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BOOK REVIEW

The Continuing Presidential Dilemma

ORGANIZING THE PRESIDENCY. By Stephen Hess. Washington: Brookings Institution, 1976. Pp. ix, 218. \$10.95.

*Reviewed by Thomas Blau**

He vetoed minor bills that he did not like, impounded appropriated funds that he did not need, ignored restrictive amendments that he found unconstitutional and improvised executive action for bills that would not pass.¹

The words are extremely familiar—that they belong to an aide of John Kennedy and describe his Presidency may be less so. The problems of the Presidency are not new. The transformation has occurred in the evaluation of such behavior and especially in the concept of the proper balance between the Presidency and Congress. Changing personalities in office may account for much of the evolution of the institutional critiques.

Organizing the Presidency—much to Stephen Hess's credit—does not participate in the simplistic version of this dialectic. Despite having served on the staffs of two Presidents, he calls for a drastic diminution in the power of the White House staff in favor of its rival, the Cabinet. An effective Presidency, in his view, requires a more nearly collegial administration in which Cabinet officers constitute the principal sources of advice and are personally accountable to the President for the operation of their segments of the government.² Reviewing the evolution of the modern Presidency, Hess argues that the size of the staff is not the cause of the presidential malaise, but rather is an effect. Employing misleading analogies to corporate management, "Americans—and their Presidents—have inflated the rhetoric of the presidential job description."³ As Wildavsky and Knott cogently argued in their review of President Carter's "philosophy" of zero-based budgeting, these analogies are invalidated by the government's production of politi-

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1. T. SORENSEN, *KENNEDY* 347 (1965).

2. S. HESS, *ORGANIZING THE PRESIDENCY* 154 (1976) [hereinafter cited as HESS].

3. *Id.* at 151-52.

cal goods for which accounting methods are unlikely to be invented.⁴ "Yet the White House staff is not a sufficient fulcrum to move the weight of the federal establishment. It can never be large enough to do the job."⁵ The President, according to Hess, needs colleagues in the Cabinet rather than personal assistants in the White House staff.

Hess thus supports the appointment of strong individuals to the Cabinet and the effective transformation of the White House staff into a Cabinet secretariat. Although his proposal suggests that "Cabinet members should be the primary spokesmen for the Administration" and that "[t]he Cabinet must become the focal point of the White House machinery,"⁶ his final suggestion admits that "[a]bove all, the President must want the Cabinet to be an effective instrument of advice."⁷ If he wanted it, he would have it. If he had it, but did not want it, its impact would be minimal without a major constitutional overhaul.

Utilizing an interesting and perceptive historical review, Hess develops and argues his case well. Nevertheless, reaction to his proposal probably will be highly individual, because views of the Presidency continue to be unsettled — especially since we recently have seen the modest beginnings of Article II evolve into the high adventure of the constitutional theories of H.R. Haldeman and others.⁸ In the final analysis, most views will reflect feelings toward incumbents.

President Carter presents a challenge. He is the outsider from Plains who seeks new solutions in a new style, who responds to other outsiders, who acts comprehensively, and who sometimes seems sudden to traditionalists. This, however, may result in less accessibility to others holding positions of responsibility. "Power to the people" can serve as a vehicle for reducing the power of their representatives. The urge toward the heroic Presidency was not limited to Nixon, Johnson, and Kennedy: it also characterizes Jimmy Carter. The demands imposed on the President make the alternatives almost impossible. Even under President Ford, the power of the White House did not diminish. Not only the President but also

4. Knott & Wildavsky, *Jimmy Carter's Theory of Governing*, 1 WOODROW WILSON Q. 2 (1977).

5. HESS, *supra* note 2, at 153.

6. *Id.* at 214.

7. *Id.* at 216.

8. H. SEIDMAN, POLITICS, POSITION, AND POWER: THE DYNAMICS OF FEDERAL ORGANIZATION 76-79 (1975).

the polity in general contributes to the increase in politicalization of formerly nonpublic issues. Congress responds to the scope, complexity, and electoral danger of these politicized issues by delegating excessive discretionary power to the Executive and others (such as local governments). In conjunction with his role as party leader, the President is under great pressure to maximize the power of the staff that is immediately accessible and personally responsive to him.

Despite the possibility that Presidents themselves may agree with much of Hess's analysis, they are likely to resist reliance on the Cabinet for advice, especially in the corporate form favored by Hess. The role of a Cabinet member involves more than advice and administrative execution. Sometimes it includes legitimate, if substantively irrelevant, symbolism, as the search for a black woman demonstrated. Charles Kirbo, for example, would not be more useful as Secretary of State; nor does the Secretary of Commerce have a major advisory role.

Theodore Lowi has written that "in the presidency there is great power to commit but very little to guide."⁹ Whether the collegial Cabinet addresses this problem is doubtful. The source of nonguidance lies in legislation that tends to identify object areas and does not specify problems, actions to be taken, and standards of evaluation. Such a system greatly increases the likelihood of phenomena such as OSHA and ERISA. Any study of the Presidency, including a work as intelligent as this one, would profit by addressing the role of the legislative process and the inability of the polity to engender debate about the proper and effective role of government as well as its limits. Without legislation at least partially informed by such debate, the Presidency must remain an office whose great power is exceeded by the demands placed on it, thus making the mildest of incumbents "imperial" by necessity.

9. T. Lowi, *AMERICAN GOVERNMENT: INCOMPLETE CONQUEST* 493 (1976).

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