are Service Contractors Performing Inherently*

“General management laws” is a term of art that refers to those cross-cutting laws regulating the activities, procedures, and administration of all agencies of government, except where exempted either as a class of agency or on an agency specific basis.⁷⁰ Such laws (*e.g.*, Administrative Procedure Act and Title V personnel acts) have historically been viewed as crucial to maintaining the integrity of the executive branch through departmental secretaries to the President and ultimately to Congress. The NPR view of government management, based as it is on the private sector corporate model, moves away from the public law, hierarchical basis for management and, in its place, seeks to reorganize the executive branch into many essentially autonomous government agencies (*e.g.*, Performance Based Organizations) competing both internally with other agencies and with non-governmental entities in the private sector.⁷¹

Second, the NPR and much of the current management philosophy addressed to the governmental sector seeks to decrease the role of the President’s central management agencies (Office of Management and Budget, Office of Personnel Management, and General Services Administration), and also that of departmental secretaries. As devolution of authority within departments to lower levels accelerates and as departments are disaggregated (*e.g.*, Social Security Administration made independent of the Department of Health and Human Services; National Nuclear Security Administration being made “administratively autonomous” of the Department of Energy), the role of Cabinet secretaries is correspondingly diminished. Possibly of greatest import to the current administrative management government-wide, however, is the increasing reliance of departments and agencies upon contracted third parties for the performance of their statutory mission. Whole programs, and even agencies, could find themselves being held accountable for program management and administration, while the actual program resources rest with third parties, often private sector, for-profit corporations.⁷²

⁶⁹ (...continued)

Governmental Functions? GAO/GGD-92-11, (Washington: GAO, 1991).

⁷⁰ U.S. Library of Congress, Congressional Research Service, General Management Laws: A Selected Compendium, ed. (name redacted), CRS report RL30267 (Washington: July 28, 1999).

⁷¹ David Osborne and Ted Gaebler, *Reinventing Government* (Reading, MA: Addison- Wesley Publishing Co., 1992). Alasdair Roberts, “Performance-Based Organizations: Assessing the Gore Plan,” *Public Administration Review*, vol. 57, Nov./Dec. 1997: 465-78.

⁷² Donald F. Kettl in his book, *Sharing Power: Public Governance and Private Markets* (Washington: The Brookings Institution, 1993), describes the growing reliance by the federal government upon its private partners. “In its eager pursuit of the competition prescription, government has—for a remarkable variety of reasons—too often surrendered its basic policy-making power to contractors.” p. 13. Writing in 1990, a Senate report concluded: “DOE [Department of Energy] relies on private workforce to perform virtually all basic governmental functions. It relies on contractors in the preparation of most important plans and policies, the development of budgets and budget documents, and the drafting of reports to Congress and Congressional testimony.... DOE top management does not have the basic information it needs to understand the dimensions of its reliance on a contractor workforce.”

(continued...)

The point to recognize is that in recent decades, and especially with the implementation of the NPR proposals after 1993, the basic functions of departments and of departmental secretaries have been altered, in some measure strengthening the department and its secretary, in other cases reducing their authority and leverage over operations. When the latter is the case, it is not unreasonable to assume that the role and importance of the Cabinet has undergone a similar diminution.⁷³

Utility of The Cabinet

Most Presidents have complained about the Cabinet as a political institution. It rarely has met their expectations. Nearly all memoirs written by persons who have served in the Cabinet are equally or more critical in their appraisals and are skeptical of its utility to either the President or to the department secretaries. Outsiders writing of the Cabinet often are cynical concerning its proceedings and contribution to the management of the executive branch. A few of the outsiders (and an occasional insider) have proposed reforms for the Cabinet, but these proposals have generally come to naught.

If there are so many people who find fault with the institutional Cabinet, why has it survived for two centuries, and why are there no serious proposals to abandon the Cabinet? The answer appears to be that, notwithstanding the continuing criticism, the Cabinet has utility to Presidents and to department secretaries in meeting their respective managerial responsibilities. If the Cabinet is expected to provide the President with collective, or even individual, policy advice, the expectations are not likely to be fulfilled. Once the Cabinet is considered as a vehicle for management, however, its utility becomes both substantial and visible.

There are at least four areas where the utility of the institutional Cabinet is evident and worth discussing more fully.

1. Political and managerial advice
2. Interdepartmental conflict resolution
3. Administrative coherence
4. Political assistance

⁷² (...continued)

U.S. Congress, Senate, Committee on Governmental Affairs, Subcommittee on Federal Services, Post Office and Civil Service, Report to the Subcommittee Chairman by Majority Staff, "The Department of Energy's Reliance on Private Contractors to Perform the Work of Government," in *Use of Consultants and Contractors by the Environmental Protection Agency and the Department of Energy*, S. Hrg. 554, 101st Cong., 1st sess. (Washington: GPO, 1990), p. 65.

⁷³ It is interesting to note that, in a comprehensive overview of management reform efforts in the federal government since 1945, the President's Cabinet is not discussed. Paul Light, *The Tides of Reform: Making Government Work, 1945-1995* (New Haven, CT: Yale University Press, 1997).

Political and Managerial Advice

Generally, presidential leadership is defined in terms of persuading the public and elected officials to follow the President's policy preferences; providing initiatives in international affairs; and being a public symbol for worthwhile national causes. But another, less visible, aspect of presidential leadership relates to providing political and managerial leadership for the executive branch. It is in this latter field of leadership where the Cabinet can play a highly useful role.

Information and analytic judgments can flow in both directions at a Cabinet meeting. The President can raise the general question, say, of how best might the federal government encourage greater technology research and development and then let the Cabinet secretaries exchange ideas before him. In so doing, certain themes may develop and need further "fleshing out" by selected secretaries. Here, the ideas are coming from below to the President. Subsequently, the President, considering the advice given, may assign to a particular secretary responsibility for developing options for his consideration, and for developing a consensus on what may become the administration's policy. Cabinet meetings can facilitate the raising of critical issues and the resolution of those issues within an executive branch context. Finally, the Cabinet may serve as the basis for building a political consensus sufficiently strong to put these ideas, such as vocational education and retraining, into practice.

Cabinet meetings can help a President to "get a feel" for the management problems afflicting the federal government. Presidents, generally familiar and experienced in legislative politics, feel comfortable with the process of getting a law passed by Congress. But laws are not self-executing; they must be implemented and implementation is a managerial function.

Recent Presidents have been discouraged by both advisers and scholars from investing time and political capital in executive branch management.⁷⁴ Their argument is that Presidents should concentrate on political leadership, not managerial leadership, the latter being described by some as a mere "clerkship" function.⁷⁵ This attitude has arguably been costly both to Presidents and to departmental secretaries. Today, some government offices and even departments appear to be "hollow,"⁷⁶ that is, they have become dependent (usually because of personnel ceilings) upon a contract workforce. This "government by proxy"⁷⁷ poses a major management challenge to departmental secretaries as they must manage more through negotiations than through command.

⁷⁴ Arnold, *Making the Managerial Presidency*, 2nd ed., chapter 11. (name redacted), "At Risk: The President's Role as Chief Manager," in James P. Pfiffner, ed., *The Managerial Presidency*, 2nd ed. (College Station, TX: Texas A&M University Press, 1999): 265-84.

⁷⁵ Richard E. Neustadt, *Presidential Power: the Politics of Leadership* (New York: John Wiley and Sons, 1960), pp. 5-8.

⁷⁶ Mark Goldstein, *America's Hollow Government* (Homewood, IL: Business One Irwin, 1992).

⁷⁷ Donald F. Kettl, *Government By Proxy* (Washington: CQ Press, 1988).

It is a proper role for the department secretaries in Cabinet meetings to bring to the President's attention managerial problems associated with the current organizational and personnel structures. Policy decisions should be informed by resource availability and public law considerations, both subjects on which department secretaries collectively and individually are conversant. The Cabinet, therefore, has utility in that it provides a forum where most of the executive branch is represented, and where general managerial concerns can be raised and discussed. But the management value of the Cabinet is once again solely at the discretion of the President.

Interdepartmental Conflict Resolution

Our government is a government managed by laws.⁷⁸ For the most part, Congress passes a law establishing a program or directing the writing of regulations, and assigns this responsibility to a departmental secretary. While this system has the virtue of creating clear lines of authority and accountability, it also has limitations. Different laws may assign different department secretaries responsibility for administering what are in effect similar programs, but are intended to achieve conflicting objectives.

The Secretary of Health and Human Services, for instance, through the Administrator of the Food and Drug Administration, is charged with protecting the health of the citizenry-at-large. There is a specific provision in law forbidding the use of any food additive that is deemed to induce cancer in man or animal, but what standards shall apply to this prohibition? If any trace of such an additive is sufficient to ban the product, what impact will this have on farmers/growers who consider traceable doses of this additive to be essential to their productivity and international competitiveness? Clearly, there is the potential in this situation for conflict between the secretaries of Health and Human Services and of Agriculture.

The Cabinet is itself not a useful forum for resolving this conflict, but the fact that two equal-ranked secretaries can meet on neutral territory, possibly with presidential prodding, makes resolution of this problem more likely. Cabinet meetings permit secretaries to meet each other socially, a situation which is conducive to subsequent phone calls and personal meetings. On most issues, two or more secretaries can agree to have their principal deputies meet to work out agreements.

Interdepartmental conflicts are inevitable and even healthy. They are likely to increase simply because the government is concerned with more issues than in the past, and the issues are becoming more complex. Oftentimes, problems between bureaus within different departments resist resolution until they can be considered at the secretarial level. While the Cabinet setting does not guarantee resolution of these conflicts, it is reasonable to assume that it facilitates agreements between parties.

⁷⁸ (name redacted), "The Importance of Public Law: New and Old Paradigms of Government Management," in Phillip J. Cooper and Chester A. Newland, eds., *Handbook of Public Law and Administration* (San Francisco: Jossey-Bass Publishers, 1997): 41-57.

Administrative Coherence

When Presidents meet with their Cabinet, they are able to express their views to the chief executive officers of most, but a decreasing percentage, of the executive branch. The independent agencies (*e.g.*, National Aeronautics and Space Administration; National Archives and Records Administration), the independent regulatory commissions (*e.g.*, Federal Communications Commission), most government corporations (*e.g.*, Federal Deposit Insurance Corporation, Tennessee Valley Authority, Postal Service), and quasi-governmental bodies (*e.g.*, Federal Reserve System and Smithsonian Institution) are not represented when the Cabinet meets. Similarly, a decreasing percentage of the budget remains “discretionary” and represented by the Cabinet officers. These caveats aside, the Cabinet still provides the President an audience where most of his responsibilities as the nation’s chief executive reside.

The Cabinet collectively, in small groups, and individually, is the institution where a President, if so inclined, can give managerial direction in the broadest sense to the executive establishment. When the Cabinet meets there is a visible reminder that each person present is part of a “team” and that this team is supposed to be moving in the same direction, the President’s direction. Presidents differ on how they use this opportunity for leadership. More often than not, the Cabinet meetings are used to send hortatory messages or to invoke across-the-board directives. Typical of the latter is where Presidents instruct all secretaries to submit to the White House staff prior to the next meeting their recommendations for cutting costs within their departments.

Experience suggests that few secretaries are interested in managing their departments in any hands-on manner. Many are selected solely for political reasons and see their role in political terms. In support of this view of their job, secretaries have substantial political staffs and other political appointees upon whom they rely upon for policy advice and administrative loyalty.⁷⁹ Departmental management, as that term is generally understood, usually falls under the purview of the deputy secretary. Deputy secretaries tend to view their subordinate agencies with ambivalence. For those departments that are “holding companies” (*e.g.*, Department of Commerce) for agencies with long-standing missions and independent bases of support, the secretary and deputy secretary may see their internal managerial role as more that of a “mediator” between the agencies rather than that of policy initiator.

Political Assistance

Arguably, the most useful role of the Cabinet to the President is in the political realm. As noted, the highest patronage the President has at his disposal are Cabinet appointments. In return for these appointments, Cabinet members, with some exceptions, are expected make public appearances in favor of the President’s policies and programs. They must be prepared to spend time on the “campaign trail.” They

⁷⁹ Paul C. Light, *Thickening Government: Federal Hierarchy and the Diffusion of Accountability* (Washington: The Brookings Institution, 1995).

must speak to trade associations and private organizations to build up the President's constituency.

Cabinet members are expected to be useful to the President in his relations to Congress. Cabinet members are the heads of departments, and the President and Congress are generally in a conflict over who should supervise what. Even when a departmental secretary may differ with the President on a policy affecting the department, the secretary is expected to defend the President publicly. This can place the secretary in a difficult position, such as in cases when the President is proposing to move an agency out a department (*e.g.*, the Social Security Administration out of the Department of Health and Human Services).

Harold Seidman reminds us of the Cabinet officer's role as far as the President is concerned:

While the White House may not consider a Cabinet member's participation in the development of a legislative proposal essential, the President will hold him to account for assuring its enactment by the Congress. So far as the President is concerned, a Cabinet member's primary responsibility is to mobilize support both within and outside the Congress for Presidential measures and to act as a legislative tactician. Major questions of policy and legislative strategy are reserved, however, for decision by the White House staff.⁸⁰

Finally, Presidents expect that secretaries will keep their subordinate political officers in line. This is not an easy task today because there are so many sub-Cabinet officers testifying before the myriad of congressional committees and subcommittees that the voice of the administration can sound cacophonous.

In sum, Presidents, even those most critical of the institutional Cabinet, find ways in which it can serve their needs, and thus its utility insures its continuance.

“Reforming” The Cabinet

It is evident that the Cabinet has rarely pleased those seeking greater political and managerial effectiveness for the President. It has also been a disappointment for many in philosophical terms. The Cabinet has been viewed by some as symbolic of a fundamental fault in American political theory. In one form or another, the underlying assumption of critics has been that the United States should change from a presidential political system to a variant on the parliamentary political system. The

⁸⁰ Harold Seidman and Robert S. Gilmour, *Politics, Position, and Power: From the Positive to the Regulatory State*, 4th ed. (New York: Oxford University Press, 1986), p. 82.

Cabinet is seen by these “reformers” as a critical element in a successful institutional and philosophical transformation.⁸¹

The young Woodrow Wilson, like so many political and social activists in the post-Civil War period, despaired of the American government with its “spoils system,” and looked longingly across the Atlantic to the emerging parliamentary system in England where “responsible parties” appeared to provide the basis for clear and effective government. Wilson was particularly incensed at Congress and its committee structure, which he believed was corrupt and dominated the presidency. He initially advocated a full-blown parliamentary system.⁸²

In Wilson’s early schema, the Cabinet was to be selected by the President but only from representatives in Congress. Thus, members of the Cabinet would not only hold executive department portfolios, they would also sit in Congress and answer questions regarding their policies and administration.⁸³ Wilson believed that the dominance of Congress, and particularly its committees, over the President and the executive branch was a permanent condition, and, therefore a constitutional amendment was necessary.

Like many reformers, then and now, there was concern that the branches were “too separate,” that they functioned at cross-purposes and indulged themselves in corrosive competition. Furthermore, Congress was seen as the captive of local, parochial interests. What was needed was a Cabinet which served as a bridge between the branches. As the years passed, and Congress changed, the views of the young Wilson changed as well.⁸⁴ He was still opposed to what he called “committee government” but was not as vocal in his support of drawing Cabinet members from the Congress. When Wilson assumed executive positions later on, he began to see hope for leadership in the presidency.⁸⁵

⁸¹ A typical “reform” proposal from those who desire that the American political system more closely resemble a parliamentary system is provided by Herman Finer in his review of the first Hoover Commission Report in 1949. “A full cabinet system with collective responsibility is the crying need of America—of the nation, of the Congress, of the departments, of the civil service, and of the presidency. Only if responsibility is truly shared among fifteen or twenty men, only if the will to govern is put into commission, will it be possible to integrate the Government of the United States, and secure simultaneously that all departments shall be heard, that all departments shall take notice, that all personnel shall respect their chief, that facts and advice shall not run about free, equal, and wild.” “The Hoover Commission Report,” *Political Science Quarterly*, vol. 64, Sept. 1949, p. 417.

⁸² Woodrow Wilson, “Cabinet Government in the United States,” *The International Review*, vol. 7, Aug. 1879: 146-63.

⁸³ The first of the reformers credited with the idea of having “the principal officers of each of the Executive Departments ... occupy seats on the floor of the Senate and House of Representatives” was Senator George H. Pendleton of Civil Service fame. *Congressional Record*, 46th Cong., 1st sess. vol. 9, num. 1, March 26, 1879, p. 72.

⁸⁴ Woodrow Wilson, *Congressional Government* (Boston: Houghton-Mifflin Co., 1885).

⁸⁵ Woodrow Wilson, *Constitutional Government in the United States* (New York: Columbia (continued...))

The appeal of bridging the chasm believed to exist between the branches by having the Cabinet sit in Congress (not requiring a constitutional amendment) cut across the political spectrum.⁸⁶ Supporters included such diverse personalities as Henry Stimson, Robert La Follette and William Howard Taft. The latter, in his post-presidential exegesis, *Our Chief Magistrate and His Powers*, noted:

I am strongly in favor of a change in our existing system, by which the importance and influence of Cabinet officers shall be increased. Without any change in the Constitution, Congress might well provide that heads of departments, members of the President's Cabinet, should be given access to the floor of each House to introduce measures, to advocate their passage, to answer questions, and to enter into the debate as if they were members, without of course the right to vote. Without any express constitutional authority, Congress has done this in the case of delegates from the territories. Why may it not do it with respect to the heads of departments?"⁸⁷

In the 1920s, Warren Harding and his Secretary of State, Charles Evans Hughes, were ardent supporters of having the Cabinet sit in Congress and answer questions.⁸⁸ There had been instances in the then-recent past when members of the Cabinet had appeared individually on the floor and the "reformers" saw this as a salutary sign. The underlying assumption behind the varied support for this idea was a tremendous faith in the efficacy of debate to change rational minds for the better, a process leading ultimately to consensus. Of course, both the liberals and conservatives of the period were convinced that discussion and debate would ultimately favor their views.

Where were the opponents of the idea of having the Cabinet sit in the Congress? Given the fact that no action was forthcoming on the various proposals, it is reasonable to assume that the opponents were in the majority; but the opponents, for whatever reason, rarely published their views or had access to the major newspapers or journals. The reformers were never quite able to convince the majority of Members of Congress, or Presidents since Warren Harding, of the wisdom of their proposals. Indeed, proposals to put the Cabinet "in" Congress were increasingly viewed as either utopian, naive, or simply wrongheaded.⁸⁹

⁸⁵ (...continued)
University Press, 1908).

⁸⁶ For a discussion of the historical proposals and debates to assign Cabinet members some role in the Congress and, conversely, to permit Members of Congress to also serve in some executive branch capacity, see: Stephen Horn, *The Cabinet and Congress* (New York: Octagon Books, (1960) 1982).

⁸⁷ William Howard Taft, *Our Chief Magistrate and His Powers* (New York: Columbia University Press, 1916), p. 31.

⁸⁸ For an overview of the "question period" proposal for Cabinet members to appear before either or both Houses of Congress, consult: U.S. Congress, Congressional Research Service, *A Question Period Before Congress; Proposals to Bring Cabinet Officials Before the Legislature*, by Paul Rundquist, CRS archived report 91-305G (Washington: April 3, 1991).

⁸⁹ David B. Truman, *The Governmental Process: Political Interests and Public Opinion* (New York: A.A. Knopf, 1951), p. 530.

This is not to say, however, that reformers have given up the struggle. In addition to the lingering appeal of parliamentary government over presidential government, in recent years the impetus for much reform activity has been the spectre and practice of “divided government,” a term referring to those periods when the White House is occupied by one political party and one or both houses of Congress are dominated by the other.

Today’s reformers still tend to place faith in the related proposals to have Cabinet members “sit” in Congress or to have Members of Congress simultaneously hold executive branch offices, but see these proposals as simply one small part of a major constitutional reorganization of the national political system.⁹⁰ For the most part, reformers, such as James MacGregor Burns,⁹¹ Lloyd Cutler,⁹² and James Sundquist are generally considered to be “liberal” in their political orientation, and believe that the natural majority consensus behind their political views is frustrated by antiquated and anti-majoritarian institutions.⁹³ They generally favor a presidency that is dominant over Congress, and see the Cabinet as an instrument towards this end.

A second set of reformers also has a long history of offering unrealized recommendations on how to make the Cabinet more effective for the President. They want the Cabinet to undergo alteration, but are less comprehensive in their vision. Their proposals stress modification and changes in emphasis to increase the “policy advising role” of the Cabinet. Earlier proposals to alter the Cabinet (*e.g.*, Nixon’s 1973 proposal to create three “super counselors” or “super Cabinet members”) have been discussed in other contexts. Cabinet reorganization proposals tend either to emphasize altered use of existing departmental secretaries or recommend a rather different cast of characters to serve in the Cabinet.

⁹⁰ Committee on the Constitutional System, *A Bicentennial Analysis of the American Political Structure* (Washington: Committee on the Constitutional System, 1987). Donald L. Robinson, *To the Best of My Ability: The Presidency and the Constitution* (New York: Norton, 1987).

Contemporary “reformers” lean towards a comprehensive overhaul of the American political system and do not shy away from proposing many constitutional amendments. James Sundquist provides a “menu” of constitutional and non-constitutional changes that most reformers favor. Included in the list of changes proposed would be: (1) laws discouraging “split-ticket voting;” (2) four-year House terms and eight-year Senate terms; (3) modified procedures for selecting the President (*e.g.*, abolish the electoral college); (4) permitting special elections to reconstitute a “failed” government; (5) removing the prohibition against dual office-holding; (6) limited item veto; (7) restoration of the legislative veto; (8) making the war powers statute into a constitutional provision; and (9) approval of treaties by majority vote of both houses. *Constitutional Reform and Effective Government*, rev. ed. (Washington: The Brookings Institution, 1992), pp. 322-24.

⁹¹ James MacGregor Burns, *The Power to Lead: The Crisis of the American Presidency* (New York: Simon and Schuster, 1984).

⁹² Lloyd N. Cutler, “Some Reflections on Divided Government,” *Presidential Studies Quarterly*, vol. 18, Summer 1988: 485-92.

⁹³ James MacGregor Burns, *Cobblestone Leadership: Majority Rule, Minority Power* (Norman, OK: University of Oklahoma Press, 1990).

A typical proposal is that of Graham Allison in 1980, who called for a Presidential Executive Cabinet (EXCAB). “Presidents need stronger and more responsive performance from key Cabinet departments. Strength and responsiveness are not easy to combine. But making key Cabinet officers the primary substantive counselors to the President, and insuring steady face-to-face relations between them and the President, will tend to induce both. The recognized participation of secretaries in presidential decision-making would also sensitize them to presidential perspectives and to interests other than those of their own departments.”⁹⁴ The EXCAB would consist of “key” secretaries, such as State, Defense, Treasury, and Health and Human Services, plus a rotating mix of other Cabinet officers, agency heads and White House staff. The point would be that those permanent EXCAB members would have offices in the White House and develop a permanent staff. In this way, Allison believes, the President would acquire a collective advisory body with knowledge and political clout. Critics suggest, on the other hand, that a departmental secretary physically removed from his or her department will tend to lose whatever uniqueness of perspective that made the secretary seem valuable in the first place. Spending substantial time in the White House, it is feared, will transform the secretaries into adjuncts of the White House staff.

Among the more recent “reform” proposals for the Cabinet is that offered by three-time Cabinet member, the late Elliot Richardson. Richardson proposed that the Cabinet be radically reconstituted to include those positions with cross-cutting responsibilities, rather than operating responsibilities for departments. He suggested that the Cabinet should consist of the President’s chief of staff, the director of OMB, the National Security advisor, the U.S. trade representative, plus some advisers on economic, domestic policy and science. “This inner circle, augmented by the three department heads whose spheres of responsibility are most inclusive—the secretaries of State, Defense, and Treasury—would constitute a well-balanced policy council.”⁹⁵

There is no reason to believe that the reformers will cease in their quest for the Holy Grail, a Cabinet that wisely advises a receptive President. There is also no reason to believe that Presidents will suddenly find the Cabinet, however it may be organized, to be a useful collective source for policy advice.

Concluding Comments

The President’s Cabinet in the American political context is the source of considerable debate and frustration. Few are satisfied with the Cabinet as an institution. Particularly critical are those who have served in the Cabinet. Presidents seek to find uses for their Cabinet—as a collectivity, in sub-Cabinet groups, and individually—but generally retreat from this quest as experience overshadows hope.

⁹⁴ Graham Allison, “The Advantages of a Presidential Executive Cabinet (EXCAB),” in Vincent Davis, ed., *The Post-Imperial Presidency* (New York: Praeger, 1980), p. 120.

⁹⁵ Elliot L. Richardson and James P. Pfiffner, “Our Cabinet System is a Charade,” *New York Times*, May 28, 1989, p. E-14.

Rather than succumb to the subtle political agenda of “reformers” with their penchant for institutional tinkering, defenders argue that the Cabinet should be appreciated for its flexibility and nuances. They believe that the Cabinet, under the right conditions, can be a source of political and managerial strength to the President, even compensating on occasion for presidential weakness. Under other circumstances, however, it can become a political negative as when Presidents are forced to fire some departmental secretary or find the person a face-saving job. The critical point is, however, that while the Cabinet may be useful to the President, the Cabinet itself never governs. The President remains the critical center of the executive establishment.

Informed persons may debate endlessly respecting the characteristics of a “best” Cabinet and staff system for supporting the President in his decisionmaking capacity. Should Presidents, for instance, appoint a chief of staff to run the White House staff or should they rely on several co-equal assistants to manage their office staff and resources? The truth is that there is no single or accepted theoretical model to which Presidents can repair. Structure and systems are ultimately no substitute for coherent ideas and presentations and for access to the President. Certain secretaries, as well as certain staff aides, will always be “more equal than others.” It is an unavoidable responsibility for Presidents to determine their own personal needs and managerial style and to shape their office, and their Cabinet, accordingly.

A final comment that may help to explain the ambiguous and controversial nature of the Cabinet. The President of the United States is both the head of state and the head of government—two responsibilities almost invariably split between two persons in a parliamentary system. If the President were only the head of government, and if governments could fall without affecting the incumbency of the head of state, the Cabinet might be assigned and fill more collective responsibility. Presidents cannot, however, share their power officially or they place at risk their prestige and authority as chief of state, the symbol of national sovereignty. Thus, proposals to modify, strengthen, or collectivize the Cabinet that neglect to take into consideration the inherent dual nature of the presidency are bound to be deficient.

The experience of recent Presidents illustrates both the potential and limitations of the institutional Cabinet. As a collective body, the Cabinet is but one of the institutional resources available to the President for advice and administrative leadership of the executive establishment. The range of attitudes toward the Cabinet evidenced by recent Presidents suggests that the life of the institutional Cabinet shall continue to be uneven and unpredictable. However, few institutions in the world have a longer uninterrupted history than the American President’s Cabinet, which should suggest to the inquiring observer that there must be some intrinsic and deep-seated value to the Cabinet, and that in its very adaptability and unthreatening nature to succeeding Presidents lies its strength.

EveryCRSReport.com

The Congressional Research Service (CRS) is a federal legislative branch agency, housed inside the Library of Congress, charged with providing the United States Congress non-partisan advice on issues that may come before Congress.

EveryCRSReport.com republishes CRS reports that are available to all Congressional staff. The reports are not classified, and Members of Congress routinely make individual reports available to the public.

Prior to our republication, we redacted names, phone numbers and email addresses of analysts who produced the reports. We also added this page to the report. We have not intentionally made any other changes to any report published on EveryCRSReport.com.

CRS reports, as a work of the United States government, are not subject to copyright protection in the United States. Any CRS report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS report may include copyrighted images or material from a third party, you may need to obtain permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

Information in a CRS report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to members of Congress in connection with CRS' institutional role.

EveryCRSReport.com is not a government website and is not affiliated with CRS. We do not claim copyright on any CRS report we have republished.