

The Omniscient President

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With scarcely a ripple of protest a popular magazine recently carried a cover picture retouched to portray President Ford as a circus clown stepping off the Presidential airplane. The two "best sellers" on the Presidency are scathing indictments of President Nixon's staff and, by inference, of Nixon himself. In *The Imperial Presidency* Arthur Schlesinger, who sets the pace for many intellectuals, argues that the powers of the office must be curtailed. President Ford found his veto power quite ineffective in the closing days of the 1974 Congress. And the Democratic leadership of the 94th Congress is discussing a legislative program without reference to the President. The Presidency obviously isn't what it used to be.

Any major institution rests upon certain social foundations that cannot be disturbed without sending shock waves throughout the entire structure. To survive, the institution must, of necessity, readjust to a new base. That is what is happening to the Presidency. The Watergate affair is obviously an event that has shaken its foundations.

Watergate cannot be dismissed as just another sordid tale of corruption in high places. It cannot be classified with the scandals of the Grant Administration, the Teapot Dome steal of the Harding Administration, or the "five percenters" that flourished in the Truman Administration. None of these really disturbed the Presidential base—chiefly because the public picture that emerged was one of Presidents who had been betrayed by lesser men. Furthermore, in the first two instances the Presidency does not appear to have been as central to popular thinking as it has been in modern times. There was much less to shake in an age when Americans looked to local government for social services and regarded Washington as a remote city whose

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most noteworthy function was to lead the nation in war.

The power of the myth was the most important single factor in shaping post-World War II national policy. Its force was so great that it sustained large-scale foreign aid programs long after they had lost their appeal. It enabled two Presidents to prosecute highly unpopular wars (although at the cost of their popularity). And the success of the Johnson-Rayburn legislative leadership team in the fifties was based upon their ability to depict the Congressional Democrats as a group consistently supporting a Republican President against the obstructionism of members of his own party. The public responded by returning ever increasing Democratic majorities to the House and the Senate throughout the Eisenhower Administration.

Political science embraced the myth of the Presidency. The objective of most studies of government was to determine methods to remove the roadblocks strewn in the path of the President by a legislative branch generally regarded as parochial in its outlook and archaic in its methods.

The Watergate scandal was not restricted to the President's friends; it touched the President himself. And in the years since Franklin Delano Roosevelt the Presidency had become the nation's focal point for the social service demands of Americans ranging from simple public welfare to regulation of the economy. After four decades very few citizens are capable of thinking about social action without the leadership of the "Man in the White House."

The dependency upon the President for leadership fostered a myth of the Presidency that reached awesome proportions. The individual occupying the office at any one time might be hated like Truman or Johnson; beloved like Eisenhower; or regarded as a father image like Roosevelt. But all were looked upon with awe as men who were somehow above the common clay and were fundamentally incorruptible. It was taken for granted that they were representing "all the people" and were possessed of special knowledge concerning the problems of the nation.

The Presidency remains the central, directing force of the American Government. But no one at all sensitive to contemporary political currents can argue that the office is now held in awe. Myths, no matter how powerful, rarely regain their force once they have been soiled, and the myth of the Presidency has been smashed by Watergate.

The breakdown of a myth has practical consequences that alter the distribution of power and day-to-day administration in a society. The most important change in the office of the President may well be the breach in the walls of isolation that have surrounded the last few Presidents. The walls were a product of the myth, and it is inconceivable that they can survive its destruction. The insulation of Presidents from political reality was a function of the awe and reverence with which they were treated from the day they entered the office. Those are not qualities which can tolerate revelations of petty intrigue.

From personal observation I believe that the devastating impact of Watergate upon Mr. Nixon's public standing can be attributed more to the banality of the White House misdeeds than to the misdeeds themselves.

I live in what is essentially a "blue-collar" city, where it is a very simple matter to keep in touch with the lives of industrial workers—the group upon whom the "new majority" theorists of the Republican Party had pinned so many hopes. All that is necessary is to make an occasional visit to a neighborhood tavern, which in Milwaukee still has the flavor of a local club, and listen to the conversations. Such conversations put flesh on the statistical evidence presented by the pollsters. During the development of the Watergate case, two of the sharpest Presidential popularity drops recorded by the polls coincided with the revelation of Mr. Nixon's income tax returns and the release of transcripts of his confidential discussions with his staff. The impact was apparent immediately.

Up to the point of the income tax revelation there had actually been very little conversation about Watergate, even though the Milwaukee newspapers had covered the story fully. What little discussion took place (mostly because I forced the issue) was characterized by the assumption that "cheap politicians" are always attacking the President and that "you can't trust those newspapers." There was no indication that Mr. Nixon was a beloved or even a popular figure. But it was a rare event to find anyone outside of the academic or journalistic communities who took the charges against him seriously. Even the local politicians—overwhelmingly Democratic—were not very interested.

The situation changed in a matter of days. It was no longer necessary to force the Watergate issue conversationally—it became an issue impossible to avoid. There was a distinct note of anger that no sensitive ear could miss. It was not based solely upon



the conclusion that the President had committed misdeeds, but upon the assessment that they were misdeeds unworthy of the President. The income tax situation evoked the word "chiseling." The "expletives deleted" transcripts brought forth the response: "That's no way for a President to talk."

I am convinced that the prim—almost Victorian—reaction I have cited above was typical of a widespread feeling in our society. With the exception of politically sophisticated men and women I have found very few who have any comprehension of the facts of Watergate. I have found even fewer, however, who do not believe there was something wrong about the income tax returns and who cannot recall "the bad language" used by Mr. Nixon.

The President had been revealed as made of common clay—or perhaps something even less than common clay. In the future Chief Executives may be able to convince the public of their integrity—but not just because they occupy the White House.

Future Presidents will find themselves faced with a greater necessity to practice the arts of political persuasion. The authority of the office itself will not carry the degree of weight that permitted the prosecution of the war in Vietnam long after it had lost any popularity. The myth of a Presidency which automatically endows the officeholder with universal knowledge is gone. The office has lost its sanctity.

In areas that were regarded as purely "domestic" this has always been the rule. The periods in which Presidents were able to secure sweeping internal changes merely by proposing them have been relatively brief—the early days of the Roosevelt and Johnson administrations are the only examples in modern times. But since World War II it is difficult to think of any foreign policy proposal, ranging all the way from minor trade matters to two major wars, which was not accepted substantially in the form urged by the Chief Executive.

The revolution in American thought that had taken place under the aegis of the Presidency since 1932 is little short of miraculous. Franklin Delano Roosevelt assumed the leadership of a nation so isolationist in its thinking that the phrase "no entangling alliances" was regarded as a tenet of pa-

triotism. The League of Nations, little more than a harmless debating society, was looked upon as a sinister effort to impose something called "World Government," and the only "foreign aid" gesture that had nationwide approval was the dime dropped into the collection plate once a week by Sunday school children to sustain a missionary in China.

Against that background it is inconceivable that the United Nations, NATO, and SEATO would have been accepted so readily had not hard-driving Presidents used the sanctity of their office for all it was worth. It is inconceivable that Congress would have continued unpopular foreign aid appropriations year after year had not Presidential prestige been staked on the issue. It is inconceivable that American military forces could have been maintained in Europe and naval forces in the Mediterranean without using to the fullest the awe of the Presidency.

Despite the current weariness with world affairs it is unlikely that the United States will return to the pre-Roosevelt isolationist posture. What is likely, however, is that any foreign or defense policy in the future will be subjected to public debate of considerable intensity in advance of its promulgation. And Presidents who wish to be successful will be required to do considerably more listening.

There is more involved here than a change in public mood. We are still too close to Watergate for perspectives to be clear. But one precedent was set that will necessarily have an impact upon the Presidential office. It was the resignation of a President under fire. For the first time in history Americans discovered that a Chief Executive could be driven out of the White House.

Obviously Mr. Nixon's resignation was under highly special circumstances. It is probable that it would not have happened at all had it not been for the threat of impeachment. But in terms of long-range public consciousness these are irrelevant considerations. It will never again be assumed that a leader who occupies the Presidency will serve until the next election, barring death. Mr. Nixon demonstrated that there are boundaries over which a President cannot step without losing not only his popularity but also his job.

The full force of this point will be understood readily by anyone who has worked closely with a modern President. In the White House in which I served it was taken for granted by the staff that the President had four full years in which to accomplish his mission. I have closely questioned aides who served in preceding and succeeding administrations, and my experience was not atypical.

This assumption had a direct effect upon many decisions. It limited the considerations that were taken into account in the exploration of a problem. Staff members were conscientious in assessing physical resources and in researching the laws and precedents to find legal methods for the President to do what he wanted. (They

always found them—simply because of the bias that motivated their research.) But it was very rare for any of them to raise the issue of whether members of our society would support the social policies they were promulgating. Aides who did so were promptly labeled "unimaginative" and "nervous Nellies."

Occasionally the President himself, in a flashback to his days as an astute politician, would unexpectedly overrule his advisors because he sensed that policies were bringing the nation to the brink of rebellion. But this was rare, simply because he was deluged with paper from men who had no concept of the elementary principle that every society rests upon some degree of popular assent. Generally speaking, even he succumbed to the feeling that the government would stand no matter how the people felt about it.

Another aspect of the four-year assumption was an air of arrogance that complicated administration even within the executive branch of the Government itself. The need for sustaining morale in the departments and the agencies was disregarded. Theoretically obedience to the President was automatic, so orders were self-executing. A suggestion that bureaucratic sabotage would ruin any program encountered blank stares.

It would be too much to say that the atmosphere I have described has been dispelled by Mr. Nixon's resignation. But Washington is a city of long memories, and the lesson that a President can be unseated will not soon be forgotten. At the very least it will make Presidents take into account the possibility that they might fail solely for lack of public support. This could introduce to the White House a note of humility that has been sadly lacking.

Washington is a city with built-in memory banks that have extraordinary staying power. When I first arrived in 1938 I discovered that the Teapot Dome investigation of 1923 was still a topic of conversation that served to keep many people honest. Even more startling were the numbers of senators and representatives who would demand proof that any proposal to investigate the military establishment was NOT another "Committee on the Conduct of the War." I looked it up and discovered that this committee had been appointed in 1863 and had not outlived the Civil War.

Because a totally new "Palace Guard" is established with the advent of each administration, the force of tradition in the White House is not quite as strong as it is in the Congress or in the regular agencies. Nevertheless, it does exist. I believe that the anguished faces of the Watergate conspirators on television will persist in staff memories long after their names and the nature of their misdeeds have been forgotten. Aides to the President will step more cautiously.

Of equal importance will be the reaction in the Congress. The legislative branch of the government had become a dispirited body in recent years—a group of men and women who felt they could do little other than

harass Presidents. Now, in a metaphorical sense, they have "drawn blood," and it is unlikely they will forget the lesson for several decades. They will not permit future Presidents to ignore them in shaping governmental policy.

This does not mean that Congress will "take over" the government. The legislative branch is simply not organized to administer the day-to-day affairs of the United States, and its capacity to initiate programs is severely limited. The function of the Senate and the House is to resolve political differences so administrators can have a clear track. This function is not in smooth harmony with management problems.

What can happen, however, is that Congress will enforce its prerogative of passing judgment upon basic shifts in policy before the changes become irrevocable. This, of course, would not be a situation new in American history. In fact, it was regarded as a normal operation of the government until the late 1940's. The American alliance with England, Free France, the Soviet Union, and other anti-Axis powers was made possible only through the Congressional debates that resulted in repeal of the arms embargo and passage of the Lend-Lease bill and the Selective Service Act. The freewheeling role the United States has played on the international scene since World War II was preceded by the Greek-Turkish aid bill, the Marshall Plan, and the Point IV program—all authorized after extensive debate in the House and the Senate. Our most sweeping alliance—NATO—was preceded by the Vandenberg Resolution.

There have been no such debates since the early 1950's, despite the tremendous shifts that have taken place in American foreign policy. Presidents discovered it was no longer necessary to submit their initiatives to the hazards of legislative scrutiny. It was far simpler to operate by precipitating situations in which Congress had no other choice than to follow the lead of the Commander-in-Chief. This pattern came to be accepted as normal. In retrospect, it is astonishing that so many unprecedented acts were accepted with so little resistance.

The only function of Congress during the Korean War—one of the largest military commitments in our history—was to provide the money to support American, South Korean, and a handful of allied soldiers. The sole legislative basis for our participation in Vietnam was a simple resolution which most senators and representatives assumed to be a mere declaration that the United States would back the President in retaliating against "unprovoked" attacks upon our vessels in international waters. Legislative leaders of both parties actually counseled their followers NOT to debate such issues as the Formosa resolution of the Lebanon resolution because the debate would "appear" to weaken the unity of the nation. Perhaps most astounding was the development of a capacity to equip and train a sizable force of foreign soldiers to invade Cuba while

the overwhelming majority of legislators were totally unaware of the use of American funds for that purpose.

Naturally, there were protests. Individual legislators took the floor of the House or the Senate to deplore, to expound, and to accuse. But it was ineffective protest, that had little result other than to create political difficulties for the speakers. There was an unanswerable response to all the arguments—that only the President was in a position to possess *all* the information essential to the administration of prudent policy; for security reasons he could not reveal *all* of that information during a crisis. This posture could not be shaken as long as the myth of the Presidency held firm.

No one will ever be certain whether the myth collapsed because too many burdens were laid upon it or because Watergate revealed that Presidents were not necessarily produced through virgin birth. Whatever the cause, the collapse is real.

There is more involved, however, than a mere reassertion by Congress of its prerogatives in the shaping of national policy. Of far greater import for the future is the assertion by Congress of *a right to unmake policy after it has been launched*. This is the heart of the War Powers Act, which sets a sixty-day limit on the President's power to wage undeclared war. Congress passed the act, over President Nixon's veto, in November, 1973. However imperfect an instrument it may be, it sets a precedent which may do more to reshape the Presidency than any other event of the past decade.

There is no need to review here the legal arguments over the effectiveness of this legislation. I myself am highly dubious about much of the compromise language that was inserted in order to assure its passage. But in the overall picture the doubts are nit-picking. The fact remains that Congress has written into law the principle that it can compel the President to withdraw troops he has committed to action without a declaration of war. In terms of the dynamics of the past few decades this principle can have far-reaching consequences. It asserts the legislative right to intervene in what modern Presidents have considered their most basic prerogative—their role as Commander-in-Chief of the nation's armed forces.

Undoubtedly a search of the dry and dusty annals of the early days of the Republic will find legal precedents for the legislative assertion. These will in no way diminish the significance of the measure. Whatever precedents may exist had become dead and forgotten letters in the calculations of both the executive and the legislative branches of government. Policies were forged on the assumption that the President had not only the right but the obligation to act swiftly in what he conceived to be an emergency and that Congress had an obligation to close ranks behind him in order to signify the unity of the nation. Legislative dissidence was regarded as an indication that some individuals lacked patriotism.

The War Powers Act was an outgrowth of the Vietnamese war and not of Watergate. Nevertheless, in assessing its impact upon the future, the role of Watergate must be taken into account. When the specifics have faded from memory, a broader picture will remain of a President who lost both his own power and a power of the office itself. That the picture does not conform precisely to reality will be irrelevant. Future Presidents will be reluctant to test the law to determine whether it really works. No one will battle for the distinction of being the second Chief Executive to lose his job.

Unless Presidents are willing to forego the use of troops without a declaration of war, there is only one way in which they can be certain of avoiding a test. It is by bringing Congress into a partnership that completely reverses the trend of the past few decades. It will not even be enough to secure legislative approval of a Presidential performance in the national security field. What will be necessary is a continuous exercise in the arts of persuasion in order to sustain that approval. Like a prime minister in a textbook model of a parliamentary government, the Chief Executive will be compelled to consider the steps by which he can maintain his legislative majorities.

This does not mean that we are headed toward a parliamentary government. At this late stage of our national development it is highly unlikely that we could, should we desire to do so, reform our governmental structure along the lines of Great Britain. There are too many problems of federalism, of custom, and even of political party organization to make this a feasible undertaking. It may well be, however, that we will devise some American versions of parliamentary principles, and the most important of these would be a continuing accountability of the President to the legislative branch.

It would be foolhardy at this stage to speculate on the forms the accountability would take. Blueprints translate into governmental structures only during an era of violent revolution. In normal times the shape of a government is determined by reaction to events, not all of which can be foreseen or sometimes even seen. As a general rule we are unaware of significant changes until several decades after they have taken place.

In this instance, however, it may be possible to see the direction of the changes. In attempting to do so, it is useful to summarize the major events that have shaken the Presidency.

1. The myth of the Presidency has been damaged—probably beyond repair—by scandals that have touched the occupant of the office.

2. The President himself has been forced to resign his office under the fire of Congressional investigation.

3. The President and Vice President now in office owe their position to appointment and legislative

confirmation—not to election by the people.

4. The Congress has asserted a prerogative to reverse Presidential action in a field recent Presidents have considered to be their exclusive domain—national security.

5. Members of Congress have been emboldened by the obvious weakness of the Presidency to plan for the launching of initiatives in the domestic field without even waiting for Presidential recommendations.

These events are of a sufficient size to assure some basic changes at the pinnacle of our government. They have sent shock waves of such force through our system that it is unlikely they will be reversed—even with the election of a truly dynamic President like Andrew Jackson or Franklin D. Roosevelt. But a period of time will be required while political leaders determine the methods by which the institution will be altered.

Whatever happens, the Presidency will almost certainly remain the focal point of our national life. The prospects of Congressional or parliamentary government afford an excellent topic for academic debate. In the real world, however, nations do not repudiate more than 175 years of history without a major cataclysm. We have not had a cataclysm—just a major shock.

For the public it was Watergate that brought the realization that Americans were no longer in awe of a man simply because he occupied the White House. Past Presidents had been regarded as angelic or demonic, but the adjective “sleazy” did not have widespread acceptance until recently.

The Presidency will not continue to operate as it has for the past four decades. There may be no amendment of the Constitution and only a minimum of laws touching upon the office. But Constitutional amendments and a plethora of legislative acts are not really essential to force basic changes. The entire British constitution was built solely out of reactions to events and customs that were launched and fostered by those reactions. Very few words were written down, and most of the laws affected day-to-day operations of the government rather than the structure of government itself.

The concept of continuing accountability is almost certainly the prospect that is opening before us. It will not be the absolute accountability of a prime minister, because the President has a base that is independent of the Congress. The Chief Executive will be aware, however, that the legislative branch of the government has powers that can bring his tenure to an end. That awareness can do more to shape his conduct in office than any laws that can be passed.

Whether this will lead to “better” government is debatable. Collective judgment can be just as poor as individual judgment—and sometimes not as good. But at least it will mean a Presidency in which there are new inducements to calculate the political consequences of national policy. The myth of the omniscient President who “Knows Better Than We Do” is gone.