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PRESIDENTIAL-CONGRESSIONAL RELATIONS DURING THE
KENNEDY ADMINISTRATION

by

JOHN HART

A thesis submitted to the Faculty of Social Sciences
of the University of Kent at Canterbury
for the degree of Doctor
of Philosophy

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ERRATUM

Due to an error in pagination, page numbers 94, 158 and 235 have been omitted in this volume. This does not affect the continuity of the text.

ABSTRACT

This study examines the relationship between President John F. Kennedy and the United States Congress focusing on the institutional arrangements through which the President conducted that relationship and the strategic decisions he made regarding his overall approach to Congress. It does so within the context of the literature of political science which traditionally stresses the conflict between the two branches, but this analysis argues that attention ought to be given to the co-operative features of Presidential-Congressional relations. Indeed, it notes that some of the institutional developments under Kennedy closely resemble the reform proposals advocated by many political scientists in this area. The concept of Congressional liaison is used to identify the various components of Kennedy's systematic approach to Congress. This study pays particular attention to the establishment and operation of the White House Office of Congressional Relations; the legislative leadership meetings; the links between the White House and the rank-and-file Congressmen, and the workings of the White House staff system. The historical context is noted in each case. The study then explores the legislative strategy developed by President Kennedy through an analysis of six specific policy areas to which the President had made legislative commitments. It traces the outcome of these proposals in Congress in order to identify the nature of Congressional opposition to the New Frontier legislative programme. It notes that, crucial to every item, was the position of the southern Democrats and their potential voting alliance with the Republicans to form a conservative coalition to oppose the Kennedy proposals. Kennedy's legislative strategy was directed towards reducing the potential strength of this block. The final chapter argues that judgements about Presidential legislative leadership ought to take into account the efforts made by a President to enhance his chances of success on Capitol Hill and the nature of the opposition he has to encounter. Particular attention is given to the position of the southern Democrats during the Kennedy years. It is suggested that this is a more fruitful approach to the study of Presidential-Congressional relations than what has been identified as 'the balance-sheet' mode of analysis which concentrates primarily on overall wins and losses. It is further argued that, when viewed in this context, conventional wisdom about President Kennedy's performance as a legislative leader is in need of some adjustment. The outcome of his most significant proposals do not justify marking his leadership as a failure and the developments in Presidential-Congressional relations during his administrations are held to be innovatory.

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Chapter I

PRESIDENTIAL-CONGRESSIONAL RELATIONS AND THE STUDY OF POLITICS

Although there is a strong and traditional attachment to the idea of the separation of powers in the USA, the pure theory of separation had largely been rejected as a viable form of government by the time the Founding Fathers assembled in Philadelphia. The product of the Constitutional Convention was a system of government that combined both the doctrine of separation of powers and a doctrine of checks and balances - an exercise in which, according to Professor Holcombe, the protagonists of the principle of checks and balances seemed to have put their mark on the finished document more heavily than those of the separation of powers.¹ The unique blending of these doctrines, which forms the basis of American constitutionalism, established a framework of government in which the institutions were separated, but the powers were shared. It was also a framework of government in which the delineation of the checks, the balances and the powers was far from definitive. Consequently, the question of how the separate institutions share powers has been a fundamental and recurring problem for American political science.

THE FRAMEWORK OF CONFLICT

In their response, political scientists have, almost without exception, perceived the processes of American government from a perspective of conflict and competition, particularly with respect to the Presidential-Congressional relationship. This is understandable for, as Nelson Polsby has written, "if the Constitution can be said to grant legitimacy to anything, surely it legitimizes conflict between Congress and President."² Throughout the

1. Arthur N. Holcombe, The Constitutional System, Glenview, Scott Foresman, 1969, p.91.

2. Nelson W. Polsby, Congress and the Presidency, Englewood Cliffs, Prentice-Hall, 1964, p.110.

twentieth century this conflict has become ever more apparent as the federal government has expanded its responsibilities and the need for concerted action become more necessary. In times of domestic or foreign crises, observers become acutely aware of how this built-in conflict affects the performance of government and the area of Presidential-Congressional relations is singled out as the most crucial aspect of the constitutional system. Furthermore, when political scientists begin to ask how the separate institutions share powers, how they ought to share powers and what powers should be shared, invariably the existing state of executive-legislative relations is seen as deficient. Many view with alarm the lack of co-operation between the two branches and the competition for the one to establish dominance over the other. They are appalled at a system that encourages conflict and delay when harmony and action are required. In 1885 Woodrow Wilson was complaining that "the federal government lacked strength because its powers are divided, lacks promptness because its authorities are multiplied, lacks wieldiness because its processes are roundabout, lacks efficiency because its responsibility is indistinct and its action without competent direction."³ Yet he was only one of a number of political scientists during the progressivist era who were critical of the unresponsiveness of the governmental system in the face of pressing social and economic problems.⁴ In the mid-1940's one finds that the complaint was much the same in content. For example, the then Congressman from Tennessee wrote:

The need for closer collaboration between Congress and the Administration has frequently been felt and voiced in the course of our national history. So long as the United States was half empty, prosperous and well protected by broad oceans, the old balance-of-power system was tolerable. But

3. Woodrow Wilson, Congressional Government, New York, Meridan Books, 1956, p.206.

4. For a useful summary of the views of the progressivist political scientists see M.J.C. Vile, Constitutionalism and the Separation of Powers, Oxford, Clarendon Press, 1967, Chapter X.

now that the nation is crowded, harrassed by serious social and economic problems and deeply involved in world affairs, better teamwork between the legislative and executive branches of our national government is essential to our welfare and security. No item on the present agenda of democracy has a higher priority than that of inducing closer, stronger, steadier co-operation between the President and the Congress in promoting the welfare of the people of the United States and the United Nations.⁵

and Thomas Finletter reiterated Kefauver's point a year later. "The conflict between the two branches", he warned, "must be taken out of or government so that it can devote its unshackled power to these appallingly difficult problems. We cannot go on with a system of bursts of legislative frenzy like the Hundred Days, followed by long periods of internal struggle and stalemate."⁶

In the 1960's, the message was repeated. James MacGregor Burns, frustrated by the Congressional response to liberal Democratic legislative initiatives, argued that there was a cycle of deadlock and drift in the relations between President and Congress "which leads to a serious - once near fatal - lag in the speed and effectiveness with which national government has coped with emerging crisis."⁷ He claimed that, in the sixties, the situation was further aggravated by the fact that America no longer enjoyed a cushion of time to adjust to social change, and the furious pace of change made delay in government action far more riskier than before. Clinton Rossiter's view was almost identical. He wrote:

Neither savage conflict nor splendid isolation is now a tolerable pattern of executive-legislative relations. The problems of a convulsive world and a runaway technology fall much too thickly upon us. They demand solution, or at least confrontation, and the President who refuses to give a tactful lead, like the Congress

5. Estes Kefauver, "The Need for Better Executive-Legislative Teamwork in National Government", American Political Science Review, Vol. XXXVIII, 1944, p.318.

6. Thomas K. Finletter, Can Representative Government Do the Job?, New York, Reynal and Hitchcock, 1945, p.65.

7. James MacGregor Burns, The Deadlock of Democracy: Four-Party Politics in America, Englewood Cliffs, Prentice-Hall, 1963, p.1.

that lets its investigators run riot in the gardens of State, Defense and Treasury is a luxury we can no longer afford.⁸

The conflict between the two branches has also been highlighted by those writers who argue that the conflict should be resolved by strengthening one branch against the other, usually to redress what they perceive to be an existing constitutional imbalance. In 1884 Lockwood went so far as to advocate the abolition of the Presidency,⁹ and, in 1919, Henry Cambell Black argued that the urgent need for American politics was deliverance from executive usurpation. "For the whole matter and process of presidential interference", he wrote, "is a tissue of pretense and camouflage. Dictation lurks under the guise of recommendation and advice."¹⁰ This line has been pursued vigorously in recent times by such writers as Alfred de Grazia and James Burnham.¹¹ But the 'Congressional supremacy' school has been countered by many who favour strong Presidential leadership. Pendleton Herring, for one, was fearful that the conflict between the two branches would weaken the government against what he called the challenge of totalitarianism. "Is the separation of powers between the legislative and executive branches compatible with the need for authority?", he asked in 1940.¹² At the same time, however, Herring recognized the inevitability of the built-in conflict in the American Constitution and, as a result, saw a justification for the separation of powers doctrine within this

8. Clinton Rossiter, "President and Congress in the 1960's", in Marian D. Irish (ed), Continuing Crisis in American Politics, Englewood Cliffs, New Jersey, Prentice-Hall, 1963, p.97.

9. Henry C. Lockwood, The Abolition of the Presidency, New York, R. Worthington, 1884.

10. Henry Cambell Black, The Relation of Executive Power to Legislation, Princeton, Princeton University Press, 1919, p.185.

11. See Alfred de Grazia, Republic in Crisis: Congress Against the Executive Force, New York, Federal Legal Publications, 1965, and James Burnham, Congress and the American Tradition, Chicago, Henry Regnery, 1959.

12. E. Pendleton Herring, Presidential Leadership: The Political Relations of Congress and the Chief Executive, New York, Farrar and Reinhart, 1940, p.x.

pattern of conflict. He wrote:

The doctrine of separation of powers thus finds a realistic justification, not in a distinction of function between the legislative and executive branches, but rather in providing that one branch will be open for contesting the control that has previously been established in the other branch.¹³

There have been a number of other advocates of strong Presidential leadership in American politics. Harold Laski, Edward S. Corwin and Wilfred Binkley have supported this school in varying degrees, while the major protagonists in recent years have been Louis Koenig, James MacGregor Burns and Grant McConnell.¹⁴ The wave of post-Watergate reformist literature also sees conflict between the President and Congress as the key problem in American politics. Schlesinger, Sorensen, Hardin and Mondale, while still favouring Presidential leadership, have stressed the idea of 'accountability' and the restoration of a constitutional balance as solutions to a long-standing problem aggravated by recent crises.¹⁵

THE PRESCRIPTIVE APPROACH

By focusing on the inherent conflict between the President and Congress, much of the literature in this field is preoccupied with prescriptions for change. Conflict is regarded as undesirable and many of those political scientists who advocate reform in this area have had genuine fears for the

13. Ibid., p.8.

14. See Harold Laski, The American Presidency, New York, Harper, 1940; Edward S. Corwin, The President: Office and Powers, New York, New York University Press, 1957; Wilfred E. Binkley, President and Congress, New York, Vintage Books, 1962; Louis Koenig, The Chief Executive, New York, Harcourt Brace and World, 1968; James MacGregor Burns, op.cit., and Presidential Government, Boston, Houghton Mifflin, 1965; Grant McConnell, The Modern Presidency, New York, St. Martin's Press, 1967.

15. See Arthur M. Schlesinger Jr., The Imperial Presidency, Boston, Houghton Mifflin, 1973; Theodore C. Sorensen, Watchmen in the Night: Presidential Accountability After Watergate, Cambridge, MIT Press, 1975; Charles M. Hardin, Presidential Power and Accountability: Toward a New Constitution, Chicago, University of Chicago Press, 1974; Walter F. Mondale, The Accountability of Power: Toward a Responsible Presidency, New York, David McKay, 1975.

future of the American political system. Herring feared the challenge of totalitarianism in the 1940's while MacGregor Burns feared the consequences of the failure to deal with the social problems of the 1960's and the 'Congressional-supremacy' school simply feared the unchecked growth of the power of the Presidency. Throughout the literature the diagnoses vary and, consequently, there is no uniform prescription for change. At the extremes, there are clear cut answers, but the mainstream of reformist literature seeks out the potential for improving co-operation between the two branches so that better communication is established, lines of responsibility made clear and swift governmental action possible when necessary.

The most popular model for change has long been the British parliamentary system or variations on it, and American political science abounds with innumerable schemes for selecting the Cabinet from among the party leaders in Congress, giving Cabinet members seats in Congress, creating a joint executive-legislative council, establishing a more disciplined and responsible party system and even the introduction of the parliamentary question-time. The idea of bridging the separated institutions in this manner may have had a particular appeal to Americans because it is an idea rooted in the Constitutional Convention of 1787. As Professor Corwin has pointed out, it was the intention of the Founding Fathers that the Senate would serve the function of an executive-legislative council,¹⁶ and, as Woodrow Wilson wrote in 1908,

There can be little doubt in the mind of anyone who has carefully studied the plans and opinions of the Constitutional Convention that the relations of the President and the Senate were intended to be very much more intimate and confidential than they have been; that it was expected that the Senate would give the President its advice and consent in respect of appointments and treaties in the spirit of an executive council associated with him upon terms of confidential cooperation rather than in the spirit of an independent branch of the government, jealous lest he should in the least particular attempt to govern its judgment or infringe upon its prerogatives.¹⁷

16. Corwin, op.cit., p.82.

17. Woodrow Wilson, Constitutional Government in the United States, New York, Columbia University Press, 1921, p.138.

Wilson's early writings made him one of the best known advocates of cabinet government. He believed that responsibility in government could be achieved by "making the leaders of the dominant party in Congress the executive officers of the legislative will; by making them also members of the President's Cabinet, and thus at once the executive chiefs of the departments of State and the leaders of their party on the floor of Congress."¹⁸ It was a formula adopted by many political scientists after Wilson, although a view that he had ceased to hold after the turn of the century.

The major difficulty with a cabinet government type of reform proposal was the necessity for a Constitutional amendment to implement it. The joint executive-legislative council was a modification to circumvent this problem. The origin of the plan is a matter of some dispute, although Corwin claims he first suggested it in 1940,¹⁹ but it became very fashionable in that decade as a reaction to the deteriorating relations between Franklin Roosevelt and Congress.²⁰ The scheme has been best elaborated by Finletter who called for a joint executive-legislative council composed of equal numbers of Congressional leaders and heads of executive departments with the President as chairman. He claimed that "a forum would be provided where the executive and the party leaders in Congress would act together to work out permanent bases for collaborative action and for the elimination of jurisdictional quarrels."²¹

18. Woodrow Wilson, "Committee or Cabinet Government", Overland Monthly, January 1884. This was an abridged version of a five-part unpublished essay entitled "Government By Debate". See A.S. Link (ed), The Papers of Woodrow Wilson, Vol.II, Princeton, Princeton University Press, 1967, pp.159-275 and pp.614-640.

19. See Corwin, op.cit., p.489.

20. See Finletter, op.cit., also Merle J. Pusey, Big Government: Can We Control It?, New York, Harper, 1945; Roland Young, This is Congress, New York, Alfred Knopf, 1943; George B. Galloway, Congress at the Crossroads, New York, Thomas Crowell, 1946; Henry Hazlitt, A New Constitution Now, New York, McGraw-Hill, 1942.

21. Finletter, op.cit., p.101.

A similar proposal emerged from the La Follette-Monroney Committee in 1946.

Their final report stated that:

.....the legislative-executive council also would enable Congress to approach more directly the solution of difficulties and complaints resulting from administrative action. Formalizing the relationship between these two great branches, we believe, will improve and strengthen the performance of each.²²

Although this report provided the basis for the Legislative Reorganization Act of 1946, the proposals for an executive-legislative council were found to be unacceptable by the House leadership and omitted from the legislation.²³

The need for improved relations between President and Congress did not die with the passage of the 1946 Act. In 1950 the Committee on Political Parties of the American Political Science Association argued that:

A solution requires that there be better machinery for the White House liaison with the Congressional organization on general legislative policy. It is necessary to provide appropriate consultation between the President and the leaders of his own party in Congress; to avoid the danger of putting the President in the role of exclusive leader in respect to legislation; and to cultivate the idea that the party in power itself, rather than particular individuals at either end of Pennsylvania Avenue, is responsible for its record of legislative and executive action. Thus it will be easier to develop harmony and understanding, instead of jealousy and suspicion, between the President and Congress.²⁴

In keeping with their emphasis on reviving the political parties, the authors of the report recommended the establishment of a Party Council, made up of members of the National Committee, Congressional party, state organizations and, from it, the President would form a smaller group of inner advisers known as the Party Cabinet. The proposals contained in the report were, however, intended to strengthen the political parties rather than establish a system

22. U.S. 79th Congress 2nd Session, Report of the Joint Committee on the Organization of Congress, H.Con.Res.18, March 1946, p.14.

23. See Galloway, op.cit., p.343.

24. American Political Science Association Committee on Political Parties, "Toward a More Responsible Two-Party System", Supplement to the American Political Science Review, Vol.XLIV, September 1950, p.40.

of cabinet government, but the authors of the report did claim that strong political parties were a necessary pre-condition of cabinet government.²⁵

Throughout the fifties and sixties, it was the 'stronger parties' school that dominated the discussion about reform of Presidential-Congressional relations.²⁶ Much of the polemic was born of writers sympathetic to Kennedy's New Frontier legislative programme and frustrated by what they saw as an unresponsive and unrepresentative Congress. James MacGregor Burns, one of the major contributors to the debate, saw the need for strong Presidential leadership through the party in Congress. He contrasted the Jeffersonian and Madisonian models of Presidential-Congressional relations, upholding the Jeffersonian and specifically pointing to Kennedy's weakness in using the Presidential party to win the election, but not using it to govern the country.²⁷ He believed Kennedy should have made fundamental changes in the structure of government rather than merely relying on the exploitation of existing Presidential authority, but he was a good deal less specific about the changes that needed to be made.

The more-responsible-parties argument has been revived in the post-Watergate era by Charles Hardin who has combined it in a package of reforms which returns to the ideas of the early Wilson and advocates full-scale parliamentarism. Hardin has proposed a transformation of the House of Representatives into an equivalent of the British House of Commons, increasing its membership to nearly 600 by electing 150 Congressmen-at-large distributed between the parties so as to assure a Congressional majority to the party winning the Presidency. The runner-up in the Presidential election would become the official leader

25. Ibid., p.35.

26. The literature in this field is vast, but, for a useful bibliography of the more-responsible-parties argument see Evron M.Kirkpatrick, "Toward a More Responsible Two-Party System: Political Science, Policy Science or Pseudo Science?", American Political Science Review, Vol.LXV, 1971, footnote 54.

27. Burns, Deadlock of Democracy, p.309.

of the opposition with a seat in the House. The Senate would lose most of its power and members of Congress would be allowed in the President's Cabinet. The administration would then survive so long as it was able to maintain majority support in the House of Representatives on a vote of confidence.²⁸

It should be added here, however, that not all political scientists would recognize the need for such drastic surgery in American government. Wilfred Binkley, for example, argues that the American constitutional system is the unique product of American society and that the transplant of the British parliamentary system would be inappropriate. "Conflicts inherent in our society", he writes, "are not to be resolved by a simple shift in the mechanics of government. These very conflicts indeed, determined the nature of our constitution and this constitution cannot be held responsible for such clashes."²⁹ Binkley is a believer in what he calls day-to-day adjustments resulting from governmental experience, rather than wholesale reform. Rossiter was even less hopeful than Binkley. Writing in 1960, he frankly admitted that the conflict in Presidential-Congressional relations was almost insoluble within the context of the American constitutional system, and he warns the reformer:

.....we cannot have the best of both possible worlds, the rugged safeguards of our own system and the sweet harmonies of the British. To mix the metaphor hopelessly, there is no such thing as a happy mongrel that combines the good points of both parents. And, finally, the affliction of dissension and irresponsibility arises from much deeper causes in our system than the arrangements of the Constitution. Those who insist that the affliction is a disease, and also think they can cure it, must go beyond government to reform politics and beyond politics to reform society - which is another way of saying that they should take the sage's advice to relax and enjoy the inevitable.³⁰

Rossiter's realistic view of the nature of governmental reform has focused on

28. Hardin, op.cit., pp.183-197.

29. Binkley, op.cit., p.380.

30. Clinton Rossiter, The American Presidency, London, Rupert Hart-Davis, 1960, p.251.

what must be considered the major weakness in the contribution political scientists have made in this area. One reason why their numerous and varied proposals have achieved little consensus amongst practising politicians is because the academic prescription has wilfully neglected the practical and political problems of reform implementation. Almost all the suggested schemes involve a major upheaval in Presidential-Congressional relations - an upheaval which would inject into the system new structures, occasionally new functions and, certainly, different power relationships than had hitherto existed. Some schemes, like those of Woodrow Wilson or Charles Hardin, would necessitate a major constitutional amendment, and the various plans for a joint executive-legislative council would require at least a Joint Resolution of Congress and an Executive Order to get it established. The reforms directed towards making the political parties stronger and more responsible all require very fundamental changes in the nature of American politics at grass roots level in order to make Congressmen subservient to party leadership at the national level. It is not proposed to discuss these shortcomings in any detail, but merely to indicate that, for these general reasons, political scientists have not been very productive in the study of Presidential-Congressional relations. Their continued attention to the creation of new structures of government has ignored the basic fact that politicians are neither keen to relinquish power, nor even to recognize that power has been relinquished. It is surprising just how many politicians are eager to defend the pure theory of separation of powers when it suits their purposes to do so, particularly when any innovation or change appears to give one branch predominance over another or when traditional prerogatives of one branch are challenged by another.

AN EMPIRICAL APPROACH

As a consequence of the dominance of prescriptive approaches, little real empirical work has been done on change and development within the existing pattern of Presidential-Congressional relations. Because of their concern

with eradicating or reducing conflict by creating new and untried structures and relationships, political scientists have, to a large extent, neglected the empirical analysis which is essential to a proper understanding of the working relationship between the President and Congress. There are, of course, explanations for this neglect. Empirical analysis requires observation and the Presidency is not easily observable. Neither has the study of the Presidency proved compatible with the behavioural direction of post-war American political science. Even when the office of President reveals some of its secrets, it rarely provides the political scientist with desirable quantifiable material, like a Congressional roll-call or a series of Supreme Court opinions. As Hughes has recently noted, "the search of the scientist of politics tends to be a quest for indisputable data, measurable forces and provable judgments. This very demand for precision essentially explains his 'shyness' of the Presidency."³¹ Perhaps, also, the prescriptive approach may seem to be more positive than empirical analysis, and thus more attractive. It may lead some writers to feel that they are actually influencing government in proposing reform and it certainly allows others to indulge their pet schemes almost without limitation for, as long as reformist dreams have little relation to political reality, then the number of reform proposals are almost endless. One further reason for the shortage of empirical studies in this area of American government is that, when suitable material or data eventually becomes available to researchers, it tends to be regarded as the province of the historian and, generally, historians have not shown much concern for the history of political institutions in the United States. This is no particular fault of that discipline. Theirs is a different concern. But it is difficult to comprehend why political scientists have ignored 'historical' data when it may well shed light on the workings of the political system in contemporary times.

31. See Emmet John Hughes, The Living Presidency, New York, Coward, McCann and Geoghegan, 1973, p.20.

It is the contention of this study that one can usefully observe certain facets of the working relationship between the President and Congress, in spite of its non-public conduct, and that data can be collected which will further understanding of this aspect of government even though it might not be the quantifiable data that some political scientists would prefer to use. In fact it will be argued further on that quantification, where it has been used in the study of the Presidency, has tended towards oversimplification and distortion and, hence, of somewhat limited worth. It should be stressed that this empirical approach is not intended to be set against the bulk of the prescriptive literature in this field, but rather to complement it by focusing on areas that have been unexamined because of the emphasis on reform and change. There is an important link between the empirical and prescriptive approaches in respect of this particular study, in that some of the innovations and developments noted here closely parallel the type of reforms advocated by political scientists examined in this chapter. This complementary, rather than antagonistic comparison with other approaches is reinforced in one other respect. By focusing on conflict as the basis of Presidential-Congressional behaviour and then seeking out the potential for co-operation, political scientists frequently overlook the existing co-operative ventures between the two branches. Whilst not denying the potential for conflict between the President and Congress, this study examines that relationship during the Presidency of John F. Kennedy with particular emphasis on the co-operation between the two branches as well as attempting to explain the nature of the conflict between President and Congress during those years.

This study examines the working relationship between John F. Kennedy and the 87th and 88th Congresses through the concept of 'Congressional liaison'. The term is not a new one to political science, but, where it is used, it tends to be employed rather loosely to cover a variety of activities. Here the notion of Congressional liaison is understood in terms of a systematic approach by the President to his working relationship with Congress, broken down into

five components. Firstly, it is concerned with the structures developed within the institutionalized Presidency to bridge the gap between the White House and Capitol Hill; the central feature being the establishment and growth of the White House Office of Congressional Relations. During the Kennedy administration this was headed by a top level staff assistant to the President whose primary concern was the presentation of the President's legislative programme to Congress and the creation of conditions favourable to its passage. This job description is frequently interpreted as executive branch lobbying, and, although this is an important aspect of the work of the Office of Congressional Relations, it is not its sole function. An emphasis on the lobbying role sometimes obscures other functions performed by this office. A second facet of Congressional liaison is the method by which the President conducts his relations with the leaders of the House and Senate and this study is particularly concerned with a situation in which the President and the Congressional leaders are of the same political party. Thirdly, the idea of Congressional liaison involves a relationship between the President and the rank-and-file members of Congress. Although this relationship has an obvious overlap with the work of the Office of Congressional Relations, one is more concerned to explore the general contacts made by the President with Congressmen and also the use made by Congressmen of the facilities, services and support provided by the executive branch. A fourth feature of Congressional liaison, as understood here, is the link between those in the White House responsible for the presentation of Presidential legislative proposals and those responsible for the planning and drafting of those proposals. This is particularly relevant to a study of the Kennedy administration because, for the first time, these two functions were distinct and specialized within the White House Office. Considerable developments had been made in the systematic planning of Presidential programmes prior to Kennedy entering the White House and the subsequent developments on the presentation side brought about an obvious need for a degree of co-ordination

between the two groups of staff assistants.³² Finally, the concept of Congressional liaison also incorporates the strategic decisions which a President makes in terms of the presentation of his legislative programme to Congress. That strategy is best understood by examining the Presidential response to the political environment within which he conducts his relations with Congress, and, by means of case-studies, to the opposition he encounters to his legislative initiatives.

Aspects of this system of Congressional liaison can be found in most of the Presidencies of the twentieth century. Woodrow Wilson, for example, had his own unofficial White House lobbyist in Albert Burleson, the Postmaster General, and Theodore Roosevelt held regular meetings with Speaker Cannon at the White House. Warren Harding was on close terms with a number of Senators and even Calvin Coolidge held regular legislative breakfasts with the Congressional leaders. These contacts, particularly the leadership meetings, were strengthened under Franklin Roosevelt and a rudimentary, full-time White House Congressional liaison staff began to develop during the Truman years. But the systematic application of the concept of Congressional liaison really dates from the Kennedy administration where the techniques of liaison were advanced and utilized to their fullest potential. This study therefore centres on the Kennedy Presidency in order to highlight these developments and to consider their implications for Presidential-Congressional relations in general. It also seeks to use the findings as a basis for some thoughts about the nature of Presidential legislative leadership and, specifically, to review the conventional wisdom about President Kennedy's leadership of the 87th and 88th Congresses. It will be argued further on that the neglect by political scientists of these kind of developments has been partially responsible for the distorted image of Kennedy's achievements as a legislative leader.

32. For an account of the developments in legislative planning see Richard E. Neustadt, "Presidency and Legislation: Planning the President's Program", American Political Science Review, Vol. XLIX, 1955.

CONGRESSIONAL LIAISON AND THE LITERATURE OF POLITICAL SCIENCE

Because the introduction of systematic Congressional liaison is a recent phenomenon, it is, perhaps, not surprising that the bulk of the literature ignores this aspect of executive-legislative relations. Serious studies of some aspects of Congressional liaison amount to one book and four or five articles. Certain writers, however, have shown some awareness of either the need for a system of Congressional liaison or an appreciation of its existence. A major plea for systematic Congressional liaison came from the pen of Richard Neustadt in 1950. His unpublished doctoral dissertation had analysed the developments made in the field of legislative programming and planning, but his concluding remarks argue the case for an organized effort into the fields of, what he called, legislative presentation and campaigning.³³ Three years later, Estes Kefauver, the Senator from Tennessee, wrote that "lack of effective liaison between the executive and legislative branches of the federal government has been endlessly and increasingly troublesome over the years since the organization of our government."³⁴ He was arguing, primarily, for the introduction of a 'question-time' in Congress, but, in doing so, had noted the early developments of Congressional liaison in the departments and the White House. In the post-Kennedy period the references to liaison activities are marginally more frequent. Berman notes the existence of Congressional liaison, but derisively calls it "the polite term for administrative lobbying"³⁵ and both Bolling and Bailey give it cursory

33. Richard E. Neustadt, Presidential Clearance of Legislation: Legislative Development, Review and Co-ordination in the Executive Office of the President, Unpublished Ph.D. dissertation, Harvard University, June 1950, pp.463-68.

34. Estes Kefauver, "Executive-Congressional Liaison", Annals of the American Academy of Political and Social Sciences, Vol.289, September 1953.

35. Daniel M. Berman, In Congress Assembled: The Legislative Process in the National Government, New York, Macmillan, 1964, p.91.

mention.³⁶ Perhaps the most appreciative of the early students of techniques of Congressional liaison was Neil MacNeil who devoted sixteen pages of his history of the House of Representatives to this subject.³⁷ He is also the first to recognize the extent of the developments during the Kennedy years. A few articles began to appear in the academic journals from the mid-sixties onwards, but they have tended to concentrate on the liaison activities of the departments rather than the White House,³⁸ as does the one existing major study of Congressional liaison written by Abraham Holtzman.³⁹ One critical piece was published in the late sixties by Edward de Grazia who saw the developments of the executive branch liaison apparatus in the context of the too-powerful-Presidency argument. In a collection of writings representative of the Congressional-supremacy school of thought, de Grazia argued that Congressional liaison, when conducted from the White House, necessarily involves a tightening of Presidential control throughout the executive branch. He believed that the need for Congress was to resist this domination and to counteract the effects of the liaison system by making it much more of a two-way process. The post-Watergate era has seen a publishing boom in texts and monographs on the American Presidency, but Congressional liaison is still receiving scant attention. The one exception is Cronin's discussion

36. See Richard Bolling, House Out of Order, New York, E.P. Dutton, 1965, p.120 and Stephen K. Bailey, The New Congress, New York, St. Martin's Press, 1966, pp.36-37.

37. Neil MacNeil, Forge of Democracy, New York, David McKay, 1963, pp.253-269.

38. See G. Russell Pipe, "Congressional Liaison: The Executive Branch Consolidates Its Relations With Congress", Public Administration Review, Vol. XXVI, March 1966; Thomas P. Murphy, "Congressional Liaison: The NASA Case", Western Political Quarterly, Vol. XXV, June 1972. One exception is Ralph K. Huit, "White House Channels to the Hill", The Proceedings of the Academy of Political Science, Vol.32 No.1., 1975.

39. Abraham Holtzman, Legislative Liaison: Executive Leadership in Congress, Chicago, Rand McNally, 1970.

40. Edward de Grazia, "Congressional Liaison: An Inquiry Into its Meaning for Congress", in Alfred de Grazia (ed), Congress: The First Branch of Government, New York, Doubleday, 1967, pp.284-317.

of the White House Office of Congressional Relations, although he views it in the general context of the undesirable growth of the White House staff system.⁴¹

The American press began to devote some space to the development of Congressional liaison soon after Kennedy had taken office. In mid-February Rowland Evans was writing at length about the new White House approach to Congressional relations and, in the following month, David Wise had an account of some of the informal meetings that Kennedy had arranged for rank-and-file Congressmen.⁴² Evans followed up his earlier article with an extensive piece on Congressional liaison at the end of March in which he concluded that, "as a result of all this activity, Kennedy's personal influence on the Hill is more fully engaged than any recent President's."⁴³ Once the novelty had worn off, however, the attention of the press switched to other aspects of Presidential-Congressional relations, although Time ran a cover story on Lawrence O'Brien and the Congressional Relations Office later in the year.⁴⁴

Even less attention has been given to the importance of the regular meetings between the President and the Congressional leadership and, considering that so many political scientists have, in the past, advocated some form of executive-legislative council, this neglect is difficult to comprehend. Pendleton Herring was one of the few to recognize the potential Franklin Roosevelt's 'Big Four' meetings. He wrote in 1940 that "the President's custom of consulting with legislators might in time create an informal ministry composed of party leaders in Congress and the administration."⁴⁵

41. Thomas E. Cronin, The State of the Presidency, Boston, Little Brown, 1975, pp.135-6.

42. See Rowland Evans, "Kennedy Holding Talks to Advance Program", New York Herald Tribune, 16th February 1961, and David Wise, "Kennedy Has Congressmen in for Coffee", New York Herald Tribune, 17th March 1961.

43. Rowland Evans, "Contact Strengthening Kennedy Congress Link", New York Herald Tribune, 30th March 1961.

44. "The Man on the Hill", Time, 1st September 1961.

45. Herring, op.cit., p.91.

The Committee on Political Parties of the American Political Science Association also stressed the importance of these meetings in their 1950 report. The report argued in favour of keeping these informal meetings and against supplanting this relationship with an executive-legislative cabinet.⁴⁶ Professor David, one of the authors of that report, has been virtually the only political scientist to highlight this development in recent years. He, too, was conscious of the neglect of this aspect of Presidential-Congressional relations and wrote in 1963:

There is still much less than a full realization among political scientists that the American government now contains a collegial body, constituted on a partisan basis at the highest level, that regularly concerns itself with the forward program of the party in power, with special reference to those program elements involving legislation, appropriations and congressional action.⁴⁷

Professor David also comments that, had the meetings been formally designated "The Legislative Council" and initiated by an Act of Congress, they would have attracted immediate attention as a major innovation in American constitutional practice. Perhaps one reason why this aspect of Congressional liaison still receives little attention in the post-Kennedy years is that Kennedy's chief biographer and close aide, Theodore Sorensen, plays down the importance of the legislative meetings in his account of the Kennedy Presidency.⁴⁸ It will be argued further on that Sorensen's analysis of the leadership meetings is a mistaken one and certainly not representative of the thinking amongst other senior White House staff. Schlesinger's otherwise excellent short summary of Presidential-Congressional relations during the Kennedy years

46. American Political Science Association Committee on Political Parties, op.cit., pp.57-8.

47. Paul T. David, "The Changing Political Parties", in Marian D. Irish (ed), Continuing Crisis in American Politics, Englewood Cliffs, Prentice-Hall, 1963, pp.55-6.

48. See Theodore C. Sorensen, Kennedy, New York, Harper and Row, 1965, p.355.

fails to mention the legislative meetings altogether,⁴⁹ and even the most recent account by Lawrence O'Brien curiously overlooks their significance.⁵⁰ Of course, the impact of the leadership meetings was considerably reduced during the Presidencies of Richard Nixon and Gerald Ford when the control of the White House and Congress were in the hands of different parties, and it is too early to speculate on the experience of the Carter administration.

The relations between the President and rank-and-file Congressmen are not dealt with in any systematic manner, although one can gain some information about informal Presidential contacts through the autobiographies of politicians. The use made of the liaison system by Congressmen requiring specific services or executive branch support is also neglected in the literature, apart from Holtzman who deals with this briefly and somewhat inconclusively in three pages.⁵¹ There has been no consideration at all given to the relationship between the legislative planning staff and the legislative promotion staff in the White House. Neustadt's Ph.D thesis envisaged the two sides functioning together as part of a five-stage process to sponsor and obtain legislation,⁵² but there exists to date no empirical studies of this vital linkage which forms such an integral part of the concept of Congressional liaison. Similarly, problems of Presidential strategy towards Congress do not appear to have become a central question for political scientists. The strategic decisions which a President makes in this respect will have an important bearing on his relations with Congress, but, so far, historians have tended to be more conscious of this facet of government.

49. Arthur M. Schlesinger, A Thousand Days: John F. Kennedy in the White House, London, Andre Deutsch, 1965, pp.612-17.

50. See Lawrence O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974.

51. Holtzman, op.cit., pp.188-191.

52. Neustadt, op.cit., p.463.

At this stage, one must specifically consider Abraham Holtzman's work on Congressional liaison mentioned earlier. His book not only highlights the importance of liaison in the Kennedy administration, but provides a revealing insight into the liaison operation based on interview data collected by the author in 1963. He adopts a systems analysis framework for his study of the departmental liaison agents in which he concentrates on the definition and perception of roles in, what he identifies as the executive and legislative systems. He also examines the behaviour, the tactics and the organization of the liaison personnel.⁵³ Holtzman also deals with the White House liaison staff in the penultimate chapter and provides valuable data on the role and function of the Congressional Relations Office. Indeed, one would not want to disagree with Holtzman's view that "one of the noteworthy characteristics of the Kennedy administration was the expansion and refinement of the legislative liaison network as a key element in executive relations with the Congress."⁵⁴

Of necessity, this work overlaps the field covered by Holtzman and it should be pointed out that the bulk of the research work was carried out before the publication of Holtzman's findings. However, there are essential differences of viewpoint, some disagreements and certainly new material which contrasts this work with that of Holtzman. Holtzman focuses on the work of departmental liaison agents rather than those in the White House and he is primarily concerned with the 'roles' of the 'actors' in the liaison process. It can thus be viewed as a contribution to the literature on role theory as well as that on executive-legislative relations.⁵⁵ This study, however,

53. The systems analysis methodology adopted by Holtzman has been criticised on several grounds. See C.O. Jones's review of the book in American Political Science Review, Vol.LXV, 1971, p.805.

54. Holtzman, op.cit., p.2.

55. The framework owes much to Lester W. Milbrath, The Washington Lobbyists, Chicago, Rand McNally, 1963.

is concerned specifically with Presidential and White House liaison and its concern is with Congressional liaison as an institutional innovation designed to bridge the separated institutions sharing legislative powers. Consequently, there is a difference of emphasis on the output, or end product of the liaison system. Further comparisons and contrasts are complicated by the differences in operational definitions of Congressional liaison. Holtzman's conception of his subject matter is more restrictive than that used in this study. His attempt to identify Congressional liaison - it hardly amounts to a definition - is imprecise and simplistically equated with executive lobbying.⁵⁶ He uses the terms 'liaison' and 'lobbying' interchangeably, whereas this study sees lobbying as only one aspect of the concept of Congressional liaison. Thus Holtzman attaches no significance to the leadership meetings. It clearly falls outside his frame of reference and he disposes of the matter in two lines.⁵⁷ Similarly, as Holtzman himself states, no effort was made to examine the relationship of the liaison staff with the substantive staff assistants to the President,⁵⁸ whereas this study takes the view that the relationship is a key feature of the Congressional liaison system. One also feels that the magnitude of the Kennedy liaison operation can be better assessed in relation to the historical development of Congressional liaison, but Holtzman presents only a brief and somewhat selective account of the development of liaison in the White House,⁵⁹ although he does devote more space to the history of departmental liaison. Finally, there are differences in the sources on which the research was based. Holtzman's book is dependent entirely upon interview data collected by the author. This study has made use of personal interviews, but also brings in

56. See Holtzman, op.cit., p.1.

57. Ibid., p.294.

58. Ibid., p.231.

59. Ibid., pp.14-16.

documentary evidence, much of which has only recently become available. In many instances the evidence presented here will support Holtzman's analysis and, occasionally, it contradicts him. Where these contradictions occur, they will be noted in the main body of the text.

These are differences mainly dictated by the general approach to the subject. However, one serious criticism can be made of Holtzman's work and that is concerned with the unsubstantiated nature of his conclusions about the effectiveness of the liaison unit. At the beginning of the book Holtzman says that the function of the liaison system is "to help secure or inhibit Congressional action that the White House and the departments deem vital to their self-interest."⁶⁰ His conclusion is that legislative liaison represents "a significant strengthening of the political executive in its relations with Congress."⁶¹ Such conclusions are statements about the impact of executive lobbying, but Holtzman's work is, primarily, a study of the roles and behaviour of the liaison personnel. He provides no objective data on impact or effectiveness. On the few occasions when he touches on this topic, the evidence he presents is merely the lobbyists' own perceptions of what technique is, or is not effective.⁶² If one is studying more than just the role and behaviour of liaison agents and, if one is concerned with liaison as a linkage between two branches of government, then the assessment of impact or effectiveness is a crucial question. There are difficult methodological problems involved in this exercise, particularly if impact is to be measured in quantitative terms, yet Holtzman does not begin to tackle these problems and nowhere is there any discussion of how one can calculate the effectiveness of a particular structure of government. There

60. Ibid., p.1.

61. Ibid., p.284.

62. See for example, ibid., p.188 and p.201.

is, for example, no analysis of Congressional voting behaviour during the period under study; no thought on how one might be able to isolate the effect of executive branch lobbying in determining any particular vote and no evidence of what Congressmen thought of the impact of the executive branch liaison network. The failure to broach the impact problem is a serious deficiency given that Holtzman is prepared to make statements about the effectiveness of Congressional liaison in terms of the lobbying of Congressmen.

KENNEDY AND CONGRESS

This study proceeds to an examination of Presidential-Congressional relations during the Kennedy administration within the context of the ideas, comments and framework elaborated in this chapter. The concept of Congressional liaison is used here to incorporate the various components that are part of the President's approach to Congress, but, together, form a systematic utilization of the tools of Presidential legislative leadership. The study relates to Presidential activity in the domestic, rather than the foreign policy field because legislation is not a major concern in the making of American foreign policy and also because this author shares Wildavsky's view that the United States has two Presidencies - one for domestic affairs and one for foreign policy.⁶³ Presidential leadership in the field of foreign policy is a very different matter.

The following chapter describes the institutional development of systematic White House techniques of liaison in order to indicate the extent of the developments during the Kennedy administration. The third chapter analyses the political environment within which Kennedy conducted his relations with Congress. The fourth and fifth chapters are concerned with the establishing

63. Aaron Wildavsky, "The Two Presidencies", in Aaron Wildavsky (ed), Perspectives on the Presidency, Boston, Little Brown, 1975, pp.448-471.

of the White House Office of Congressional Relations and the leadership meetings respectively. The following two chapters examine the operation of Congressional liaison from the perspective of the White House and the perspective of Congress. Chapters VIII and IX focus on Kennedy's legislative programme with particular emphasis on the legislative strategy and the nature of Congressional opposition. The final chapter, in the way of a conclusion, pulls together some thoughts about the nature of Presidential, and specifically Kennedy's, leadership of Congress.

Chapter II

THE DEVELOPMENT OF CONGRESSIONAL LIAISON

Although the development of Congressional liaison is wholly a twentieth century phenomenon, Presidential contacts with Congress have a history dating back to the beginning of the Republic. Even by present day standards, Hamilton and Jefferson must still be rated as the most active and successful of all White House lobbyists. Both men revealed a tremendous range and variety of methods by which they were able to influence Congress. Evidence attests to Hamilton's power. Senator Maclay records in his diary that "anything which comes from the Secretary is adopted without examination.....Nothing is done without him.....Congress may go home. Mr. Hamilton is all-powerful and fails in nothing he attempts."¹ The tools that Hamilton used to cajole Congress would be regarded as intolerable today. Not only did he draft legislation, but he was personally active in Congress to make sure that his bills were sent to favourable committees. He looked after the appointment of members to committees himself. He held up legislation until he was certain of its passage and he even went so far as to attend committee meetings to guard against the dangers of a slip at any stage.² At one point, the House of Representatives actually debated whether Hamilton should be permitted to deliver in person a report that the House had requested, although it was finally decided that a written presentation would be preferable.³ Jefferson went further than Hamilton. Unlike Washington, Jefferson was personally active in his dealings with Congress and also had the assistance of Gallatin, his Secretary of the Treasury. Jefferson's secret was to make the leadership of the House

1. Quoted in R.V. Harlow, A History of Legislative Methods in the Period Before 1825, New Haven, Yale University Press, 1917, p.141.

2. See ibid., p.142.

3. See Wilfred E. Binkley, President and Congress, New York, Vintage Books, 1962, p.43.

subservient to himself. He interfered in leadership appointments to the extent that leadership, in Harlow's words, "was no longer a privilege conferred by the House; it was distinctly the gift of the President."⁴ He also dominated the newly created caucus to ensure that the party followed his leadership in all legislative matters. It was even alleged that Jefferson personally presided over some sessions of the caucus.⁵

The style of legislative leadership adopted by Hamilton and Jefferson was very much conditioned by the personalities of these two men and by the inertia of the early Congresses, but it was a style that disappeared when Madison assumed the Presidency. Succeeding Presidents used different techniques of legislative leadership. Andrew Jackson mobilized the strength of his party in the electorate in order to get his way with Congress and Lincoln was to dominate Congress by ignoring it. As Professor Herring has put it, "there is as much variety in presidential relations with Congress as there are differences in the men occupying the White House."⁶

Thus the desire of the executive branch to ensure the passage of its proposals in Congress is a deep-rooted feature of the American political tradition, but what was new to the twentieth century was the effort to regularize White House contacts with Capitol Hill, to develop a systematic approach to executive-legislative relations and, eventually to make Congressional liaison part of the apparatus of the modern Presidency. Since Eisenhower entered the White House, every President has assigned one of his staff assistants to manage an Office of Congressional Relations and, like so many other aspects of the institutionalized Presidency, this office has slowly expanded in size. At the same time, the departments and agencies have been

4. Harlow, op.cit., p.177.

5. Binkley, op.cit., p.67.

6. See E. Pendleton Herring, Presidential Leadership: The Political Relations of Congress and the Chief Executive, New York, Farrar and Reinhart, 1940, p.47.

developing their own Congressional liaison activities. Each department now has its own Congressional relations staff and, in 1962, Congressional Quarterly was able to identify 46 key Congressional liaison officers in the Kennedy administration.⁷ During the fiscal year of 1963, Congressional liaison directly involved the full-time services of 500 government employees at a cost of over five million dollars.⁸ Such developments have led certain writers, notably Holtzman, to conclude that Congressional liaison is now itself 'institutionalized' in the White House,⁹ yet one must exercise some caution in extrapolating this far. The office certainly has some permanence amongst the apparatus of the modern Presidency, but 'institutionalization' suggests something more than permanence. It would suggest that Congressional liaison has a momentum of its own within the bureaucratic structure - that it functions as part of the Presidency rather than at the direction of any particular President. This is attributing too much to these developments for, although the Congressional liaison function was significant during the Kennedy years, it was of no importance to the Presidency of Richard Nixon. The structure was maintained by Nixon, but the power, influence and status of the Congressional relations staff in the Nixon White House hierarchy were demonstrably downgraded in those years. Congressional relations during the Nixon Presidency, to the extent that a relationship existed at all, were conducted very differently in comparison to his immediate predecessors. Nixon did not choose to use the structure established during the Kennedy years and, thus, the momentum acquired by the Congressional Relations Office was upset. It is the personnel of Congressional liaison that are now 'institutionalized' in the White House,

7. See Congressional Quarterly Weekly Report, 16th March 1962, pp.439-442.

8. See G. Russell Pipe, "Congressional Liaison: The Executive Branch Consolidates Its Relations With Congress", Public Administration Review, Vol.XXVI, March 1966, p.17.

9. Abraham Holtzman, Legislative Liaison: Executive Leadership in Congress, Chicago, Rand McNally, 1970, p.286.

but not necessarily its functions.

Nineteenth century Presidential-Congressional relations did depend, to a large extent, on the particular occupant of the White House and the political conditions of the times. The techniques of Hamilton and Jefferson could only be applied to an immature legislature and Lincoln's mastery of Congress was conditioned by the gravity of the crisis during his Presidency. In the period of Congressional supremacy from Lincoln's death to virtually the end of the century, no President was able to exert significant leadership over Congress, but with the renaissance of the Presidency at the turn of the century, one notices the beginnings of what has been identified here as Congressional liaison. This chapter thus examines the development of a more systematic approach to Presidential relations with Congress during the twentieth century as a prelude to the innovations introduced during the Kennedy years.

THE DEVELOPMENT OF THE OFFICE OF CONGRESSIONAL RELATIONS

The establishment of an Office of Congressional Relations in the White House under President Kennedy was the result of an evolution of certain practices in twentieth century executive-legislative relations. Many of the components of Congressional liaison under Kennedy had their roots in the practices of previous administrations. The Wilson Presidency provides the most convenient starting point from which one can trace a developing pattern of Congressional liaison, for here can be seen the crude beginnings of an organized White House lobbying team, which was to become refined over a period of years into what is now recognized as the White House Office of Congressional Relations.

There is little doubt that Wilson was amongst the most successful of all twentieth century Presidents in his dealings with Congress, despite his ultimate failure over the ratification of the Treaty of Versailles and, as Burns has noted, "his management of Congress during 1913 and 1914 still stands as the copy book model of how a strong President drives his program through

Congress."¹⁰ In fact, accounts of Wilson's techniques of legislative leadership read not unlike those of Hamilton and Jefferson. For example, Professor Link writes:

He took party leadership simply by asserting it boldly.....he gave assiduous attention to the minutiae of legislation, conferred frequently at the Capitol and the White House, brought congressional and Cabinet leaders together, mediated when it seemed fundamental differences might disrupt the Democratic ranks, and, when necessary, cracked the patronage whip and used the House and Senate Democratic caucuses to force rebels into line.¹¹

This provides a stark contrast to Wilson's expressed views on Presidential leadership in his pre-White House days. Writing in 1908, he took a distinctly limited view of the extent of Presidential power in relation to the legislative process. Even though Wilson recognized only a partial separation of powers in the American political system, he could clearly mark out the boundaries over which no President should step in his dealings with Congress. In Wilson's opinion, a President had two tools of legislative leadership: the power and support of public opinion and the veto.¹² "The veto abundantly equips the President to stay the hand of Congress when he will," he wrote.¹³ Additionally, he described what he perceived to be the moral limitations of a President's legislative activity. He wrote of the President:

He has no means of compelling Congress except through public opinion.....There are illegitimate means by which the President may influence the action of Congress. He may bargain with members, not only with regard to appointments, but also with regard to legislative measures. He may use his local patronage to assist members to get or retain their seats. He may interpose his powerful influence, in one covert way or another, in contests for places in the Senate.....He may even substitute his own orders for acts of Congress which he wants but cannot get. Such things

10. James MacGregor Burns, The Deadlock of Democracy: Four-Party Politics in America, Englewood Cliffs, Prentice-Hall, 1963, p.132.

11. Arthur S. Link, Wilson: The New Freedom, Princeton, Princeton University Press, 1956, p.153.

12. Woodrow Wilson, Constitutional Government in the United States, New York, Columbia University Press, 1921, pp.71-73.

13. Ibid., p.73

are not only deeply immoral, they are destructive of the fundamental understandings of constitutional government and, therefore, of constitutional government itself.¹⁴

But, like Jefferson, the theory and the practice turned out to be very different. Wilson, as President, did exceed the bounds of his own constitutional morality. Patronage was used extensively by Wilson, primarily to change the nature of the Democratic party, and public opinion was not the only tool he used to coerce Congress. He also indulged in extensive lobbying of Congress through two of his agents on Capitol Hill.

It was this aspect that is of immediate concern. On assuming the Presidency, Wilson appointed Albert Burleson as his Postmaster General. Burleson had previously served in the House of Representatives, been a member of the Appropriations Committee and was close to conservative Democratic leaders in the House. As Postmaster General, Burleson's major task was filling the 56,000 patronage appointments to be made by the incoming administration, but Wilson also gave him the responsibility of liaising with Congress on behalf of the White House, although, as McNeil points out, this was a discreet and informal arrangement.¹⁵ Burleson had also encouraged Wilson to make use of John Nance Garner, then a junior member of the House Ways and Means Committee, as an inside liaison man. McNeil notes that the relationship between Garner and the President had to be concealed from the leaders of the House and that Garner went in secret to the White House for his twice weekly meetings with Wilson.¹⁶ The arrangement could not have been otherwise. The President then had no Executive Office in which to accommodate such personnel and, in any case, Congress would have regarded such an appointment as outrageous. Because of the very secrecy of this operation, little documentary evidence exists of the workings of the White House lobbyists under Wilson, although

14. Ibid., p.71.

15. Neil McNeil, Forge of Democracy, New York, David McKay, 1963, p.252.

both Link and Baker devote several pages to Burleson's use of patronage in order to win the support of a number of legislators,¹⁷ and Hoover records that Wilson personally made contact with members of Congress on legislative matters by means of the telephone.¹⁸ The evidence, however, is much too thin to permit any conclusions about the effectiveness of this particular White House lobby, but, what is clear, is that this was an informal, ad hoc, arrangement which was not part of any planned approach to Congressional relations. It operated on the basis of the power afforded to it by patronage and this was to become a common feature in the development of Congressional liaison until quite recently when the U.S. Postal Service became an independent body and the Postmaster General was taken out of the Cabinet. Patronage, the Post Office and Congressional lobbying were closely connected in the development of Congressional liaison. Wilson's was not the only administration in which the Postmaster General also served as the White House liaison agent with Congress and, even in the mid-1960's, Lawrence O'Brien was running the White House Congressional Relations Office while simultaneously holding the position of Postmaster General. However, unlike the Wilson experience, O'Brien's double function was public knowledge.¹⁹

One significant development during this decade was the passage in 1918 of a law prohibiting executive branch lobbying.²⁰ In actual fact the law prohibited monies appropriated by Congress to be used directly or indirectly for the lobbying activities of the executive branch. Although it has only had minimal effect on the work of the liaison agents since, the passage of the statute was a measure of the impact that executive branch contacts with

17. See Link, op.cit., p.159 and Ray Stannard Baker, Woodrow Wilson: Life and Letters, Vol.IV, London, William Heineman, 1932, pp.43-54.

18. See Irwin Hood Hoover, Forty-Two Years in the White House, Boston, Houghton Mifflin, 1934, p.251.

19. See Lawrence O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974, p.201.

20. 18 US Code 1913.

Congress were beginning to have. In passing this law, Congress was primarily concerned with checking departmental lobbying activities rather than those of the White House because, during this period, the departments were becoming more organized and active in respect of their lobbying activities.

There was little further development towards a system of Congressional liaison in the three administrations following Woodrow Wilson basically because Harding, Coolidge and Hoover renounced the style of legislative leadership so eagerly adopted by Wilson. They tended to handle their relations with Congress on a personal level, thus alleviating the need for any White House agents on Capitol Hill. Harding was close to a great number of Congressmen, being a former Senator himself, but he had neither a powerful Speaker nor a disciplined party through which he could exercise any influence on Congress. He had on or two legislative successes, but the history of Harding's tenure was, as Binkley aptly puts it, "a long list of faltering, halfhearted or futile attempts at leadership."²¹ Coolidge was quite specific about his attitude to legislative leadership. He wrote in his memoirs, "I have never felt that it was my duty to attempt to coerce Senators or Representatives, or to make reprisals. The people sent them to Washington."²² Binkley makes it clear that he thinks Coolidge wasted a good opportunity in which to effect a liaison or "organic connection" between the President and Congress, especially after his election in 1924, and claims that Coolidge failed to keep in touch with his Congressional supporters during legislative battles.²³ Few Presidents this century have had less influence over Congress than did Coolidge, but his abdication of leadership was by his own choosing. Herbert Hoover was little different in his attitude towards legislative leadership. In his memoirs,

21. Binkley, op.cit., p.272.

22. Calvin Coolidge, The Autobiography of Calvin Coolidge, London, Chatto and Windus, 1929, p.232.

23. Binkley, op.cit., pp.277-8.

Hoover bemoaned the increasing ascendancy of the executive over the legislative arm of government which, he claimed, "has run to great excesses." He then comments:

I felt deeply that the independence of the legislative arm must be respected and strengthened. I had little taste for forcing Congressional action or engaging in battles of criticism.²⁴

Of the three, Hoover was perhaps the furthest removed from Congress with a deep belief in its independence and a strong view on the proper role of the President.

The only development worth noting in the 1920's was the beginnings of organized departmental liaison with Congress. It was during these years that two government agencies, the Pensions Office and the Civil Service Commission, established liaison offices on Capitol Hill. This was in response to Congressional requests and they then functioned simply to answer queries. They were not involved with legislation in any way.

Active White House lobbying of Congress resumed when Franklin Roosevelt succeeded to the Presidency in March 1933. He made no moves towards the creation of any formal liaison machinery, but almost immediately deployed a number of his associates in the executive branch to lobby vigorously on behalf of New Deal legislation. Men like James Farley, Benjamin Cohen, James Rowe and Thomas Corcoran most frequently appeared on Capitol Hill on behalf of Roosevelt, but none of them were specifically designated as Congressional liaison agents and all held other posts within the executive.

Farley's relationship with Congress needed little explanation. He was, like Burleson in Wilson's administration, Postmaster General and, thus, the patronage man. Furthermore, Farley had also had extensive experience in party politics and was the Chairman of the Democratic party during the New Deal years.

24. Herbert Hoover, The Memoirs of Herbert Hoover: The Cabinet and the Presidency 1920-1933, New York, Macmillan, 1951, p.217.

By the mid-1930's, Corcoran had established himself as the major spokesman and lobbyist for the President. Corcoran, a lawyer with the Reconstruction Finance Corporation, had come to Roosevelt's attention through his work on the Securities Act in 1933 and his performance in testifying before the Senate Banking and Commerce Committee on the Securities and Exchange bill the following year. Roosevelt reportedly told Corcoran, "you're the first man I've had who can handle himself on the Hill."²⁵ From then on Corcoran was intimately involved with Roosevelt as a speech writer, drafter of legislation and lobbyist for that legislation until his fall from grace in 1940. Another Roosevelt aide, Samuel I. Rosenman, commented:

Nothing was more to Tommy's liking than the political manipulation involved in trying to get votes for legislation pending in the Congress, trying to get recalcitrant Congressmen into line, and helping Congressmen who had incurred enmities by their support of the President. It was all strong food for his love of political excitement, his feeling for political power, and his satisfaction in promoting the aims of the New Deal.²⁶

Farley and Corcoran lobbied hard and aggressively for New Deal legislation. When the Holding Companies Bill came before Congress in 1935, both men combined to ensure its passage through a fairly hostile Senate. Professor Patterson notes that "Farley and a host of aides were daily visitors to the Hill. Corcoran lobbied so tirelessly that a Republican representative later accused him of threatening to withhold federal funds from a local project. Democrats complained to Vice President Garner of this unseemly presidential pressure."²⁷ Koenig provides a vivid description of Corcoran's activity in Congress over the public utilities legislation which Corcoran had drafted with Benjamin Cohen:

25. Quoted in Patrick Anderson, The Presidents' Men, New York, Anchor Books, 1969, p.52.

26. Quoted in ibid., p.57.

27. James T. Patterson, Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-39, Lexington, University of Kentucky Press, 1967, p.40.

To touch off his campaign, Corcoran prepared a Presidential letter of fitting exhortation to accompany the bill to Capitol Hill. He provided full-time, all-round assistance to the bill's sponsors, Senator Burton K. Wheeler of Montana and Congressman Sam Rayburn of Texas. Corcoran and Cohen coached the sponsors and a parade of government witnesses on the bill's many intricacies. For Senators and Congressmen friendly to the bill, they ghostwrote letters addressed to legislative colleagues and influential constituents, entreating their support. Corcoran negotiated compromises on hostile amendments and frantically lobbied in cloakrooms and hallways, lining up votes. The juggernaut of influence that the utilities were wheeling through Congress lifted his efforts to a high and steady pitch.²⁸

Corcoran's position illustrated the limitations imposed on a White House lobbyist. He was not officially identified as a Presidential aide for Congressional Relations and had to conceal his most important function behind the facade of his job in the Reconstruction Finance Corporation. Neither were his efforts part of any planned approach to Congressional relations. He dealt with legislators on a bill-to-bill basis, as did other aides who got involved in lobbying. There was little, if any, co-ordination between them and their job was simply to get the bill in hand passed. This technique certainly aroused many Congressmen and, as the New Deal progressed, so the number of enemies increased - much of the enmity aimed at Corcoran personally.²⁹ It was, however, the multiplicity of White House lobbyists that made Thomas Corcoran simply another lobbyist, rather than a clearly identifiable aide for Congressional relations. Roosevelt sought a range of advice on legislative strategy and often this advice was sharply contradictory. When the reorganization bill was defeated in the House of Representatives in 1938, Corcoran and Harold Ickes urged an all-out effort to get the bill out of committee and back on the floor of the House for another vote, whereas Farley and others urged conciliation and moderation. It was the latter course of action that Roosevelt eventually followed.³⁰

28. See Louis W. Koenig, The Chief Executive, New York, Harcourt Brace and World, 1968, p.315.

29. See Anderson, op.cit., pp.57-64

30. See A.J. Wann, The President as Chief Administrator: A Study of Franklin Roosevelt, Washington D.C, Public Affairs Press, 1968, pp.96-7.

In so far as the history of Congressional liaison is concerned, it was not Corcoran's lobbying activities that were to prove to be the most significant development during the Roosevelt administration. Rather, one must look to the establishment of the Executive Office of the President which provided, among other things, a firm base upon which Congressional liaison could develop and expand under future administrations. The Executive Office was the product of the reorganization legislation which became law on 3rd April 1939, after a difficult passage through Congress.³¹ It was specifically created by Reorganization Plan No.1 which was sent to Congress just twenty-two days after the passage of the Act, and the details of the new structure were set out in Executive Order 8248 issued by Roosevelt on 8th September 1939. Even though Congressional liaison was not to the forefront of the President's mind when planning his reorganization, there were three aspects of the Executive Order which might facilitate the development of a systematic approach to Congressional liaison. Firstly, the Order established the posts of Secretaries to the President within the White House Office and their stated functions were "to facilitate and maintain quick and easy communication with the Congress, the individual members of the Congress, the heads of executive departments and agencies, the press, the radio and the general public."³² Such a general job description was obviously not to be taken too seriously and may well have been inserted to placate the fears of legislators who were suspicious of this new development in American government. Nevertheless, it did permit the Congressional liaison function to surface as a legitimate and open activity within the White House. No longer would the Burlesons and the Corcorans have to operate under the cover of a spurious job in the executive branch. Any

31. For an account of the history of the reorganization legislation see Richard Polenberg, Reorganizing Roosevelt's Government 1936-1939, Cambridge, Harvard University Press, 1966,

32. For the full text of the Executive Order see Wann, op.cit., pp.106-108.

future President would be free, if he so wished, to appoint an aide to handle Congressional liaison and let it be known that this was his job.

The second feature of importance in the Executive Order was the transfer of the Bureau of the Budget from the Treasury to the Executive Office and with this went the specific recognition of the legislative clearance and co-ordinating responsibilities that had been in operation since the 1920's.³³ This development, as Holtzman rightly points out, highlighted the concept of a planned Presidential legislative programme.³⁴ It was, therefore, almost inevitable that sooner or later attention would be given to the promotion of the legislative programme.

The Executive Order also established a Liaison Officer for Personnel Management. This allowed the President to designate one of his administrative assistants to deal with personnel management policies of the executive branch and, because of the hitherto close link between Congressional liaison and patronage, this office might well have become a home for White House liaison or lobbying activities. It was not to be the case, however, for Eisenhower abolished the office in 1953, after transferring its functions and responsibilities to the Civil Service Commission. Moreover, from Eisenhower onwards, there was a conscious attempt by the White House staff to divorce the responsibility for patronage from that of Congressional liaison. Donald Dawson, the aide in charge of the Liaison Office for Personnel Management under Truman, came nearer than anyone in linking the two functions. He was in constant contact with Congressmen and represented the President in all matters involving the dispensation of political patronage.³⁵

33. See Richard E. Neustadt, "Presidency and Legislation: The Growth of Central Clearance", American Political Science Review, Vol. XLVIII, No. 3, September 1954.

34. Holtzman, op.cit., p.6.

35. See Wann, op.cit., p.178.

The anonymity requirement for Congressional liaison work could, therefore, be dropped after 1939 and one of the six administrative assistants appointed by Roosevelt under the authority of the Reorganization Act became the first official White House aide to have responsibility for Congressional relations. He was the former United States Senator from Indiana, Sherman Minton, although Congress was not his sole area of responsibility. By the end of Roosevelt's Presidency, the foundations of an organized Congressional liaison system had been laid. Corcoran's activities had paved the way towards a Congressional recognition of White House lobbying, even though his methods had made him a number of enemies on Capitol Hill, and the Reorganization Act had provided an open and institutional base for further developments. But it is to the potential, rather than actual, performance of Congressional liaison under Roosevelt that one must look. The President did not give this particular institutional innovation a very high priority. Indeed, there is evidence to suggest that Roosevelt did not regard formal liaison practices as a particularly desirable end for his Presidency. James Rowe has recounted how Roosevelt regarded White House lobbyists as having built-in obsolescence. The President believed that his agents on Capitol Hill should serve his interests and not those of anyone else, but, as soon as aides began to deal with Congressional requests and complaints, they would be working for Congressmen as well as for the President. Roosevelt's view was that if his aides then failed to respond to the demands of legislators, they would quickly lose the confidence of those they wished to influence and, therefore, either way, the agent's usefulness to the President quickly dissipated and wore out.³⁶

President Truman appointed two members of his staff to assist him in his relations with Congress, although he did not do so until after the 1948 elections. By this time, Congressional liaison was recognised as a full-time

36. Quoted in Robert L. Lester, Developments in Presidential-Congressional Relations: FDR to JFK, Unpublished Ph.D dissertation, University of Virginia, June 1969, p.44.

function. Unlike Sherman Minton, Truman's liaison men did not have other responsibilities within the White House. Joseph Feeney and Charles Maylon were the aides concerned and both had had previous experience of Congressional liaison work. Feeney had been the chief Congressional liaison officer for the Navy prior to his appointment at the White House and Maylon had been a member of the Air Force liaison staff. Their White House assignments, however, appear to have been at a very minor level. Both men were lower echelon aides responsible to Matthew Connally, the President's Appointments Secretary, and they were not involved in either the formulation of legislation or its enactment. Their job appears to have been spot assignments of working out minor compromises, settling patronage disputes and granting or withdrawing special Presidential favours.³⁷ Bryce Harlow, then a staff assistant on Capitol Hill, thought that Congressional liaison from the White House during the Truman administration was "virtually non-existent"³⁸ and, on more substantial matters, the two were overshadowed by Connally, who took charge of relations with Congress during Truman's second term, and also by Clark Clifford and Charles Murphy.³⁹ By the time Truman left the White House, a small rudimentary Congressional liaison team had been established as part of the Presidential machinery, but it was of low status in the hierarchy of Presidential assistants, of little real importance and had no major responsibilities. Although he had created a formal structure, Truman still preferred to rely on a more fluid and personal approach in his dealings with Congress.

It was the expansion in size that was Eisenhower's real contribution to the development of the Office of Congressional Relations. He selected a former military associate, General Wilton B. Persons, to handle relations with

37. Ibid., p.71.

38. Quoted in Holtzman, op.cit., p.234

39. See Anderson, op.cit., p.125.

Congress,⁴⁰ and Persons quickly built up a staff of six. Among those on the staff were Bryce N. Harlow who, like Persons, had previous experience with the Army's liaison unit, Jack Martin, a former administrative assistant to Senator Taft, Gerald Morgan from the Republican National Committee, Homer Greunther, who had previously been on the President's campaign staff, and Earl Chesney, a former staff aide to President Herbert Hoover. Morgan became Eisenhower's Special Counsel in 1955 and Wilton Persons replaced Sherman Adams in 1958. Both men continued to be involved in liaison work and three additional staff were added to the team in 1958; Edward McCabe and Clyde Wheeler, who had both been assistants on Capitol Hill, and a former Congressman, Jack Z. Anderson. Bryce Harlow took charge of the Office after Persons's promotion and was to return to a similar position during the first term of President Nixon's administration.

Not every member of Eisenhower's liaison staff was solely concerned with Congressional liaison. Persons, for example, was initially an assistant to Sherman Adams and this got him involved in a much wider range of problems than just Congressional liaison,⁴¹ and Bryce Harlow had extensive speechwriting responsibilities within the White House.⁴² Although titles are not a very useful guide to what staff actually do in the White House, a numerically strong group emerged during the Eisenhower years dealing with Congressional liaison and, when Harlow succeeded Persons in 1958, he became the first ever member of the White House staff to have his responsibility for Congressional liaison officially added to his title.⁴³

40. Persons was appointed as 'Special Assistant to the President' and no specific job description was indicated in his title.

41. See Margaret E. Flannelly, An Analysis of the Role of the White House Staff in the Administrations of President Dwight D. Eisenhower and President John F. Kennedy, Unpublished Ph.D dissertation, University of Notre Dame, 1969, p.99.

42. See Wayne W. Anderson, President Eisenhower's White House Staff: Its Organization and Operation, Unpublished Ph.D dissertation, Georgetown University, 1974, p.238.

43. Harlow's official title in 1959 was 'Deputy Assistant to the President for Congressional Affairs'.

This elaborate structure served only a modest purpose, certainly modest by comparison with Kennedy and Johnson's use of the Congressional liaison apparatus in later years. Eisenhower's liaison agents were not aggressive lobbyists and the main thrust of executive branch lobbying was left to the departmental and agency representatives.⁴⁴ The White House team served as a back-up to the departmental liaison agents on major items of legislation where White House assistance was needed. Otherwise Persons and his staff stayed clear of Congress and Bryce Harlow has stated that, after he took charge of the liaison team, he rarely went to Capitol Hill because he thought familiarity bred contempt.⁴⁵

The Eisenhower team's conception of how to conduct relations with Congress to a large extent reflected the Army liaison background of Persons and Harlow and the innate conservative convictions that these men held. The liaison machinery of the Army had long been established with offices in the Capitol buildings. It had functioned on the simple level of maintaining good relations with Congressmen, providing assistance and information when needed, and keeping track of relevant Congressional business. This was how Wilton Persons saw the function of White House liaison. Emmet John Hughes, a former speechwriter on Eisenhower's staff, commented that Persons "wished these relations, as constantly as possible, to be gently governed by cordiality and compromise.... Most important of all, from his experience as a Defense Department liaison officer on Capitol Hill, he inherited a respect, bordering on deference, for all Congressional prerogatives and sensibilities."⁴⁶ Persons conveniently expressed his own views on Congressional relations in a memorandum that he wrote for Eisenhower in 1957. In it, he listed four overriding objectives of

44. See Lester op.cit., p.92

45. Quoted in Flannely, op.cit., p.100

46. Emmet John Hughes, The Ordeal of Power: A Political Memoir of the Eisenhower Years, London, Macmillan, 1963, p.66.

of the liaison effort:

First, it was imperative to identify the key members of Congress on specific problems. Second, trust and respect must be emphasized over mere friendliness in these relationships.....Third, the Departments must maintain tight control over all contacts with Congress to guarantee that responses are prompt, accurate, courteous and consistent.....Finally liaison officers should be intimately familiar with the backgrounds of Senators and Congressmen.⁴⁷

This amounted to a very limited role for the liaison office in the White House, although it was an approach that suited the political realities of the time. Congress had been under Democratic control from 1955 onwards. In addition to the deferential treatment of Congress, the liaison staff were generally very conservative in their political outlook and one observer has claimed that two of them, Bryce Harlow and Jack Martin, were the most conservative of the President's top staff members.⁴⁸

Above all else, the President himself had firm ideas about White House relations with Congress and his attitude was a key factor in determining the level at which the liaison unit would operate. He was firmly in the Taftian camp when it came to questions of Presidential legislative leadership and did not welcome the prospect of legislative battles with Congressmen. Robert J. Donovan has noted that it was in this area that Eisenhower felt his greatest sense of political weakness,⁴⁹ and Wayne Anderson has commented that Eisenhower's "usual lack of appetite for a tough Congressional brawl reinforced his basically conciliatory view of Congress, causing him to remain aloof."⁵⁰ Eisenhower's attitude was that the leadership of the Franklin Roosevelt type had usurped the powers of Congress and deprived it of its rightful role for two decades. He told one of his earliest Cabinet meetings that "our long term good requires

47. Report on Congressional Relations from Wilton B. Persons to the President, 29th October 1957. Quoted in Wayne Anderson, op.cit., p.248.

48. See W.W. Anderson, op.cit., p.115

49. Robert J. Donovan, Eisenhower: The Inside Story, New York, Harper, 1956, p.83.

50. W.W. Anderson, op.cit., p.253.

that leadership on the Hill be exercised through the party organization there."⁵¹ Eisenhower, in the tradition of Coolidge and Hoover, simply renounced the style of legislative leadership followed by his predecessors and this, consequently, limited the scope of the Office of Congressional Relations during his tenure in the White House.⁵²

THE PRESIDENT AND THE CONGRESSIONAL LEADERSHIP

The development of regular meetings between the President and the Congressional leadership has a more substantial history and, by the time Eisenhower came to the White House, the practice was well established. Under Kennedy, the leadership meetings were to become an important feature in the overall liaison with Congress. Reference was made in the previous chapter to the legislative leadership meetings held by President Coolidge,⁵³ but it was in form, rather than substance, that they had any significance. A contemporary accounts shows that the meetings were intended to be social rather than political and that Coolidge simply regarded them as another of his diversions.⁵⁴ Coolidge, in his memoirs, makes it clear that public business was not discussed at these meetings, but he thought they "were productive of a spirit of good fellowship, which was no doubt a helpful influence to the transaction of public business."⁵⁵ Consequently, many of the politicians concerned hesitated

51. Quoted in Hughes, op.cit., p.126. This work contains an excellent account of Eisenhower's relations with Congress (pp.123-29). Hughes concludes: "There probably never existed much chance for a truly creative partnership between Executive and Legislature under the terms of such a view of their proper roles. Any such hope as there might have been would have called for the frequent wielding of either of two weapons. One of these was the raw power of patronage. The second was the frankly personal appeal to the people. And Eisenhower could contemplate either exercise only with reticence, if not repugnance."

52. For his most explicit statement on legislative leadership see Dwight D. Eisenhower, Mandate for Change: 1953-1956, New York, Doubleday, 1963, p.193.

53. See p.

54. See Hoover, op.cit., pp.126-7

55. Coolidge, op.cit., pp.209-10.

to accept the President's invitation, but it was a format to be used much more successfully by President Kennedy some thirty-five years later.

The regularization of these leadership meetings dates back to the late thirties during the Presidency of Franklin D. Roosevelt. They originated as a measure to reduce the increasing tension between the President and Congress and the embarrassment of the Democratic leadership over Roosevelt's attitude to the legislature. The gap between the President and the party leadership was specifically highlighted by two disastrous initiatives on the part of Roosevelt in which the Congressional leaders were almost totally ignored. These were the plan to pack the Supreme Court by increasing the number of Justices on the Court and Roosevelt's nomination of Hugo Black for a vacancy on the Court and the subsequent revelation of his former membership of the Ku Klux Klan. Both of these incidents were symptomatic of the general poor state of communications between the White House and Capitol Hill in 1937, despite Roosevelt's overwhelming re-election victory the previous year. There was little consultation between the President and the Congressional leadership. Opposition to Roosevelt was hardening within Congress and there were serious splits within the Democratic ranks.⁵⁶ As a result, pressure for more frequent consultation with the President emanated from the Congressional leaders, mainly at the instigation of the newly elected Majority Leader in the House, Sam Rayburn of Texas. Rayburn had complained to James Roosevelt, the President's son, and he and Thomas Corcoran conveyed the suggestion of a regular leadership meeting to the President.⁵⁷ The President took up the suggestion and the first meeting was held on 15th November 1937.⁵⁸

From this date onwards, until the war effort had totally preoccupied the

56. The divisions within the Democratic party are the subject of Patterson's study, op.cit.

57. See Lester, op.cit., p.154. Rayburn's central role is also confirmed by McNeil, op.cit., p.35 and Alfred Steinberg, Sam Rayburn, New York, Hawthorn Books, 1975, p.140.

58. Lester, op.cit., p.45.

President, leadership meetings were a fairly regular feature of Presidential-Congressional relations. A survey of President Roosevelt's appointment files shows that the meetings were usually held on Monday mornings when Congress was in session, but were arranged on an ad hoc basis, with the time and date sufficiently flexible to suit the President's arrangements. In 1943 and 1944, few meetings were held because of the war, but the practice was resumed when Congress convened in 1945.⁵⁹ Initially, the participants at these meetings were confined to the Congressional 'Big Four'; the Vice President, the Speaker, and the two Majority Leaders, although, on certain occasions, committee chairmen were invited when a relevant issue was to be discussed. It was not the usual practice to have any other executive branch member present.⁶⁰ The meetings were informal, there was no agenda and they related almost entirely to current Congressional activity.

In so far as the meetings were conceived in tactical and partisan terms, they at least shored up a relationship that had reached the edge of a precipice in 1937. The introduction of regular meetings with the President had gone a long way to satisfy the Congressional leaders, for it reduced the risk of political embarrassment on Capitol Hill. However, the fruits of this innovation were limited. The divisions within the Democratic party had not been lessened as a result - in fact they were widening - and Roosevelt had shown little inclination to reconcile differences between himself and the Congressional leaders. Their frustrations were tempered by their intense loyalty to the President, but occasionally, manifestations of their difficulties came to the surface. Alben Barkley's resignation as Senate Majority Leader in 1944 was one such example. Barkley took great offence at the tone of Roosevelt's veto of The Revenue Act of 1943. The veto was

59. Lester, op.cit., p.50. Truman notes in his memoirs that only "a few such meetings were held during this period." See Harry S. Truman, Year of Decisions, New York, Doubleday, 1955, p.56.

60. Lester, op.cit., p.53.

overridden three days later and Barkley was immediately and unanimously re-elected as Majority Leader.⁶¹ Even the President's most loyal supporter on the Hill, Sam Rayburn, had problems of communication with Roosevelt and this became the cause of tension between the two. Once such instance occurred in 1940 after Rayburn had publicly announced his support for John Nance Garner as the Democratic nominee for the 1940 election. Roosevelt had not informed Rayburn of his intention to run for a third term and, not unnaturally, Rayburn assumed that Roosevelt would maintain the two-term tradition. When Rayburn announced his decision, Roosevelt became extremely angry.⁶²

The same pattern of leadership meetings continued under President Truman. In a reference to the practice during the Roosevelt years, Truman comments, "I felt these meetings to be of value, and I continued them in somewhat enlarged form during my administration."⁶³ Because of the circumstances of Truman's accession to the Presidency, he obviously depended on the Congressional leadership to a greater extent than Roosevelt had done and, until the Democrats lost control of Congress in 1946, the leadership meetings were convened weekly whilst Congress was in session.⁶⁴ Sam Rayburn and Majority Leader John McCormack attended from the House side, whilst the Senate Majority Leader, Alben Barkley, was accompanied by the President Pro Tempore, Senator McKellar, in the absence of a Vice President. Truman's intention was to establish and maintain good communications with the Congressional leadership and to keep them aware of his thinking on particular issues, but not necessarily to share

61. See The Public Papers and Addresses of Franklin D. Roosevelt: 1944-1945, New York, Harper, 1950, pp.80-86 for the texts of the veto message and of Roosevelt's telegram to Barkley.

62. For an account of some of the difficulties that Rayburn had with Roosevelt, see Steinberg, op.cit., pp.158-164

63. Harry S. Truman, Year of Decisions, p.56

64. See Harry S. Truman, Years of Trial and Hope, New York, Doubleday, 1956, p.8.

the policy-making process with them. Sam Rayburn's biographer claims that the Speaker had not been asked for his advice about Truman's message to Congress in September 1945 - a message that contained twenty-one major legislative proposals and marked the beginning of a programme of legislation that became known as the Fair Deal.

After the Republican victory at the 1946 Congressional elections, the leadership meetings ceased. The Democrats had lost control of Congress and Truman seemed to have lost his mandate for the Fair Deal, but, at the beginning of 1947, the partisan 'Big Four' meetings were substituted by bipartisan leadership meetings. Truman had announced that these meetings would be held whenever there was business of a non-partisan nature that needed to be discussed and, altogether, seven were held during the first session of the 80th Congress. The meetings were attended by the new Speaker, Joseph Martin, and House Majority Leader Charles Halleck. On the Senate side, Majority Leader Wallace White and President Pro Tempore Arthur H. Vandenberg attended. Sam Rayburn and Alben Barkley represented the Democrats.⁶⁶ After the second meeting in February 1947, Senator Vandenberg persuaded President Truman to invite Senator Taft to the meetings because of his position as Chairman of the Republican Policy Committee in the Senate.⁶⁷

The bipartisan meetings could only operate successfully when there were non-partisan issues to be discussed and, apart from foreign policy, there were few of these. No meetings were held in the Presidential election year of 1948 and, when the Democrats regained control of Congress in 1949, Truman reverted to a regular weekly meeting of the 'Big Four'. Scott Lucas then joined the team as the new Senate Majority Leader while Alben Barkley attended as the Vice President. The meetings were convened at 10.00 a.m. on Monday and

65. See Steinberg, op.cit., p.233

66. Lester, op.cit., p.74

67. See Arthur H. Vandenberg Jr.(ed), The Private Papers of Senator Vandenberg, Boston, Houghton Mifflin, 1952, p.319.

even when Truman was away from Washington the meetings took place via a telephone hook-up.⁶⁸

The regularity of the meetings was one important departure from the Roosevelt practice and the second was the introduction of an agenda for each meeting. It took the form of a memorandum to the President from Charles Murphy, who initially worked under Clark Clifford in the office of the Special Counsel. The memoranda were mainly concerned with critical legislation and the position of key Congressmen. They were introduced by Murphy on his own initiative and the practice was continued throughout Truman's second term.⁶⁹ The advantage of the agenda was that it not only structured discussion, but also provided the President with an alternative source of intelligence concerning the progress of the legislative programme in Congress. For a President increasingly preoccupied with foreign affairs staff assistance in this area was almost a necessity and Murphy's practice of providing President Truman with legislative progress reports was to be utilized, refined and developed by future White House aides.

One must be cautious in assessing the impact of these developments on Truman's relations with Congress. His record was to a large extent conditioned by the divisions amongst the Congressional Democrats that were rooted in the Roosevelt years and new structures themselves were not sufficient to overcome these problems. There were also difficulties with the Congressional leaders, particularly with Speaker Rayburn, who had to balance Truman's liberalism with the conservatism of the powerful bloc of Southern Democrats in the House. As Steinberg modestly puts it, "the immensely broad range of Truman's program made Rayburn's role as a constructive critic difficult."⁷⁰ One might justifiably point to Rayburn's friendship with, and loyalty to, President Truman as the key factor in Presidential relations with the leadership during these years,

68. See Lester, op.cit., p.162 and Steinberg, op.cit., p.253.

69. See Lester, op.cit., p.70

70. Steinberg, op.cit., p.253

rather than the developing political structures. Nevertheless, a practice begun by Roosevelt had been used by his successor as a regular channel of communication between the White House and Capitol Hill. The experience of the Truman years also indicated that the meetings were essentially a tool of partisan leadership and could not be effectively substituted when the party in control of the White House was the minority in Congress.

The problems encountered by a President in his relations with Congress did not cease with the change of administrations in 1953, but Eisenhower came to the White House with a greater awareness of the difficulties ahead than many of his predecessors had shown. Although his own party had control of the 83rd Congress, the majority was slim. The Republicans had a majority of eleven in the House and only one in the Senate but, as far as Eisenhower was concerned, an even more serious problem was the inexperience of the Republican leadership in Congress. As the President records in his memoirs:

Another relevant fact was the unfamiliarity of the Republicans with either the techniques or the need of cooperating with the Executive. Not since 1931 - nearly a quarter of century before - had a Republican President had a Republican majority in both houses of the Congress. Not a single Republican senator arriving in Washington in January of 1953 had ever served with a President of his own party. Of the 221 Republicans in the House, only fifteen had served with a Republican President.⁷¹

Neither were the Republicans noticeably more unified than the Democrats and this too was a problem for Eisenhower. He noted:

I had hoped that the first Republican national victory in twenty years would provide a strong, unifying influence within the party and among its representatives in the Senate and the House. But my hope for unanimity was quickly shattered. It was clear that habitual, almost instinctive opposition to the Chief Executive, as well as differences in political convictions, would create difficulties in Executive-Legislative relations.⁷²

Against this background, Eisenhower continued the regular weekly meetings with the Congressional leadership and, in his memoirs, he described these as by far the most effective of all the mechanisms for developing coordination between

71. Eisenhower, Mandate for Change, p.192

72. Ibid., p.195

the White House and Congress.⁷³

The most significant difference between the Eisenhower leadership meetings and those of Truman and Roosevelt was in the numbers of participants. Previously, the meetings had been confined to the President and the 'Big Four' of the Congressional leadership, but Eisenhower increased the participation considerably. At the first of the leadership meetings held on Monday 26th January, 1953 the Vice-President attended along with eight members of Congress. From the Senate there was the Majority Leader, the President Pro Tempore, the Chairman of the Republican Policy Committee and the Chairman of the Senate Finance Committee. On the House side, the Speaker and the Majority Leader were accompanied by the majority whip. In addition, Eisenhower had brought in several of his White House assistants. These included Sherman Adams, Wilton Persons, Gerald Morgan and other members of the Congressional relations staff.⁷⁴ The large number of Congressmen in attendance was due to the fact that the composition of the delegation was made on Capitol Hill and not in the White House. Frequently others were invited to participate, in particular chairmen and ranking members of Congressional committees, Cabinet members and other top executive officials.

Partly because of the size of the meeting and partly because of Eisenhower's more formal approach to White House business, there was an agenda for the meeting and it was firmly adhered to.⁷⁵ The agenda was prepared by Wilton Persons and later by Bryce Harlow and this continued the practice begun by Charles Murphy under President Truman whereby the White House was developing its own system of monitoring progress of legislation on Capitol Hill. As well as the agenda, formal minutes were kept of these meetings by a White House clerk. One can reasonably assume that the size of the meetings also made intimacy difficult between the President and the Congressional leaders. Bryce

73. Ibid., p.194

74. See ibid., p.194 and Merlo J. Pusey, Eisenhower the President, New York, Macmillan, 1956, p.206

75. Pusey, op.cit., p.207; W.W. Anderson, op.cit., p.249

Harlow saw this as a problem especially in view of the fact that the numbers were increasing as the years went by. When he took charge of the Office of Congressional Relations, after Wilton Persons had taken over Sherman Adams' position, he prepared a memorandum for Eisenhower suggesting that eight of the eighteen White House aides who were attending the meetings by 1958 should be scratched from the invitation list.⁷⁶

The meetings seemed to be almost solely concerned with factual reports on the status of legislation and there was little evidence that they were used by Eisenhower as a forum for reconciling differences of opinion when they arose. On the contrary, Eisenhower had no desire to be drawn into a political argument with Congressional leaders and the meetings served simply as a medium of communication, rather than a centre of decision-making.⁷⁷ It is clear that the President never did establish true rapport with the Congressional leaders and the memoirs of both Eisenhower and Sherman Adams are studded with references to the often open conflict between the two groups.⁷⁸ Eisenhower, himself, made no secret of the fact that he had reservations about some of those participating in the leadership meetings as he pointedly lists in his memoirs those legislators that he "could normally count on."⁷⁹

When the Republicans lost control of Congress after the 1954 elections, Eisenhower initiated bipartisan leadership meetings but, as with Truman, they were usually confined to bipartisan issues, mainly foreign policy, and were not held with any regularity. They, too, were large gatherings, but Eisenhower

76. Memorandum from Bryce Harlow to the President, January 19th 1959, Bryce Harlow Files, Eisenhower Library. Quoted in W.W. Anderson, op.cit., p.248

77. See Pusey, op.cit., p.207

78. See, for example, Eisenhower, Mandate for Change, p.129 for an account of his clash with Senator Taft at the leadership meeting of April 30th 1953. See also Donovan's account of the same episode, op.cit., p.109. Sherman Adams comments on Taft's successor as Senate Majority Leader, William Knowland, "It would have been difficult to find anyone more disposed to do battle with much of the President's program in Congress." Sherman Adams, Firsthand Report, New York, Harper, 1961, p.25

79. Eisenhower, Mandate for Change, p.195

thought they were valuable.⁸⁰ Nevertheless, one must conclude that they reinforced the lessons of the Truman years and showed that the leadership meetings were essentially a partisan device.

One incident arising out of the 1954 elections well illustrated the general weakness of Eisenhower's relationship with his own party's Congressional leadership. When the Republicans lost control of the House they also lost the Speakership and, when the 84th Congress convened, the former Speaker, Joseph Martin, was elected as the new Minority Leader. Consequently, the former party leader, Charles Halleck, had no official position in the new Congress and was, in fact, excluded from the Republican leadership group. Even though President Eisenhower had personally insisted that Halleck still attend the White House leadership meetings, the Congressman was, to say the least, dissatisfied and he informed Eisenhower that he intended to challenge Martin for the party leadership in the House. Eisenhower would not support this, but he asked Joseph Martin to create a position for Halleck within the leadership group. As Eisenhower records in his memoirs, "Martin refused, and the situation grew worse rather than better."⁸¹ The feud between Halleck and Martin continued throughout the Eisenhower years and Halleck eventually challenged the former Speaker successfully at the beginning of the 86th Congress. What should be stressed here was Eisenhower's inability to influence what was, in essence, a dispute about party organization and not policy.

Eisenhower had put greater organizational effort into his relations with his party leaders in Congress than Truman or Roosevelt had done, but he had less personal success than his predecessors. There were several contributing factors. The fears that Eisenhower noted in his memoirs were, to an extent, borne out. The party was divided and the leadership inexperienced in

80. See Dwight D. Eisenhower, Waging Peace: 1956-1961, New York, Doubleday, 1965, p.347 for his comments on the bipartisan meetings to discuss the Berlin situation in March 1959.

81. Eisenhower, Mandate for Change, p.442

cooperating with the White House. The problems were compounded by the Republican electoral defeat in 1954 which meant that the President was dealing with a powerless minority for three-quarters of his tenure in the White House. But there were other salient reasons. Eisenhower, himself, had no experience of dealing with Congress and had little in the way of personal friendships on which to build his relationship from the outset. He was a weak leader who showed little inclination to exert his authority, tending to regard the tensions within the party as inevitable.⁸² Perhaps, also significant, was the fact that Eisenhower never had amongst any of the Republican leaders on the Hill the truly loyal lieutenant who could speak and act for him in Congress. In this respect Roosevelt and Truman were fortunate - they had Rayburn, but a Rayburn-like figure was a missing dimension in the Eisenhower years.

The initiatives begun by Roosevelt and consolidated by Truman were continued during the Eisenhower Presidency. He employed the same mechanism to conduct his relations with the Congressional leaders and did develop this innovation further by increasing the participation at the leadership meetings and conducting them on a more formal basis. It is questionable whether this was a successful move, but the evidence does tend to suggest that organizational and structural developments alone were not able to superimpose themselves on the underlying behavioural weaknesses in the relations between the two branches.⁸³ It remained to be seen what the Kennedy administration would make of these developments after 1960.

82. See his comment in Waging Peace, "Naturally when everyone in an entire organization is working at top speed and sometimes under high tension to further a common purpose, it is not always easy to keep sand from fouling the gears of cooperation." p.384

83. Sherman Adams comments that the weekly leadership meetings "were an ordeal for Eisenhower" until Halleck and Dirksen became the respective Minority Leaders in House and Senate in 1959. See Firsthand Report, p.26

OTHER DEVELOPMENTS

It was suggested earlier on that the concept of Congressional liaison had five facets.⁸⁴ The growth of the White House Office of Congressional Relations and the development of Presidential relations with the leaders of Congress have been examined at some length, but the background to the lesser features of the Congressional liaison system must also be taken into account.

The linkage between those in the White House responsible for the planning and drafting of legislation and those whose job is to oversee the passage of that legislation is regarded in this study as an important aspect of the concept of Congressional liaison. Its importance is primarily due to the fact that these two particular functions, like many other aspects of the White House staff system, have become increasingly specialized over the years. There is now a clear division of labour in the White House Office between the Congressional relations staff and the legislative planning staff and it is not until the Kennedy administration that this specialization is fully realized. In previous administrations one does not see a clear division of labour amongst the White House staff, certainly not in respect of the planning and promotion of legislation.

Under Roosevelt and Truman, the linkage between the two functions was probably as close as it will ever be primarily because it was then the usual practice for those who wrote the legislation also to lobby Congress on its behalf. This was the path that Thomas Corcoran followed and the same was true of the Truman White House. Even though Truman appointed two aides to handle relations with Congress, it was noted that these were low-level appointments with no major responsibilities.⁸⁵ The substantial dealings with Congress were handled either by Truman himself or by Clark Clifford and

84. See p.14

85. See p.40

Charles Murphy, both of whom held the position of Special Counsel during the Truman years.⁸⁶ So, as long as the two roles were performed by the same personnel, there was no real differentiation of functions to examine. To a large extent, the same was true of the Eisenhower administration despite the emergence of a much more clearly defined Office of Congressional Relations. In Eisenhower's case, the hierarchical structure of the White House organization made Sherman Adams a linchpin of the system and all the White House aides were responsible to him. Ultimately, both the planning and the promotion of legislation was directed by the one man. Furthermore, Eisenhower's staff were not confined to one specific responsibility. Wilton Persons, Bryce Harlow and Gerald Morgan were employed in several tasks and it was not really until Sherman Adams left the White House in 1958 that there were any indications of a real division of labour amongst the staff in terms of Congressional liaison. Not until Kennedy took office in January 1961 is there a specific recognition that the promotion of the legislative programme is a specialized task, to be differentiated from the planning and drafting of legislation. The relationship between these functions, as it operated during the Kennedy years, will be explored further on.

This division of labour amongst the White House staff was the outcome of the advancements in the systematic approach to the planning of the President's legislative programme. These developments have already been explored in the seminal work of Richard Neustadt and need not be recounted here.⁸⁷ Neustadt did note the different tasks involved and, in his doctoral dissertation, he

86. The title of 'Special Counsel' is generally given to the White House aide responsible for legislative planning. Sorensen had this title under Kennedy and Joseph Califano under Lyndon Johnson.

87. See Richard E. Neustadt, "Presidency and Legislation: The Growth of Central Clearance," American Political Science Review, Vol. XLVIII, No. 3, 1954, and "Presidency and Legislation: Planning the President's Program," American Political Science Review, Vol. XLIX, No. 4, 1955, also Presidential Clearance of Legislation: Legislative Development, Review and Coordination in the Executive Office of the President, Unpublished Ph.D dissertation, Harvard University, June 1950.

pointed to the need for further developments in planning the legislative campaign. He wrote:

On the side of program development we have seen increasingly elaborate techniques for organized staff work, built around Presidential messages and central legislative clearance. The emergence of a distinct White House staff group around Clifford and Murphy, the evolution of the Executive Office working team and all of the advance preparations for the last few sessions of Congress, are very significant indications of the degree to which the developmental job is becoming organized. What is now needed is an expansion of these efforts into the fields of legislative presentation and campaigning, with whatever adaptations may be required for the purpose.⁸⁸

Certainly, by the mid-1960's, the techniques of legislative presentation had caught up with the earlier developments in legislative programming, but much of the advance was made during the Kennedy administration and it is only from then on that the relationship between the two specialized group becomes critical. For, although there is a division of labour involving different skills, the overall output is dependent on the effective coordination of staff work and, therefore, the relationship must be seen as fairly crucial to the concept of Congressional liaison. It is strange that Holtzman specifically overlooks this in his study.⁸⁹

The final feature of the Congressional liaison system is its weakest; the relationship between the President and the rank-and-file Congressmen. In examining the history of Congressional liaison emphasis has been put on the systematic and organized approach to this area of White House activity, but this specific relationship has rarely been conducted in anything but a haphazard manner. There is no evidence that any of the pre-Kennedy administrations had given much thought to their contacts with rank-and-file legislators and that from Roosevelt to Eisenhower, Congressional relations had been seen almost solely in terms of contacts with the leadership. The assumption was that the views of the President would be passed down to Congressmen by the leadership through the party caucus and informal contacts.

88. Neustadt, Presidential Clearance of Legislation, pp.467-8

89. See p.23.

Certainly, Presidents invited Congressmen to the White House for social occasions, and Eisenhower did this frequently, but the contacts had not been part of any planned approach. Kennedy, himself, in speaking of his years in Congress is reported to have told Lawrence O'Brien, "I don't recall that Truman or Eisenhower or anyone on their staffs ever said one word to me about legislation. One time I was about to cast a vote and some White House fellow up in the gallery seemed to be waving encouragement to me, but that was about all."⁹⁰ The developments during Kennedy's administration in respect of rank-and-file Congressmen will be considered further on, but one can say that Kennedy had little in the way of precedent to work on.

CONCLUSION

This chapter has explored the development of systematic techniques of White House liaison with Congress from Woodrow Wilson onwards. The major innovations were the channeling of staff resources into this area of activity with the eventual creation of an Office of Congressional Relations within the White House, and the establishment of a regular channel of communication with the Congressional leadership. By the time Kennedy came to the White House, these developments were still far from complete and it is in this context that there follows a detailed examination of Congressional liaison during the Kennedy years.

90. See O'Brien, op.cit., p.109

Chapter III

KENNEDY AND CONGRESS: THE POLITICAL ENVIRONMENT

Inevitably, the conduct of Presidential-Congressional relations will be conditioned by the prevailing political environment at the beginning of a Presidential term of office. It has already been suggested that partisan factors are significant and that a President faced with a Congress controlled by the opposing party will have to adjust his approach accordingly. It was also suggested in the previous chapter that the political environment at the time of Eisenhower's election was strongly affected by the inexperience of the Republican leadership in co-operating with a President of their own party. Circumstances may change from one Presidency to another but, invariably, a framework is formed within which the relationship will be conducted. As with Eisenhower, so Kennedy found the political environment not what he would have desired.

The factors that Kennedy had to consider between the time of his election victory and inauguration were much the same as those facing any incoming President. Most important of all was the outcome of the election itself and the relationship between the Presidential and the Congressional contests. A second factor was the President's relations with his party leaders in Congress and, finally, the President's own perceptions of his role as a legislative leader. All these factors would, to a certain extent, condition the conduct of Presidential-Congressional relations no matter who occupied the White House but, in so far as the Kennedy Presidency was concerned, these were important in a unique way. At the outset President Kennedy was faced with a political environment quite unlike his predecessors or successors. Those circumstances are analysed here primarily to establish the context within which the developments in relationships between the two branches took place.

THE 1960 ELECTION

The result of the 1960 election was too close to satisfy the new occupant of the White House. Kennedy had defeated Nixon by 0.17% of the popular vote with a margin of only 114,673 votes.¹ In a relatively high turnout he had received less than a majority of the total popular vote. As Theodore Sorensen was to comment later, "the statistics and surveys could be read in such a way as to produce the most sobering effect."² He pointed out that

.....a majority of the voters outside of Massachusetts had voted against him. A majority of his own race had voted against him. So had a majority of his fellow college graduates and his fellow high-income earners. Contrary to crowd impressions, so had a majority of women voters. So had a majority of Protestants, farmers, old people, small town inhabitants and business and professional men.³

and, as Theodore White added, if 4,500 voters in Illinois and 28,000 voters in Texas had voted the other way, the consequent electoral vote would have given the Presidency to Richard Nixon.⁴ Defenders of the electoral college system often argue that the exaggerated majority of the electoral votes gives the incoming President a source of strength and legitimacy he would otherwise not possess in the event of a narrow outcome.⁵ Kennedy took 303 electoral votes to Nixon's 219, but there is no evidence that this margin gave to Kennedy any more prestige. The 62% of the electoral vote won by the new President did not mask the reality of the hairsbreadth victory and, indeed, charges of election fraud in Illinois, where Kennedy won by less than 9,000 votes, continued to throw doubt on any legitimacy he may have had. There was no way in which the result of the 1960 Presidential election could be used to justify a mandate for any proposed actions.

1. The voting figures cited here are those published by Congressional Quarterly. See Guide to U.S. Elections, Washington D.C., Congressional Quarterly Inc., 1975, p.296.

2. Theodore C. Sorensen, Kennedy, New York, Harper & Row, 1965, p.223.

3. Ibid., p.223. This analysis is supported by Gallup Poll data. See N.W. Polsby and A. Wildavsky, Presidential Elections: Strategies of American Electoral Politics, (Fourth Edition), New York, Charles Scribner, 1976, pp.6-7.

4. Theodore H. White, The Making of the President 1960, New York, Atheneum, 1962, p.350.

5. See W.S. Sayre and J.H. Parris, Voting for President, Washington D.C. Brookings Institution, 1972, p.61.

The situation was compounded by the outcome of the Congressional elections. E. Pendleton Herring once wrote that "the people elect the President, but they are not organized to support him in office"⁶ and the result of the contests for House and Senate seats was an admirable illustration of the truth of this statement. Although the Democrats retained their control of both chambers,⁷ they had suffered an abnormal loss of seats in the 1960 election. In all elections this century, a party taking over the Presidency has gained seats in Congress, but in 1960 the reverse was the case. The Republicans took two seats from the Democrats in the Senate,⁸ and had a net gain of 21 seats in the House.⁹ Sorensen claims that every one of the displaced House Democrats was a Kennedy progressive¹⁰ and this loss of seats undoubtedly reflected on the incoming President. But worse still was Kennedy's performance when compared to that of the Democratic Congressional candidates. An unpublished report by the research division of the Democratic National Committee reveals that in only 7 out of the 34 Senate contests did the Democratic candidate get a smaller percentage of the two-party vote than Kennedy, and in every instance the Republican candidate won the seat. Therefore, every Democratic Senator elected in 1960 ran ahead of Kennedy in his state. Similarly, in only 7 out of the 50 states did Kennedy receive a higher share of the two-party vote than the Democratic candidates for House seats.¹¹ The reality of the 1960 Congressional elections was that

6. E. Pendleton Herring, Presidential Leadership: The Political Relations of Congress and the Chief Executive, New York, Farrar & Reinhart, 1940, p.51.

7. The party strength in the House was Dem.262-Rep.175 and in the Senate Dem.65-Rep.35 when the 87th Congress convened in January 1961.

8. These were Delaware and Wyoming, although the Republican victor in Wyoming died before Congress convened and was replaced by the Governor of that state, J.J. Hickey, a Democrat.

9. 29 House seats switched from Democrat to Republican in 1960 but only 8 switched from Republican to Democrat.

10. Sorensen, op.cit., p.339

11. See The 1960 Election Report, Report of the Democratic National Committee Research Division, January 1962, Appendix 14.

very few members of Congress were dependent on John F. Kennedy for their electoral success. As one senior Democrat in the House of Representatives told an interviewer,

Politically the people in Congress do not feel that they owe the President anything. A good many of them were elected in 1960 in spite of his presence on the ticket, rather than because his name was there. They feel that they have more of a mandate for their point of view than he does for his program.¹²

Twentieth century electoral history would lead incoming Presidents to expect a 'coattails' effect on the Congressional races and, in some cases, the effect has been substantial. In 1960, however, there was little evidence of any 'coattails' voting at all.¹³ The electoral outcome effectively deprived Kennedy of an important channel of support that previous Presidents had been accustomed to.

Two other factors must be taken into consideration in order to complete the picture; the impact of the Southern Democrats, particularly in the House, and the freshman intake of the 87th Congress.

The Democratic majority in the House was 87 but this was almost entirely negated by the 99 Democrats from the southern states. Kennedy had a rather meaningless numerical majority to work with and the ideological majority for

12. Quoted in "What They Say About JFK: Congressmen Tell What's On Their Minds", U.S. News and World Report, July 30th 1962, p.33

13. Congressional Quarterly concluded that "if Kennedy coattails existed at all they were probably evident in New York State, which he carried by a wide margin, and where three incumbent G.O.P. Congressmen were defeated; in Connecticut where Democrats held two close seats; and in New Jersey, where one Republican seat went Democratic. All other Democratic House gains appeared to be the result of special local conditions." See Politics in America, (Third Edition), Washington D.C., Congressional Quarterly Inc., 1969, p.40. This view is shared by V.O. Key Jr. He comments, "In general, those Democratic representatives who managed to hold on to marginal districts did so on their own power and without much help from the head of the ticket. Of the 19 marginal districts (50-54.9 per cent Democratic in 1958) in which Democrats turned back Republican challenges in 1960, Kennedy carried 7." See his "Interpreting the Election Results", in Paul T. David (ed), The Presidential Election and Transition 1960-1961, Washington D.C., Brookings Institution, 1961, p.170.

his programme was, if it existed at all, paper thin. The New Deal-Fair Deal-New Frontier ideology of the national Democratic party was an anathema to the south and, in combination with the conservative Republicans, this obstructionist block clearly held the balance of power in the 87th Congress. Their power was forcefully demonstrated in the first major vote of the new Congress, eleven days after Kennedy's inauguration. The vote on House Resolution 127, popularly known as the Rules fight, was an important test and the result merely reinforced the weakness of the President's position.

Table 3.1. Vote on House Resolution 127: Enlargement of Rules Committee.

	For	Against
Total	217	212
Democrats	195	64
Republicans	22	148
Southern Democrats	36	62
Freshmen Congressmen	19	44
Freshmen Democrats	14	5

The overall majority of five votes was a more accurate indicator of the general level of support for the President. Of the 64 Democrats who voted against the Resolution, 62 came from the south (the eleven states of the old confederacy) and the other two were border state members. The defection represented 25% of the Democratic voting strength in the House.¹⁴ Had it not been for the

14. Most accounts of the Kennedy Presidency relate the history of the Rules fight, but see especially, Tom Wicker, JFK and LBJ, New York, William Morrow, 1968, pp.69-81 and Milton Cummings and Robert Peabody, "The Decision to Enlarge the Committee on Rules: An Analysis of the Vote", in Robert L. Peabody and Nelson Polsby, New Perspectives on the House of Representatives, Chicago, Rand McNally, 1963, pp.167-194.

support of 22 liberal Republicans, the position of President Kennedy would have been seriously undermined. Lawrence O'Brien commented later:

An analysis of that vote clearly showed that even if we carried every northern, western and border state Democrat vote (which we never did) no bill would get through the House unless we somehow attracted at least 55 votes from the 99 Democrats from the 11 southern states.¹⁵

In the Senate the raw voting strength of southern Democrats was not as serious but still problematic. The Democrats had a majority of 30 but the 22 southerners could still combine with the conservative Republicans to create effective barriers to the passage of New Frontier legislation.

The power of the southerners was also apparent in Congressional committees. Seniority and one-party districts combined to give southern Democrats a disproportionate share of committee chairmanships.¹⁶ In the Senate, 11 of the 16 committees were controlled by southerners and they held 11 out of 19 chairmanships in the House. Furthermore, the southerners controlled most of those committees that key Kennedy legislation would be sent to. Perhaps the most important was the House Ways and Means Committee, firmly dominated by Representative Wilbur Mills from Arkansas. Tax reform, social security, tariffs and medicare all came under its jurisdiction. In the Senate, the Judiciary Committee was chaired by James Eastland of Mississippi, the Finance Committee by Russell Long of Louisiana and the Banking and Currency Committee by John Sparkman of Alabama. In both chambers the Appropriations and Armed Services Committees were in the hands of southerners. It was clear, as Kennedy took office in January 1961, that his legislative programme would be in the hands of his ideological opponents on Capitol Hill.

15. Lawrence F. O'Brien, "Federal Separation of Powers: Theory and Practice", unpublished transcript of a lecture delivered at Technical High School, Springfield, Massachusetts, October 5th 1966.

16. See Barbara Hinckley, The Seniority System in Congress, Bloomington, Indiana University Press, 1971, p.45.

From the Congressional perspective, any claim that Kennedy might have had to a mandate was thin, but two political scientists have recently argued that this is not significant anyway. In testing for mandate inspired voting in the House of Representatives, Weinbaum and Judd found that there were indications of this in the 75th and 89th Congresses, but nearly identical voting patterns were discovered in ostensibly non-mandated sessions of which the 87th Congress was their example. They argued that post-election shifts in support of administration backed legislation are best explained not by responsiveness to mandates, but by membership changes and they concluded that "the possibility cannot be dismissed that much of distinctive freshman behavior arises from the circumstances of new membership in the House and has little to do with results in an atypical presidential year."¹⁷ In other words, an influx of freshmen members of the President's party is likely to be an important source of support to an incoming President. Theodore H. White has also subscribed to this view. He comments that "it is the character of new Congressmen elected for the first time, that one normally detects groundswells of American political movement."¹⁸ There is, therefore, a case for examining the freshmen intake of 1961. In total there were 63 freshmen members of the House, but only 19 of them were Democrats. Five of those came from southern districts and a further two from border states. The intake did not constitute sufficient numerical strength to be a force in support of the President.

THE CONGRESSIONAL LEADERSHIP

The results of the 1960 Congressional elections made it obvious to the new President that he would have to attain some degree of harmony between himself and his party leadership in Congress if he wanted success on Capitol Hill, but,

17. Marvin Weinbaum and Dennis Judd, "In Search of a Mandated Congress", Midwest Journal of Political Science, Vol.14, May 1970.

18. White, op.cit., p.361.

as Lyndon Johnson is reported to have said, the President "had the minnows but not the whales."¹⁹

Kennedy first entered Congress as the Representative from Boston's Eleventh District in 1946 and was elected to the Senate after defeating Henry Cabot Lodge in 1952. However, during his fourteen years service he had neither built strong links with the party leadership, nor had he subscribed to the traditional Senate norms of behaviour and was never considered a member of the Senate's 'inner club'. In this sense Kennedy has been labelled as a maverick in American Congressional politics, although it was probably his absence from Congress, rather than his independence within it, that justifies this label. Sam Rayburn told Lawrence O'Brien that he had little recollection of Kennedy from his three terms in the House²⁰ and Senator Mansfield, commenting on Kennedy's career, said, "he wasn't the most conscientious of Senators. He would miss a lot of sessions, but when he spoke he knew whereof he was speaking. He was well-liked by his colleagues, respected, but he always seemed to have other interests which attracted him."²¹

At the time of Kennedy's election the Democratic leadership was effectively in the hands of two Texans, Sam Rayburn in the House and Lyndon Johnson in the Senate. Recent evidence suggests that Kennedy had been giving thought to his future relations with the Congressional leadership from the moment he received his party's nomination. Kenneth O'Donnell, one of Kennedy's closest aides, has argued that the real motive behind Lyndon Johnson's selection as running mate was precisely to remove him from the Congressional leadership. He relates a conversation he had with Kennedy when Kennedy was faced with angry reaction from his own staff over the selection of Johnson. The conversation took place

19. Quoted in Wicker, op.cit., p.361

20. Lawrence F. O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974, p.113

21. Mike Mansfield, Oral History Interview, Kennedy Library, p.45.

in the bathroom of Kennedy's suite at the Biltmore Hotel in Los Angeles and O'Donnell quotes Kennedy verbatim:

I'm forty-three years old and I'm the healthiest candidate for President in the United States. You've traveled with me long enough to know that. I'm not going to die in office. So the Vice-Presidency doesn't mean anything. I'm thinking of something else, the leadership in the Senate. If we win, it will be by a small margin and I won't be able to live with Lyndon Johnson as the leader of a small majority in the Senate. Did it occur to you that if Lyndon becomes the Vice-President, I'll have Mike Mansfield as the leader in the Senate, somebody I can trust and depend on.²²

No other account of the 1960 election has substantiated or denied the authenticity of O'Donnell's claim, but one notes that all the other insiders' histories are strangely silent about the selection of Johnson. O'Brien deals with it in one paragraph,²³ Sorensen advances some common, but unconvincing, interpretations and was obviously unaware of what O'Donnell had been told,²⁴ while Salinger offers no explanation at all, but quotes Kennedy telling him that "the whole story will never be known. And it's just as well that it won't be."²⁵

When the 87th Congress opened in January 1961 there were no surprises in the election of the party leaders. In the Senate, Mike Mansfield of Montana replaced Johnson as Majority Leader and Hubert Humphrey of Minnesota became Assistant Majority Leader. In the House, Rayburn of Texas and McCormack of Massachusetts were elected as Speaker and Majority Leader respectively and Carl Albert of Oklahoma became the Assistant Majority Leader.

Although Kennedy had removed one Texan from a position of power, there remained Sam Rayburn in firm control of the House. The President-elect's

22. Kenneth P. O'Donnell and David F. Powers, Johnny We Hardly Knew Ye: Memories of John Fitzgerald Kennedy, Boston, Little, Brown, 1972, p.193.

23. O'Brien, No Final Victories, p.84

24. See Sorensen, op.cit., p.163

25. Pierre Salinger, With Kennedy, London, Jonathan Cape, 1967, p.46

immediate problem was to reconcile the differences that had arisen between the two during the contest for the Democratic nomination. Rayburn had been actively opposed to Kennedy and had formed an unofficial Johnson-for-President committee in November 1959. Apart from the fact that Rayburn and Kennedy were ideologically opposed, the Speaker had also attacked the Senator on the grounds of his youth and his Catholicism. The relationship was potentially an awkward one for the new President, although O'Donnell claims that Rayburn's opposition never bothered Kennedy²⁶ and Rayburn's biographer suggests that the Speaker had been considerably placated by the personal visit Kennedy made to him to explain the choice of Lyndon Johnson as Vice Presidential candidate.²⁷

Of a more serious nature was the relationship between Kennedy and House Majority Leader John McCormack. In 1956 McCormack had suffered an embarrassing political defeat at the hands of Kennedy over the control of the Democratic Committee in Massachusetts. When William Burke, the state party chairman, indicated that he wanted McCormack to go to the 1956 Chicago Convention as a favourite son, opposed to the nomination of Adlai Stevenson, the Kennedy forces stepped in. The outcome of the Onions Burke fight was that Kennedy gained enough votes on the state committee to oust its chairman and replace him with a pro-Kennedy man, although it also resulted in dividing the Massachusetts Democrats into Kennedy and McCormack factions.²⁸ The incident was also symbolic of the continual power struggle between the two families which was to manifest itself again in 1962 when Edward Kennedy defeated Edward McCormack in the Democratic primary for the Senate seat.²⁹

26. O'Donnell and Powers, op.cit., p.9

27. Alfred Steinberg, Sam Rayburn: A Biography, New York, Hawthorn Books, 1975, p.330.

28. The best account of the Onions Burke fight is provided by O'Donnell and Powers, op.cit., Ch.4. See also O'Brien, op.cit., pp.47-49

29. See Alec Barbrook, God Save the Commonwealth: An Electoral History of Massachusetts, Amherst, University of Massachusetts Press, 1973, pp.115-16.

The third man in the House leadership was Carl Albert. As O'Brien points out, he barely knew the President-elect³⁰ so there was no prior foundation upon which a relationship could be built.

The leadership in the Senate presented less of a potential problem for Kennedy. Senator Mansfield had supported him for the Democratic nomination long before the convention and the two men shared the same political outlook. Hubert Humphrey had been involved in two bitter primary contests against Kennedy in Wisconsin and West Virginia, but there was no evidence of any lingering rancour between them. Indeed, Kennedy had supported Humphrey for the post of Assistant Majority Leader whilst still a member of the Senate and Laurin Henry, in his study of the transition, notes that Mansfield and Humphrey, along with George Smathers, were openly described as Kennedy choices.³¹ Smathers, the Senator from Florida, was third in the leadership hierarchy by virtue of being elected Secretary to the Democratic Conference. He had a long-standing personal friendship with John Kennedy going back to the days when they were both elected to the House in 1946. Smathers later claimed that his opposition to some of Kennedy's legislation didn't bother the President at all and that Kennedy understood the pressures on him in representing a southern state.³² The immediate problem for Kennedy, in so far as the Senate leadership was concerned, was to what extent the two liberal leaders would have any influence over the conservative southern committee chairmen. This was the area where the absence of Johnson's leadership might be sorely missed.

KENNEDY'S CONCEPT OF LEADERSHIP

Without a clear mandate for his programme and without strong links to the centres of power in Congress, one might assume that Kennedy would have to

30. O'Brien, op.cit., p.111

31. See Laurin L. Henry, "The Transition: The New Administration", in Paul T. David (ed), op.cit., p.243.

32. Interview with Senator George Smathers, 15th April, 1971.

consider his role as legislative leader accordingly. However, the political environment within which a new President operates is not determined solely by the situation in Congress and one must also consider the commitments and stands made in the long, drawn-out process of nomination and election by the candidate himself. It was here that Kennedy complicates the political environment for, although few would deny that his Congressional power base was weak, he had committed himself to an activist and vigorous conception of the role of the Presidency in the American political system.

Kennedy's views on strong leadership, which he had made a central theme of the 1960 campaign, can be traced back to his first public utterances about politics. In his study of British policy towards Germany in the pre-war years, written as a senior honours thesis at Harvard, Kennedy does not hide his contempt for the weakness of British leadership. He comments that England was "unfortunate to have a man like Baldwin, with his lack of vision, in office at a particular period when vision above all else was needed, and he also remarks on the lack of "young, progressive and able leaders" in Britain at the time.³³ Kennedy's purpose in Why England Slept was to point to the relevance of the British experience to the United States. One paragraph in the concluding chapter provides a clear indication of what Kennedy thought had to be done in America. Strong leadership was at the core of his early thinking.

Much of the cause of England's failure may be attributed to the leaders. The great advantage a democracy is presumed to have over a dictatorship is that ability and not brute force is the qualification for leadership. Therefore, if a democracy cannot produce able leaders, its chance for survival is slight.³⁴

The model of strong leadership was explored further in Kennedy's Pulitzer Prize winning book, Profiles In Courage. Here he laid particular emphasis on

33. John F. Kennedy, Why England Slept, New York, Wilfred Funk, 1940, p.218.

34. Ibid., p.225

individuality and the ability to take unpopular, but necessary, stands on issues and, although the subject matter is not specifically focused on the Presidency, the implications for national leadership are stated directly.³⁵

During the 1960 campaign Kennedy developed his ideas on leadership. He saw the Presidency as the centre of action in the political system and put himself squarely in the tradition of Democratic candidates since the New Deal, frequently invoking the name of Franklin Roosevelt. In Los Angeles, at an early stage in the campaign, Kennedy made a major commitment on action and leadership in the field of civil rights. He spoke of the President "moving forward as a legislative leader, as Chief Executive and as the center of moral power in the United States," and went on to argue that "only the President can create the understanding and tolerance necessary as the spokesman for all the American people as the symbol of the moral imperative upon which any free society is based."³⁶ When he addressed the National Conference on Constitutional Rights and American Freedom in October, he stressed the idea of the Presidency as a place of moral leadership and made commitments on a whole range of actions open to a President in the field of civil rights.³⁷ But his discussion of leadership was not just confined to the human rights issue. Speaking in more general terms at San Francisco International Airport on 3rd September, he said:

The theme of this campaign is going to be action, action here at home to keep pace with the growing needs of our expanding country, and action abroad to meet the challenge of our adversaries. I believe the American people will elect a President to act. He is the only one who can speak for the people of the United States.³⁸

It was, however, in the advance release text of the San Francisco Airport speech

35. John F. Kennedy, Profiles in Courage, New York, Harper & Row, Memorial Edition 1964, p.265.

36. See The Speeches of Senator John F. Kennedy, Presidential Campaign of 1960, Final Report of the United States Senate Commerce Committee, 87th Congress, 1st Session, Senate Report 994 Part I, pp.191-2

37. See ibid., pp.575-78.

38. Ibid., p.95.

that Kennedy was most specific about his conception of his role with regard to Congress. Part of the text read:

We are not talking simply about a political contest. I am in this campaign as your candidate for President of the United States. That is the greatest office in the world. That is the office which historically, constitutionally, and logically must be the fountainhead of our leadership. The Congress cannot do the job alone - that ought to be clear to everyone by now. If this Nation is to reassert the initiative in foreign affairs it must be Presidential initiative. If we are to rebuild our prestige in the eyes of the world, it must be Presidential prestige. And if we are to regain progressive leadership, it must be Presidential leadership.³⁹

Frequently, Kennedy departed from his prepared text during the campaign and this was one such example. The above statement was, however, in the hands of the press and was made public later on by the Senate Committee on Commerce. Furthermore, although Kennedy did not actually deliver the pre-released speech, he did express similar sentiments when he spoke at the airport.

Kennedy's model of leadership, as he developed it during the campaign, did not ignore the existence of Congress, but he believed that the constitutional framework was flexible enough to support the style of leadership that he was advocating. He told an audience in August:

I value the American Constitution enough to believe that the checks and balances required by our system were written into the Constitution. Those are the checks and balances which permit freedom to develop and yet action to take place.⁴⁰

His conception of leadership was the strong-party model that many political scientists had been arguing for during the decade prior to the election. Kennedy rarely used the term 'separation of powers'. He preferred to talk about 'co-ordinate powers' and believed he would be able to exert the necessary leadership through his party in Congress. In a magazine article, published during the campaign, Kennedy wrote:

A President who presumes to lead the people without regard for the chosen representatives of the people embarks upon a dangerous adventure into caesarism. It is the supreme

39. Ibid., p.984.

40. Ibid., p.42

quality of the leader in a free society that he does his political business with, through and occasionally on, the legislature. In American politics, the successful President is one who leads the Congress in a fruitful partnership of co-ordinate powers.⁴¹

CONCLUSION

If, as Randall Ripley has claimed, the function of the party leadership in Congress is to mediate between the President's legislative posture and the legislative posture of the members of Congress,⁴² then the task that faced them after Kennedy's election was enormous. The political environment was problematic for both the President-elect and the Congress. The legislative system was confronted with conflicting demands, and not simply conflict in terms of policy preferences. It was a basic conflict about conceptions of leadership, about authority and about responsiveness. Kennedy had confronted Congress with a style of Presidential leadership that the legislature had tolerated in the crisis periods of the depression and the war. But with the absence of depression or war and, with the experience of eight years of very limited leadership by Eisenhower, the traditional justification for the activist Presidency needed to be re-stated and re-tested. The onus, however, was firmly on Kennedy's shoulders. Without a mandate, without a power base on Capitol Hill and with the decisive commitments to an activist Presidency made during the campaign, it was his responsibility to establish an acceptable pattern of Presidential-Congressional relations. The following chapters consider his efforts in this endeavour.

41. Reprinted in The Joint Appearances of Senator John F. Kennedy and Vice President Richard M. Nixon, Presidential Campaign of 1960, Final Report of the United States Senate Committee on Commerce, 87th Congress, 1st Session, Senate Report 994 Part 3, p.622.

42. Randall B. Ripley, Majority Party Leadership in Congress, Boston, Little, Brown, 1969, p.5.

Chapter IV

ESTABLISHING THE OFFICE OF CONGRESSIONAL RELATIONS

In his attempt to fashion an acceptable and successful relationship with Congress, President Kennedy built his effort around a White House Office of Congressional Relations. This was headed by a senior aide to the President and, soon after its creation, the office gathered a momentum of its own establishing its position at the centre of the legislative process. As was shown earlier, Congressional liaison had been formalized within the White House during the Eisenhower years and there was nothing particularly surprising about Kennedy's decision to appoint one of his aides to take on this responsibility in the new administration. However, the comparison really ends there for the conduct of Congressional liaison by the Kennedy team provides a striking contrast to the Eisenhower years. There were many new departures and innovations. Congressional liaison was given a greater status and prominence under Kennedy than ever before and the staff were considerably more active than those of Eisenhower. Under the immediate direction of Lawrence O'Brien, the White House Office of Congressional Relations assumed a dynamic role as one, but perhaps the most important aspect of the Congressional liaison effort. This chapter, therefore, traces the establishment of the office during the period of transition immediately after Kennedy's election victory.

Many political scientists have drawn attention to the enormous growth of the White House bureaucracy since the New Deal and, in the post-Watergate era, more than a few have expressed concern over what they see as unchecked, and possibly undesirable, expansionary tendencies. Yet, rarely have they bothered to ask themselves how and by whom are new functions initiated in

the White House. The actual development of the many specialised areas of the Presidential advisory system has been sadly neglected and the origins of Kennedy's Office of Congressional Relations is a case in point. Recently released papers relating to the Kennedy administration now make it possible to see how this particular function in the White House was developed and it also makes possible some tentative statements about the relationship between advice and practice in building up the Presidential staff system.

SOURCES OF ADVICE

Kennedy had been giving some thought to his future administration long before his election victory. Soon after gaining the party nomination in Los Angeles, he received a communication from the former aide to Franklin Roosevelt, James Rowe, which urged the Senator to give some thought to post-election problems. Rowe was at the time a member of the Brookings Institution team set up to study the transition process. He was taken by Lyndon Johnson to meet the candidate some weeks after the convention.¹ Out of these discussions came Kennedy's appointment of Clark Clifford, formerly a Special Counsel to President Truman, to handle and advise on the process of transition from one administration to another. Clifford then set to work to prepare a memorandum primarily concerned with the appointment, organization and structure of the new administration which was handed over to the President-elect on November 9th, 1960.

A second source of advice on governmental structure was provided by Richard E. Neustadt, a member of Truman's White House staff and, at the time, Professor of Government at Columbia University. He had been working on transition problems for Senator Henry Jackson, then Chairman of the Democratic National Committee. Jackson asked Neustadt to prepare a paper for Kennedy and then took him to Georgetown to meet the Presidential candidate on 18th

1. See Arthur M. Schlesinger Jr., A Thousand Days: John F. Kennedy in the White House, London, Andre Deutsch, 1965, p.110.

September.² Neustadt was then encouraged by Kennedy to elaborate on his original paper and he went away to prepare a series of detailed memoranda on various aspects of White House organization.

The fact that the two men were working separately on similar problems was by deliberate design. When Neustadt reportedly asked Kennedy how did he want him to relate to Clark Clifford, Kennedy replied that he didn't because he could not afford to confine himself to just one source of advice.³ This, in Sorensen's words, was "typical Kennedy fashion".⁴ The Clifford-Neustadt effort was part of a much wider preparation initiated by Kennedy but conducted along the same principle of competing sources of advice. His task-forces on various aspects of policy overlapped and duplicated work but Kennedy saw this as a commendable, rather than inefficient, feature of the transition period.⁵

Both Clifford's and Neustadt's brief went much further than simply the consideration of how a President should conduct his relations with Congress. Clifford was advising on policy and proposed legislation while Neustadt was concerned with the whole range of Executive branch organization. In so far as Congressional relations was concerned, two others were involved directly in setting up the liaison team. The principal man was Lawrence O'Brien who was to become Special Assistant for Congressional Relations, but whose immediate post-election task was to find suitable candidates for the large number of Schedule-C jobs (sub-Cabinet posts) that had to be filled by the new administration. A secondary, but nonetheless important contribution was

2. Ibid., p.111

3. Ibid., p.111

4. Theodore C. Sorensen, Kennedy, New York, Harper & Row, 1965, p.229

5. See Laurin L. Henry, "The Transition: Transfer of Presidential Responsibility", in Paul T. David (ed), The Presidential Election and Transition, 1960-1961, Washington D.C., The Brookings Institution, 1961, p.217.

made by Bryce Harlow, O'Brien's counterpart in the Eisenhower White House. As part of the transition arrangements O'Brien had consulted Harlow on various aspects of Congressional liaison.

THE CLIFFORD MEMORANDUM

John Kennedy had known Clark Clifford for nearly a decade as both a lawyer and a friend. Clifford's experience in the Truman White House was a useful starting point for the President-elect in planning for the organization of his administration. On 9th November Clifford presented Kennedy with a twenty-one page memorandum accompanied by a more technical report on staffing by John J. Corson of McKinsey & Co., the management consultancy firm.⁶

Clifford's paper was divided into three parts. The first dealt with the Executive branch with particular emphasis on the organization of the White House staff; the second was concerned with Kennedy's future relations with Congress and a short final section was about the control of the Democratic Party and the handling of patronage. The recommendations made by Clifford were not solely confined to organization but also encompassed policy matters. It was this memorandum that first put forward the five key items of legislation that were to be the backbone of Kennedy's New Frontier programme for the 87th Congress.

In his proposals for the structure of the White House Office, Clifford strongly advised Kennedy to avoid the Eisenhower practice of having a chief of staff in the White House. He then listed a number of senior positions to be filled, itemizing these as Special Counsel, Appointments Secretary, Press Secretary, Press Secretary, Correspondence Secretary, the three military aides, a Staff Secretary, a Secretary to the Cabinet and a Special Assistant for National Security Affairs.⁷ There was no mention of an Assistant for

6. Clark Clifford, 'Memorandum on Transition', Theodore C. Sorensen Papers, (Subject Files 1961-64, Box 18), John F. Kennedy Library.

7. Ibid., pp.3-7.

Congressional Relations, although Corson did include such a position in his list of major White House staff functions.⁸ Clifford's advice on the structure and functions of the White House staff system was simplistic and, in many instances, was merely a statement of the obvious. It included such advice as:

The members of the White House staff should approach all problems from the point of view of the President. Their duty is to watch for his interests, to advance his fortunes, to bring matters to his attention, and to see that his ideas are carried out.⁹

It seems that Clifford's major purpose in this respect was to steer Kennedy away from the Eisenhower model of staff organization. As well as advising against the Sherman Adams type of role, several other references were made to previous practice particularly in relation to the Cabinet. Clifford wrote that Eisenhower considered the Cabinet to be in the nature of a corporate board of directors. "Decisions would be made by the Cabinet and he would carry them out. This is contrary to every basic concept of the Presidency and should be junked."¹⁰

The omission of an Assistant for Congressional Relations was no oversight on Clifford's part. The second section of the memorandum reveals that he thought this job neither a priority, nor even a necessity, but then it must be added that the proposals he made showed little awareness of the political realities facing the incoming President.¹¹ Clifford began his discussion of the Congressional situation with what, in hindsight, were highly dubious statements. He wrote:

The President-elect is in a good position to have successful

8. See Exhibit II-2 of John Corson's paper appended to the Clifford memorandum.

9. Clifford memorandum, p.3.

10. Ibid., p.6.

11. It should be stressed that Clifford's paper was given to Kennedy before most of the Congressional election results were known.

relations with Congress. In addition to his electoral victory, he has the advantage of having served in the Senate, and having the former majority leader as his Vice President.¹²

As was pointed out in the previous chapter, Kennedy's electoral victory and past experience in the Senate were not such positive assets as Clark Clifford suggested. Lyndon Johnson's role will be dealt with further on but, for various reasons, he proved to be of no help to Kennedy on Capitol Hill.

Most of the recommendations contained in this section related to a possible legislative programme for the new President, then, under the heading 'Continuing Contacts with Congress', Clifford elaborated on the mechanisms of Presidential-Congressional relations. It is evident that his advice was conditioned by his experience under Truman because, like Truman, he saw the leadership meetings as the right channel for the conduct of liaison. He wrote:

The President-elect may wish to spell out his plans for regular meetings and for channels of communication between him and the leadership of Congress. As mentioned before, he will probably prefer to follow the Truman precedent of personal weekly conferences with the "Big Four", supplemented by ad hoc contacts with committee chairmen and key figures, as needed, rather than the cumbersome Eisenhower practice of joint meetings between the leaders and the White House staff.¹³

It has already been noted that Truman did not place much responsibility with his two aides for Congressional liaison¹⁴ and neither did Clifford see much value in such a function. In fact his advice to Kennedy was not to establish an Office of Congressional Relations in his White House. He thought the Vice President would provide adequate contact between the the President and Congress. He suggested:

12. Clifford memorandum, p.14.

13. Ibid., p.18.

14. See p.40.

As for channels of communication, the Vice President will be most helpful, and probably no official White House staff liaison system should be set up, at least until experience shows a necessity for it. The Vice President can also help in absorbing the pressure from the Hill for continued and time-consuming personal contacts with the President, a pressure that is sure to arise promptly.¹⁵

In this respect, however, Clifford's advice was not accepted. The reality of the situation in Congress called for a more positive approach and Kennedy began to think seriously about Congressional liaison soon after the election.

THE NEUSTADT MEMORANDUM

Initially, Richard Neustadt prepared a general memorandum for Kennedy on the organization of the White House and many of the ideas contained in it were reproduced in an article some three years later.¹⁶ This was followed up by a series of much more specific papers relating to individual positions and jobs. One such paper dealt with Congressional liaison and was sent to the President-elect on 7th December.¹⁷ Neustadt's original paper contained no mention of an appointment in the area of Congressional liaison, but the subject was first raised by Kennedy when he met with Neustadt at Palm Beach at the end of November.¹⁸ Neustadt recalls the content of the discussion on this occasion at the beginning of his memorandum:

Two weeks ago at Palm Beach, I gained the impression that you had in mind a continuing job on the White House staff, to be built around the recurrent chores of screening and selecting personnel for presidential appointments. I understand that the

15. Clifford memorandum, p.19.

16. See Richard E. Neustadt, "Approaches to Staffing the Presidency: Notes on FDR and JFK", American Political Science Review, Vol.LVII, No.4, December 1963. The original paper, dated 30th October 1960, was entitled "Memorandum on Staffing the President-elect", Theodore C. Sorensen Papers, (Subject Files, 1961-64, Box 18), John F. Kennedy Library.

17. "Memorandum on A White House Aide for Personnel and Congressional Liaison", John F. Kennedy Papers, (Transition Files, 1960-61), John F. Kennedy Library. Hereafter referred to as Neustadt memorandum.

18. The meeting was probably the one Schlesinger refers to held on 21st November. See Schlesinger, op.cit., p.114. The opening remarks of Neustadt's memorandum would confirm this.

man who did this after January 20th also would keep watch on departmental personnel actions, keep an eye on political organization in the states, and give you general utility assistance with Congressional relations. I gathered that Larry O'Brien was the man you had in mind. This strikes me as a fine combination of functions and a nice fit of man to job.¹⁹

Clifford had recommended that patronage should be handled on a regular basis by the Democratic National Committee,²⁰ but Kennedy's initial idea was to locate it in the White House and link it to the Congressional liaison function. If Neustadt's recollection is correct, and there is nothing to suggest otherwise, then the phrase "give you general utility assistance with Congress" indicates that, at that stage, the job had not been assigned a very high priority. Moreover, the multiplicity of roles and responsibilities, in addition to Congressional liaison, would present problems. Two aspects of the job were highly partisan and political whereas, given the situation in Congress, a bi-partisan approach would be needed on many items of New Frontier legislation. One might also consider the possibility that this combination of responsibilities was built around the man, rather than the man being put into the job. About the same time that John Kennedy was considering O'Brien for this post, Robert Kennedy offered him the position of Deputy Postmaster General. O'Brien told Robert Kennedy that he had no intention of accepting such a post and would leave the staff to return home to Springfield.²¹ This suggests that there might well have been a problem about what to do with O'Brien in the new administration, although it could simply have reflected a lack of co-ordination between the Kennedy brothers.

It was on the basis of the November 21st discussion that Neustadt set to work on the memorandum. He was not entirely new to this field for his

19. Neustadt memorandum, p.1.

20. Clifford memorandum, p.20.

21. See Lawrence F. O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974, p.100.

Harvard doctoral dissertation was concerned with the very problem of how a President organizes his legislative programme in Congress. Neustadt noted the developments in legislative planning, but concluded by arguing for an expansion of these efforts into the fields of legislative presentation and campaigning. By this he meant "the operations of identifying friends and enemies, mobilizing public opinion and pressure group action, splitting centers of Congressional opposition and generally making the deals."²²

The memorandum immediately recognized the problems caused by O'Brien's partisan background and Neustadt urged Kennedy to neutralize his political role as a matter of urgency. "Take O'Brien out of his present context fast", was Neustadt's advice. "Every day that he remains 'out front' in personnel selection, with his campaign title, his National Committee locals, and his newspaper billing as the party's man to see makes it harder for him to assume the White House work you have in mind and carry it out effectively."²³ Neustadt's idea was that Kennedy should establish a buffer for O'Brien in both the Democratic National Committee and in the Civil Service Commission, by having a 'front-man' in each case who would draw the heat and blame, inevitable in personnel and patronage matters, away from the White House.²⁴

The rest of Neustadt's memorandum was cautious and low-keyed in its approach to Congressional liaison. In addition to hiding O'Brien's patronage responsibilities, Neustadt also recommended that his Congressional responsibilities ought not to be made public.

The one thing I would not do in O'Brien's case - or any other for that matter - is to follow Eisenhower's precedent of

22. Richard E. Neustadt, Presidential Clearance of Legislation: Legislative Development, Review and Co-ordination in the Executive Office of the President, Unpublished Ph.D dissertation, Harvard University, June 1950, p.463.

23. Neustadt memorandum, p.1.

24. Ibid., p.1.

including job descriptions in White House titles. Except for the Press Secretary (where the descriptive word is an unshakeable tradition) the blander and more generalized these titles, the better and more flexible for you. Washingtonians learn fast enough who does what; there is no need to freeze assignments by the titles given staff men. In O'Brien's case, particularly, much could be lost by advertising him as the personnel man or the Congressional liaison.²⁵

Neustadt thought O'Brien's title should be simply 'Special Assistant to the President' and his low-key conception of the job was further emphasized in his recommendation about staffing and growth of the Office of Congressional Relations. The memorandum continued,

Go slow on staffing up Congressional liaison. With O'Brien retrieved from the Committee, I would urge caution on his part, and yours, in building up a staff of liaison assistants. He will need help, no doubt, but how much help, how well identified, with what assignments and relationships are questions to be weighed with care. An over-organized White House liaison operation, like the one Eisenhower built in his first term, tends to turn Presidential staffers into chore-boys for Congressmen and bureaucrats alike. From this the President has more to risk than to gain, in my opinion.²⁶

What the risks were was not made explicit in the memorandum, neither did Neustadt explain how large scale organization could turn the liaison office into servants of Congress rather than the President. The Eisenhower experience was really Neustadt's only yardstick and might well have provided evidence for such caution, but then the Eisenhower liaison team did not see lobbying for legislation as its primary function. If anything, its approach to Congress was a negative one and consequently the service function was prominent within this limited framework.²⁷ Neustadt was later to admit that the Eisenhower approach was not as useful a guide as he first thought. In commenting on his memorandum he said:

Of course Harlow's operation - which had been very skillful in Eisenhower's last years as a braking device - could be no precedent for O'Brien since he had an affirmative task

25. Ibid., p.2.

26. Ibid., p.3-4.

27. See the discussion on Eisenhower's liaison office on pp.41-44.

trying to push things through, not slow things down.....
As you will see, I was suspicious of the Eisenhower facility,
but its institutionalization was more than I could interfere
with. And in the hands of so skillful an operator as O'Brien,
I think my suspicions were proved wrong.²⁸

Neustadt's warning of the dangers of an over-organized liaison unit was nonetheless valuable primarily because it highlighted a problem more immediate to the departmental and agency liaison staff than the White House. As Holtzman correctly points out, close ties between liaison staff and Congressional committees result in divided loyalties and the development of a dual-client approach to the liaison function.²⁹ This, of course, was not a new fear and Neustadt's caution was essentially the same as Roosevelt's 'built-in obsolescence' theory about the usefulness of a liaison staff.³⁰

The final recommendation in Neustadt's memorandum related to the techniques of bargaining with legislators. He suggested that, in time and as part of the development of legislative liaison, O'Brien could explore the practicalities of making departmental budgets, procurements and contracts regularly serve the President's own purposes with Congress. He pointed out that in recent years there has never been a systematic effort in this field and added, "although it would be hard to organize and harder to sustain, it was well worth exploration."³¹

THE APPOINTMENT AND STATUS OF O'BRIEN

Immediately after the election, O'Brien had been set to work on a talent hunt to staff the many administrative positions to be filled by the new President. In his memoirs he makes it clear that he did not know what permanent assignment he would be given and did not discuss the matter with

28. Letter from Richard Neustadt to the author, July 9th 1971.

29. Abraham Holtzman, Legislative Liaison: Executive Leadership in Congress, Chicago, Rand McNally, 1970, p.196.

30. See p.39.

31. Neustadt memorandum, p.4.

the President-elect. Although the Neustadt memorandum shows that Kennedy had placed O'Brien in a White House staff job by the end of November, O'Brien himself was not informed of the decision until the end of December 1960, during the Christmas period.³² Kennedy told him that his responsibility would be for Congressional relations and personnel matters and O'Brien commented later that he had no real concept of the role but was pleased that he would have the opportunity to participate, particularly in the White House.³³ O'Brien had no significant previous experience on Capitol Hill apart from the two years he had spent as an administrative assistant to Congressman Foster Furculo. His qualification for the job, at that time, was seen to be his ability and skill in political organization and personal relations. He was seen as the professional amongst a team of newcomers and Time magazine portrayed O'Brien in just such terms when they printed a cover story on him in September 1961.

To the Kennedy team, O'Brien was and is more than a skillful political organizer. He has the experience and understanding to serve as a bridge between the Democratic Old Guard and the New Frontier. The bright, eager young men around Jack Kennedy have always baffled and offended the Skeffingtons of Massachusetts, but Larry O'Brien can talk to politicians in their own language and win them over.³⁴

From the time that Kennedy had appointed O'Brien, the President's role in legislative liaison was a much reduced one because of two decisions taken by Kennedy at the outset. Firstly O'Brien was a top level aide in the White House. He shared the same status as Kenneth O'Donnell and Theodore Sorensen and had direct access to the President. This had not been true of previous Congressional liaison staff. Bryce Harlow, who managed Congressional liaison for Eisenhower, was one remove from the President, reporting to him via Sherman Adams and then Wilton Persons. Truman's two assistants, Feeney and Maylon, operated at an even lower level in the White House hierarchy.

32. O'Brien, op.cit., p.101.

33. Ibid., p.101.

34. "The Man on the Hill", Time, 1st September, 1961, p.16.

O'Brien's status was significant in itself but, secondly, Kennedy let it be known that O'Brien would have the power to deal with Congressmen on behalf of the White House. O'Brien recalls:

We discussed at Palm Beach just what my role should be and there was just one step for the President to take, and he took it immediately, and that was to ensure that the Congress understood clearly that I spoke for the President.³⁵

This, too, was a new departure from previous practice. O'Brien has claimed that Kennedy delegated a really substantial amount of responsibility to the Congressional Relations Office,³⁶ and, in describing the establishment of his office, O'Brien puts particular emphasis on his status and authority as the key factors in determining the nature of his role and function.

The President felt that this area would be significant and sensitive, that he would make himself available to me as I determined, to the fullest. Both Presidents did that. But clearly from day one you should have defined, without any question in anyone's mind, the level of your role and the authority you had in the decision making process. That when you were dealing with Congress that you, in making a decision, that decision could be taken as it was, as a final decision, that you spoke for the President. That was the key to it and, to use the vernacular, did you have the muscle? And you did.³⁷

An illustration of O'Brien's authority to take decisions on Capitol Hill without recourse to the President is provided in his own account of the passage of the minimum wage bill in early 1961. This measure had been listed as one of the priority measures of legislation in the New Frontier programme. The bill, which was designed to raise the minimum wage to 1.25 dollars per hour and extend its coverage, was introduced in the House of Representatives on 7th February 1961 and quickly reported out of the Committee on Education and Labor.³⁸ But a preliminary headcount by the

35. Interview with Lawrence O'Brien, 14th April 1971.

36. See for example, Lawrence O'Brien, "Federal Separation of Powers: Theory and Practice", unpublished transcript of a lecture delivered at the Technical High School, Springfield, Mass., October 5th 1966, p.16.

37. Interview with Lawrence O'Brien.

38. See U.S. 87th Congress, 1st Session, 1961, Fair Labor Standards Amendments Act of 1961, House Report No.75, Committee on Education and Labor.

by the Congressional liaison staff revealed that the passage of the bill was doubtful. O'Brien comments:

I can vividly recall a meeting in Speaker Rayburn's office where Arthur Goldberg, then Secretary of Labor, the Democratic leadership and members of the Committee considered what we should do. Much to my discomfort, I must admit, the final decision was left to me because the tough decision was a political one. Should we compromise? And if so, where? Should we fight this issue out? And how should we best handle the bill on the floor of the House?

I was the President's man in that meeting and while I could have picked up the phone and called him, I knew the choice was mine to make.

So I decided to hold the \$1.25 figure, but to agree to certain reductions in the number to be added to the minimum wage umbrella.³⁹

Kennedy gave Lawrence O'Brien a free hand to develop his office as he saw fit. Neither was he guided in his task to any great extent by the President's advisers. The Clifford memorandum was too negative to be of any relevance to O'Brien's function and it is highly doubtful whether he ever saw the paper by Neustadt. O'Brien indicates in several places that he had discussions with Neustadt at a later stage, but not that he had the memorandum to guide him at the outset,⁴⁰ and Henry Hall Wilson, his assistant in the House of Representatives, knew nothing about the memorandum and did not think it could have been of any real importance in establishing the office.⁴¹ Certainly, in many instances, Neustadt's recommendations went unheeded. O'Brien very quickly dropped the personnel side of the assignment that Neustadt had put together and handed it over to another White House aide, Ralph Dungan. Thereafter Congressional relations was O'Brien's primary duty. Furthermore, Neustadt's advice that O'Brien's responsibilities should not be indicated

39. O'Brien, "Federal Separation of Powers: Theory and Practice", p.17. See also his account in No Final Victories, p.124.

40. O'Brien, No Final Victories, p.101. See also transcript of O'Brien interview on National Educational Television reprinted in Congressional Quarterly, Legislators and the Lobbyists, Washington, D.C., Congressional Quarterly Inc., 1968, p.66.

41. Interview with Henry Hall Wilson, 31st August, 1972.

in his title was also ignored. O'Brien was listed in the U.S. Government Organization Manual as "Special Assistant to the President for Congressional Relations and Personnel" and he usually signed his mail and any memoranda with the designation "Special Assistant to the President for Congressional Relations". Furthermore, a memorandum entitled "The President's Staff" had been sent to all Cabinet members within ten days of the inauguration. This listed the specific responsibilities of all the principal members of the White House Office including O'Brien.⁴²

That O'Brien decided to drop the personnel responsibilities of his job was probably the outcome of his meeting with Bryce Harlow during the transition. Harlow was firm in advising O'Brien against getting overtly involved in patronage and personnel work. He told O'Brien that "with patronage you will have to turn down ten men for every one you say yes to. You make people unhappy instead of happy."⁴³ Although O'Brien by no means ignored patronage and personnel matters, he did succeed in avoiding identification as the White House aide for personnel. Neustadt later commented that "Larry O'Brien very sensibly ducked from under the personnel side of the assignment I'd contrived for him within a very few days or weeks and that fell thereafter mostly to Ralph Dungan. In this, as I recall, O'Brien was influenced by some good advice again from Bryce Harlow."⁴⁴

STAFFING CONGRESSIONAL LIAISON

Neustadt's recommendation that Kennedy should "go slow on staffing up Congressional liaison" also went unheeded. O'Brien quickly built up a staff almost equal in size to that of Eisenhower's Congressional Relations Office. He began to consider his appointments only seven days prior to Kennedy's

42. Memorandum from Frederick G. Dutton to all Cabinet Members, 30th January 1961, John F. Kennedy Papers, (White House Central Files), John F. Kennedy Library.

43. Quoted in "The Man on the Hill", Time, 1st September 1961.

44. Letter from Richard Neustadt to the author, July 9th 1971.

inauguration and did not intend to limit his choice to those with prior experience in this type of work. O'Brien considered that sound political judgment was more important than experience.⁴⁵

His first appointment, however, was that of Mike Manatos who was to be the only member of O'Brien's staff with extensive background in Congress. Manatos had first come to Washington in 1937 as an assistant to Senator Harry Schwartz and continued as an aide to Wyoming Senators until 1961. During his long service in Congress he became President of the Association of Administrative Assistants and Secretaries of the United States Senate. Manatos was made responsible for liaison with the Senate. In contrast, Henry Hall Wilson, who was to take charge of liaison with the House of Representatives, had no experience in Congress at all. He had been a member of the North Carolina legislature from 1953 to 1957 and then a member of the Democratic National Committee. Wilson had only been informed of his appointment on the weekend of inauguration. He recalls that he had attended a meeting of the Democratic National Committee on the Saturday morning, the day after the inauguration, then left Washington to visit a relative in New Jersey. When he returned on the Sunday evening, he found a message at his hotel to call the White House and reported for duty the next morning.⁴⁶ That was the beginning of the week of the House Rules Committee fight. Both Wilson and Manatos were given the title of Administrative Assistant to the President.

Also added to the team was Richard K. Donahue of Massachusetts who had worked on Kennedy's election staff and, like O'Brien, had been occupied with personnel matters during the transition. He assisted Wilson in the House with particular responsibility for the big city Congressmen. Donahue was

45. O'Brien, No Final Victories, p.101.

46. Interview with Henry Hall Wilson.

the only member of the Congressional liaison staff to leave during Kennedy's Presidency. He departed early in 1963 and was not replaced. Claude J. Desautels was appointed as administrative assistant to Lawrence O'Brien. He had been on the staff of Congressman Wayne Aspinall and he completed the original front line of the White House Office of Congressional Relations. The only addition to the team was the appointment of Charles U. Daly in January 1962 to help with the workload in the House of Representatives. Daly had previously worked on the staff of Representative Stuart Udall and Senator Kennedy while holding a Congressional Fellowship in 1959. He then had a short period with the Democratic Study Group before taking a post at Stanford University.

In addition to his senior assistant, O'Brien had a support staff of secretarial assistants. There were ten secretaries altogether, but two of them were more than just typists. Phyllis Maddock was O'Brien's personal secretary and was given considerable political responsibility, including handling the initial discussions with Bryce Harlow and his staff during the transition period.⁴⁷ Jean Lewis was also a secretarial assistant, but she had the responsibility of opening all mail from the Congress to the President, a job that involved making important decisions about where and to whom each letter should be sent. Wilson commented that Mrs Lewis "had a tremendous amount of authority and she just handled it beautifully."⁴⁸

The Kennedy White House Congressional Relations Office was marked, at the outset, by its lack of experience in liaison work. Unlike Eisenhower's team, none of O'Brien's staff had worked in the Executive branch prior to 1961 and only Manatos had any lengthy experience in Congress. This presented a slight problem of initial contact between the White House staff and Congress, but O'Brien overcame this by effectively utilizing those

47. O'Brien, No Final Victories, p.101.

48. Interview with Henry Hall Wilson.

Congressmen who had become part of the Kennedy election apparatus. One of the most important contacts was Richard Bolling who had acted as the liaison man between Kennedy and candidates for House seats. Frank Thompson also figured prominently in O'Brien's early activity and during the election had held the position of chairman of the national Democratic registration drive. Carl Elliott of Alabama was also an instrumental contact for O'Brien and so too was Edward Boland, who represented O'Brien's home district of Springfield in Massachusetts. These were the people who supplied the intelligence and information that O'Brien needed.⁴⁹ Soon after Kennedy's inauguration, O'Brien got together with Bolling, Thompson and Elliott and systematically compiled a card file on every member of the House. This was to be the beginning of the most structured and organized approach to Congressional liaison that had ever been instituted in Washington.⁵⁰

CONCLUSION

The relationship between advice and action does not appear to have been a direct one, certainly when one looks at the establishment of the White House Office of Congressional Relations under President Kennedy. The caution advocated by Clifford and Neustadt soon gave way to O'Brien's dynamism and most of the specific recommendations made in Neustadt's paper went unheeded. But, nevertheless, the advisers did perform a positive function in that they focussed attention on an area of activity that might well have been overlooked in the transition period. During the period between his election and inauguration, a President's attention is centred on the selection of his Cabinet and the preparation of his inaugural address. It is somewhat ironic that, given the expansion of the White House staff in recent years, a President-elect does not appear to give a great deal of attention to its

49. Interview with Henry Hall Wilson.

50. See Neil MacNeil, Forge of Democracy, New York, David McKay, 1963, p.258.

establishment.⁵¹ One notes that O'Brien was only informed of his White House duties just three weeks before inauguration day and only began to give serious attention to problems of staffing one week before Kennedy took office. Neustadt's paper thus provided President Kennedy with some thoughts and ideas at a time when he was preoccupied on other matters. It, at least, provided a framework within which the President-elect could make an initial decision about the job of Special Assistant for Congressional Relations. In that sense, the memorandum was a timely one.

The necessity for a Congressional Relations Office in the White House was soon made apparent. During his very first week in office, President Kennedy was faced with turmoil in the House of Representatives over House Resolution 127 - the plan to enlarge the Committee on Rules. The vote was a test case for the level of Presidential support in the House and failure to 'liberalize' the committee would have meant that the fate of the New Frontier legislative programme would have been decided by a hostile, conservative majority. It will be argued further on that the intervention of O'Brien, during his first week in his new job, was a decisive one.

One must not, however, claim too much for the role of the Presidential advisors in this instance. Clark Clifford had recommended against the establishment of a Congressional liaison staff and O'Brien indicated from the beginning that he was not prepared to operate at the level envisaged by Neustadt. There was a precedent on which O'Brien could have based his role, but his perception of his status and authority immediately indicated an upgrading of the Office of Congressional Relations. O'Brien was to have a far greater impact on the shaping of his office than Neustadt. There was also a significant difference between Kennedy's conception of Congressional liaison and that of Eisenhower. Kennedy had given the responsibility to one

51. The Brookings Institution's transition study seems to reinforce the view that Kennedy was not unduly concerned with the structure of his White House staff. It devotes less than one page to the staff establishment. See Paul T. David, op.cit., p.238.

of his senior aides and had delegated a considerable amount of authority - the authority to speak for the President. But, in addition, the major purpose of O'Brien and his staff was to promote the legislative programme in a not altogether sympathetic environment. This, in itself, necessitated a more dynamic approach to Congress and, when the authors of the Brookings study concluded that the function of the Special Assistant for Congressional Relations was "fairly traditional",⁵² their judgment was somewhat premature.

52. Ibid., p.238.

Chapter V

KENNEDY AND THE CONGRESSIONAL LEADERSHIP

Professor E. Pendleton Herring once wrote that "the party as a link between legislative and executive branches provides a very uncertain connection except at those times when the chief executive is sustained by widespread public support. Under the best of conditions the party tie is a weak link; often it is a missing one."¹ Kennedy's margin of victory over Nixon in November 1960 was anything but an indicator of widespread public support, yet he was head of his party and that party was in control of Congress as well as the White House. In such circumstances, no President is likely to renounce his role as party leader however tenuous his position might be. The great party leaders in American politics have usually been assessed in terms of their legislative success in Congress and, in modern times, the labels 'party leader' and 'legislative leader' are often used synonymously by political scientists. Hence the emphasis in reformist writings on the need for a more responsible party system as a precondition for the improvement in the relationship between the President and Congress. These writers share Herring's view about the ambiguous role of the President as party leader and traditionally stress the weakness of his position. "The President", in the words of Professor Koenig, "is an uncertain monarch of a loose and far-flung party empire of several satrapies and dependencies and a host of self-governing commonwealths. His sway is full over a few parts; over most it is little or nonexistent. He is chief among chiefs."²

The exceptional circumstances under which a President can dominate his party in Congress were absent when Kennedy entered the White House. Although the

1. E. Pendleton Herring, Presidential Leadership: The Political Relations of Congress and the Chief Executive, New York, Farrar & Reinhart, 1940, p.26.

2. Louis W. Koenig, The Chief Executive, New York, Harcourt Brace Jovanovich, 1974, p.117.

leadership of the party is undisputed in the electoral context, this is not usually the case when the party is seen as an instrument of government, and, as Professor Truman warns us, one must distinguish between the electoral party and the Congressional party.³ When a President's party controls Congress, party leadership is divided. The President is not a member of the Congressional party and, as Truman points out, "the President's initiatives, though indispensable to the effective functioning of the legislative party, are not normally equivalent to the direct leadership of that group."⁴ The leadership of the Congressional party was in the hands of other Democratic chiefs, a powerful group in its own right that Kennedy would have to come to terms with. This is an important and inevitable task facing all new Presidents but, perhaps, more acute in Kennedy's case because of the political environment at the time of his inauguration. Yet, unlike the day-to-day management of Congressional relations, a President cannot devolve responsibility for his relations with the party leaders in Congress. It is a task in which he plays a central role and it forms an important and distinct aspect of White House liaison with Congress.

Kennedy certainly needed the Congressional leadership, but, in spite of his weak power base in Congress, it would be wrong to assume that the dependence was one way. The relationship is more likely to be one of mutual interdependence and, again quoting Truman, "the imperatives of the Presidency and the peculiarities of leadership in a Congressional party with the characteristics of a mediate group make collaborative relations between the President and the principal elective leaders of his legislative party functionally useful for both participants."⁵ Some would suggest that the President is more than functionally useful to the Congressional leaders - that he is, in fact, a functional necessity. They would argue that the growth of Presidential legislative

3. David B. Truman, The Congressional Party, New York, John Wiley, 1959, p.290.

4. Ibid., p.291.

5. Ibid., p.295.

responsibility in the twentieth century has transformed the role of the Congressional leader. Ripley is typical of this school of thought when he writes that "the majority party leaders in the House and Senate have to consider the President's wishes on legislation before they consider anything else. The Congressional leaders of the President's party are considered his lieutenants."⁶ It is doubtful whether the leaders of the 87th Congress would have agreed entirely with Ripley's description of them as Presidential lieutenants, but they certainly would not deny their dual responsibility. Senator Mansfield said;

I think it ought to be understood that I was never the President's majority leader. I was the Senate's majority leader. My first duty was and is to the Senate. What I do is act as a conduit through which I convey to the President the views as I understand them down here and he, in turn, expresses his wishes to my colleagues in the Senate.⁷

Yet, while preserving his underlying loyalty to the Senate, Mansfield clearly did perform the job of Presidential agent in the Senate chamber. He told the Senate, on 20th February 1961, that.....

As far as the leadership on this side of the aisle is concerned, it is determined to do whatever it is able to do with respect to the Kennedy program to see that its legislation needs receive adequate and prompt consideration in the Senate of the United States.....It is my intention to meet tomorrow with the chairmen of all the committees which have or will have under consideration proposed legislation pertaining to the President's program. Together with the majority whip and secretary of the Conference, I shall seek the counsel of these outstanding Senate leaders with a view to bringing these bills, and whatever subsequent major proposed legislation is sought by the administration, to trial on the floor of the Senate as promptly as prudence permits.⁸

Hubert Humphrey, the newly appointed Assistant Majority Leader in the Senate, was more emphatic about his responsibilities. In his recent autobiography,

6. Randall B. Ripley, Majority Party Leadership in Congress, Boston, Little Brown, 1969, p.5.

7. Interview with Senator Mansfield, 25th March 1971.

8. Congressional Record, (Senate), 20th February 1961, pp.2348-49.

he states:

I saw the whip's role not entirely as a creature of the Senate, but as a sometime extension of the Administration. With an activist President surrounded by eager, not passive, staff, it seemed necessary to push, cajole and plead at least some of the time.⁹

When a President and a majority in Congress are of the same political party, the impetus towards unified party leadership is always present, yet the American system of government provides no ready made structure within which party leadership can operate. The separation of powers is only one of several barriers and varied attempts to overcome these obstructions can be seen throughout the history of American political institutions. Kennedy's response was to develop the practice, begun during the Roosevelt years, of regular meetings between the President and the Congressional leadership. The format was well-established, but the meetings were to take on a heightened significance during the Kennedy administration.

THE LEADERSHIP MEETINGS

President Kennedy met with the Congressional leaders regularly every Tuesday morning while Congress was in session. The meetings which took place during and after a breakfast at the White House became an established part of the President's schedule. The practice of his Democratic predecessors was to meet with the 'Big Four', i.e. the Speaker and Majority Leader from the House and the Vice-President and Majority Leader from the Senate. Kennedy widened the Congressional participation slightly and also included four of his key White House aides, but did not follow the Eisenhower precedent of large, formal meetings with agenda and minutes. The initial Congressional delegation consisted of Speaker Rayburn, Majority Leader McCormack and House Democratic Whip, Carl Albert. Senator Mansfield, Senator Humphrey and Senator Smathers, Secretary of the Democratic Conference, represented the Senate. Vice-President

9. Hubert H. Humphrey, The Education of a Public Man: My Life and Politics, New York, Doubleday, 1976, p.246.

Lyndon Johnson also attended. After Rayburn's death in November 1961, McCormack and Albert were promoted and Hale Boggs, the new Assistant Majority Leader, joined the meetings. The four White House aides in attendance were Lawrence O'Brien, Theodore Sorensen, Kenneth O'Donnell and Pierre Salinger. O'Brien's presence was self-explanatory. Sorensen was the President's Special Counsel and responsible for drafting legislation. O'Donnell, although technically the President's Appointments Secretary, was also Kennedy's principal political adviser and Salinger, the Press Secretary, attended because it was usual practice for the Congressional leaders to hold a short press conference after the breakfast meeting.¹⁰

The meetings had two purposes. They served as a mechanism through which the party leadership as a whole could review the legislative situation in Congress, but the scope of the discussion at the meetings extended beyond questions of legislation and they were also used by Kennedy as a forum for ideas about general issues of policy. However, legislative progress was the prime concern. Senator Smathers described the meetings thus:

The breakfasts basically had to do with specific pieces of legislation and progress of legislation through the Congress. That was basically what it was designed for. However, from time to time, policy matters would come up at the breakfasts and there would be, freely, give and take with respect to the various Senators' and Congressmen's viewpoint about what ought to be done on policy matters. But, essentially, they were designed to keep tabs on where the legislation was and when it was going to get through; what committees were going slowly and where the problems were and how to eliminate the problems to get the programme adopted.¹¹

It appears that the actual breakfast period itself was the time Kennedy used for

10. The Congressional leaders did not hold a press conference after the very first leadership meeting and Senator Bridges attempted to make some political capital from this episode. He raised the matter on the floor of the Senate accusing Mansfield and Humphrey of unnecessary secrecy. See Congressional Record, (Senate), 26th January 1961, p.1320. Several newspapers also expressed concern and, thereafter, each meeting was concluded with a statement to the press.

11. Interview with Senator Smathers, 15th April 1971.

more wide ranging discussion. Smathers continued:

However, before Larry O'Brien would come on, which would always be after we'd finished breakfast, we would talk about current events, the latest thing that had happened, Kennedy's speeches, Kennedy's reaction to certain things as news events broke - why, we'd discuss it.¹²

McCormack concurs with this description. "Everything was discussed, even Democratic politics", he commented,¹³ and Hubert Humphrey remarked that the breakfasts "were a combination of information and lobbying, insiders' gossip, and formulation of legislation and strategy. General needs for legislation were translated into action."¹⁴

There were no minutes taken at Kennedy's legislative breakfasts nor was any formal agenda circulated to the participants beforehand. But the meetings were structured by reverting to the precedent begun by Truman's aide, Charles Murphy, of the presentation of a report on the legislative situation to the President. It was this report that provided the 'agenda' for the meeting. O'Brien required that each Department and agency liaison office submit a report, by Monday noon, of its Congressional activity for the previous week and its plans for the week ahead. O'Brien's staff would collatethese on the Monday afternoon and prepare a report for the President prior to his Tuesday morning meeting.¹⁵ Then, according to O'Brien, "the basic thrust of the breakfast would be a review of the legislative situation item by item.....We used progress charts so we would have the visual aids to clearly define just what was occurring."¹⁶ The discussion at the meetings were uninhibited and advice was freely given by the Congressional leaders. The President usually made some

12. Ibid.

13. Interview with Speaker John McCormack, 19th July 1972.

14. Humphrey, op.cit., p.249

15. See Lawrence F. O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974, p.110.

16. Interview with Lawrence O'Brien, 14th April 1971.

specific requests in terms of legislative strategy and often for information on how and when legislation would come out of a particular committee. For example, after a leadership meeting held on 7th February, the House Majority Leader was asked to look into the progress of legislation that was discussed during the meeting. This included the minimum wage bill, the area redevelopment legislation and the medicare proposals. McCormack reported back, via O'Brien, to inform the President that he expected the minimum wage bill to be out of committee by 1st March; that there would be problems with jurisdiction over the proposed Area Redevelopment Agency - as, indeed, there was - and that Wilbur Mills, Chairman of the House Ways and Means Committee, needed time to work on the medicare proposals because his committee was opposed to medicare being tied in with the social security system. Interestingly, McCormack told Kennedy that Mills did not have any determined views on the matter.¹⁷

During his tenure in the White House, President Kennedy held 95 such leadership meetings.¹⁸ The fact that he attached significance to this practice is indicated by a comparison with the number of Cabinet meetings held during the same period. The Cabinet met only 31 times and, at least, on one occasion President Kennedy did not attend.¹⁹ The focus on the Cabinet provide some further insights into the leadership meetings for, in many respects, Kennedy's Tuesday morning legislative breakfasts took on an appearance of a de facto Cabinet in terms of the functions they performed. The leadership meetings were regarded in the White House as being of greater importance than the Cabinet meetings, but they also became a functional approximate of the British

17. Memorandum from John McCormack to Lawrence O'Brien, February 7th 1961, John F. Kennedy Papers (President's Office Files: Staff Memoranda LFOB Box No.64), John F. Kennedy Library.

18. Figures taken from President Kennedy's appointments diary, John F. Kennedy Library.

19. Figures taken from records kept by Timothy Reardon who acted as Secretary to the Cabinet. See John F. Kennedy Papers, (White House Staff Files: T.J. Reardon), John F. Kennedy Library.



model of Cabinet government.

Like many Presidents before him, Kennedy rejected Cabinet meetings as a useful instrument of government. Schlesinger says that Kennedy thought them to be "simply useless"²⁰ and Sorensen claims that "no decisions of importance were made.....and few subjects of importance, particularly in foreign affairs, were ever seriously discussed. The Cabinet as a body was convened largely as a symbol."²¹ The Cabinet is an anachronism in American government and has never enjoyed the role of a collective decision-taking body, but, from the time of Woodrow Wilson onwards, it has been a prominent feature of normative writing on executive-legislative relations. Yet, only a few political scientists have been prepared to look at other structures that might perform cabinet government functions and Professor David is one of the few voices calling attention to the collegial nature of the legislative leadership meetings.²² The obvious parallel to the British model was that this body reached into the legislative branch of government and, like a British Cabinet, it reflected the major political groupings within the majority party. In fact, the leadership group formed a more realistic representation of Democratic interests than did Kennedy's Cabinet. Hubert Humphrey spoke for the liberal wing of the party. Mansfield and McCormack also maintained a liberal position, although less outspoken than Humphrey, while Carl Albert reflected the centre of the spectrum. Rayburn, and later Boggs, were representatives of a large body of conservatives in the party and Smathers was a spokesman for the extreme "states' rights" southerners. While Kennedy did not have to retain the support of these men in order to remain as President, unlike a British Prime Minister, he did need

20. Arthur M. Schlesinger Jr., A Thousand Days: John F. Kennedy in the White House, London, Andre Deutsch, 1965, p.596.

21. Theodore C. Sorensen, Kennedy, New York, Harper & Row, 1965, p.283.

22. See p.19.

to carry them with him if his legislative programme was to have any chance of success. It is not the purpose to carry this analogy much further. The legislative leaders did not subscribe to any doctrine of collective responsibility and neither were they involved in many of the major decisions of the Kennedy administration such as the Cuban missile crisis or the steel price dispute. In both cases the decision was arrived at by ad hoc groups that excluded the Congressional leadership. But, in the absence of comparable structures, the leadership meetings can be seen as an important bridge between the two branches, approximating to some aspects of the British model of Cabinet government.

Measuring the success of the leadership meetings presents problems because of the lack of objective criteria on which to make judgments. There are no formal records of the discussions and one has to fall back on the more subjective recollections of the participants. Yet, apart from Theodore Sorensen, there is a notable unanimity of opinions about the legislative breakfasts. Sorensen doubted the real value of the leadership meetings. In his account of the Kennedy administration, he wrote:

These weekly Tuesday morning breakfasts, like meetings of the Cabinet, usually served little more than as a means of maintaining rapport, esprit de corps and open channels of communication. The President.....valued the meetings as a regular check for him on all pending bills, but the information he received and delivered was usually available without a full meeting.²³

But this view is not shared by other White House aides who attended the breakfasts. Lawrence O'Brien also stressed rapport and communication, but believed them to have a more positive value than Sorensen suggests. He commented:

I attended every Cabinet meeting in my role as an assistant to the President and then as a member of the Cabinet over eight years and, in terms of productivity, frankly the leadership meetings were far more productive than Cabinet

23. Sorensen, op.cit., p.355.

meetings....those meetings were extremely productive and I can't envision being able to make progress under our constitutional procedure without that kind of rapport, communication and, indeed, understanding.²⁴

Kenneth O'Donnell was even more emphatic about the value of Kennedy's regular meetings with the Congressional leaders.

I would say this was the formulative moment of my time in Washington, both under President Kennedy and President Johnson.....I think most of it was done right there, and it was not just legislation - they talked about everything. I think this was the body of government, not the Cabinet. Kennedy was a legislator. He liked them and they had a conviviality which was not true of a Cabinet meeting..... I would say that the guts of the government was right there.²⁵

The Congressional leaders concurred with the views of O'Brien and O'Donnell. Speaker McCormack claimed the meetings were "very valuable"²⁶ and Mansfield said "they gave both sides a better opportunity to understand each other." He also remarked that "there was a closer relationship between the leadership and the President than there was between the President and his Cabinet."²⁷ Hubert Humphrey comments on the meetings:

To be involved at the highest level of government in fashioning these programs, to be there at their creation, made my juices flow. Objectives I had talked about for so long, I could, as part of that breakfast group, help to make real.²⁸

Thus one can reasonably assume that the leadership meetings were regarded by the participants as having more substance than Sorensen suggests. This is also supported by some contemporary journalistic accounts. Rowland Evans, as an example, wrote in March 1961 that "the regular Tuesday morning breakfast is becoming one of the chief instruments of policy and decision of the new Administration." He also thought that the meetings were responsible for the

24. Interview with Lawrence F. O'Brien.

25. Interview with Kenneth P. O'Donnell, 15th March 1971.

26. Interview with John McCormack.

27. Interview with Senator Mansfield.

28. Humphrey, op.cit., p.250.

improvement in the initially shaky relationship between Speaker Rayburn and the new President.²⁹

There was no major criticism about the conduct of the meetings from those who attended, although there was a feeling amongst the staff of the White House Office of Congressional Relations that the number of participants was too large. Charles Daly thought that the White House staff representation could have been reduced, but he also saw little necessity for the presence of the secretary of the Senate Democratic Conference and the Assistant Majority Leader in the House. In particular, Senator Smathers was not popular amongst the White House staff. His voting record in support of New Frontier legislation was poor and, although a close personal friend of President Kennedy, he was regarded, according to Daly as "something of a distraction in the breakfasts".³⁰ Hale Boggs, the House whip, was also a reluctant supporter of some of the domestic legislation proposed by Kennedy and one might assume that the criticism made by Daly was related more to the voting record of these particular individuals than to their supposed peripheral positions within the Congressional leadership.

Kennedy had succeeded in upgrading the legislative leadership meetings. The fact that the meetings were built into the President's schedule was an important indicator of the status of the group. They were regarded as necessary and regular by a President who generally disliked established and formalized structures. Kennedy had very quickly given up on the Cabinet and National Security Council as collective entities and preferred to work through ad hoc groups or even competing and overlapping groups. The evidence, albeit subjective, does tend to suggest that the meetings had substantive, rather than symbolic value and, hence, worth the President's attention. In contrast to the

29. See Rowland Evans, "What Mr. Sam Thinks of Mr. Kennedy Now", New York Herald Tribune, 12th March 1961.

30. Interview with Charles U. Daly, 25th July 1972. Elsewhere Daly describes Smathers as "an irritant" to both the House and Senate leadership. See Charles U. Daly, Oral History Interview, John F. Kennedy Library, p.35.

years, one also notes that the meetings provided a vehicle for partisan political leadership as the Democrats controlled both House and Senate. This alone would make the Kennedy group functionally more significant than the Eisenhower group. Furthermore, Kennedy kept the size of the meetings down to manageable proportions in terms of the capacity to make political decisions, whereas, most would agree, Eisenhower's leadership meetings were large, unwieldy and incapable of doing little more than receiving reports from the President. It should also be noted that the Kennedy practice was continued in the same form throughout the Johnson years and only terminated in 1969 when a Republican President had to face a Democratic Congress.

THE ROLE OF THE VICE-PRESIDENT

When Clark Clifford presented his advice to Kennedy during the transition period, he had envisaged a key role for the Vice-President in the area of Presidential-Congressional relations.³¹ It was understandable. Johnson's rise to power in the United States Senate had been remarkable and calculated and he became one of the most influential Senate leaders of all time.³² He dominated the Senate between 1954 and 1958 and has been compared to Nelson Aldrich and Joseph Robinson in relation to the influence he was able to exert.³³ Evans and Novak concluded that "one could not erase the fact that Lyndon B. Johnson had tamed the Senate within an eight year span unmatched in accomplishment or mastery."³⁴ Johnson had a close working relationship with fellow Texan, Speaker Rayburn, and his background could have provided President Kennedy with a unique skill in his relationship with Congress. Indeed, it was expected that Johnson's

31. Clifford's memorandum is discussed in the previous chapter.

32. The best account of Johnson's rise to power in the Senate is provided by Doris Kearns, Lyndon Johnson and the American Dream, London, Andre Deutsch, 1976, Ch.4.

33. See Rowland Evans and Robert Novak, Lyndon B. Johnson: The Exercise of Power, London, Allen & Unwin, 1967, p.143. This study still remains the best writing on Johnson's use of power while Senate Majority Leader. However, the authors conclude that his influence was on the wane by 1958. See p.194.

34. Ibid., p.224

knowledge and abilities would be employed on Capitol Hill. As one leading Congressman wrote, "Mr. Johnson could well become chief broker between North and South on behalf of the Kennedy program."³⁵

As Vice-President, Lyndon Johnson attended Cabinet meetings and the legislative leadership meetings, but his contribution to Presidential-Congressional relations was almost the reverse of what was anticipated. As Schlesinger remarks, "his extraordinary talents went largely unemployed in the Kennedy years"³⁶ and Evans and Novak wrote:

With few exceptions Johnson did absolutely nothing to advance the Kennedy legislative program. He did not try to exert his influence on his old friends in the Senate, seldom if ever employing the Johnson Treatment as of old on Richard Russell or members of the vestigial Johnson Network. He did not wheel and deal.³⁷

Part of the explanation for Johnson's inactivity can be found in the Senate Democratic caucus of 3rd January 1961. Although Vice-President elect, Johnson had not yet resigned his Texas Senate seat and, thus, attended the caucus. At the meeting Senator Mansfield proposed that Johnson be elected as chairman of the caucus. This confirmed the fears of many liberals that Johnson's intention was to become the de facto majority leader while Vice-President of the United States and exert control of the important Steering and Policy Committees. Predictably, there was liberal opposition to this move, but the seventeen votes against the motion included some notable representatives of the Senate establishment, such as Clinton Anderson, Olin Johnston and Willis Robertson, who regarded such an action as a grave breach of the principle of separation of powers. Although the motion was carried, the opposition hurt Johnson deeply and, after that, he simply retired from the Hill. Evans and Novak later

35. See John Brademas, "President Kennedy and the 87th Congress", in Congressional Record, (House), 30th January 1961, p.1610.

36. Schlesinger, op.cit., p.612

37. Evans and Novak, op.cit., p.311.

commented that "Johnson grieved deeply and emotionally over those seventeen votes" and "that no other single event more influenced his conduct as Vice-President."³⁸ Johnson's reluctance to influence Congress, after his initial error of attempting to force himself into a formal position of power, did leave a gap that was never filled. Neither Mansfield nor Humphrey had strong ties with the powerful southern block in the Senate and Mansfield's style of leadership was a direct contrast to the power and influence Johnson had always wanted to assert. Thus, although Johnson was part of the leadership meetings, his presence was insignificant. He opted out of involvement with Congress.

MAJORITY PARTY LEADERSHIP

When a President and the majority in Congress are of the same party, co-operation is by no means assured. Both the President and the Congressional leaders have a range of options open to them in determining their relations with one another of which co-operation is just one. However, the growth of the powers and responsibilities of the President, and particularly his prominent role in the initiation of legislation, certainly encourages a President to seek out co-operation when his party controls Congress. Similarly, the decline in the legislative capabilities of modern Congresses has forced party leaders to look upon the President as a policy leader. Yet the framework of government does not provide the mechanism for bringing together the party leadership and, therefore, structures need to be created. Kennedy did this through the regular legislative leadership meetings and his efforts must be seen within a context of a governmental system that hinders party leadership. The leadership meetings and the importance Kennedy attached to them went a long way to meet the aspirations of those political scientists who had been urging new structures to bridge the separation of powers. He created a structure which did this without first requiring constitutional change or even

38. Ibid., p.308. See also Kearns, op.cit., p.164 and Schlesinger, op.cit., p.612.

statutory authority. Yet, as Paul David has pointed out, political scientists have been slow to recognize this development.³⁹

The leadership meeting performs some important functions. It is the only grouping within the party that concerns itself with the legislative programme of the party and can claim to represent the party as a whole. The national committees do not, and could not, perform this task and the permanent party machinery is primarily an electoral unit, not a governmental one. In theory the party caucus in Congress could undertake the responsibility, but, during Kennedy's Presidency, the Democratic caucus in both House and Senate was almost a defunct body. It met at the beginning of each session to discuss organizational matters, but, because of the internal divisions within the Congressional party, the caucus was rarely called to discuss policy matters. One House leader said that a caucus could never be called during those years "because the civil rights issue was such a hot potato".⁴⁰ Hence, the leadership meetings were the only forum at which a unified approach to legislation could be developed and where problems of substance, strategy and timing could be effectively resolved. The meetings were also important in that they provided the one structure where the leaders of the House and the leaders of the Senate come together to discuss party business. The advocates of stronger party government have usually overlooked this fact and, in a bi-cameral legislature where both chambers are powerful in their own right, an institutional mechanism that links the leaders is a pre-condition of more effective majority party control of Congress. This linkage is generally missing in the American system and unless the leaders of both chambers have a close personal relationship, as Rayburn and Johnson did, there is usually little contact between them. One member of the White House Congressional liaison

39. See p.19.

40. Interview source.

staff claimed that the leadership meetings were the only time the leaders of the two bodies talked to each other.⁴¹ In a similar way, the leadership meetings were of positive benefit to the White House staff because they brought together two specialized but related functions - the planning and the presentation of legislation. With the increasing specialization of tasks within the White House the problem of co-ordination becomes more evident. In Kennedy's administration this was avoided by bringing Sorensen in to the leadership meetings. Sorensen, as Special Counsel, was responsible for the drafting of legislation whereas O'Brien was primarily concerned with selling it to the Congress. The leadership meetings brought the two into a working relationship and enabled resolution of the differences between what was legislatively desirable and what was legislatively feasible.⁴²

It was suggested earlier on that the leadership meetings under Kennedy were a functional approximate of the British system of cabinet government, but, as an instrument of party control over the legislature, they were far less efficient than the British counterpart. The absence of party discipline within Congress and the absence of any notion of collective responsibility amongst the leaders were the most obvious differences. There was no effective way for the Congressional leaders to pass on to the rank-and-file Congressmen the desires of the White House because of the infrequent meetings of the caucus and the weakness of the whip system. In this regard, Speaker John McCormack stressed the importance of the press conference which followed the leadership meetings and saw this as the main channel of communication with the rank-and-file. He also thought that personal contact with members was

41. Interview with Richard K. Donahue. 25th July 1972.

42. The reports which O'Brien sent to the President outlining problem areas for discussion at the leadership meetings were, in fact, signed by both O'Brien and Sorensen. Copies of these reports can be found in the Theodore C. Sorensen Papers, (Subject Files: Box 58), John F. Kennedy Library.

important.⁴³ One journalist noted efforts by the House leadership to tighten up the whip system, but this was to overcome a very basic problem of ensuring that members were present when a vote was taken.⁴⁴ This was a real problem for the party leaders and, on one occasion, Speaker Rayburn cancelled all committee and sub-committee meetings in order to get a full voting turnout on the administration's housing bill.⁴⁵ The lack of collective responsibility also marked the limits of the leadership group. On several occasions the leaders voted against the Kennedy position on particular pieces of legislation and one or two of them voted against major Kennedy bills. Smathers, for obvious reasons, was most guilty in this respect. But, more seriously, there were instances where members of the Congressional leadership actually led the opposition to Kennedy's proposals. Kennedy's Reorganization Plan No.2, to reform the Federal Communications Commission, was defeated in the House by a vote of 323-77. Rayburn masterminded the defeat.⁴⁶ His successor as Speaker, John McCormack, was instrumental in the defeat of the aid-to-education legislation, one of the New Frontier priority measures.⁴⁷ The structure through which Kennedy was conducting his relationship with the Congressional leaders was not sufficiently strong to hold the leaders in line when their own interests were challenged by Presidential policies.

Notwithstanding these limitations, Kennedy pursued a sustained and realistic strategy with regard to the party leadership in Congress. He was in no position to go over the heads of the Congressional leaders. His support in

43. Interview with John McCormack.

44. See Rowland Evans, "Contact Strengthening Kennedy Congress Link", New York Herald Tribune, 30th March 1961.

45. See account in New York Herald Tribune, 24th June 1961.

46. See Tom Wicker, "Lobbies Defeat Reform for the FCC", New York Times, 18th June 1961.

47. See Drew Pearson, "Jockeying Threatens School Bill", Washington Post, 22nd June 1961.

both the Senate and House was too weak and the 1960 election result had given him no national mandate. He, thus, built up a strong working relationship with the leaders who took on the responsibility of acting as Presidential agents on Capitol Hill. The leadership meetings were an important feature of the Congressional liaison effort launched by the Kennedy administration. As with the Congressional Relations Office, the leadership meetings were based on experience in previous administrations, but developed and upgraded to a more significant status and function - a significance that takes on some meaning when viewed in the context of the limitations that the American system imposes on party leadership.

Chapter VI

THE OPERATION OF CONGRESSIONAL LIAISON — THE WHITE HOUSE PERSPECTIVE

It has already been argued that the status and importance President Kennedy attached to Congressional liaison marked a significant departure from the practice of his predecessors, but the Kennedy liaison effort was also distinguished in terms of its scope and operation. In an early press conference, the President told reporters that the job of the liaison staff was "to keep close contact between the White House and the House and Senate in order to give our program the best possible chance that it has to pass",¹ but this gave little indication of how O'Brien saw the task ahead. As the Special Assistant for Congressional Relations, O'Brien was to interpret his role in the broadest possible sense and he attempted to develop a systematic and all-embracing approach to Congressional relations. All White House contacts with Congress were regarded as within his ambit and the work of the Departmental liaison officers was seen as an extension of that of the White House. Furthermore, the day-to-day operations were conducted within a planned and organized interpretation of what the responsibility entailed and, thus, very different from the Roosevelt and Truman period when the task of the White House lobbyist was to push for one particular bill at one particular time and then return to other duties in the White House.

O'Brien was not merely concerned with one bill at a time, but with the President's legislative programme as a whole, and his contact with Capitol Hill was designed to create the best possible conditions for the passage of that programme. At the same time, however, O'Brien also had to prevent any action within the executive branch adverse to this purpose and, therefore,

1. Public Papers of the Presidents, 1961, Washington D.C., Government Printing Office, 1962, p.70.

his reach extended into the whole gamut of executive-legislative relations. Recently released papers in the Kennedy Library, relating to the operation of the White House Congressional Relations Office, now provide some guide to the scope of O'Brien's activities.

However, the scope was but one dimension. It was coupled with O'Brien's proven ability in political organization. The reputation was established by his work in developing Kennedy's electoral campaigns from 1952 onwards and he built up the Congressional liaison operation in much the same way as he had built up the campaign organization. O'Brien notes in his memoirs:

I wanted to apply to our congressional relations program the same attention to detail that I think is basic to all political success. To begin with, as newcomers on the Hill, we needed information about the men and women we'd be dealing with. Thus, in my suite at the Mayflower Hotel one night in early February, our three friends in the House who had helped us on the Rules fight - Topper Thompson, Dick Bolling and Carl Elliott - went through the entire list of House membership, recalling invaluable details about each member's friends, interests and voting record, while Henry Wilson, Dick Donahue and I scribbled notes furiously. Later we compiled similar data on the Senate. Thereafter, a record was maintained of every contact we had with members of Congress.²

This chapter focuses on the day-to-day operation of the White House liaison staff during the Kennedy years in order to illustrate both the scope and organization of its activity. It will be argued that certain features of the liaison operation were innovatory in the conduct of Presidential-Congressional relations and a major development in terms of the deployment of the Presidential staff within the White House.

THE WHITE HOUSE OFFICE OF CONGRESSIONAL RELATIONS

The staff of the White House Congressional Relations Office, with the exception of Claude Desautels, spent most of their time on Capitol Hill. In essence, they were field workers, not only lobbying on behalf of

2. Lawrence F. O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974, p.110.

Presidential legislation, but also acting as permanent intelligence gatherers to keep the White House informed on all Congressional developments. Manatos and Wilson took charge of the day-to-day liaison with the Senate and House respectively, but O'Brien also spent much of his time in the Senate because, as Wilson puts it, "the Senators demanded his individual attention".³ The deployment of the liaison staff in the House of Representatives was along sectional lines. Wilson dealt with the committee chairmen and also those Congressmen from the southern and border states. Donahue was responsible for the big-city members, mainly from the north-eastern area and Daly was brought in at the beginning of 1962 to look after the remainder of the northern and western Congressmen. Daly has said that the reason for his appointment was that those Democrats who were supporting the administration regularly might feel they were being taken for granted because of the inevitable concentration on the swing voters. "There wasn't much being done", he said, "to see what were the political needs of the people in those liberal areas".⁴ This division of responsibilities was not an absolutely rigid one and sometimes the lines of demarcation became blurred.

The division of responsibility in the House was also related to the difference in 'style' of the liaison staff. Donahue and Daly tended to be direct and sometimes aggressive in their contacts with Congressmen, whereas Henry Hall Wilson was much more deliberate and, as a southerner himself, could speak to the southern members in their own language. Differences in approach were perceived to be important. Daly, for example, admitted that his style or Donahue's style "would not be very attractive to some Congressmen", but also added that "Henry Wilson was kind of a slow-talking

3. Interview with Henry Hall Wilson.

4. Interview with Charles Daly.

but very bright southerner who wouldn't get much of a positive reaction in Brooklyn".⁵ Wilson also stressed the different approaches used by the liaison staff:

You had to tailor your approach to each member individually. That was the secret. And the name of the game in dealing with Congress is that you get a Congressman to do something he otherwise wouldn't do. Basically, the people Donahue and Daly were working with were people who were philosophically and politically committed to the same goals as the President. But I had to find fifty-five votes from people who weren't. So it made for a great deal of difference.⁶

The reaction of some members of Congress to White House lobbying was, on occasions, hostile and it was frequently the style of lobbying that was at the root of the hostility. Congressional reaction to White House liaison is examined in greater detail in the next chapter.

Congressional liaison involves more than just lobbying for legislation if 'lobbying' is understood to mean the persuasive efforts conducted by lobbyists immediately prior to a vote on a particular piece of legislation. This is a narrow, if not misleading, description of the work undertaken by O'Brien and his staff. The White House team were concerned with building a general pattern of relationships with Congressmen that would help create conditions favourable to successful lobbying. The various ways in which this task was carried out will be reviewed further on, but another aspect of their work was the intelligence-gathering function which was implemented on a scale hitherto unknown to previous White House Congressional liaison staffs. This activity provided the information which O'Brien considered a necessity for the successful performance of his job.

One particular area of the intelligence work was the headcount prior to any vote in Congress and this was regarded by O'Brien as an area of great

5. Interview with Charles Daly.

6. Interview with Henry Hall Wilson.

importance. Knowing where the votes were was a constant preoccupation of the White House liaison staff and this was a task undertaken with great care for two reasons. Firstly, as Larry O'Brien explained:

It is much easier to attract support if a measure appears to have the chance of passage; and the President is much less likely to be forced to compromise if it appears that there will be enough votes. So "head-counting" is equivalent to taking the pulse of Congress on legislation. From that pulse we can prescribe remedies and make a fairly accurate diagnosis of the kind of action that must be taken.⁷

The second reason why the liaison staff regarded their headcounting as so important was because the House and Senate leadership were considered to be unable to provide the White House with as accurate a headcount as was required. The liaison staff worked with the Congressional leadership prior to a vote on a bill, but they used the intelligence gathered by the leaders as a check on their own results. The White House efforts began with the Departmental liaison staff, depending on which particular bill was pending. O'Brien said "the Departments obviously took their assignments on members, on headcounts and they would report on progress. Then it moved to the staff level in the White House on the checks and contacts with members and then it would move to direct contacts by me with members".⁸ Charles Daly stressed that it was not easy to get into a position where you could count the House or the Senate accurately and so it was necessary to check on the figures provided by the leadership. He added, "you'd take their count, but you would also do your own counting. If the counts matched, that was encouraging. If they didn't match, it certainly was a danger signal".⁹ He also added, "our headcounts were consistently more accurate than that

7. Lawrence F. O'Brien, "Federal Separation of Powers: Theory and Practice", unpublished transcript of a lecture delivered at the Technical High School, Springfield, Massachusetts, 5th October 1966, p.16.

8. Interview with Lawrence O'Brien.

9. Charles U. Daly, Oral History Interview, John F. Kennedy Library, p.30.

provided by the House whip".¹⁰

As they gained experience, the White House liaison staff became more skilled at headcounting. They learned how to interpret different responses from different members on voting intentions and they distinguished between a 'soft' and 'hard' headcount. The 'soft' headcount, as Daly described it, was the seeking out of a generalized commitment to a bill, whereas the 'hard' headcount required a much more specific statement of each member's intentions. For example, on a 'hard' headcount, the White House staff would want to know whether a Congressman would support them on all votes related to a particular bill, or whether they would only give their support on final passage and how the member would stand on crucial amendments. They would also want to know if a Congressman's attitude would depend on whether a teller vote or a roll-call vote was taken,¹¹ and whether the Congressman would actually be present to vote.¹² The independent counting of Congress was a unique feature of the Kennedy and Johnson liaison staffs. It was not done prior to 1961 and the practice ceased during the Nixon and Ford years. William Timmons, who handled Congressional liaison for both Presidents said that there was only one headcount and this was done through the Republican leadership.¹³

The value of the separate headcounting activity was impressed upon the Kennedy liaison staff as a result of the lobbying on the House Rules vote during their first week in office. Speaker Rayburn's attempt to enlarge the membership of the Committee on Rules was of crucial strategic significance for the Kennedy administration. The vote on House Resolution

10. Interview with Charles Daly.

11. During Kennedy's Presidency, individual positions were unrecorded on a teller vote. This was changed by the Legislative Reorganization Act, 1970.

12. Interview with Charles Daly.

13. Interview with William Timmons, 26th August 1976.

127 had been scheduled for 26th January, just six days after Kennedy's inauguration, but, when the President met the Congressional leadership at the first of the Tuesday morning meetings on 24th January, Rayburn was unable to give a precise indication of how the vote would go.¹⁴ O'Brien later recalled that he and Kennedy "were particularly concerned that Rayburn did not have a headcount - he didn't know exactly how many votes were for or against us or who was leaning which way".¹⁵ That same afternoon Kennedy managed to persuade Rayburn to postpone the vote until 31st January which gave O'Brien time to conduct an accurate count of the House. He did this with the assistance of two or three Congressmen, particularly Thompson and Bolling, and the headcount showed that Rayburn would lose by seven votes.¹⁶ The postponement of the vote and the headcount were vital in the Rules fight for it gave those forces lobbying on behalf of Rayburn time to turn the vote to their advantage. When the vote took place on 31st January, the Resolution was carried by a five vote margin. The lobbying effort had succeeded, but one can reasonably assume that, had Kennedy and O'Brien not asked for the postponement nor conducted a headcount of their own, they would have lost the first, and perhaps the most vital, vote of Kennedy's Presidency. It was, undoubtedly, a useful illustration of O'Brien's view that remedial action can be taken if the situation is known in advance.

The degree of care that O'Brien and his staff exercised over their intelligence gathering function was typical of their approach to Congressional

14. There are some slight variations on what Rayburn actually told Kennedy. Tom Wicker, in his detailed account of the Rules fight, says that "Mr. Sam was somewhat pessimistic and he predicted, at best, a close roll call". See Tom Wicker, JFK and LBJ, New York, William Morrow, 1968, p.73. O'Brien, who attended the meeting, quotes Rayburn as saying, "I don't believe we have the votes to expand the Rules Committee". See O'Brien, No Final Victories, p.105

15. O'Brien, op.cit., p.105. See also Wicker, op.cit., p.73.

16. O'Brien, op.cit., p.106.

liaison. They were equally systematic in developing their contacts with members of Congress. The Congressional Relations Office maintained a detailed record card on every Congressman and Senator on which all contacts were noted together with information useful to the staff. This highly organized approach, however, presented some problems within the White House itself. O'Brien was responsible for relations with Congress, but neither he nor his assistants were the only members of the White House staff having dealings with Congress. Thus, as time went on, it became increasingly more difficult to control all these contacts and yet O'Brien regarded some form of overall co-ordination as essential. His concern here was to prevent any member of the White House staff inadvertently working at cross purposes to the Congressional relations staff and maybe undoing some of the progress they had made. Thus, in March of 1963, O'Brien introduced a system of monitoring all White House contacts with Congress through his office. In a memorandum sent to all White House staff, he noted:

There is a growing tendency on the part of the White House staff to deal directly with Members of Congress without advising this office. Obviously this can only cause total deterioration of the relationship between the White House and Congress for which this office is responsible.¹⁷

O'Brien required that all Congressional mail received by members of the White House staff should be sent to his office to be recorded and that all correspondence to members of Congress should also be sent to his office before it was mailed. He also asked the staff to send him a weekly report on all personal and telephone contacts which were more than just routine and stressed that knowledge of what requests are being made by Congressmen, and what matters are of vital concern to them, would be extremely helpful in his day-to-day activity with Congress.¹⁸

17. Memorandum from Lawrence O'Brien to all White House Staff, 26th March 1963, John F. Kennedy Papers (White House Central Files, FG11-8), John F. Kennedy Library.

18. Ibid.

There was also concern with the executive branch beyond the White House. The potential of the Departments to upset White House relations with Congress was enormous and both O'Brien and Sorensen were insistent that, in so far as legislation was concerned, the Departments followed the legislative clearance and co-ordination procedure established by the Bureau of the Budget.¹⁹ At the beginning of Kennedy's term of office they jointly signed a memorandum emphasizing the clearance process and in which the hand of O'Brien was very evident. He wrote:

If there is compliance with these procedures, notification to Congressional committee chairmen involved in the legislation will be automatic. However, any attempt to short-circuit these established procedures may result in confusion, in inadequate briefing of officials and in unsatisfactory Congressional relations.²⁰

Thus O'Brien extended his reach beyond the Congressional Relations Office into the White House and the executive branch in an attempt to bring all contacts with Congress within his responsibility.

The Congressional intelligence acquired by O'Brien and his staff, together with the contacts they had established, equipped them well for another aspect of their day-to-day operations. The Kennedy White House recognized the need to co-ordinate O'Brien's work with that of Sorensen and his staff who were primarily responsible for drafting the details of legislation. The meetings of the President with the Congressional leadership brought the two groups into contact on a formal basis, but there were also other regular meetings between what had become two distinct and specialized operations. A member of the liaison staff always attended the legislative planning meetings that became an annual event after Kennedy's election and continued through the the Johnson administration. These intensive meetings were usually held in

19. The central clearance procedure was laid down in Bureau of the Budget Circular No. A-19 Revised, 16th June 1960.

20. Memorandum from Lawrence O'Brien and Theodore Sorensen to all Cabinet Members, Under Secretaries and White House Assistants, 15th February 1961, John F. Kennedy Papers (White House Central Files, LE467), John F. Kennedy Library.

November at which the White House staff, together with representatives from the Bureau of the Budget and the relevant Departments, discussed the items that would form the President's legislative programme for the following session.²¹ The involvement went even further. Lee White, a member of Sorensen's staff, said that "when we were drafting legislation, it was not uncommon for some of O'Brien's people to sit in on the drafting session".²² David Bell, Director of the Bureau of the Budget under Kennedy and a staff assistant in the Truman and Eisenhower administrations, claimed that the ability of the liaison staff to grasp the substance of legislation distinguished them from previous White House liaison staffs. He recalled:

We tried to make sure that the proposals the President made were made on the basis of knowing what the Congressional situation was, what the important Congressional reactions were going to be, taking into account ahead of time what the problems of persuasion were going to be, and trying to shape and tailor the proposals so that they could, in fact, be accomplished. Now in that process O'Brien and his colleagues were very important and one of the things that pleased me most, when I went down there and went to work with this group, was to find that O'Brien and Donahue and Daly and the others were thoroughly conversant with, and thoroughly interested in, the substance of all this. They were not simply legislative tacticians selling whatever the President wanted them to sell. They believed in this stuff. They understood it and they could contribute to shaping it. That's a very unusual situation.²³

Therefore, the linkage between the legislative planning and the Congressional relations staffs within the White House consisted of something more than just the physical presence of the liaison staff at planning meetings. However, this is not intended to suggest that a perfect working relationship had been established, nor that Congressional reactions were the only factors to be taken into account by those drafting legislation. The relations between the two groups were considered to be good, but Charles Daly claimed that

21. Interview with Henry Hall Wilson.

22. Interview with Lee White, 21st August 1972.

23. Interview with David E. Bell, 29th August 1972.

there was not a close personal relationship between those in Congressional liaison and those in Sorensen's office and that there was room for some improvement.²⁴ What was significant was the recognition that the two offices needed to be related at a time when White House staff work was becoming increasingly specialized and when a President was advancing a much larger legislative programme than Congress had been accustomed to receiving. The adjustment of legislative desires to Congressional realities was also necessitated by the emphasis which public opinion tends to put on the President's legislative record. Too many defeats on Capitol Hill could well undermine Presidential credibility and, in Kennedy's case, this was more acute because of the political differences between himself and a large section of his party in Congress. The very fact, however, that one considers this linkage at all is a mark of the development and refinement of Congressional liaison within the White House. The problem of how to relate the two staff functions was relatively new because, in the Roosevelt and Truman years, the lobbying for legislation was done on an ad hoc basis often by those who had drafted the legislation, and the presentation of the President's programme to Congress was not considered to be a distinct and specialized skill. In the Eisenhower administration, the problem was not so evident as Eisenhower was far less committed in his role as a legislative leader. In this sense, these developments in the Kennedy administration marked another innovation in the overall operation of Congressional liaison and an innovation that must be considered vital to a Presidency marked by a high legislative output.

THE DEPARTMENTAL LIAISON OPERATIONS

When Kennedy took up the Presidency, Congressional liaison was an established function in the Departments and agencies of the executive

24. Interview with Charles Daly.

branch.²⁵ The House of Representatives Committee on Government Operations indicated that the executive branch employed five hundred staff who were directly involved in Congressional liaison work, nearly half of them in the Department of Defense.²⁶ Many of these officials were simply involved in the routine casework that had reached them via a Congressman, but the liaison and lobbying aspect of the work was extensive. O'Brien wanted to harness the energies of the Departmental liaison staff and unify the liaison effort under White House direction.²⁷ This seems to have been first raised at a Cabinet meeting scheduled for 16th February at which the second item on the agenda was a discussion on co-ordinating legislative relations. The meeting was eventually held on 2nd March.²⁸ O'Brien also set up the procedure described in the previous chapter whereby the Departmental liaison staffs were required to provide him with weekly reports on their activities. Additionally, the Departmental liaison officers would meet with the White House liaison team about once a month or once every six weeks in order to co-ordinate activities.

O'Brien's purpose in extending his influence into the Departmental liaison system was two-fold. One reason was that the Departmental staff provided additional manpower for the White House team. There were more than forty senior Departmental and agency liaison officers and the White House did not hesitate to exploit their talents when the need arose. Some of them were more capable than others, but the White House staff regarded a

25. For the history of Departmental liaison see Abraham Holtzman, Legislative Liaison: Executive Leadership in Congress, Chicago, Rand McNally, 1970, pp.9-14.

26 See G. Russell Pipe, "Congressional Liaison: The Executive Branch Consolidates Its Relations With Congress", Public Administration Review, Vol.XXVI, March 1966, p.17.

27. See transcript of O'Brien interview on National Educational Television reprinted in Congressional Quarterly, Legislators and the Lobbyists, Congressional Quarterly Inc., Washington D.C., 1968, p.66.

28. See Memorandum to the President from Theodore Reardon, 13th February 1961, John F. Kennedy Papers (White House Staff Files: TJR Box 1454), John F. Kennedy Library.

few as particularly valuable. Daly named Milton Semer (Housing and Home Finance Agency), Oren Beatty (Interior), Kenneth Birkhead (Agriculture), Eugene Foley (Commerce) and Joseph Barr (Treasury) in this respect.²⁹

Henry Hall Wilson commented that "we used these people a very great deal. We considered them a part of us.....I was in constant communication with them".³⁰

The division of responsibility between the Departments and the White House on a major item of legislation was that the Departmental staff would do the groundwork in so far as headcounting and lobbying were concerned, and then the White House team would come in nearer to the vote when the problems were more immediate. This additional support provided by the White House was of benefit to the Departmental liaison staffs, especially when they had exhausted their own resources on any particular bill. A fine example of the very point occurred during the passage, in 1962, of Kennedy's tax bill. Much of the groundwork on the bill had been done at Treasury level particularly by Joseph Barr, Assistant Secretary Stanley Surrey and Secretary Douglas Dillon. Henry Hall Wilson had also been involved in a small way. In a letter to President Kennedy, Barr described the position after the bill had emerged from the House Committee on Ways and Means. He told the President that the legislation "came to the floor with 180 votes and the first platoon was at a dead end. Our persuasive abilities would not carry us any further". Lawrence O'Brien then came into the picture and Barr went on to describe the lobbying effort mounted by the White House. His account, which provides a graphic description of the White House lobby, also illustrates another common feature of the O'Brien approach which was to utilize all the resources at his disposal irrespective of which Department had responsibility for the legislation. Barr continued:

29. Interview with Charles Daly.

30. Interview with Henry Hall Wilson.

At this point we shifted the assault. We passed the ball smoothly to Larry O'Brien and brought in a new team. Secretary Goldberg and his group went to work on a disgruntled group of members with labor constituencies. Secretary Udall helped us with about 15 recalcitrant members from mining districts. John Horne and the Small Business Administration began to sell the Small Business approach, and Bill Batt tried his hand with his friends from the depressed areas. Secretary Freeman stopped work on Thursday to counter an unexpected attack from farm cooperatives.....Dick Donahue turned round a desperate situation in New York, New Jersey and Connecticut. Under Secretary Fowler, Henry Wilson and Mike Feldman reversed the textile states and Larry himself pulled Maryland out of the fire.....The Speaker, the Majority Leader and the Whip never relaxed their pressure until the final vote was in.

He concluded his remarks to Kennedy by saying that "without the vigorous support given us by you and your administration we would have lost in the House by about 25 votes".³¹ The bill passed the House on 29th March by a margin of 23 votes.

The second, but major, purpose of O'Brien's efforts to co-ordinate Departmental liaison was to impress upon the Departments overriding importance of the President's legislative programme. He did not want individuals within the administration going off in separate directions in their work with Congress and, above all, wanted to avoid Departmental interests being put before those of the President.³² O'Brien commented:

Our emphasis at all times was that every legislative proposal was part of the President's program - that it was a single program. At a given moment, we might be working on a farm bill which, of course, is of great importance to the Department of Agriculture, but we expected all the Departments and Agencies along with the White House to pull together in a cooperative effort to work on this farm bill. In that way, we endeavored to insure maximum promotion of the President's program with the Congress at all times.³³

O'Brien's attempts to centralize executive branch liaison in this way should

31. Letter from Joseph W. Barr to President Kennedy, 2nd April 1962, John F. Kennedy Papers (White House Central Files LE/FI 11), John F. Kennedy Library.

32. See Legislators and the Lobbyists, p.66

33. O'Brien, "Federal Separation of Powers", p.12.

be seen in the context of the traditional pattern of Departmental relations with Congress. It is quite common for the career officers in the Departments and agencies to form strong ties with the leaders of the committees and subcommittees of Congress based on the shared interests of both groups. Committee chairmen and career civil servants have a continuity of tenure and a high degree of specialization in a given area of policy that is not matched by a President and his incoming administration.³⁴ This can, and often does, work against the interests of a programmatic President and even against the interests of the political leaders of a Department. Liaison staff can become part of this network and are susceptible to its influence. Freeman noted that the Departmental liaison are likely to be "important adjuncts" to what he has described as the policy-making subsystem formed by the two groups,³⁵ and Holtzman has written of the "two-client concept" as a feature of all his interview with liaison agents. They developed loyalties to both the administration and Congress and sometimes those loyalties were divided.³⁶ Kenneth Birkhead, the Congressional liaison official at the Department of Agriculture, provided a good illustration of Holtzman's point when he said, "I always felt Congressional liaison ought to first serve the Department in its relationships with Congress. But to a certain degree, Congressional liaison, if it was going to have any real meaning on the Hill, ought to some degree to be the members of Congress' advocate in the Department".³⁷ White House control of the Departmental liaison staff would counter some of these centrifugal forces within the administration and thus provide a mechanism for establishing

34. On this theme see J. Leiper Freeman, The Political Process: Executive Bureau-Legislative Committee Relations, New York, Random House, 1965.

35. Ibid., p.122

36. See Holtzman, op.cit., p.77.

37. Kenneth M. Birkhead, Oral History Interview, John F. Kennedy Library, p.51.

Presidential priorities within each Department.³⁸ O'Brien made some progress in this area. After interviewing all the key personnel, Holtzman was able to report that all Departmental liaison agents depicted themselves as part of the administration team.³⁹ This degree of co-ordination had not been attempted by the Eisenhower administration and was a new development in the practice of executive branch liaison with the Congress. It is clear from Holtzman's research that the Departmental liaison staff appreciated this development and Charles Daly claimed that it "helped build up their prestige in their Departments and gave them a little more authority on the Hill".⁴⁰

At this juncture one ought to mention the direct contribution made by the Departmental Secretaries themselves. Many of them were active spokesmen and lobbyists on behalf of their own legislation and they were part of a concerted approach to liaison with Congress. There was a varying degree of commitment amongst the Secretaries to this activity. Holtzman indicates that neither Dean Rusk nor Robert McNamara were overly interested in Congressional relations,⁴¹ but others, notably Arthur Goldberg, Stuart Udall, Abraham Ribicoff and Orville Freeman were very active on the Hill in support of their own and, frequently, other Departmental legislation in the programme of the President. Freeman, particularly, launched a massive personal lobbying campaign over the Farm bill in 1962. One newspaper reported that the Secretary had called on more than fifty Congressmen in one week⁴² and another

38. I have argued this point elsewhere. See John Hart, "Executive Reorganization in the U.S.A. and the Growth of Presidential Power", Public Administration, Vol.52, Summer 1974, p.186.

39. Holtzman, op.cit., p.83.

40. Interview with Charles Daly.

41. Holtzman, op.cit., p.107.

42. See Julius Duscha, "Freeman Toils to Sell House on Farm Plan", Washington Post, 19th June 1962.

claimed that his "display of salesmanship has left even seasoned politicians slightly pop-eyed".⁴³ There were mixed results for this high level intervention. Freeman lost the fight for his Farm bill in the House and Ribicoff suffered a personal defeat on the school aid bill in 1961, but as has already been shown, the 1962 tax bill was one example of where lobbying at this level contributed to the passage of the legislation.

THE TECHNIQUES OF CONGRESSIONAL LIAISON

The techniques employed by the White House Congressional liaison office in its day-to-day operations were based on fairly well established tradition but were innovatory in that the staff adapted established methods to their own particular style. The tools of the trade were a combination of good personal relations, patronage and the prestige of the President. O'Brien put the emphasis on the personal relations effort made by his office. "There were any number of occasions", he said, "when we prevailed on the Hill purely on the basis of our relationship with members up there rather than on the substance and the appeal, oftentimes,.....would be on a very personal basis".⁴⁴

The extent of this effort to build up personal contacts was far from traditional. Here O'Brien used the same systematic approach as he had done in other areas of his work and there was far more organized contact between the White House and Congress than there had been prior to 1961. It was suggested earlier that little attention had been given to the relations with the rank-and-file members of Congress in the development of Congressional liaison, but O'Brien saw potential here and attempted to exploit it. Little things mattered to him. At the reconvening of the 87th Congress in 1962, he wrote to all Congressmen and Senators to advise them that "my staff and

43. See Paul Duke, "Freeman's Lobbying For Farm Bill Reaches High Pitch", Wall Street Journal, 21st June 1962.

44. Interview with Lawrence O'Brien.

myself stand ready to assist you and your office whenever possible".⁴⁵ Soon after O'Brien had settled into Washington, he began inviting Congressmen to weekly Sunday brunches at his home and then for cruises on the Presidential yacht. He would invite groups of up to twenty for an evening cruise along the Potomac to Mount Vernon and claims that "it was the most effective lobbying device I ever found". He records in his memoirs:

The cruises, however pleasant, were also work. I usually had two or three "targets" for the evening and, in this informal, relaxed setting, I was sometimes able to win co-operation that I might not have achieved in someone's office on Capitol Hill. It was all part of the process.⁴⁶

Both O'Brien and Henry Hall Wilson had little basis on which to build up their relationships at the outset. Neither knew many Congressmen and they used a variety of ways to make the initial contacts. O'Brien persuaded Congressman Boland to organize a series of receptions so that he could meet members of the House, and Senator Benjamin Smith did the same for him on the Senate side. Henry Hall Wilson methodically called on every member of the House, asking questions and trying to find out how to talk to them.⁴⁷

All the White House staff interviewed shared O'Brien's opinions that the effort expended on personal relationships paid dividends in terms of votes.

O'Brien even attempted to reach out further than the Congressmen in his effort to build up strong relations between the two branches. One such example was his effort to establish relations with the legislative staff of Congressmen and Senators. In January of 1962, the White House liaison office arranged a briefing session for Capitol Hill legislative and administrative assistants at which they were addressed by Cabinet members

45. Letter from Lawrence O'Brien to all Congressmen and Senators, 9th January 1962, John F. Kennedy Papers (White House Central Files: FG 400 Box 187), John F. Kennedy Library.

46. See O'Brien, No Final Victories, p.149.

47. Interview with Henry Hall Wilson.

on Departmental policy, Over five hundred attended and, from this initial session, there developed a series of meetings for legislative staff, each addressed by an individual Secretary. O'Brien thought that this exercise also had real beneficial results.⁴⁸

For obvious reasons, the use of patronage, and other like devices, as a tool of Congressional liaison cannot be monitored easily, but it has long been the lobbyist's traditional weapon in the struggle for votes on the Hill.⁴⁹ Postmasterships, judgeships and other federal offices together with public works projects, military installations and defence contracts have frequently been exchanged for votes from Congressmen. This has long been recognized by Presidential lobbyists and is expected by Congressmen. As one leading member of the House put it, "it's ridiculous to suggest that I'm not going to be a little friendlier to a White House request if they have done a large number of things I think my district deserves".⁵⁰ Professor Neustadt, of course, had recommended to Kennedy that O'Brien develop this traditional tool of lobbying even further, although he was specifically referring to government contracts rather than personal patronage. Neustadt had urged that a more systematic approach be employed so that "departmental budgets and procurements and contracts regularly serve the President's own purposes with Congress".⁵¹

The White House liaison staff regarded patronage as both a political necessity and a political nuisance. O'Brien admitted that "we could never

48. See letter from Lawrence O'Brien to Cabinet Members, 31st January 1962, John F. Kennedy Papers (White House Central Files : FG400 Box 187), John F. Kennedy Library.

49. At the time of writing, Lawrence O'Brien's papers remain closed to researchers at the Kennedy Library, whereas the papers of all other senior White House staff are open. It is thought that O'Brien's papers are still politically sensitive because so many of them deal with the disbursement of patronage and contracts.

50. Interview with Representative Richard Bolling, 3rd August 1972.

51. See p.84.

have survived unless we had had and had used patronage",⁵² but Henry Hall Wilson pointed out that "patronage is always a political problem. Every Congressman will tell you that for every job he has at his disposal he creates ten enemies and one ingrate. He always comes out on the losing side. But, in that it's there, he's got to assert himself". Wilson claimed that the liaison staff were, thus, put into the position where they had to reconcile competing patronage demands from legislators and therefore "patronage was more of a headache than it was a plus, but, nevertheless, it had to be dealt with".⁵³ Sorensen also notes that patronage squabbles in several states gave the President more enemies than friends, "but a specific personnel opening at the time of a crucial vote enabled both the President and a key legislator to please each other".⁵⁴ The shortage of patronage also created problems for the White House staff. Wilson remarked that "there's never enough patronage available - everybody in the country wanted a job",⁵⁵ and O'Brien wrote that "we didn't have much patronage to dangle before anyone's nose. For example, the allocation of most public works projects was in the hands of powerful members of Congress".⁵⁶ Charles Daly singled out the difficulty over postmasterships. He claimed "postmasterships were a pain - there were not enough to go around",⁵⁷ and Mike Manatos, O'Brien's assistant in the Senate, reported that the slow turnover of patronage was a serious criticism of the liaison operation amongst Democratic Senators. In a memorandum to O'Brien at the end of the first session of the 87th Congress, Manatos wrote, "Patronage continues to be a source of tenderness which we

52. Quoted in Holtzman, op.cit., p.251

53. Interview with Henry Hall Wilson.

54. Theodore C. Sorensen, Kennedy, New York, Harper & Row, 1965, p.349.

55. Interview with Henry Hall Wilson.

56. O'Brien, No Final Victories, p.119.

57. Interview with Charles Daly.

will not overcome without a bold approach to Republicans in policy-making positions".⁵⁸ He believed that the only way to satisfy the demand for patronage was to find out which executive branch positions after 20th January 1953 were staffed by individuals whose names were not taken from the civil service registers. In other words, the replacement of all Republican appointees throughout the Departments and agencies.

O'Brien's public statements about the use of patronage have attempted to put this common practice into some perspective. He has argued that patronage was not handed out on a quid pro quo basis. He has said:

A kind of folklore has grown up around the efforts of my staff and myself on Capitol Hill. The fanciful picture that has gradually formed usually features exchanging Federal largesse in the forms of bridges, dams, post offices and other projects for votes. Such a picture, I believe, fulfills the all-too-human need of simple answers for complicated problems. The simple fact however is that such a picture is entirely incorrect. There is no effort to "buy" votes through a kind of horse-trading process. What does go on is a delicate searching out of what can be done by an individual Congressman, how far he can extend himself without endangering his standing with his constituents, how much we can convince him that he and his home District really do have a stake in a particular piece of legislation, and how we can compromise without sacrificing principle or substance.⁵⁹

O'Brien did take up Neustadt's recommendations with respect to appointments and he describes in his memoirs the procedure for clearing all non-civil service appointees with the White House.⁶⁰ Also his insistence that the Departments and agencies follow the central clearance procedures laid down by the Bureau of the Budget was partly derived from the fact that this would give the White House some control over the award and announcement of contracts. As well as the awarding of patronage, however, the liaison staff

58. Memorandum from Mike Manatos to Larry O'Brien, 28th September 1961, John F. Kennedy Papers (White House Central Files: LE/FG400), John F. Kennedy Library.

59. O'Brien, "Federal Separation of Powers", pp.15-16. See also a very similar statement in No Final Victories, p.119.

60. O'Brien, No Final Victories, p.119.

could also withhold, or threaten to withhold patronage and, occasionally, threaten the cancellation of a government contract in a Congressman's district. It was probably this area of Congressional liaison that most angered legislators and this will be look at further in the following chapter.

Because of the highly private nature of these transactions, one can only make impressionistic statements about the effect of patronage as a tool of Congressional liaison. Patronage was used and one suspects that O'Brien and his staff utilized it to the maximum. Sometimes the use of patronage was quite blatant and even became a matter of controversy. The nomination of Laurence O'Connor to the Federal Power Commission was one such example. O'Connor was a Texan and a representative of the oil and gas interests in that state, thus not the most logical choice for a place on a body charged with the regulation of those industries. Drew Pearson had no compunction in stating that O'Connor's appointment was Kennedy's repayment of a legislative debt to Speaker Rayburn.⁶¹ Another example was Kennedy's nomination of William Howard Cox to a federal judgeship in Mississippi. Cox was widely identified as an ardent segregationist and was closely aligned with the extreme states' rights wing of the Mississippi Democratic Party. He was also a personal friend of Senator James Eastland, Chairman of the Senate Judiciary Committee. The appointment was not at all consistent with Kennedy's stand on civil rights, but, at that time, the major concern of the Senate Judiciary Committee was the consideration of Kennedy's nominations to the Civil Rights Commission. David Halberstam reported in The New York Times that "informed sources said the recommendation was made by the Justice Department after strong pressure was received from Senator

61. See Drew Pearson, "Kennedy Bows to Rayburn Power", Washington Post, 3rd July 1961.

Eastland".⁶² and an editorial in The New York Post suggested that Eastland would return the favour by going easy on the Civil Rights Commission nominees.⁶³ Although Eastland was opposed to all three nominees, he did nothing to prevent the nominations reaching the floor of the Senate, but did vote against all three.⁶⁴

The President, himself, added a third dimension to the techniques of liaison employed by O'Brien and his staff. In a sense, contact with the President was an extension of the personal relations aspect of the work and, at the same time, could be regarded as a form of patronage. Giving Congressmen the opportunity to ride with the President in Air Force One, inviting them to a White House function, or even getting their constituents on the V.I.P. tour of the White House was regarded as a most useful way of winning support.⁶⁵ But the use of the President is considered separately to emphasize a distinctive area of activity. Kennedy's personal intervention in the liaison process, apart from the leadership meetings, was of two kinds, the social occasions and briefings for members of Congress and the direct involvement of the President in pleading for votes.

O'Brien organized the personal contact with the President with some degree of care and with the firm belief that this could make a vital difference with Congress. Initially, he arranged coffee mornings at the White House and, later, receptions at which he had briefed Kennedy about the interests of those members invited and even suggested suitable topics for

62. David Halberstam, "Kennedy Selects Eastland Friend", The New York Times, 21st June 1961. There were several other interpretations of the Cox nomination. See Victor Navasky, Kennedy Justice, New York, Atheneum, 1971, pp.251-2, but Navasky misses this particular explanation which was certainly the most plausible.

63. New York Post, 22nd June 1961.

64 See Congressional Record, (Senate), 27th July 1961, p.13668.

65. Interview with Charles Daly.

conversation with each individual.⁶⁶ There were also luncheons, dinners, bill-signings and other ceremonies at which the President was able to meet many rank-and-file Congressmen. The small courtesy was regarded as an important gesture. For example, Kennedy sent a personal letter of thanks to every Congressman who had supported the 1962 tax bill,⁶⁷ and frequently made personal telephone calls to a Congressman. The White House diaries and telephone logs show that President Kennedy held 42 receptions for Congressmen, 45 bill-signing ceremonies, 53 breakfasts, luncheons and dinners, 458 individual meetings and placed 1080 personal telephone calls to Capitol Hill during his two years and ten months in office.⁶⁸ Charles Daly recalls an occasion when Congressman John Moss of California had taken his family to a ceremony at the White House and Daly had asked the President to speak to him. Kennedy took the whole family back to the porch of his office and posed for photographs. Daly claims that this later paid dividends because "even though Moss had a very, very good percentage of voting record, he did get a little feisty and feel independent as anyone will. When he gets out into his district, it's tough to get him back on short notice". Daly recalled that, later on in the year, Moss was needed for a vote and "I really put a very, very hard 'ask' on him to get back". Moss returned for that vote and later told Daly that he owed him a favour because of what the President had done for his family.⁶⁹ In this kind of way the President was an important adjunct to the day-to-day work of the Congressional liaison and it was generally considered that he handled this aspect of his work with some degree of skill.

66. Some of these briefing memoranda can be found in the President's Office Files (Staff Memoranda: LFOB 9/62-11/62 Box 64), John F. Kennedy Library.

67. See letter of 2nd April 1962 from the President, John F. Kennedy Papers (White House Central Files LE/Fill Box 476), John F. Kennedy Library.

68. Taken from document "President Kennedy: Congressional Contacts 1961-63", prepared by the staff at the Kennedy Library.

69. Charles Daly, Oral History Interview, John F. Kennedy Library, p.18.

Getting the President involved in direct lobbying on a particular piece of legislation was another matter. O'Brien's view was that the use of the President at this level was very much a last resort effort. He said, "there was one objective that we had throughout and that was that we were doing our job only if we were able to avoid, to the fullest extent possible, direct Presidential involvement in pleading". O'Brien was anxious not to debase the value of Presidential intervention by getting him involved too often. "You had to be very, very careful", he said, "very cautious in the utilization of the President in direct involvement in the legislative process and the greater utilization was the President's involvement in having the members at the White House briefings, social occasions and all the rest and when it came to the direct request to an individual member that he alter his position, or move from a question mark to our position, you kept it to a literal handful".⁷⁰ But, when O'Brien needed the assistance of the President, he called for it. Sometimes he would just ask the President to speak to a particular Congressman during a social event at the White House. For example, in June of 1962, he notified Kennedy that:

Congressmen Tom Morris and Joe Montoya of New Mexico are reported shaky on the debt ceiling. They will be coming in at 11 o'clock for the bill signing ceremony, and it would be helpful if you could say something to them.⁷¹

At other times O'Brien was much more specific and brought the President into the process of bargaining and persuasion on a grander scale. When suitable circumstances arose, O'Brien would exploit the situation to his advantage, and this was often the case when a Congressman or Senator wanted something from the White House. In this way O'Brien was able to balance the legislator's needs with the President's needs and a useful illustration of

70. Interview with Lawrence O'Brien.

71. Memorandum to the President from Lawrence O'Brien, 13th June 1962, John F. Kennedy Papers (President's Office Files: Staff Memorandum LFOB 2/61-8/62, Box 64), John F. Kennedy Library.

this technique was provided by O'Brien and Kennedy in their dealings with Congressman Wright Patman. Patman was Chairman of the House Banking and Currency Committee, a southerner and, often, the spokesman for the oil interests of his home state of Texas. He had been particularly concerned about the refusal of the Department of the Interior to allow the Superior Oil Company to import crude oil from their production plant in Venezuela. The ruling at the time was that only oil refineries could import crude oil into the United States and the company in question was an oil producer, but not a refiner. So Patman requested an appointment with President Kennedy to discuss the matter, but he also wanted to persuade the President to address the annual convention of National Association of Retail Druggists, which was to be held in New York later that year. The Congressman was thus making two demands and O'Brien carefully considered what the White House could get in return. The appointment was granted for the 15th March 1962 and, when Kennedy met with Patman, he had a brief on his desk from O'Brien which concluded thus:

You might say a word to him about the withholding provision on the tax bill. He has told us he would be with us on the trade bill. You may wish to ask him his position over the medical care for the aged bill. Also the Congressman was quite insistent in his conversation with Mike Feldman, that the credit union section be removed from the consumer message. You may wish to remind him that you granted his request in this respect.⁷²

Perhaps the most spectacular success of direct Presidential involvement in pleading was the now well documented Kennedy encounter with Rep. Carl Vinson over the RS-70 manned bomber when Kennedy succeeded in persuading Vinson to back down from what could have become a conflict of serious proportions.⁷³

But Kennedy's personal intervention did not always work where other means

72. Memorandum to the President from Lawrence O'Brien, 15th March 1962, John F. Kennedy Papers (White House Central Files: Executive TA1733 Box 960), John F. Kennedy Library.

73. See O'Brien, No Final Victories, pp.117-18 and Sorensen, op.cit., pp.347-8.

had failed. He was never able to win over Congressman Otto Passman on the foreign aid issue⁷⁴ and, on other occasions, the ensuing compromises with committee chairmen fell far short of a Kennedy victory.

Arthur Schlesinger Jr. wrote that Kennedy "spent more of his time than people realized working with the Congress. But it cannot be said that this was the part of the Presidency which gave him the greatest pleasure or satisfaction",⁷⁵ and many of Kennedy's critics argue that he lacked personal aggressiveness in his dealings with Congress. Invariably he is compared to his successor and to Johnson's more extensive intervention in the legislative process.⁷⁶ But, as O'Brien points out, Kennedy's style was not Johnson's style. He describes Kennedy's meetings with Congressmen as "soft-sell sessions" and says that "Kennedy rarely asked a member for his vote on a specific piece of legislation. That was not his style. If there were arms to be twisted, that was our job".⁷⁷ Schlesinger quotes Kennedy as saying that there was no sense in putting the office of Presidency on the line on an issue, and then being defeated,⁷⁸ yet Kennedy did intervene and it is inaccurate to say, as Paper has done, that he was not willing to use his Presidential perspective to plead with a Congressman or a Senator.⁷⁹ The shortcoming of many of those writers who take this line is that they fail to see Kennedy's efforts as part of a structured and organized approach to Congressional relations that was handled by a specialized staff of assistants

74. See O'Brien, No Final Victories, p.120.

75. Arthur M. Schlesinger Jr., A Thousand Days: John F. Kennedy in the White House, London, Andre Deutsch, 1965, p.616.

76. See, for example, one of the most recent studies of the Kennedy Presidency, Lewis J. Paper, The Promise and the Performance: The Leadership of John F. Kennedy, New York, Crown, 1975, pp.260-62.

77. O'Brien, No Final Victories, p.112.

78. Schlesinger, op.cit., p.616

79. See Paper, op.cit., p.260

to the President. The President's personal intervention was controlled by O'Brien. O'Brien lost some of this control when Johnson became President and Johnson lost some of his effectiveness when his big majority disappeared after the 1966 mid-term elections.

Statements about personal Presidential involvement in legislative bargaining, like statements about the use of patronage, can at best be merely subjective. In Kennedy's case, the intervention was effective on some occasions and ineffective on others. The record shows that there was considerable personal contact with Congress, but, because of the secrecy and informality of these transactions, one cannot really measure its real effectiveness in any quantifiably acceptable way. Nor is it very valuable to try to make comparisons between the success of one President in this area and the success of another. One would have to take into account the different conditions under which each President operated and, in the case of Kennedy and Johnson, the differences were considerable. Rather than pursue this kind of analysis, it is argued here that it would be more fruitful to examine Kennedy's personal intervention in the legislative process as but one factor in a planned and innovatory approach to the day-to-day conduct of Congressional liaison.

LOCATING SUPPORT IN CONGRESS

The outcome of the vote on House Resolution 127 to expand the membership of the Committee on Rules had an immediate impact on the work of the White House Office of Congressional Relations. The vote was widely regarded as an indicator of the fate of Kennedy's New Frontier legislative programme, and it provided O'Brien and his staff with the clearest identification of the support and opposition to the new President. In fact, the vote was a major determinant of the strategy of the liaison team's approach to Congress. It was the vote of the southern Democrats that stood out of the roll-call like a sore thumb. Two-thirds of the Democrats from the eleven states of

the old confederacy had voted against the party leadership,⁸⁰ and, therein, was the target for O'Brien's team. The southern members were perceived to be crucial to the work of the liaison staff and it was to this group that their attention was mainly directed.

The Democrats needed 219 votes for an absolute majority in the House. At the beginning of the 87th Congress they had 263 seats, but 99 of those were held by southerners. On the assumption that the 164 northern and western members could be relied upon to support the party position,⁸¹ O'Brien was left short of 55 votes. As Wilson put it, "so the name of the game is where do you get those 55 votes? They had to come either from Republicans or from the south, and, very apparently, on any vote we weren't going to get more than three Republicans".⁸² The job of O'Brien and his staff was to hold the support of those southerners who had voted for H.Res.127 and then pick up a further twenty from those southerners who had voted against. In the wake of the drama in the House over the Rules vote, the situation in the Senate tends to get overlooked, but it was similar. One third of the Democratic Senators were from the south, but, as suggested earlier, one must add to the numerical strength of the southern Democrats the disproportionate share of committee chairmanships that they held in both the House and the Senate.

The approach to the southerners was made easier by the willingness of the White House to make concessions to this group in terms of the content of Presidential legislation. It was a strategy designed to calm the worst fears of the southerners in the hope that they would moderate their

80. See p.63.

81. This, of course, was not an entirely correct assumption. There were several Democrats outside the confederate states who gave strong support to the conservative coalition. In an interview, Henry Hall Wilson singled out Cannon and Hull (Missouri), Jarman (Oklahoma), and Baring (Nevada) as the worst offenders, but said they were balanced by Kennedy supporters in the south.

82. Interview with Henry Hall Wilson.

opposition on other Kennedy bills. Civil rights legislation was dropped from the New Frontier programme, medicare was not introduced until the second session of the 87th Congress and a host of other measures were compromised. Kennedy feared that if he confronted the southerners with the unacceptable bills the whole of his legislative programme would be obstructed, but, if he held back, then there would be a chance that some significant items would get on the statute book. The fate of Kennedy's legislative programme will be examined further on, but O'Brien has been keen to point out that the White House made inroads into the traditional voting coalition of southern Democrats and Republicans that was always a potential threat to any liberal legislation. He claimed, "the fact is that the alliance was to a considerable extent decimated during those years because we reduced, in my recollection by half at least, the traditional southern Democratic opposition to our basic programme".⁸³ MacNeil also noted that, by 1962, efforts at wooing southern Democrats in the House had been extraordinarily successful.⁸⁴ The evidence tends to support O'Brien's claim and there was a marked decline in conservative coalition voting during the Kennedy years. Congressional Quarterly showed that, out of 348 roll calls in the House and Senate in 1962, the conservative coalition appeared on 50 of these (14%). The corresponding figure given for 1961 was 28%. There was a slight increase in conservative coalition voting in 1963, but the increase was insignificant. Congressional Quarterly also noted that in 1962 the coalition failed to appear when it was expected, citing the Trade Expansion Act and Public Works Act in the Senate and the tax reform and welfare legislation in the House.⁸⁵ The record must be viewed in a quantitative

83. Interview with Lawrence O'Brien. See also No Final Victories, p.136.

84. Neil MacNeil, Forge of Democracy, New York, David McKay, 1963, p.347.

85. See Congressional Quarterly Almanac 1962, Washington D.C., Congressional Quarterly Inc., 1963, p.723. The conservative coalition is defined as a majority of southern Democrats voting with a majority of Republicans against a majority of non-southern Democrats.

rather than a qualitative sense and one must also take into account that some legislation either never reached the floor or was modified sufficiently before a vote was taken. Nevertheless, the figures appear to add some justification to Kennedy's accommodation with the southerners and this strategy was maintained in spite of its unpopularity with liberal interests. At the end of the first session of the 87th Congress, Americans for Democratic Action publicly blamed Kennedy for a formula of accommodation and compromise with conservative southern Democrats and said that the record "was at best one of callous expediency and at worst one of astonishing indifference to real national needs".⁸⁶

Others expressed criticism of Kennedy's approach to Congress and an editorial in The New York Post suggested an alternative strategy. In the wake of Kennedy's compromise on the minimum wage bill (Fair Labor Standards Amendments Act, 1961) the Post wrote:

We do not contend that Mr. Kennedy's problem is simple. We do say that he might more profitably dedicate himself to cementing a firm coalition of Democratic and Republican liberals - granting that the latter representation in Congress is painfully small. It would at least be an honorable alliance, and it could be far more meaningful than a futile attempt to placate Byrd, Jim Eastland and Co. by making civil rights an unmentionable on Capitol Hill.⁸⁷

However, the White House liaison staff were agreed that overtures to the liberal Republicans was not a very useful activity. O'Brien regarded the Rules vote as the high-water mark of Republican support and from then on it decreased markedly. He commented:

We found as the time passed that there was very little Republican support for any of our programmes and there was a literal handful of liberal Republicans in the House of Representatives - some twenty or so - and we would of course maintain contact with them, and there were times when they were helpful, but not to the degree that I felt they should have been helpful. There was a great deal of

86. See Julius Duscha, "Callous Expediency Marked Session Says ADA", Washington Post, 2nd October 1961

87. New York Post, 20th March 1961.

partisanship throughout, and that was urged on them by Mel Laird, Gerry Ford and others. So it was a very partisan situation and there were times when we were able to pick up a fair number of Republicans in support and there were times when it made the difference too. But the potential on that side was not great in numbers.⁸⁸

Daly was somewhat more acerbic in his attitude to the liberal Republican block. He claimed that, on the House side, their support "pretty much consisted of Fino, Halpern and Lindsay. All the rest of them would be with you except when you needed them".⁸⁹ Henry Hall Wilson added that, apart from civil rights and foreign aid, "there was almost no legislation where there were liberal Republicans in any numbers of any value to us",⁹⁰ and Daly expressed what many of his colleagues felt when he said that, "labouring in that particular vineyard was not a very economical use of our time".⁹¹

Again, the evidence does give some weight to these claims. In 1961, liberal Republican support frequently made up for southern Democratic defections. It was crucial on the Rules vote, but also on many major Kennedy bills such as the minimum wage legislation, the omnibus Housing Act, the depressed areas bill and the temporary unemployment proposals. But, in the second session of the 87th Congress, Republican support declined and there was a noticeable increase in Republican voting unity in both House and Senate. For example, on the final passage of the tax revision bill and on the motion to recommit the farm bill in the House in 1962, only one Republican in each case supported the President's position (i.e. for passage of the tax bill and against recommitment of the farm bill). Similarly, on the passage of the debt ceiling bill, only nine Republicans supported the President. In the Senate, only one Republican went with the President on the farm bill and there

88. Interview with Lawrence O'Brien.

89. Interview with Charles Daly.

90. Interview with Henry Hall Wilson.

91. Interview with Charles Daly.

were no Republican votes at all for the key amendment by Senator Kerr on the Public Works Act. These are, of course, selective votes and illustrate and extreme of Republican voting behaviour, but they are indicative of the decline in support for Kennedy legislation amongst the liberal Republicans in the House and Senate.

The White House liaison staff dealt with the potential Republican support in an ad hoc way. "You got their votes on an individual basis where you could", said Daly⁹² and there was no attempt to win block support from them. Whether this was a correct strategy or not will be discussed further on, but the view of the liaison team was conditioned more by potential numbers of votes than by the politically moral argument used by The New York Post. The Republican liberals were small in number, but the White House did nothing to counter the increasingly partisan attitudes of the Republican leadership. But there was a logic to O'Brien's view. Firstly, as Republican unity was increasing, so too was Democratic unity and this was seen in the decline of conservative coalition voting. Thus the loss of liberal Republican support tended to be balanced, to some extent, by increasing southern Democratic support. Secondly, had Kennedy and O'Brien attempted an accommodation with liberal Republicans, it would probably have lost them the potentially larger southern Democratic support they had gained because the one issue on which the liberal Republicans were really determined to press the Kennedy administration was civil rights. Senators Javits and Keating together with Representative John Lindsay maintained a barrage of public criticism on the absence of civil rights legislation from the New Frontier programme, speaking out where many liberal Democrats felt constrained by party loyalty. A concession to the liberal Republicans on civil rights was probably too big a price to pay for the small number of votes in return. Finally, one ought

92. Interview with Charles Daly.

to point out that Republican liberalism was very much related to those issues affecting the urban constituencies from which this group of Republicans came. They supported Kennedy on minimum wage, housing, transportation and unemployment compensation, but deserted him on legislation like trade expansion and the farm bill. Foreign aid was one exception, but otherwise the liberal Republicans confined their pro-Kennedy support to constituency-relevant legislation.

The third significant group was the northern and western Democrats in the House and Senate. The attitude of the liaison staff was that this group could be relied upon to support the bulk of New Frontier legislation because they shared with Kennedy the same political philosophy and outlook. On the 1961 Rules vote in the House only two of the non-southern Democrats voted against expansion and they were both border state Congressmen. The group did, however, have some impact on the liaison operation in that O'Brien found it necessary to supplement the staff with Charles Daly to help look after their interests. Throughout Kennedy's term of office, the northern and western Democrats gave their support to White House legislation, but the statistics of the roll-calls covered up considerable dissatisfaction with the liaison staff on the part of some members of this group. White House staff work in this area was far from successful and this will be considered in the following chapter.

CONCLUSION

Lawrence O'Brien brought to his role as Special Assistant for Congressional Relations considerable innovation in the work of his office. He was concerned with a total or all-embracing approach to liaison with Congress and, thus, the extension of his influence throughout the executive branch was a new and significant development. The systematic methods he employed in his work, the activity generated by himself and his staff, and the emphasis on personal relations as the key to good Congressional relations was unprecedented in

in the development of Congressional liaison. Thus the Kennedy Presidency initiated an upgrading of Congressional liaison in its day-to-day operation as well as its initial status within the White House staff system. It had developed into a highly specialized function within that system and one which relieved the President of a whole range of time-consuming, but very necessary, activities. The contrast between O'Brien's approach and that of Bryce Harlow under Eisenhower was a marked one, with a more organized effort to assist a more legislatively active President. But these innovations necessarily brought with them reactions in Congress and it is to the Congressional perspective on White House liaison that attention now turns.

Chapter VII

THE OPERATION OF CONGRESSIONAL LIAISON - THE CONGRESSIONAL PERSPECTIVE

Innovation in Presidential-Congressional relations, especially those initiated by the White House, are bound to give rise to reaction on Capitol Hill. The operation of Congressional liaison during the Kennedy administration was one such innovation and, even if Congressmen were unaware of all the developments examined in previous chapters, they could not fail to have noticed the increased liaison activity generated by the Kennedy staff. Yet, general statements about the attitude of legislators to the liaison operation are difficult to make because Congressional reaction was neither uniform, nor necessarily consistent, and some legislators made their views felt more than others. The situation is also complicated by the variations in the terms used and meanings attached to the idea of Congressional liaison. For example, Berman describes liaison as "the polite term for administrative lobbying,"¹ yet, when one of the Congressional respondents in Holtzman's survey says, "Legislative liaison helps expedite my requests to the departments and agencies and gives me information and material I need to explain to my people," it is fairly evident that he is not talking about lobbying.² Certainly there is a need to distinguish between liaison and lobbying and it has been argued, in this study, that lobbying should be viewed as only one part of the liaison function, albeit the most important, and that there are other significant features under the umbrella of Congressional liaison. The distinction, even if only an analytical one, is nonetheless useful because it lessens the

1. Daniel M. Berman, In Congress Assembled: The Legislative Process in the National Government, New York, MacMillan, 1964, p.91.

2. Abraham Holtzman, Legislative Liaison: Executive Leadership in Congress, Chicago, Rand McNally, 1970, p.53.

confusion over terms used,³ and also because reactions to lobbying were often more intense than the reaction to other areas of liaison activity. It is specifically the reactions of Congressmen to the activity of the White House Office of Congressional Relations on Capitol Hill that is the concern of this chapter. It does not cover other aspects of Congressional liaison such as Presidential contact with the party leaders. The major areas of liaison activity identified here, in addition to lobbying, are the services provided to legislators by the White House and the consequences of the legislative strategy with particular reference to the position of the liberal Democrats.

THE SERVICE FUNCTION

In his study of the work of the Departmental liaison officers, Abraham Holtzman notes that Congressional self-interest was a major reason why legislators approve of White House liaison with Congress. He writes:

What is significant is that the individual Congressman is personally cognizant of the importance of legislative liaison to himself or his staff. He perceives legislative liaison as aiding him in his various roles as a congressman.⁴

Thus, the services provided to Congressmen by the Departments make Congressional liaison a two-way process. It provides the legislator with access to the Departmental policy-makers, information that he considers vital to his performance in Congress and the means to satisfy constituency requests and needs. Legislators clearly attach a great deal of importance to the services provided. Pipe has shown that, in 1963, the ten Departments spent over half

3. Some of those interviewed for this study did see a distinction between liaison and lobbying, though not in the sense that it is applied here. Like Holtzman's example, the term 'liaison' tends to be used to describe the non-lobbying transactions between legislators and the executive branch, especially with reference to the services that can be provided by the executive.

4. Holtzman, op.cit., p.51.

a million man hours replying to requests from individual legislators and almost the same again on requests from committees, and he concludes that, as the Congressional liaison office becomes more firmly established each year, "Congress has learned to lean more heavily on these offices as sources of information and service."⁵ Much of the work involved in dealing with the requests from Congressmen is routine and Murphy has shown that, in the case of the National Aeronautics and Space Administration, Congressional requests were concerned mainly with personnel referrals, requests for NASA speakers and exhibits, information relating to the award of NASA contracts, the placement of constituents on tours of NASA establishments, and he suggests that this is typical of the routine requests handled by every Congressional liaison office.⁶ The services provided by the Departments give them an important source of leverage with Congress and it is noticeable that the one Department with a long history of difficult relations with Congress - the Department of State - is also the one with few constituency-oriented resources. Dean Acheson, who worked for a time as a State Department liaison officer before becoming Secretary of State, remarked that "no one looked to the Department of State in the appointment of postmasters, marshals, collectors of customs or internal revenue, or in drawing up contracts for ships, planes, or camps,"⁷ and Robert Dahl found that "the State Department has virtually no constituency. It is not the kind of service agency whose benefits are immediately visible to important voting blocs; therefore it cannot easily mobilize citizen pressures on Congress."⁸

5. G. Russell Pipe, "Congressional Liaison: The Executive Branch Consolidates Its Relations With Congress", Public Administration Review, Vol.XXVI, March 1966, pp.16-17.

6. Thomas P. Murphy, "Congressional Liaison: The NASA Case", Western Political Quarterly, Vol.XXV, June 1972, p.200.

7. Dean Acheson, Present at the Creation: My Years in the State Department, London, Hamish Hamilton, 1969, p.92.

8. Robert A. Dahl, Congress and Foreign Policy, New York, W.W. Norton, 1964, p.112.

The White House liaison staff are also seen by legislators as the provider of services, although of a much different kind than those of the Departments. Whereas the demands on the Departments are usually of a routine administrative nature, the requests made at White House level are considerably more political in their content. And because Congressional requests for White House assistance are political, and often sensitive and controversial, it is not possible to catalogue and quantify the nature of all the demands made. However, one can get some indication of the sort of requests that were being channelled through the White House Congressional Relations Office by examining the few papers and documents now available to researchers.

It should be pointed out that the attitude of the White House liaison staff to this particular activity was that it helped build up a storehouse of goodwill which would be of use at some future occasion. In many cases the provision of assistance from the White House was regarded as a political debt that would have to be repaid and, in that sense, services were dispensed in much the same way as patronage. In discussing the service function of the liaison staff, Charles Daly commented that "we did a little of that, but we did it very clearly on their understanding and ours that we helped them and we hoped they would help us."⁹

Frequent use of the White House liaison staff was made to obtain the support of the President for a particular piece of legislation. This was often the case when a Congressman or Senator had a strong personal commitment to a bill that had been introduced in Congress - a bill that was identified as his. Presidential support was deemed necessary if the bill was to avoid the fate of the thousands of others presented to Congress in each session. Thus when Representative Morris Udall wrote to O'Brien to solicit Kennedy's support for his District of Columbia Home Rule bill, he said in his letter that, "without his active assistance once again, it is doubtful that our

9. Interview with Charles Daly.

present effort has any chance of succeeding."¹⁰ Similarly, when Senator Kenneth Keating asked Kennedy to support his resolution calling for a Constitutional amendment giving the President the power of item veto, he claimed that Kennedy's "active support of the item veto would, of course, go a long way towards bringing about its enactment by the Congress."¹¹ Senator Douglas went even further. He asked the White House to adopt his Truth-in-Lending bill as part of the President's legislative programme. He wrote:

I am going to put my Truth-in-Lending bill forward again this year. Frankly, we need help if it is to get out of the Committee and if it is to pass.....The State of the Union message would be a good place to begin pressing Truth-in-Lending and consumer protection.¹²

In each of these cases the President's support was solicited so that the relevant legislation would stand out above other bills and, hopefully, be given some priority in the legislative schedule. Without the President's name behind the bill, it was feared that it might never succeed in getting through its committee stage and, even if it did, it would then need the support of the leadership to be fitted into the calendar for a vote in the House and Senate.

Another Congressman found that the liaison staff was the only channel through which he could overcome a bureaucratic barrier to his own legislative plans. Congressman Clem Miller wrote to Charles Daly in March of 1962 to complain that the Bureau of the Budget had turned down three of his bills, indicating that they were unacceptable to the administration. Daly, anxious to maintain the support of Miller, took up the matter with the Bureau on

10. Letter from Morris K. Udall to Lawrence O'Brien, 19th June 1962, John F. Kennedy Papers (White House Central Files LE/HU2-7 Box 482), John F. Kennedy Library.

11. Letter from Senator Keating to President Kennedy, 26th May 1961, John F. Kennedy Papers (White House Central Files LE/FE4-1 Box 473), John F. Kennedy Library.

12. Letter from Senator Douglas to Theodore Sorensen, 6th December 1962, John F. Kennedy Library, (White House Central Files LE/F1-8 Box 475).

Miller's behalf. He wrote:

As you know, Congressman Clem Miller of California has been very cooperative. At this time, and for many months, he has been deeply disturbed by what he feels is an unreasonable attitude displayed by the Bureau of the Budget towards various bills he has introduced. We are interested in reducing this disturbance as much as possible. I would like to discuss this with you as soon as you have a few minutes.¹³

This was not the only occasion Daly intervened to help secure some legislation for a particular Congressman. He indicates in his oral history interview with the Kennedy Library that he once asked the President to sign a bill in order to keep favour with a legislator even though Kennedy regarded the legislation as a "goddam boondoggle" and would have ordinarily vetoed it.¹⁴ O'Brien provides another example of this kind of service and this instance also involved him acting as arbitrator in a dispute between two legislators. Representative Michael Kirwain of Ohio had succeeded in getting a bill through the House of Representatives authorizing the building of an aquarium in Washington D.C. It was generally recognized as a blatant waste of money, but was passed because it was known to be Kirwain's pet project. However, when Senator Wayne Morse of Oregon made a speech about wasteful expenditure in Washington, and cited Kirwain's aquarium as an example, Kirwain took offence and proceeded to eliminate some major projects for the state of Oregon from an appropriations bill. Morse asked Kennedy to intervene and, eventually, the President signed Kirwain's bill in return for the restoration of the Oregon projects.¹⁵

Presidential support for legislation was not the only demand channelled through the White House Office of Congressional Relations and there is

13. See correspondence from Clem Miller to Charles Daly, 23rd March 1962, and from Charles Daly to William D. Carey, 26th March 1962, John F. Kennedy Papers (White House Central Files FG400 Box 187), John F. Kennedy Library.

14. Charles Daly, Oral History Interview, John F. Kennedy Library.

15. Lawrence F. O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974, pp.121-22.

evidence to suggest that its intervention was requested to help legislators with major political problems in their own Congressional district. One problem which affected several members of the House during the Kennedy years was the future of their very existence in Congress as a result of the 1960 population census and the consequential reapportionment and redistricting of Congressional seats. Whether a state's representation in the House was to be increased or decreased, it would place some members in a vulnerable position. Such was the case with Congressman Miller of California. Apart from his complaints with regard to the Bureau of the Budget, it is now known that he approached the liaison office to ask for its help in respect to the problem of redistricting in California. Miller, who represented the 1st District, was threatened by the eight extra seats awarded to California as a result of the 1960 census. The new districts were to be operative in time for the 1962 House elections. Miller wrote to O'Brien early in 1961 saying:

I believe that the White House can be of tremendous concrete assistance to me in the next few weeks with the problem of redistricting in Northern California. I have set forth the details in the attached memorandum.

Very briefly, if I do not secure a Congressional district along the lines proposed in this memorandum, my survival in Congress, certainly my usefulness, may shortly come to an end.

As a supporter of the President's program in Congress as evidenced by my past voting record, as well as an attestation from Congressman Frank Thompson, I understand this would be contrary to the President's wishes.¹⁶

Miller got the new 1st District, although it is not known how far O'Brien did intervene on his behalf and was re-elected in 1962. Unfortunately, he never took his seat in the 88th Congress as he was killed in an air crash shortly after the election. However, whether or not Miller was saved by O'Brien is not as important as the fact that he turned to the White

16. Letter from Clem Miller to Lawrence O'Brien, 3rd April 1961, John F. Kennedy Papers (White House Central Files FG 410 Box 187), John F. Kennedy Library.

House in the first instance for help. It also appears that Miller's case was not an isolated example and Daly recalled two instances of Republican legislators who sought White House assistance for the same reasons. The two in question were identified as Alvin O'Konski (10th District of Wisconsin) and Phil Weaver (1st District of Nebraska). Daly claimed:

O'Konski of Wisconsin was thrown by redistricting into the same district as Lester Johnson who was an incumbent Democrat. O'Konski was a Republican and, during the year in which Lester Johnson was trying to decide whether he would run again or not, O'Konski was a most co-operative fellow indeed. In fact, we eventually put Johnson on the U.S.-Canadian Border Commission, or some damn thing, and got him out of the Congress, and all the way up until that election, we could get pretty much what we wanted from O'Konski - in fact, anything we wanted. A fellow from Nebraska called Weaver was the lone Republican voting with us on the farm bill and, the reason he was, was that he was a lame duck and needed help.¹⁷

These were also useful illustrations of what Daly meant when he said that the White House staff got Republican votes on an individual basis where they could.¹⁸

A fuller account of the requests made through the White House Congressional Relations Office will have to await the release of those papers at the Kennedy Library still considered to be politically sensitive. However, the indication is that legislators tended to look to the White House for services of a more political nature that could not be handled at Departmental level and the White House liaison staff regarded the fulfillment of these requests as helping them to create conditions favourable to the passage of the President's legislative programme. It was, perhaps, the area of liaison activity to which legislators were most favourably disposed. There was no evidence that suggested the White House staff handled this aspect of their

17. Interview with Charles Daly. O'Konski managed to keep his seat throughout the 1960's, but eventually lost it as a result of the 1970 redistricting. He unsuccessfully contested the 7th District in 1972. Nebraska lost one seat as a result of the 1960 reapportionment which was Weaver's. The 87th Congress was his last.

18. See p. 145,

work badly, rather the signs are that it was dealt with well. These services, and those demanded from the Departments, are considered to be vital to a Congressman's well-being and the satisfaction of demands is perceived to provide the liaison staff with additional capital that can be drawn on at some future date. Thus, there exists a balanced, reciprocal and beneficial relationship and one unlikely to upset legislators.

REACTIONS TO LOBBYING

In order to consider how Congressmen were disposed towards direct White House lobbying for votes, a useful starting point would be to consider legislators' attitudes to lobbyists in general. The myth that lobbyists and lobbying are unwelcome evils in the eyes of legislators has largely been destroyed by contemporary studies of Congressional behaviour. Roger Davidson found that only 15% of respondents to his survey agreed with the proposition that Congress would work better without the activities of lobbyists, and a majority of his sample denied that they exert an undue influence on the deliberations of the House of Representatives.¹⁹ Andrew Scott and Margaret Hunt came to similar conclusions and found that "Congressmen see interest groups as having a helpful and legitimate role in the legislative process and they appear to have no quarrel with groups so long as they do not slip out of that role."²⁰ The Brookings Institution Round Table Conference on Congress, in which the views of 36 Congressmen were studied, found that Congressmen "do not feel that the public interest is endangered by the existence and activities of special interests, and they are confident of their own ability to use the lobbyist's help properly without being improperly used themselves."²¹ One member of the House Republican Task Force on Congressional

19. See Roger H. Davidson, The Role of Congressmen, New York, Pegasus, 1969, p.78.

20. Andrew M. Scott and Margaret A. Hunt, Congress and Lobbies: Image and Reality, Chapel Hill, University of North Carolina Press, 1965, p.58.

21. See Charles L. Clapp, The Congressman: His Work As He Sees It, Washington D.C., The Brookings Institution, 1963, p.182.

Reform stated quite bluntly that "lobbying is essential to good government, and one of our most pressing needs today is for more lobbying - not less."²²

There is no reason to suspect that executive branch lobbying is regarded any differently. Holtzman concluded:

A dominant note, then, in current legislative-executive relations is the wholehearted acceptance of executive lobbying by members of Congress and their staffs. Congressmen consider it to be not merely a proper operation, but a necessary and valuable one.²³

If "wholehearted" is meant to imply total acceptance of executive branch lobbying, then Holtzman's view needs some modification. While it is true that the legitimacy of lobbying is accepted by many, it is certainly not the case that actual lobbying activity was totally accepted by Congressmen,²⁴ and there were many criticisms made of the practices of the Kennedy liaison staff. It appears that, occasionally, the White House staff crossed the line between legitimate and improper lobbying, although, it should be added, this line is very ill-defined by legislators themselves. Clapp found, in the Brookings study, that the difference between acceptable promotion of legislation and unacceptable pressure varies from one legislator to another. He quotes verbatim a discussion between Republican Congressmen with respect to the Eisenhower administration, and one respondent recalls how he was approached by the Assistant Secretary of Commerce over a vote on the Reciprocal Trade Act. This particular Congressman was opposed to the legislation and says the Assistant Secretary

.....approached me with a booklet showing the amount of business being brought into my district by the measure and the number of jobs involved: he did that for every Congressional district in the country. I don't think that

22. Republican Task Force on Congressional Reform, We Propose: A Modern Congress, New York, McGraw-Hill, 1966, p.135.

23. Holtzman, op.cit., p.53

24. Holtzman's own evidence, based on a sample survey, reveals this to be the case. About 10% of the responses are negative towards executive lobbying. See Holtzman, op.cit., p.56.

is pressure. The executive did a better job selling members of Congress on this legislation than any other legislation I know of. It was a demonstration of leadership.²⁵

But a fellow Republican, referring to the same incident, replied:

I don't mean to contribute to your disillusionment, but, as far as I can see, it was a case of executive pressure.²⁶

Thus, one needs to distinguish between the theoretical legitimacy that is often accorded to executive branch lobbying and Congressional notions of what constitutes permissible lobbying in practice.

The Kennedy liaison staff was considerably more active on Capitol Hill than its Eisenhower counterpart and this, in itself, contributed to the unfavourable reaction expressed by some legislators. In 1962, criticism of Kennedy's lobbyists reached a peak, particularly during the consideration of the Agriculture bill and the Debt Limit Extension bill. One Democratic committee chairman was quoted as saying:

People up here are coming to resent the horde of lobbyists the White House sends to the Capitol. A member of Congress thinks he has a responsibility to his district or state to decide for himself. But now he encounters the President's people everywhere, pursuing him, demanding, some threatening- and all trying to tell him what he must do. Members talk about it much more and the resentment against such tactics is spreading.²⁷

A liberal Democrat in the House also stressed how the liaison staff were overstepping the mark:

There seems to be a strange misunderstanding at the White House about the way our Government is run. The White House has a team of men that works to get the President's program

25. Clapp, op.cit., p.155

26. Ibid., p.156

27. Quoted in "What They Say About JFK: Congressmen Tell What's On Their Minds", U.S. News and World Report, 30th July 1962, p.32.

through Congress. These men are called in the Capitol 'White House lobbyists' and the 'Irish Mafia'. Whatever you call them, they do not seem to understand that the Congress is an equal partner of the executive branch of Government. They think that the President can dictate to Congress. That is their attitude.

These young men come marching up to the Capitol. They wheedle and promise and threaten. When major legislation is being handled on the floor, you will find these men in committee offices just off the floor. They call in members just before the vote and try all kinds of pressures.

I do not know that the President is acquainted with the tactics his men are using, but he should be told. He served in the Congress long enough to know better than this. His men are trying to deal with Congress as if it were the Boston city council. They are trying to transfer ward politics to the national capital. It will not work.²⁸

Some of these complaints do provide an indication of what Congressmen perceive to be improper lobbying. During the debate on the Agriculture bill in 1962, a freshman Democrat from New York, Otis Pike, issued a press release, later read into the Congressional Record by the Republican Minority Leader Charles Halleck, in which he complained that his "arm aches from the twisting it has taken lately." Pike had eight new post offices pending in his district and had been subjected to considerable pressure from the Post Office Department in connection with his vote on the farm bill. He said, "isn't it odd that the man who came to talk about the farm bill came from the Post Office Department and not the Department of Agriculture? Do you suppose it had anything to do with those pending post offices?"²⁹ The point was reiterated in an article highly critical of White House lobbying. Meg Greenfield wrote that, "when House members get calls on unrelated legislation from departments such as Post Office and Defense that are known for the favors they can bestow or withhold, it is not usually necessary to ask why the

28. Ibid., p.32.

29. Congressional Record, (House), 21st June 1962, pp.11342-43. This incident is also related in Holtzman, op.cit., pp.65-66

particular caller is calling."³⁰ Greenfield's article and Holtzman's study contain further examples of this type of lobbying and the complaints made really amounted to a criticism of O'Brien's team approach to liaison. In a close vote O'Brien believed it best to mobilize all the resources of the executive branch lobbying apparatus. His view was that all lobbyists in the departments were advocates of the President's programme, but it was a view unacceptable to some legislators.

Another technique which annoyed some Congressmen was the practice of getting important interests in the legislator's home district or state to put pressure on their Representative or Senator on behalf of the executive branch. It is now evident that this technique was applied in several instances during the debate and vote on the debt limit extension legislation. The Pentagon was reported to have contacted defence contractors in several Congressional districts to advise them that their contracts might be in jeopardy if Congress did not approve the 308 billion dollar debt ceiling. Because the Republicans were solidly opposed to the bill, much of the pressure was directed at them. However, because they were the opposition party, they were free to expose this technique in Congress and several Republicans, including Gerald Ford of Michigan and John Byrnes of Wisconsin, did speak out publicly. Ford complained that a representative of the Chrysler Corporation had contacted him over this legislation and Byrnes reported that many members had told of similar incidents.³¹ Senator Keating later remarked that he hoped there would not be a repetition of this type of lobbying when the same bill reached the Senate.³²

30. See Meg Greenfield, "Why Are You Calling Me, Son?", The Reporter, 16th August 1962, p.30.

31. For a fuller account of the lobbying on the 1962 debt limit bill see Congressional Quarterly Weekly Report, 24th April 1976, p.950.

32. Congressional Record, (Senate), 18th June 1962, p.10762.

There was also some criticism levelled against the style and methods adopted by individual members of the White House liaison staff. Some Congressmen objected to being told how to vote or being rebuked for voting contrary to the position of the President. The conservative Democratic Congressman from Nevada, Walter Baring, began an angry letter to O'Brien:

I have been chided by your office for voting against certain administration bills, which by the way is something I definitely do not appreciate, for I am the elected Representative at large from the state of Nevada and must follow the views of my constituents.³³

White House lobbyists were accused of arm-twisting, threatening, cajoling and disrespect. One Congressman claimed that a White House lobbyist actually went on to the floor of the House to "buttonhole members",³⁴ and another said that Congressional dislike of one particular member of the White House liaison staff actually cost the administration some votes.³⁵ Holtzman reports that a number of members had once overheard a White House lobbyist say, "Anyone have a dime? I want to buy a Congressman."³⁶ The White House did tend to contribute to this mistrust by their habit of regarding Congressmen as "either for-us-or-against-us", a direct result of the great emphasis placed on headcounting. There were many complaints about arm-twisting and so on, but, again, the Congressional response was not uniform. One Democrat claimed, "You had to have that type of pressure and party discipline to get some of the strategic bills through in which you needed every vote you could get,"³⁷ and another said that he had never been

33. Letter from Walter S. Baring to Lawrence O'Brien, 25th June 1962, John F. Kennedy Papers (White House Central Files LE5 Box 500), John F. Kennedy Library.

34. See U.S. News and World Report, 30th July 1962, p.32.

35. See Greenfield, art.cit., p.30.

36. Holtzman, op.cit., p.67

37. Representative John A. Blatnik, Oral History Interview, John F. Kennedy Library, p.31.

subjected to unreasonable treatment. "I think threats operate according to the member. A direct threat would have reacted very adversely with me, and I think people knew that, that I dealt with. So this was not attempted."³⁸ Congressman Richard Ichord, a Democrat from Missouri, said of Charles Halleck after the Republican leader had made an issue out of White House lobby tactics, "if he can't stand a little arm-twisting in this game, he had better get out of it, because this is a rough game of politics."³⁹ This is not to deny the validity of the responses of some Congressmen but to stress that it was not necessarily a position taken by all. It does, however, modify some of the claims made by O'Brien about the effort expended in developing personal relationships,⁴⁰ although one should also bear in mind that these kind of complaints are made frequently no matter what President occupies the White House. For example, a recent study by Congressional Quarterly showed that even more serious complaints were levelled against the Congressional liaison staff of Gerald Ford - a President notably less legislatively active than President Kennedy or President Johnson.⁴¹

Although Congressional reaction to White House lobbying is mixed, there is enough evidence to suggest that there was less than wholehearted

38. Representative Paul G. Rogers, Oral History Interview, John F. Kennedy Library, p.14.

39. Quoted in Holtzman, op.cit., p.66

40. This is not to imply that O'Brien was the cause of the ill feeling. He was, in fact, thought of very highly by the Congressmen and Senators I interviewed. The complaints seem to have been confined to the House of Representatives and my own feeling is that they were directed primarily at Daly and Donahue. They would both admit that they were much more aggressive than other members of the White House liaison staff and more direct in their approach to Congressmen. I also suspect that it was a contributory factor in Donahue's resignation from the White House early in 1963. Donahue stated publicly that he thought there was a mutuality of contempt between Congress and the executive. See his reported remarks in Congressional Quarterly Weekly Report, 19th April 1963, p.633.

41. See "Turning Screws: Winning Votes in Congress," Congressional Quarterly Weekly Report, 24th April 1976, pp.947-954.

acceptance of certain aspects of lobbying activity during the Kennedy years and that some members of the White House liaison staff went beyond the bounds of what was politically tolerable to some members of Congress. On the other hand, one should also consider that the number of complainants was only a small percentage of the total number of legislators on Capitol Hill and also that complaints against White House lobbying have virtually become an institutionalized reaction to this activity. Senator Mansfield, for one, dismissed these critics with the comment, "there were always complaints about arm-twisting - you get that all the time."⁴²

LEGAL SANCTIONS AGAINST LOBBYING

Congress has, theoretically, long held that lobbying by the executive branch is illegal and a criminal offence. In 1919 it passed a law prohibiting the use of public funds "to pay for any personal service, advertisement, telegram, telephone, letter printed or written matter, or any other device, intended or designed to influence in any manner a member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress."⁴³ In addition to this blanket law, legislators have frequently attached anti-lobbying clauses to appropriations voted by Congress although, in most cases, these are simply restatements of the 1919 legislation.⁴⁴ The penalty for the violation of the anti-lobbying law - a fine of five hundred dollars and a year's imprisonment - has never been imposed and neither has there been a serious court test of the statute. It is one of the most ineffective pieces of legislation passed this century. Yet it is

42. Interview with Senator Mansfield.

43. 18 U.S. Code 1913.

44. For example, the Independent Offices Appropriations Act, 1964, contained the following: "No part of any appropriation contained in this Act or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress."

relevant to the present study because several members used the statute to hang their complaints on during the Kennedy administration and one member, in particular, attempted to test the law during this period and failed to gain any satisfaction.

During 1962, there were five instances of legislators citing the anti-lobbying law in their criticisms of executive branch lobbying activities. There were no recorded instances during 1961 and only one in 1963, thus the instances drawn from the second session of the 87th Congress will serve as a representative illustration of the use of the law. The first complaint was made in the Senate by Senator John Williams of Delaware. He merely inserted into the Congressional Record some newspaper articles referring to the use of civil servants who were brought to Washington to lobby for the farm bill.⁴⁵ The civil servants in question were members of the various state Agricultural Stabilization and Conservation Committees and are directly responsible to the Secretary of Agriculture. It was estimated that the cost of bringing them to Washington amounted to over 75,000 dollars and the matter was first brought to public attention by the President of the American Farm Bureau Federation which was opposed to the farm bill. The blame in this instance was directed personally at President Kennedy. The following month, in May of 1962, there were two further complaints citing the anti-lobbying law. Representative Edgar Hiestand criticised the lobbying over Kennedy's medicare proposals, but broadened this out into a tirade against all executive branch lobbying. His attack was specifically aimed at O'Brien's office and he ended his speech by suggesting that, "Perhaps it is time for Congress to check the propriety of much of this White House lobbying pressure."⁴⁶ About the same time, Congressman Lipscomb

45. Congressional Record, (Senate), 5th April 1962, p.6103.

46. Congressional Record, (House), 17th May 1962, p.8605.

complained about direct lobbying by Sargent Shriver, the Director of the Peace Corps. This was the incident in which there was a serious attempt to invoke the anti-lobbying law and will be considered separately. In July, Robert Dole, then Representative from the 6th District of Kansas, began a fairly lengthy debate in the House on his attempt to amend the Department of Agriculture and Related Agencies Appropriations Bill to include an anti-lobbying provision. This was primarily a reaction against the Department's lobbying for the farm bill with Dole believing that the 1919 statute needed reinforcing. The ensuing debate was generally along partisan lines and Dole's amendment was defeated after he had forced a teller vote.⁴⁷ In September of that year, the Secretary of Health, Education and Welfare, Anthony Celebrezze, was accused of violating the law after he had sent telegrams to every member of the House urging them to support the College Aid Bill.⁴⁸

It was, however, Congressman Glenard Lipscomb who attempted to test the enforcement provisions of the law when he brought to attention an unsolicited letter he had received from Sargent Shriver praising the activities of the Peace Corps and requesting Congressional support for further legislation. The fact that the communication was unsolicited is important because the antilobbying law has a let-out clause which permits executive branch agents to communicate with Congressmen on legislative matters if requested to do so by a Congressman. Lipscomb began his complaint by setting Shriver's actions in the context of the overall executive lobbying effort. He said:

We are all aware of the tactics that are being used to sell the administration program to Congress, including the barrage of letters, brochures, reports, folders and other materials flooding congressional offices. So-called briefing sessions for Members of Congress and aids are being held in great number.⁴⁹

47. Congressional Record, (House), 25th July 1962, pp.14736-39

48. Congressional Record, (House), 20th September 1962, p.20143.

49. All references to the Lipscomb case are from Congressional Record, (House), 15th May 1962, pp.8449-51.

Lipscomb believed that Shriver's letter was in breach of the law and he duly referred the matter to the General Accounting Office. In reply the Comptroller-General confirmed that appropriated funds were used in the preparation and mailing of the letter and similar letters to other Representatives and Senators, but would not be drawn on whether this constituted a violation of the code. He pointed out that the General Accounting Office had no authority to enforce the penal provisions of the law and that this matter should be referred to the Department of Justice. Lipscomb then wrote to the Attorney-General requesting that the Department determine whether the law had been broken in the knowledge that the G.A.O. had established that appropriated money was used. He received a reply in which the Assistant Attorney-General, Herbert J. Miller, informed him that "this matter has been fully considered and it is concluded that no violation of the statute occurred." Miller then continued to explain why the Department of Justice had reached this position in a most incredible opinion that rendered the 1919 law, and any subsequent anti-lobbying legislation, totally meaningless. He claimed:

Personal contact with Members of Congress by executive officers are both sanctioned and required by article II, section 3 of the Constitution, which provides in significant part that the President "shall from time to time.....recommend to their consideration such measures as he shall judge necessary and expedient." The power to recommend measures to Congress would appear clearly to comprehend and include the power to urge arguments upon individual Members of Congress in support of such measures. Necessarily the President must entrust part of this function to subordinate officers within the executive branch. Our Federal Government could not function efficiently if the President and his subordinates could not do so.

There is nothing in the legislative history to indicate any intent to prohibit bureau chiefs and department heads from communicating directly to Members of Congress the views of the administration in power concerning proposed legislation. Moreover, following the passage of 18 U.S.C. 1913, Congress has affirmatively recognized the need for such communication from the representatives of the executive branch.....

Here Miller cites a long passage from the hearings of the House Select Committee on Lobbying Activities in 1949 in which the chairman of that

committee defended the right of the executive to lobby for its legislation using almost identical arguments to those used by the Department in this opinion. Miller then concludes:

In view of the foregoing, the Department is of the opinion the 18 U.S.C. 1913 cannot be construed to preclude the head of an executive agency from using its facilities to address an unsolicited letter to Members of Congress with respect to pending legislation.

Miller does not say what actions would come within the terms of the law and Congressman Lipscomb was quite justified in claiming in the House that the administration's interpretation had rendered the statute "largely ineffective", but he also showed that he had rather missed the point at issue because his next step was to introduce a bill designed to amend the law so that it would apply clearly to Presidential subordinates. The point about subordinates was irrelevant and formed part of a totally erroneous opinion by the Department of Justice. The opinion hinges on the belief that executive lobbying is a necessity to modern government, but, if this was the case, then the remedy should have been the repeal of the 1918 law. As the law stood Shriver had clearly violated it irrespective of whether necessity justified it. Legally, Lipscomb's case was sound once the General Accounting Office had established that appropriated money was used. What Lipscomb had overlooked was that the enforcement of the law is dependent upon the very same administration that is accused of violating it. The fault is that of the statute, not the Department of Justice, because the Department is placed in a potentially embarrassing position each time the actions of the administration are challenged under the anti-lobbying law. As long as the Department of Justice are responsible for its enforcement, the 18 U.S.C. 1913 will be no impediment to administration lobbyists.

Although the law had no legal teeth, it was not totally without effect during the Kennedy administration. After the complaints about Secretary

Celebrezze's lobbying activities, the White House did show some concern about the propriety of its actions. Lee White sent the following note to Theodore Reardon in October of 1962.

In view of the question raised by the recent Celebrezze snafu and the fact that it is very easy to overlook the particular statute prohibiting the use of appropriated funds for lobbying, I believe it would be a good idea to pass the word on to the departments and agencies. A suggested draft memorandum is attached.

Reardon, the White House assistant responsible for liaison with the Cabinet, then sent the following to all heads of departments and agencies.

This is to direct your attention to 18 U.S.C. 1913, the provision of the U.S. Code which prohibits the use of appropriated funds for lobbying purposes. It is suggested that this particular section be brought to the attention of key personnel in order that there will be no confusion about the requirements of the law in this particular area.⁵⁰

The memo apparently was not sent to the White House liaison staff although they were just as much affected by the statute and it is also fairly evident that they did not regard the law as a hindrance to their work.⁵¹

In each instance cited above where the executive was accused of violating the anti-lobbying law, the complainant was a Republican. Given its very ineffective enforcement provisions, it appears that the law was used primarily to dramatize opposition to the administration and to cause public embarrassment where possible. Out of the five complaints made in 1962, only one led to a serious attempt to invoke the sanctions contained in the law.

50. See memorandum from Lee White to Theodore Reardon, 12th October 1962 and memorandum from Theodore Reardon to heads of departments, 16th October 1962, John F. Kennedy Papers (White House Central Files LE3 Box 499), John F. Kennedy Library.

51. When I interviewed Henry Hall Wilson and Charles Daly in 1972 both expressed surprise when I mentioned the law. Daly said that "it was not an inhibiting factor" in his work and Wilson dismissed it quickly. After my interview with Daly he took me to meet Richard Donahue and Daly's first remark to him was "Dick, did you know there was a law prohibiting executive lobbying?" They both laughed.

Holtzman has tried to test the hypothesis that party affiliation would affect the perspective of legislators on executive branch lobbying - that Republicans would be less inclined to accept it especially when a Democrat was in the White House. He interviewed four Republican Senators and eighteen Representatives and found that only four responded in accordance with this hypothesis. Without reporting and comparing the response of Democrats, Holtzman claimed that the hypothesis is not borne out by the data.⁵² However, when one takes the number of specific complaints made against the White House lobbyists publicly, in Congress, as opposed to general reactions about the legitimacy of lobbying, a different picture emerges. The complaints were overwhelmingly partisan throughout Kennedy's Presidency and one must conclude that there is a greater tendency for Republicans to be critical of executive branch lobbying than Democrats especially when there is a Democrat in the White House. Furthermore, the Congressional Quarterly study mentioned earlier, in which reactions to President Ford's lobbyists were described, gives support to the view that Republicans complain more than Democrats even when there is a Republican in the White House.

REACTIONS TO WHITE HOUSE STRATEGY

The strategy adopted by the White House of courting the southerners to gain the necessary votes not surprisingly upset many liberal Democrats. There was a feeling amongst this group that their support for administration legislation was being taken for granted and that the White House was paying little attention to them. Evidence of this ill-feeling was particularly strong in the Senate, although at the time it was not aired in public. Basically the criticisms made by the liberal Democrats were concerned with compromises on policy to appease the southerners and the poor state of communications between the White House and its liberal supporters.

52. Holtzman, op.cit., pp.58-9

The opposition to compromises on New Frontier legislation was revealed, to some extent, in the number of bills introduced by liberal Democrats without administration support although clearly consistent with Kennedy's election commitments. Senators Humphrey, Douglas and Clark all introduced civil rights legislation in the early months of the 87th Congress when it became obvious that Kennedy would not do so. Senator Clark and Senator Hartke both brought in bills to establish a Department of Urban Affairs and Senator MacNamara announced his own medicare proposals. Unlike the liberal Republicans, who made a great deal of political capital from Kennedy's overtures to the south, the liberal Democrats were constrained by party loyalty and did not oppose him in public, but there is little doubt that they were aggrieved. One of the leading liberals in the Senate, Joseph Clark, summed up their feeling when he later commented on Kennedy:

I sniped a bit at a good many things because I was to the left of him and I was for the platform. There were some parts of the platform he didn't seem particularly enthusiastic about. Now I realize the pragmatic political problems and I don't question the fact that his judgement was probably sounder than mine, but I thought he could have been a little more aggressive than he was in pushing the liberal platform which he'd agreed to support. He was not very deft with Congress.....While he did exercise his enormous charm and the power of his office in advocating positions which he felt strongly about, I felt he was too willing to compromise on a good many occasions.....I think the liberal bloc in the got rather short shrift.⁵³

There is, however, strong evidence to suggest that the general relationship between the White House and the liberals in Congress was far from satisfactory. In their attempt to woo votes from southern Democrats, it appears that the White House liaison staff had failed to pay due attention to the liberal Democrats and the liberal Democrats reacted. The problem seemed to be one of poor communication, but a serious one for a White House liaison aide who prided himself on the importance of personal relationships

53. Senator Joseph S. Clark, Oral History Interview, John F. Kennedy Library.

with those on Capitol Hill. There was obviously a problem with respect to Senator Pat MacNamara. He became so angry with the White House after Kennedy had nominated a particular judge from Michigan to a federal position that, it was reported, he was threatening to seek a year's suspension on foreign aid in retaliation.⁵⁴ Soon after this incident there occurred another in which Senator Stephen Young, a liberal Democrat from Ohio, complained that he had not been the first to be told of the award of a government contract to his state. According to reports, this was not the first time that Senator Young had suffered this fate and he reputedly told Lawrence O'Brien never to call him again on any matter.⁵⁵ Yet another indication of the poor state of communications was contained in a letter written to O'Brien by Senator Paul Douglas of Illinois. He was bemoaning the absence of Senior Democrats from a critical vote in the Senate and concluded by asking "Is the White House fully aware who are their friends and who are their opponents?"⁵⁶

The were two noticeable instances of poor communication between the White House and the liberals who were sponsoring Kennedy's legislation in the Senate. When Senator Clinton Anderson tried to end rumours that Kennedy was putting aside medicare legislation for 1961, he was obviously unaware of the administration's plans. He told the Senate,

.....I believe the speculation is in error. Neither the administration nor the supporters of this proposal in the Senate are shelving their interest in the health of the elderly until next year. We are going to move forward to achieve a program that grows more urgently needed with each passing day.⁵⁷

but this was not the view adopted by the White House and the battle for

54. New York Times, 4th August 1961.

55. See George Dixon, "Washington Scene", Washington Post, 16th August 1961.

56. Letter from Paul Douglas to Lawrence O'Brien, 19th September 1962, John F. Kennedy Papers (White House Central Files LE/F03-3 Box 479) John F. Kennedy Library.

57. Congressional Record, (Senate), 27th April 1961, p.6878.

the legislation was shelved until 1962. When Senator MacNamara announced that he was a sponsor of Kennedy's aid-to-education bill, he took the trouble to point out that he had reservations about two major sections of the legislation and would be willing to consider changes.⁵⁸ Thereafter, the administration spokesman for the bill in the Senate was Wayne Morse of Oregon.

But, perhaps the most serious indication of the poor communication between the White House and the liberal Senators was the correspondence between Senator Vance Hartke of Indiana and President Kennedy. In February 1963, Hartke sent a three page letter to Kennedy expressing serious misgivings about the state of relations between the White House and its supporters in Congress.⁵⁹ He began by referring to recent statements made about the situation in Cuba by Secretary of Defence, Robert MacNamara and thought that, in view of the many rumours circulating about Cuba, "it would have been most helpful if we in the Congress had received some kind of word that the statements were forthcoming so that we could have heard them directly." Hartke pointed out that he had been put into an embarrassing position because a possible Republican contender for his Senate seat, Rep. Donald Bruce, had been exploiting the Cuban situation to some effect. He told Kennedy that:

Those of us who hold your Administration and you personally in highest regard and confidence are powerless to state our case if we are not armed with sufficient facts and the truth. Closer liaison between the White House and Congress would be helpful in fighting against such influences. I am hoping that new avenues of accurate and complete information on Administration positions can be opened and kept open. You may recall that you and I discussed this matter once and that you agreed to the usefulness of such a program. Regrettably, this was not implemented in the manner you had suggested.

58. Congressional Record (Senate), 28th February 1961, p.2799.

59. The letter from Vance Hartke to President Kennedy, dated 7th February 1963, from which all quotations are taken, can be found in John F. Kennedy Papers (White House Central Files PR16 Box 841) John F. Kennedy Library.

The Senator also complained that he was unable to obtain assistance from Kennedy's aides in preparing a pro-Kennedy book to be used in the 1962 election campaign,⁶⁰ then he went on to express his concern about the lack of information available during the Cuban missile crisis. He claimed that, as Chairman of the Democratic Senatorial Campaign Committee, he had made several public appearances speaking about the Cuban problem, but had operated under a severe handicap of lack of knowledge beyond what was generally available. He continued,

It was only through extreme good fortune that such lack of information on my part did not result in embarrassment to you, the Administration and our Party.

The final area of dissatisfaction was the manner in which Hartke had been treated over appointments. He said:

.....it has been a great disappointment that none of the prominent members of your Administration is a Hoosier whose recommendations came originally from us. (i.e. Hartke and Senator Birch Bayh). I realize that there are several Indiana citizens who have been appointed to responsible positions. However, in each case my recommendation was solicited only after the person had been selected. At least once I was never consulted and was not even accorded the courtesy of a visit by the nominee.

Through the letter Hartke shows a deep concern about his vulnerable political position as a result of administration neglect and he concludes:

Certainly the situation about which this letter is written is possibly unimportant to you as President with a terrible burden to bear. However, recalling your days in the Senate you will realize that rapport between a Senator and his President is important to the Party's posture in the Senator's own State.

The correspondence shows that Kennedy did discuss Hartke's letter with O'Brien and that O'Brien later talked to Hartke personally, which may be the reason why the President's reply was somewhat perfunctory.⁶¹ However,

60. The book Hartke refers to is Vance Hartke and John Redding, Inside the New Frontier, New York, Macfadden-Bartell, 1962.

61. See letter from President Kennedy to Vance Hartke, 19th February 1963, John F. Kennedy Papers (White House Central Files PR16 Box 841), John F. Kennedy Library.

Hartke's criticism did amount to a serious indictment of the White House approach to the liberals in Congress, but it should also be noted that the attitude of the liberals towards the White House did not manifest itself in any obvious declining support for Kennedy's legislation. The New Frontier programme that did come before Congress was so bound up with the liberal Democratic identity, that their votes could be counted on safely.

CONCLUSION

This chapter has not attempted to cover all possible Congressional perspectives on the Kennedy liaison effort, but what has been suggested is that one will not find a uniform institutional response to Presidential relations with Congress. The perspective of legislators on White House expansion of the Congressional liaison function is a mixed one and varies according to the individual legislator. There also appears to be a difference between what is accepted in theory, i.e. the legitimacy of liaison activity, and what legislators will tolerate in practice. The service function of the White House staff is accepted more readily than other aspects primarily because this fulfills the basic needs of legislators. It provides what Mayhew has called "particularized benefits", with the Congressman performing the traditional role of "supplier of goods to the home district".⁶² It is also a reciprocal relationship in which both sides benefit. The lobbying function is far from reciprocal and the hostility to this area of White House liaison work is more marked. However, reaction varies in degrees and kind. Legislators do not agree on what constitutes unacceptable lobbying and some are clearly more critical than others. It does seem that the White House liaison staff provided a useful partisan whipping-boy through which the opposition can attack the President and his methods

62. See David R. Mayhew, Congress: The Electoral Connection, New Haven, Yale University Press, 1974, pp.53-55.

without attacking the President personally. The final section of the chapter has looked at the liaison effort from the perspective of one group in Congress. In so far as the liberal Democrats were concerned, they were critical of overall legislative strategy and what one might call the etiquette of Congressional relations and Kennedy's lack of it. There remains the important question of whether Congressional perspectives on White House liaison has any effect on the outcome of the President's legislative programme. The impact of Congressional liaison is considered in broader terms later on so the question remains open for the present. However, it is not unreasonable to presume that legislators receiving benefits from the White House would reciprocate on a particular vote, otherwise executive branch officials would not continue to put so much effort into this area of activity. One also notes that the instances of hostility towards liaison methods dealt with in this chapter came either from those whose votes were already lost - as in the case of the Republicans - or those whose voting stance would not be shifted on non-policy grounds, as in the case of the liberal Democrats.

Chapter VIII

THE LEGISLATIVE PROGRAMME - I

Certainly since the New Deal it has become usual for political scientists, historians and journalists to measure and compare Presidents on the basis of their legislative success in Congress. Presidents assume, and Congress accepts, legislative leadership from the White House and the post-war era has witnessed an increasing emphasis on the President's programme together with new structures and procedures to implement that programme. But, unless a President takes office in an abnormal period such as a war or an economic depression or following a landslide election victory, the formulation of his legislative programme will be affected by the situation in Congress. Thus, the extent to which a President considers the Congressional factor in the formulation of his legislation becomes a significant part of his overall liaison with Congress. So far this study has been concerned with the structural developments in Presidential-Congressional relations -- the mechanisms designed to create conditions favourable to the passage of the President's programme - but now the focus must shift to the attitudinal aspects of that relationship as reflected in the substance of legislative proposals made to Congress. But the two are closely linked. The primary purpose of the structural developments, like the White House liaison office and the leadership meetings, is to create a harmony between the attitude of the President and the attitude of Congress in respect of the policy goals stated by the President.

The President's role is more than just proposing new policies to Congress. It has been aptly described by V.O. Key:

At one stage the President's role may be characterised by powerful advocacy of a new substantive program; at another his role may appear to be more one of leadership in strategy, timing and the fixing up of priorities on fairly routine matters. In either role the President does not "think up"

all the laws. Most major new policies have behind them a long and persistent agitation, which may have had its leadership among members of Congress.....Yet it remains for the President to pull the proposal out of the ruck of mere discussion, to elevate it to the stature of a party issue and to support its passage with the strength of his administration.¹

Decisions about legislative programming are concerned with more than the substance of legislative proposals and the President usually develops a legislative strategy based on the programme as a whole rather than on the individual items within that programme. A President taking office has two broad options open to him with respect to Congress. He can fight an obstructive Congress and perhaps make that fight an election issue, as did Truman with the 80th Congress, or he can work within the Congressional framework to overcome any obstructions by using what power he has at his disposal. Kennedy adopted the second option and the purpose of this chapter is to examine the development of Kennedy's legislative programme and its outcome in Congress to provide a basis for an analysis of Kennedy's legislative leadership. The immediate concern, however, is the decisions made about legislative strategy and programme formulation during Kennedy's Presidency and a study of the major items of the New Frontier legislative programme. The following chapter examines Kennedy's legislative strategy and the nature of Congressional opposition in one particular, but rather controversial area of Presidential leadership - that of civil rights.

DEVELOPING THE LEGISLATIVE PROGRAMME

Kennedy's legislative programme, like those of his Democratic predecessors and his successor, acquired a label. The New Frontier was to Kennedy what the New Deal was to Roosevelt and the Great Society was to Johnson. It created an image and a convenient shorthand for what was understood to be

1. V.O. Key Jr., Politics, Parties and Pressure Groups, (5th edition), New York, Crowell, 1964, pp.657-8.

the aims of his Presidency. Yet, in reality, the New Frontier had little to do with the legislative programme. When Kennedy first used the term in his acceptance speech at the Los Angeles Convention, he made it clear that he was talking about a broader approach to government rather than the specifics of legislation. The New Frontier was a long-term design, not a short-term legislative programme.² In fact, Kennedy specifically denied that he was presenting a set of promises. He described the New Frontier as "a set of challenges" and claimed that "It sums up not what I intend to offer the American people, but what I intend to ask of them." Furthermore, there was very little that was genuinely new in Kennedy's legislative proposals. Throughout the election campaign, the transition period and much of his Presidency, he was merely pulling together a number of measures that had been on the legislative agenda for some time. Each of his major proposals had a history going back several Congresses prior to Kennedy taking office and part of his strategy was to present to Congress legislative items that it was already familiar with. They were proposals that had become closely identified with the Democratic party in Congress and particularly with the liberal Democrats. The Democratic Advisory Council, an unofficial liberal group set up after Eisenhower's election victory, published a policy statement in 1959 which contained many of the commitments later placed in the 1960 Democratic platform and articulated by Kennedy during the campaign.³ The Secretary of the Platform Committee at the 1960 Convention, James L. Sundquist, stressed the liberal roots of the New Frontier programme when he recalled:

What I fell back on was the position that the party had established in the legislative battles over the preceding

2. The major parts of the speech are quoted in Arthur M. Schlesinger Jr., A Thousand Days: John F. Kennedy in the White House, London, Andre Deutsch, 1965, pp.54-55. The Kennedy critics have always argued that the speech was meaningless rhetoric. See, for example, Henry Fairlie, The Kennedy Promise, New York, Doubleday, 1973, pp.81-85.

3. See The Decision in 1960, Democratic Advisory Council Statement adopted at meeting in New York City, December 5th-7th 1959.

eight years - meaning, when I say the "party", the Northern-Western-liberal wing of the party. We embodied in the platform a fairly specific endorsement of all the measures on which there was a pretty good consensus among the Northern liberals.⁴

The 1960 Democratic platform brought together the major issues that had concerned Democrats during the Eisenhower years.⁵ The commitments it contained later became the legislative agenda for the 87th Congress and the legislative priorities of the new President. The degree to which Kennedy was a programmatic President has often been overlooked, but, with perhaps two exceptions, he followed the party line faithfully in presenting his legislative proposals to Congress. Those two exceptions were civil rights which Kennedy could not put fully into effect, and the international trade plank, where the new President went considerably further than the narrower visions of the Platform Committee. Otherwise, the platform made specific pledges on depressed areas legislation, an increase in the minimum wage, an expanded housing programme, medicare, unemployment benefits, aid-to-education, urban redevelopment together with a new Cabinet-level department for urban affairs, tax revision and environmental protection and these were the issues that Kennedy presented during his election campaign. After his victory he then had to make a decision on which of these items to treat as priority measures, which were less important and which to leave alone. From the many legislative commitments made during the heat of the campaign, the new administration has to formulate a realistic legislative agenda for Congress

The question of priorities is as important as the problem of the substance of legislation.. Congressional Quarterly Inc. reported that Kennedy had made 220 policy declarations during the course of the campaign

4. James L. Sundquist, Oral History Interview, John F. Kennedy Library, p.4.

5. See The Rights of Man, Report of the Committee on Resolutions and Platform; adopted by the Democratic National Convention, Los Angeles, 12th July 1960.

and Professor Paul David estimated that the 1960 Democratic platform contained 425 policy pledges.⁶ The Office of Legislative Reference in the Bureau of the Budget had also collected together the commitments made by both candidates in preparation for either taking office. Philip S. Hughes, then Director of the Office of Legislative Reference said:

We accumulated clippings of speeches, of press conferences, the party platform, responses to questions and so on, and then made up card files from the commitments made and then prepared a kind of unduplicated list of the commitments, trying to sort out the evolution of different statements through the campaign to get some ideas of what would come first. Then, upon the settlement of who was going to be President, we looked pretty hard at that and tried to brace our feet for the kind of activity that might come out.⁷

Many of the promises made in the campaign may prove to be difficult to meet, if not difficult to present to Congress, so questions of feasibility had to be looked at. In drawing up a priority legislative programme, Kennedy closely followed the advice given to him immediately after the election by Clark Clifford. In his Memorandum on Transition, Clifford wrote:

The President-elect should also stake out his legislative program with the leaders of the Congress. In this case, the President-elect is already committed to a solid legislative program in domestic affairs. Attention should be given to this as soon as Congress meets.⁸

He then listed five measures which he described as "key elements in the New Frontier program" and, in each case, he stressed the previous history of the measures and the fact that they could be prepared fairly promptly. Clifford's proposals were presented to Kennedy on 9th November 1960. On December 20th, the President-elect held a press conference with the Congressional leaders

6. See Congressional Quarterly Weekly Report, 13th January 1961, p.32 and Paul T. David, "Party Platforms as National Plans", Public Administration Review, Vol.XXXI, May/June 1971, p.309.

7. Interview with Philip S. Hughes, 12th April 1971.

8. Clark Clifford, "Memorandum on Transition", Theodore C. Sorensen Papers (Subject Files 1961-64, Box 18), John F. Kennedy Library.

in which he stated that he would urge Congress to act speedily on five items of legislation. These were the same five that Clark Clifford had recommended; medical care for the aged, an increase in the minimum wage, an omnibus housing bill, area redevelopment and aid-to-education.

The process by which Kennedy formulated his legislative programme was methodical and innovatory. Soon after his nomination in Los Angeles he began to establish a number of advisory committees to prepare reports on specific areas of legislations. These task forces were staffed by eminent people from the universities, professions, foundations and government and Sorensen estimates that close to one hundred personnel were involved in these activities during the transition period.¹⁰ Many of the task forces' reports were made public and Sorensen claims that they were useful as "trial balloons to test the public atmosphere, and as public evidence of continuing Kennedy momentum."¹¹ Thomas and Wolman note that this was an innovation in the formulation of legislative programmes and was developed further by President Johnson and President Nixon. They argue that Kennedy substantially altered the pattern of programme formulation because he went beyond traditional reliance on the bureaucracy to develop his policy proposals.¹²

The substance of legislation and questions of priorities, strategy and timing were discussed at a series of meetings held by the President-elect at Palm Beach at the end of November. Again, the emphasis was on sorting

10. Theodore C. Sorensen, Kennedy, New York, Harper and Row, 1965, p.237.

11. Ibid., p.236. Lyndon Johnson was critical of the Kennedy practice of making the reports public and, although he used task forces extensively during his Presidency, their deliberations were always private. See Lyndon Johnson, The Vantage Point: Perspectives on the Presidency 1963-1969, London, Weidenfeld and Nicolson, 1971, pp.327-28.

12. See Norman C. Thomas and Harold L. Wolman, "The Presidency and Policy Formulation: The Task Force Device", Public Administration Review, Vol.XXIX, September/October 1969.

out a feasible legislative programme from previous commitments. A major participant at those meetings, the new Director of the Bureau of the Budget, David Bell, described them thus:

The purpose of the meetings in Palm Beach was to nail down, to specify as far as we could at the time, the major element of the President's legislative programme for the beginning of the year, and it was not so much intended to open a lot of new ground, as to pull together the Kennedy record in the Senate, the Kennedy campaign programmes and plans and promises, the reports of the task forces in so far as they had begun to come in and to translate all these background elements and ideas into specific and definite proposals which would then be incorporated in the annual messages and in the President's programme.¹³

Lawrence O'Brien also described the procedure of the meetings in a similar way:

You worked from the platform. You then attempted to develop specific elements of the legislative proposals that, basically, were contained in the platform and you also tried to develop a procedure, a plan, a co-ordinated effort that would bring about the ultimate enactment.¹⁴

Part of the strategic consideration at that stage was the situation in Congress, but not just the political problems of support and opposition to Kennedy's programme. O'Brien stressed the importance of structural and organizational factors in establishing the priorities of various items of legislation. He added:

There were a number of factors that would go into developing a timetable in presenting messages to the Congress and the factors would include agenda of the various committees, how much work was involved in the committees, timetable within the committees in terms of the priorities of these legislative proposals, and the whole span of movement in the House and Senate where you get some of them moved more rapidly if you took the Senate route for example. You had to make some choices in terms of priorities because a committee chairman might have three or four of these major proposals in his committee. You would look at the art of the possible there too - what would be best strategically in terms of early hearings on certain proposals and the rest. So a good deal of it was strategy.¹⁵

13. Interview with David E. Bell.

14. Interview with Lawrence O'Brien.

15. Ibid.

Once the general strategic and substantive decisions were made, the specifics were worked out at various levels within the Kennedy administration. The task forces were instrumental and many of their members eventually took up positions in the new government. The Bureau of the Budget and the White House staff also had a key role in co-ordinating the many proposals from the task forces, the Departments, interested groups and so on. The two final stages in the presentation of legislation were the President's State of the Union message and the transmittal of the draft legislation to Congress. The last stages were really the concern of the White House staff, particularly of Sorensen and those in his office.

The State of the Union message outlined the broad areas of concern to Kennedy in which he would present legislative proposals at a later date. It was more a statement of the problems that had to be dealt with, rather than a list of proposed remedies and Kennedy did no more than give a brief mention of the bills he would eventually present. His caution was calculated, for he said in his address to Congress:

But today, were I to offer - after a little more than a week in office - detailed legislation to remedy every national ill, the Congress would rightly wonder whether the desire for speed had replaced the duty of responsibility.¹⁶

But each of the five priority measures was mentioned, along with several other items from the Democratic platform. There was, however, no mention of the civil rights problem, nor any proposed legislative action in this area.

Added emphasis to each of the major items of legislation was provided in the special messages which Kennedy sent to Congress after the State of the Union message. These contained more specific exhortations and prepared the way for the draft legislation which followed. On 2nd February, Kennedy

16. See Public Papers of the Presidents, 1961, Washington D.C., Government Printing Office, 1962, p.19.

sent to Congress a special message on his programme for economic recovery and growth which, among other things, dealt with the proposed increase in the minimum wage and the distressed areas legislation. This was followed one week later by a special message on health care then, two weeks after that, a message on education followed by a special message on housing at the beginning of March. When the proposed legislation was sent to Congress it was also accompanied by a letter of transmittal and this marked the final step in the process of programme formulation in the new administration.

Kennedy had clearly built his legislative programme out of those issues which the liberal wing of the Democratic party had been articulating for some years. As Tom Wicker noted, "every one of his five priority bills was as familiar in Congress as Sam Rayburn's bald head."¹⁷ He was presenting to Congress a list of established items rather than radical innovations, but the very fact that those items were rooted in one wing of the Democratic party - dominant at the national level, but challenged within Congress by the conservative southerners - presented problems. Kennedy's legislative task was to reconcile the attitudes of the southern Democrats with the policy preferences of the liberal Democrats from the northern constituencies. Each of the five priority bills are now examined in detail to illustrate the origins of the New Frontier legislative programme, to examine the nature of the legislative task facing President Kennedy and his response to that task and, finally, to analyse the nature of Congressional opposition to Kennedy's domestic policy proposals.

AREA REDEVELOPMENT

Efforts to relieve chronic structural unemployment in the depressed areas of the United States had a Congressional history which really began in July 1955 when Senator Paul Douglas of Illinois introduced the first

17. Tom Wicker, JFK and LBJ: The Influence of Personality on Politics, New York, William Morrow, 1968, p.88.

major area redevelopment legislation in the Senate.¹⁸ The legislation included a number of measures for relieving the situation in what were then called 'the depressed areas' and it also proposed a new agency to administer the relief programmes. Senator Kennedy was among the seven co-sponsors of the Douglas bill which would have provided 390 million dollars for area redevelopment. In January 1956, President Eisenhower replied with his own bill proposing only 50 million dollars and no new agency. From then on, the legislative history is a highly partisan one. On 26th July 1956, the Douglas bill (now known as the Area Redevelopment Bill for the first time) passed the Senate by a vote of 60-30. Only three Democrats voted against whilst sixteen Republicans voted for the bill against the majority of their party.¹⁹ The Eisenhower administration was opposed to the Douglas bill and, for that session of Congress, it was blocked in the House Rules Committee by a conservative majority. In 1957, Douglas reintroduced the bill in the Senate. The subcommittee of the Banking and Currency Committee, to which the bill was referred, held hearings, but took no further action. The Committee contained a majority opposed to the legislation and Douglas was unwilling to risk a vote.²⁰ The Chairman of the full Committee, Senator Fulbright, was also opposed to the bill. The following year Douglas succeeded in getting the bill passed by an 8-7 vote after coming to an agreement with the ranking

18. Useful legislative histories of area redevelopment legislation can be found in James L. Sundquist, Politics and Policy: The Eisenhower, Kennedy and Johnson Years, Washington D.C., The Brookings Institution, 1968, pp.60-73; Roger H. Davidson, Coalition-Building for Depressed Areas Bills: 1955-1965, Inter University Case Program No.103, New York, Bobbs-Merrill, 1966 and Sar A. Levitan, Federal Aid to Depressed Areas, Baltimore, Johns Hopkins, 1964. (Levitan actually drafted the original Douglas bill). See also John F. Bibby and Roger H. Davidson, On Capitol Hill: Studies in the Legislative Process, Hinsdale, The Dryden Press, 1972, Ch.6.

19. See Davidson, op.cit., p.7.

20. See Sundquist, op.cit., p.67.

Republican on the Banking and Currency Committee and, on 13th May 1958, the Senate passed the bill by 46-36 votes. Douglas had picked up one further Republican vote, but eight southern Democrats had reversed their position and voted against.²¹ The House eventually passed a similar bill after a close vote on a Republican recommittal motion, but Eisenhower vetoed the bill and, consequently, handed the Democrats a campaign issue for the coming mid-term elections. The veto had divided the parties even further. Douglas tried again in 1959 and the bill passed the Senate by a vote of 49-46. Seven Republicans who voted for the bill in 1958, voted against in 1959. After using the Calendar Wednesday procedure to get the bill out of the House Rules Committee where it had been blocked for nearly a year, the House passed the bill in 1960 by 202-184. On 13th May, once again Eisenhower exercised his veto. There was an attempt to override the veto in the Senate, but it fell eleven votes short of the necessary two-thirds majority. Fourteen Democrats, twelve of whom were from the south, supported the veto, whilst only five Republicans voted against. Area redevelopment was then taken out of the Congressional arena to become a major issue in the 1960 Presidential campaign.

It is generally agreed that Kennedy's primary contest in the state of West Virginia gave him an even stronger commitment to area redevelopment legislation. Theodore White, for one, wrote that "Kennedy's shock at the suffering he saw in West Virginia was so fresh that it communicated itself with the emotion of original discovery."²² Soon after his election victory, Kennedy appointed a task force on area redevelopment under the chairmanship of Senator Douglas and his very first communication with the Congress was

21. Ibid., p.68.

22. Theodore H. White, The Making of the President 1960, New York, Atheneum, 1961, p.106.

a letter, sent five days prior to the State of the Union message, urging the enactment of the Douglas bill.²³

The bill, introduced on the first day of the new session, had been designated S.1. to give it greater prominence. Hearings were held quickly and the debate on the floor of the Senate began on 9th March. There were two issues of contention during the passage of the bill through Congress. The first concerned the administration of the area redevelopment programme. Douglas had proposed an independent agency, but some members of the Senate, particularly Senator Fulbright, wanted the programme directly under the control of the Secretary of Commerce. Douglas eventually gave way when Fulbright proposed a wrecking amendment and agreed to an administration compromise which placed the Area Redevelopment Agency within the Department of Commerce with the administrator directly responsible to the President.²⁴ The second dispute arose over the method of financing the programme.²⁵ Senator Douglas had argued for authority to finance the programme through Congressionally approved Treasury loans - the so-called 'backdoor-financing' method - and the Senate version of the bill contained this provision. The House, however, insisted on the more traditional method of Congressional appropriations. In reconciling the two bills, the conference committee agreed on the Senate provision, but it was not challenged again on the floor of the House.

The Senate voted on 15th March after five crippling Republican amendments had been defeated by large majorities.²⁶ The bill was approved

23. See Public Papers of the Presidents 1961, p.7.

24. See Congressional Record, (Senate), 14th March 1961, p.3871.

25. For a full explanation see Davidson, op.cit., pp.25-27

26. See Congressional Record, (Senate), 15th March 1961, pp.3982-4040.

by 63-27 votes and there were only eleven Democrats opposed on final passage. The House approved the Area Redevelopment Bill by a vote of 251-167 on 29th March and later approved the conference version, containing the backdoor-financing provisions, by 224-193. The initial House vote showed only 42 Democrats in opposition which represented a decline in opposition of 18 votes when compared with the 1960 roll-call. The backdoor-financing provision in the 1961 bill cost the administration a further 27 votes, but this was not sufficient to prevent its passage. Kennedy signed the bill into law on 1st May 1961.

In many respects the Area Redevelopment Act was "an idea whose time has come". Much of the Congressional groundwork had been done before Kennedy became President and, undoubtedly, it had the easiest legislative passage of all five of the Kennedy priority measures. But for Eisenhower's two vetoes, it would not have been on the legislative agenda for the 87th Congress, although this past history did not amount to a guarantee of passage when Kennedy became President. Certainly, the previous Senate votes on area redevelopment show a trend towards increasing opposition to the legislation in the Senate, (see table 8.1) and, in particular, increasing opposition from within the Democratic party. The fact that Kennedy reversed that trend is often overlooked by commentators of the period. The same was true of the passage of the bill in the House (see table 8.2) and there one must consider the voting figures in the context of the Democrats' loss of seats in the 1960 election. In both the House and the Senate, the 1961 votes on area redevelopment represent the lowest point of Democratic opposition which was almost solidly from the southern and border states. Furthermore, one must also take into account the role of the Kennedy administration in enlarging the House Rules Committee, for it is almost certain that an unreformed Rules Committee would have blocked the 1961 bill as it had done in 1960 and 1956. One further explanation of the success of the 1961 bill in both chambers was the fact that it contained a clear definition of what

Table 8.1. Senate Voting on Area Redevelopment Bills 1956-1961

Year	Total		Democrats		Republicans	
	For	Against	For	Against	For	Against
1956	60	30	44	3	16	27
1958	46	36	29	12	17	24
1959	49	46	45	16	4	30
1961	63	27	48	11	15	16

Table 8.2. House Voting on Area Redevelopment Bills 1958-1961

Year	Vote on	Total		Democrats		Republicans	
		For	Against	F	A	F	A
1958	Motion to recommit	170	188	54	139	116	49
1959	Final passage	202	184	179	69	23	115
1961	Final passage	251	167	208	42	43	125
1961	Conference report	224	193	193	56	31	137

would constitute a redevelopment area. Altogether 823 development areas were designated under the Act and 641 of these were in rural areas - many in the south - thus preempting the appearance of the conservative coalition.

THE MINIMUM WAGE BILL

Like the Area Redevelopment Act, Kennedy's minimum wage proposals had a long legislative history prior to his taking office. The Fair Labor Standards Act, which established a minimum wage, was passed in 1938 and had been amended three times to raise the wage level and extend coverage. The last amendment had been passed under Eisenhower in 1955 and raised the minimum wage to one dollar per hour. Thereafter, repeated efforts were made to revise the rate upwards and the ensuing Congressional battles took on the classic dimension of the liberals pitched against the conservative coalition. Kennedy had been at the centre of this battle as a member of the Senate subcommittee on Labor and Public Welfare and, in 1960, had been the sponsor of legislation in the 86th Congress in which he proposed an increase in the minimum wage to \$1.25 an hour and an extension of the coverage of the Act to an additional five million workers.²⁷ The Kennedy bill passed the Senate by a vote of 62-34 after an amendment restricting the coverage, proposed by Senator Monroney (D-Okla.) had been defeated 50-48. The problem with the passage of an increased minimum wage was in the House, not the Senate. That same year, the House had rejected a minimum wage bill from the Education and Labor Committee and, instead, adopted a bill sponsored by Representatives Paul Kitchin (D-N.C.) and William Ayres (R-Ohio). The Kitchin-Ayres substitute proposed an increase to only \$1.15 per hour for those already covered by the Act and fixed the minimum wage at \$1.00 per hour for the newly covered, but the extension of coverage proposed by Kitchin-Ayres amounted to a derisory 700,000 workers. The substitute bill reflected the views of the conservative coalition and was carried in the House by 211-203

27. See Congress and the Nation: 1945-1964, Washington D.C., Congressional Quarterly Inc., 1965, pp.643-65 for a legislative history of the 1960 bill.

votes. Ninety Democrats voted for Kitchin-Ayres in 1960 and only four of those came from non-southern or non-border state districts. The Senate and the House versions of the bill were irreconcilable and the legislation was deadlocked in the conference committee.

The 1960 Democratic platform pledged the party to raise the minimum wage to \$1.25 per hour and "extend coverage to several million workers not now protected."²⁸ On 2nd February 1961, President Kennedy urged the Congress to raise the minimum wage to \$1.25 over a two year period and to extend its coverage to "several million workers"²⁹ - the phrase was the same as used in the platform. It was not until Kennedy sent the draft legislation to Congress on 6th February that the proposed extension was seen to cover 4.3 million workers. The situation was little different from that of 1960 and the 1961 bill ran an almost parallel course.³⁰ Kennedy was advocating a measure long supported by Congressional liberals and strongly opposed by the conservative coalition. This was to be his first encounter with that group on a major piece of legislation.

The passage of the bill was fairly smooth in the Senate. Senator Monroney again moved his amendment to restrict the coverage of the new law and the administration survived a close roll call. The amendment was tabled by a vote of 56-39 with twenty Democrats supporting Monroney against the Kennedy position. This represented the high point of conservative coalition strength in opposition to the minimum wage increase and the list of Monroney's Democratic supporters read like a roll call of the southern caucus. All twenty came from the southern and border states with the single exception of Senator

28. The Rights of Man, p.25.

29. See Public Papers of the Presidents 1961, p.49. When the bill was finally presented, the increase was staggered over a three-year period.

30. For useful histories of the passage of the 1961 bill see Wicker, op.cit., pp.92-116 and Congressional Quarterly Weekly Report, 31st March 1961, pp.514-519.

Lausche of Ohio. However, the thirteen liberal Republicans who voted for tabling were sufficient to defeat the conservative coalition. A similar amendment by Dirksen, the Republican leader, was defeated and the bill was finally approved by 65-28 votes with only eleven Democrats opposed.

The major difficulties were encountered in the House and there was conflict over the amount of increase in the minimum wage and the extension of the coverage. The House Education and Labor Committee, under the chairmanship of Adam Clayton Powell, reported out a more liberal version of the Kennedy bill, proposing a two-stage rather than a three-stage increase in the minimum wage, and the views of the conservative coalition were again represented in the Kitchin-Ayres substitute as they had been in 1960.³¹ The White House Congressional liaison staff were much more active on this bill than it had been on area redevelopment and a headcount showed that the administration bill as amended by Powell's committee would not attract enough votes to pass it on the floor of the House.³² On 24th March, O'Brien and Secretary of Labor, Arthur Goldberg, met with the House leadership together with Powell and Carl Vinson, the influential southerner from Georgia. Vinson recommended dropping the minimum wage to \$1.15, but O'Brien said that the President was committed to \$1.25 and decided instead to cut back on the coverage as a compromise.³³ He also persuaded Carl Albert to sponsor the new bill in order to help gain southern support. The strategy adopted by

31. The 1961 version of the Kitchin-Ayres bill proposed one increase to \$1.15 and an extension of coverage to a further 1.3 million workers.

32. See Lawrence F. O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974, p.124.

33. The cut affected about 400,00 workers, many of them employed in services industries in the south, and was not popular with some of the liberal commentators. See, for example, Doris Fleeson, "Wage Bill: Political Expediency", Washington Evening Star, 4th May 1961. However, O'Brien writes, "But the cold political fact was that we knew of four or five votes in opposition, because of intense pressure from the laundry lobby, that would be gained by dropping the laundry workers." O'Brien, op.cit., p.125.

O'Brien was to make an initial compromise on the proposed extension of coverage of the Fair Labor Standards Act, but then attempt to restore the cuts in the conference committee at a later stage.³⁴ The logic of this position was that the conference committee would be considerably more liberal than the House and the House conferees would be headed by Adam Clayton Powell, Chairman of the House Education and Labor Committee, and not Congressmen Kitchin or Ayres.

The strategy was upset by the defeat of the Albert bill on the floor of the House. This was partly attributable to the technicalities of the rules of the House. Because both bills under consideration were substitutes to an original bill from the Committee on Education and Labor, the rules of the House provided for a teller vote rather than a roll-call vote. This now discontinued practice allowed a member to register a vote or abstain from voting in anonymity without his name being recorded. The vote on the Albert bill revealed that the administration manoeuvre had some effect, but not enough. It was defeated on a teller vote by 185-186. Kitchin-Ayres was then carried on a teller vote by 206-162. As Tom Wicker points out, the attractiveness of the Albert compromise over the original administration bill could be calculated at 23 votes, being the difference between those for the Albert bill on the first vote and those against Kitchin-Ayres on the second vote.³⁵ Wicker also notes that there were 37 abstentions on the first vote. This can be attributable to the fact that there was no roll-call vote and Carl Albert also put some blame on the inefficiency of the Democratic whip system.³⁶ With the Albert compromise defeated, the Kitchin-Ayres substitute was passed in preference to the original committee bill on a roll-call by 216-203 votes. There were 79 Democrats in support of Kitchin-Ayres, all but one from the

34. See Wicker, op.cit., pp.102-3.

35. Ibid., p.114.

36. Ibid., p.115. Paul Kitchin was one of the assistant Democratic whips in the House.

southern and border states.

The victory for the conservative coalition was to be short lived. The conference committee adopted the Senate version of the increase in the level of the minimum wage to \$1.25 per hour, but accepted the reduced coverage as written in to the Albert bill, and the conference report passed both chambers by comfortable majorities. It was carried in the Senate by 64-28 votes on 3rd May, with only 13 Democrats opposed and a majority of Republicans voting in favour.³⁷ On the same day, the House adopted the conference report on a roll-call vote of 230-196.³⁸ There was no halfway measure to vote for and there was no teller vote to hide behind. Only 58 Democrats voted against the conference report and Congress passed substantially what Kennedy had asked for.

Whether or not the passage of the bill is seen as a victory for Kennedy really depends on a judgement about the exclusion of the laundry workers from the coverage of the Act. Wicker has included his case-study of this bill under the heading, 'Kennedy Loses Congress' and he was not the only writer strongly influenced by the effect of the compromise. The Washington Post even suggested that the vote on the conference report in the House showed the compromise to be unnecessary.³⁹ Against this, however, one must consider that Congress accepted a minimum wage level of \$1.25, not \$1.15 and that the extension of the coverage of the Fair Labor Standards Act to 3.8 million workers was far nearer the 4.3 million that Kennedy originally asked for than the 1.3 million proposed in the Kitchin-Ayres bill. There is little justification for claiming that Kennedy lost Congress on this bill and it is suggested that Wicker's emphasis is overdone.

37. See Congressional Record (Senate), 3rd May 1961, p.7108.

38. See Congressional Record (House), 3rd May 1961, p.7194.

39. See editorial in The Washington Post, 5th May 1961.

A tabulation of voting in the House on minimum wage bills (see table 8.3) shows the extent of the Kennedy achievement in terms of Congressional support and opposition. The 1961 Kitchin-Ayres bill gained only five votes more than

Table 8.3. House Roll-Call Voting on Minimum Wage Bills 1960-1961

Year	Vote	For-Against	Democrats F - A	Republicans F - A
1960	Kitchin-Ayres	211 - 203	90 - 176	121 - 27
1961	Kitchin-Ayres	216 - 203	74 - 177	142 - 26
1961	Conference Bill	230 - 196	197 - 58	33 - 138

the 1960 version and one notes that the increased Republican support in 1961 is identical to the number of seats they took from the Democrats in the 1960 election. One also notes the decline in Democratic support for the conservative coalition. Ninety Democrats supported Kitchin-Ayres in 1960 and only 58 opposed the conference report in 1961. The Kennedy strategy broke the strength of the coalition in 1961 by denying them the opportunity to support the Kitchin-Ayres substitute as a halfway measure in the last resort.

The voting in the Senate also shows a weakening of the conservative coalition (see table 8.4). There was a decline in support for the Monroney amendment and an increase in support for the Kennedy legislation. However, the Senate changes are not as dramatic as those in the House primarily because the Democrats had not lost the large number of seats, or a proportional equivalent, as they had in the House.

HOUSING AND URBAN AFFAIRS

Housing legislation was another area in which Congress had traditionally been deeply divided between liberal and conservative interests and these

Table 8.4. Senate Voting on Minimum Wage Bills 1960-1961

Year	Vote	For - Against	Democrats F - A	Republicans F - A
1960	Table Monroney Amendment	50 - 48	42 - 23	8 - 25
1960	Final Passage	62 - 34	47 - 16	15 - 18
1961	Table Monroney Amendment	56 - 39	43 - 20	13 - 19
1961	Final Passage	65 - 28	51 - 11	14 - 17
1961	Conference Report	64 - 28	48 - 13	16 - 15

divisions can be traced back to the first major Housing Act passed in 1949. This was the legislation which gave the federal government an important role in housing policy through the power to initiate public housing projects. Several Housing Acts had been passed since 1949, but their effect was to modify or extend existing programmes, rather than to introduce new programmes. The gap between the liberals and conservatives widened considerably during the 1950's when the Eisenhower administration began expressing concern over the inflationary effects of government spending programmes and, in his Economic Report of 1958, Eisenhower indicated his desire to reduce the federal role in housing and shift responsibility to state and local government. The following year he vetoed two omnibus housing bills on the grounds of their inflationary consequences and, in 1960, no housing legislation emerged from Congress although a Senate bill was blocked in the House Rules Committee.

The liberal Democratic position had long been for an expanded housing programme and the 1960 Democratic platform made a commitment to the building of two million homes a year and a programme of slum clearance to be completed

in a single decade.⁴⁰ Kennedy's campaign speeches almost always contained a reference to the decline in the rate of house-building and the Eisenhower vetoes of the 1959 bills. On 9th March 1961, Kennedy sent a special message to Congress outlining an extensive housing programme. Among other things, he proposed a 40 year no-downpayment mortgage system for moderate income families, the construction of 100,000 additional dwellings, a programme to improve the housing situation of the elderly, a massive authorization for urban renewal also improvement schemes for urban transportation, rural housing, parks and recreational facilities (the open-space programme) and the establishment of a Cabinet-rank Department of Housing and Urban Affairs.⁴¹ On 29th March, President Kennedy sent his Housing and Urban Improvement Bill to Congress which included most of the provisions outlined in the special message. It also urged support of other legislation already before Congress dealing with the open-space programme.⁴² The proposed new Cabinet department was dealt with in a separate bill sent to Congress on 18th April.⁴³

The pattern of Congressional action on previous housing legislation is difficult to illustrate because of the practice of the Housing Subcommittees in both chambers to report out a general housing bill covering all proposals before them during a particular session. The ensuing legislation, often called the Omnibus Housing Act, is an amalgamation of several bills and, thus, one cannot readily distinguish by title whether the Act was of major or minor significance. Generally speaking, but depending on the substance of a particular Housing Act, there was rarely significant Democratic opposition to the final passage of an omnibus bill, but the conservative coalition often appeared on crucial amendments. For example, the first omnibus bill of 1959,

40. See The Rights of Man, p.30.

41. See Public Papers of the Presidents 1961, pp.162-170.

42. Ibid., p.244

43. Ibid., p.285

which Eisenhower vetoed, saw a majority of southern Democrats in the House vote for recommital, but only a minority voted against final passage. In the Senate, Democratic opposition to the final passage of the three housing bills on which it voted in 1959 and 1960 amounted to less than ten votes in each case, yet the party was almost split in half on the Gore-Monroney amendment to the first housing bill of 1959.⁴⁴ The Democratic opposition to housing legislation was, until 1961, most forcibly expressed in the House Rules Committee which had blocked several bills in the previous years.

The general pattern was repeated in 1961, although the enlargement of the Rules Committee did permit the bill to come to a vote on the floor of the House. Kennedy's proposed legislation was referred to the Housing Subcommittees of the Banking and Currency Committee in both chambers. The fact that both committees had been chaired by southerners partially accounts for the low level of southern Democratic opposition to housing policy. In 1961, both chairmen were from the south and also from the same state of Alabama. John Sparkman was chairman on the Senate side and Albert Raines on the House side. Sparkman's committee reported a clean bill by a 10-5 vote,⁴⁵ which incorporated many of the Kennedy proposals along with items from twelve other housing bills which had been submitted during that session. Debate began in the Senate 1st June 1961.⁴⁶ The committee bill included the 40 year no-downpayment mortgage scheme, which was probably the most contentious item in the package, and also the open-space programme. Some minor administration requests had been deleted, but, on the other hand, the committee gave Kennedy more than he had requested on some items, especially with respect to the mass

44. See Congress and the Nation: 1945-1964, p.491.

45. The liberal Republicans, Bush (Conn) and Javits (N.Y.) made up for the two Democrats who opposed the bill in committee, Robertson (Va) and Blakely (Tex). Although the committee was chaired by a southerner, it contained some of the best known liberals in the Senate. Apart from Javits, Douglas (Ill), Clark (Penn), Williams (N.J.) and Muskie (Me) were also members.

46. See Congressional Record (Senate), 1st June 1961, p.9319.

transit programme. However, there was opposition from some southerners and conservative Republicans. Their position was predictable and summed up in the dissenting statements attached to the committee reports. Senator Robertson said the bill was extravagant and inflationary and claimed that it would increase the budget deficit by nearly half a billion dollars.⁴⁷ Senator Capehart thought that what was once a sound housing programme would develop into a mass of uncontrolled pork-barrel projects,⁴⁸ and Senator Bennett said that the bill amounted to "complete federalized welfare housing for our citizens."⁴⁹ In the House, the major conservative criticism was also concerned with the inflationary effects of the bill and the preservation of "fiscal integrity."⁵⁰

The bill ran into difficulties in the Senate. During the debate, a series of amendments were proposed that would have destroyed the substance of the bill, the most important of which was an amendment moved by Senator Gore of Tennessee to eliminate the no-downpayment mortgage scheme. The amendment was carried by 49-44 votes with 19 Democrats voting against administration's position. This would have amounted to a serious defeat for President Kennedy, but it proved to be a very temporary setback. Sparkman quickly drew up an amendment that substantially restored the cut and this was carried by 47-42 votes. Sparkman described the manoeuvre later:

Senator Gore had always been arguing for the people with less opportunity, for the poor people, and, in the course of the debate - by the way, I don't suppose the Record shows it, but the vote on that came at about 2.30 or 3.00 in the morning. We'd been there all night. - I called attention to the fact that this was the only provision in the bill that really promised something for the poor people. Senator Gore realized that he had made a mistake and he came to me and said, "John, if you can manage to bring that up again, I'll change

47. See U.S. 87th Congress 1st Session, Housing Act of 1961, Senate Report No.281, p.65.

48. Ibid., p.71.

49. Ibid., p.76.

50 See U.S. 87th Congress 1st Session, Housing Act of 1961, House Report No.447, p.53.

my vote. I'll support you." And Senator Symington of Missouri came to me and said the same thing. The result was that I consulted with the Parliamentarian and he designed some language that would make it in order for me to bring up substantially the same thing in other language and, when I did, I had the roll-call sure enough.⁵¹

The actual compromise amounted to requiring a small downpayment for the mortgage scheme. Substantially Sparkman's recollection is correct in all but detail. It appears from newspaper accounts of the incident that it was actually Senator Russell Long (D-La) who changed his mind and spoke to Sparkman.⁵² Sparkman suffered another defeat that evening when the open-space programme was eliminated on an amendment from Senator Case (R-S.D.) by a vote of 46-42, although this was later restored to the bill in conference. The bill was eventually passed on 12th June by a vote of 64-25. Only eight Democrats voted against, all of them from the south.⁵³ The House version of the bill carried the three per cent downpayment compromise adopted by the Senate, but Raines proposed reducing the mortgage period from 40 to 35 years to make the bill more attractive to the conservatives and a substantial farm housing plan was written in to appeal to the farm-belt districts. The bill passed with little difficulty on what was a strong partisan vote. The final tally was 235-178. Only 38 Democrats opposed the measure and only 25 Republicans supported it.⁵⁴ There was no problem with the conference report in either chamber. It was carried by a majority of 15 votes in the Senate and 53 in the House. Enough southerners had been won over to prevent the conservative coalition gaining victory.

51. Interview with Senator John Sparkman, 3rd April 1971.

52. See Robert C. Albright, "Final Housing Vote Due Monday As Kennedy Wins Senate Test", The Washington Post, 10th June 1961.

53. See Congressional Record (Senate), 12th June 1961, p.10008.

54. See Congressional Record (House), 22nd June 1961, p.11142.

The Kennedy administration was not so successful in its attempt to create a Department of Housing and Urban Affairs. Like most of the measures proposed in the housing message, this had a lengthy legislative history. From the mid-1950's onwards legislation had been introduced to establish such a Department and, as Parris has noted, "the sponsors were all northern liberals, most of them with urban oriented constituencies."⁵⁵ Thirteen bills were introduced in the 86th Congress and hearings were held for the first time in both the Senate and the House.⁵⁶ The conflict over the proposal to establish a Cabinet-level department took on several dimensions. The most obvious was the liberal-conservative cleavage and there was the historical urban-rural split and there were also those who were opposed to the idea on the grounds of an unwarranted extension of the federal role in what was seen as a state and local government responsibility.

Hearings on the Kennedy legislation were held in 1961 and, in August of that year, the Senate Government Operations Committee voted in favour of the bill and the House committee did likewise two weeks later. There was no further action that session primarily because it became apparent that the administration did not have the necessary votes to get the bill through the House.⁵⁷ The situation had become more than usually complex because another dimension of support and opposition had superimposed itself on the basic issue. The racial issue became entangled with the attempt to create a Department of Housing and Urban Affairs because Robert Weaver, a negro, was the obvious candidate to head the new Department. Weaver had been confirmed as the Administrator of the Housing and Home Finance Agency in February 1961 in the face of southern Democratic opposition to Weaver's views that federal housing programmes should be regarded as an instrument to further racial integration.

55. See Judith H. Parris, "Congress Rejects the President's Urban Department, 1961-62", in Frederic N. Cleaveland (ed), Congress and Urban Problems, Washington D.C., The Brookings Institution, 1969, p.178.

56. Ibid., p.179.

57. Ibid., p.197.

The opposition to Weaver hardened throughout 1961 when it became evident that he was the man Kennedy intended to appoint,⁵⁸ although, as Parris notes, there was more general opposition to Weaver because "few southern legislators could face with equanimity the prospect of helping a negro into the Cabinet."⁵⁹

The southern opposition was compounded by the fact that 1962 was an election year but, without southern support, Kennedy's position was more than fragile. It was not expected that the Republicans would vote for a measure that involved the expansion of government activity and, indeed, this was confirmed on 23rd January 1962 when the House Republican Policy Committee formally announced its opposition to the Kennedy bill. Committee chairman, John Byrnes, said that there was neither need nor merit in the proposal and that it would strike a serious blow at the traditional relationship between the federal government and the states.⁶⁰ The administration was clearly worried about the prospects for its bill and it was reported at the beginning of January that Kennedy and his staff were considering an alternative strategy should the bill fail.⁶¹ The idea was to establish the Department under the reorganization authority rather than by legislation. Under this procedure, the negative veto operates and puts the position of every Congressman and Senator on record.⁶²

The fears of the administration were well founded when, on 24th January, the House Rules Committee refused to grant a rule for floor action on the

58. See Congressional Quarterly Weekly Report, 2nd February 1962, p.143.

59. Parris, op.cit., p.199

60. Quoted in The New York Times, 23rd January 1962.

61. See R.L. Lyons, "President Considering Urban Department By Decree", The Washington Post, 1st January 1962.

62. A reorganization plan becomes law after 60 days unless a resolution opposing the plan is carried on a roll-call vote in either chamber. This procedure also by-passes the House Rules Committee.

President's bill. In 1960 the unreformed Rules Committee had blocked a similar bill, but the enlarged Committee of the 87th Congress went against the President by a 9-6 vote. The vote is entirely explainable in terms of Weaver and the racial issue. All five Republicans voted against and were joined by the Democratic Chairman and ranking member, Howard Smith of Virginia and William Colmer of Mississippi. Two further Democratic votes went against Kennedy - those of Trimble of Arkansas and Elliott of Alabama. Although southerners, both were usually administration supporters and often provided the one vote majority against the conservative coalition of Smith, Colmer and the five Republicans. Elliott was in a particularly difficult position as he was due to fight a complicated primary in Alabama where all the candidates were to run at-large rather than in their own districts. There was no way in which he could support the bill and survive a primary contest in Alabama. Once Elliott had decided to oppose the bill, Trimble's vote was irrelevant as an affirmative vote from him would not have saved the bill.

That same day Kennedy told a press conference that he would go ahead with the reorganization plan and that Robert Weaver would be his choice to head the new Department.⁶³ Kennedy sent the plan to Congress on 30th January and, immediately, resolutions of disapproval were introduced in the House and Senate. The administration's strategy was to try to get a vote on the plan in the Senate, where it believed there were enough supporters to get it through, and thus put the burden of responsibility on the House. Kennedy also thought that, if every Congressman's vote was recorded, it would give him a useful weapon in the election later that year.⁶⁴ The strategy went awry because a Republican member of the House, George Meader, indicated that he would call up the resolution earlier than the House leadership had

63. See Public Papers of the Presidents 1962, Washington D.C., Government Printing Office, 1963, p.61 and p.63.

64. See Congressional Quarterly Weekly Report, 23rd February 1962, p.275.

had anticipated and before the vote in the Senate.⁶⁵ The battle had already been lost in the House and Speaker McCormack had publicly stated that he did not have the necessary votes to defeat the resolution.⁶⁶ Thus, in order to get every Senator on record as Kennedy wanted, Majority Leader Mike Mansfield was forced to introduce a motion to discharge the bill from committee, even though the committee had not yet reported on it. The motion was moved on 20th February to pre-empt the Meader resolution in the House, but it added a further dimension to the debate. In by-passing the Senate Government Operations Committee, Mansfield's move was seen as a threat to the committee system, and, hence, to some Senators, the issue became one of the defence of traditional Congressional prerogatives.⁶⁷ Mansfield, himself, disliked this practice and used it reluctantly. He said, "I don't normally by-pass committees. I think it's unsound policy. I think it's bad policy."⁶⁸ The merits of an urban affairs department became lost amongst the Weaver issue and the defence of the committee system. The motion was defeated by 58-42.⁶⁹ The Democrats split 38-26 in favour of Mansfield and, to illustrate that more than urban affairs was at stake, eight non-southern Democrats joined the eighteen of the southern Democrats in opposition. Fourteen of the opposing Democrats were full committee chairmen. Only four Republicans supported Mansfield attempt to get the plan to the floor of the Senate. Mansfield certainly believed that the issue had become a procedural one. He later commented:

If I had waited one more day, we could have gotten the bill out of McClellan's Government Operations Committee and brought it to the floor legitimately, but I jumped the gun and brought

65. The House Government Operations Committee had reported the resolution unfavourably by a vote of 17-8, hence supporting Kennedy. Meader indicated that he would call up the resolution on 21st February.

66. See Parris, op.cit., p.209

67. See statements by Senators Mundt, Prouty and McClellan, Congressional Record, (Senate), 19th February 1962, pp.2417-28.

68. Interview with Senator Mansfield.

69. See Congressional Record (Senate), 20th February 1962, p.2527.

it up ahead of time, thereby incurring McClellan's opposition - which was perfectly understandable. Because I failed to take due account of a committee chairman's sensibilities, we lost a bill which, had I waited for a day, would have passed the Senate without any trouble.⁷⁰

Technically the reorganization plan was still with McClellan's committee. The Senate had voted on a procedural motion, not the plan itself. The following day, the House voted on Meader's resolution and supported it by a 264-150 vote, thus rejecting the President's plan. Weaver believed that McCormack's statement conceding defeat prior to the vote lost many votes unnecessarily,⁷¹ but the roll-call revealed an overwhelming defeat. A majority of Democrats voted against but only 13 Republicans voted with them. The southern and border states were almost solidly opposed to the plan and only thirteen Democrats from this area voted with the administration. The unusually heavy opposition from the southern and border states indicates that Weaver was a major factor in their decision to vote against. This is supported by an analysis of the

Table 8.5. House Voting By Constituency on H.U.D. Reorganization Plan⁷²

Constituency Type	For Department		Against Department	
	Dem	Rep	Dem	Rep
Urban	71	4	19	28
Suburban	28	3	1	28
Rural	43	6	95	99

vote which shows that the division for and against the department was not a

70. Senator Mike Mansfield, Oral History Interview, John F. Kennedy Library, pp.37-8.

71. Robert C. Weaver, Oral History Interview, John F. Kennedy Library, p.114.

72. See Congressional Quarterly Weekly Report, 23rd February 1962, p.276. The figures do not correspond exactly with the roll-call as Congressmen paired for and against have been included .

straight urban-rural cleavage, contrary to the conclusions of Judith Parris.⁷³ Just under half the support for the creation of an urban affairs department came from Representatives of rural districts (see table 8.5) and well over one third of the opposition came from Congressmen from metropolitan districts.

Robert Weaver has stated that he did not think Congress would have voted for the department, but that the vote would have been much closer had it been handled better in Congress. He described the events as "a comedy of errors" and said that it couldn't have been bungled much worse than it was.⁷⁴ Clearly, a whole train of events was set in motion after the original legislation had been blocked by the House Rules Committee and those events gathered a momentum of their own from then on. Kennedy's 'mistake' was in announcing his intention to appoint Weaver to head the new department, but Weaver was the most obvious candidate because of his position as head of the Housing and Home Finance Agency. Furthermore, Kennedy's choice was also conditioned by the racial problem. At this stage in his Presidency, he had not put forward any comprehensive civil rights legislation neither had he signed the long awaited executive order to ban racial discrimination in federal housing schemes.⁷⁵ Weaver's appointment was important in terms of a symbolic commitment to civil rights. He could not afford to drop Weaver and still maintain his credibility with the negroes and, hence, the injection of the racial issue was inevitable. The strategy produced unintended results. As Sorensen notes, "instead of being a political master stroke, it produced new excuses to vote the measure down."⁷⁶

Kennedy had presented Congress with two liberal proposals. He managed to win

73. Parris, op.cit., pp.215-17.

74. Weaver, Oral History Interview, p.215.

75. See Chapter IX.

76. Sorensen, op.cit., p.482.

enough southern Democratic support to ensure passage of the Omnibus Housing Act, but failed to do so on the H.U.D. bill after it had been rejected by the Rules Committee. That initial defeat complicated the issue to the extent that it is debateable exactly what Congress rejected when the House turned down the reorganization plan. In the longer term, of course, the proposal put forward by Kennedy was not lost. The bill that Congress eventually passed and President Johnson signed into law in 1965 was substantially the same as Kennedy had proposed some four years earlier.⁷⁷

MEDICARE

Kennedy had a close association with medicare legislation during his days in the Senate and had been the sponsor of the first major medicare bill introduced in 1958. The origins of Congressional attempts to introduce a scheme of medical care for the elderly go back long before 1958 and the very first legislation calling for compulsory national health insurance was the Wagner-Murray-Dingell bill introduced in the Senate in 1943.⁷⁸ Surprisingly, the Democratic commitment to medicare did not rank very highly until the end of the 1950's, and then mainly at the instigation of the AFL-CIO.⁷⁹ There was no mention of medicare legislation in the 1956 Democratic platform, but, in 1957, Representative Aime Forand (D-R.I.) agreed to introduce a bill drafted by the AFL-CIO. From then onwards the issue gathered support in the House, the Senate and the Democratic party. The following year, Forand's bill had gained the endorsement of several senior members of the Democratic Study Group in the House and also of the Democratic Advisory Council. At the

77. For a case-study of the passage of the 1965 Act see Alec T. Barbrook, "The Making of a Department", Urban Affairs Quarterly, Vol.6 No.3, March 1971.

78. For a legislative history of medicare bills see Congress and the and the Nation: 1945-1964, pp.11151-55; Sundquist, op.cit., Ch.VII and there is a one-volume, but rather deficient, study of the medicare issue by Theodore Marmor, The Politics of Medicare, London, Routledge and Kegan Paul, 1970.

79. See Sundquist, op.cit., p.296.

same time Senator Kennedy introduced a version of the Forand bill in the Senate and the Ways and Means Committee held hearings in the House. As the support for medicare increased so did the opposition, led by the American Medical Association and allied with the Republican administration and the conservatives in Congress.⁸⁰ The ensuing legislative battle was along classic lines with the liberal Democrats in support and the conservative coalition opposed.

In 1960, the House Ways and Means Committee killed the Forand bill by 17-8 votes. The ten Republican members of the Committee were united in opposition and seven of the eight Democrats joining them were southerners. The Chairman of Ways and Means, Wilbur Mills, was, in the words of Sundquist, "firmly committed against the Forand bill."⁸¹ Mills sponsored a bill embodying a much more conservative approach to medicare, one which relied upon private insurance schemes, and this did pass the House by a large majority in 1960. The liberal bill was pushed in the Senate the same year, but met with little success. The Senate Finance Committee rejected a revised version of the Kennedy bill put forward by Senator Clinton Anderson by 12-5 votes. The six Democrats opposing Anderson were all from the southern or border states. Anderson tried again by attempting to offer the bill as a floor amendment to a House passed bill. This came before the Senate on 23rd August 1960, after the Democratic Convention had adopted medicare, financed through the social security system, as part of its platform. The Anderson amendment was rejected by a 51-44 vote. Apart from Senator Case of New Jersey, all voting Republicans were opposed to the amendment and they were joined by nineteen Democrats, all of whom were from the southern and border states with the single exception of Senator Frear of Delaware who usually voted with the

80. The best account of the AMA's campaign against medicare legislation is Richard Harris, A Sacred Trust, Baltimore, Penguin Books, 1969.

81. Sundquist, op.cit, p.306

conservative coalition in any case. The Senate eventually adopted what became known as the Kerr-Mills bill and it was signed into law by President Eisenhower, who had earlier threatened to veto the Anderson bill.

The threat of a Presidential veto enabled Senator Kennedy to turn a blind eye to southern Democratic defections on the Anderson bill and put the blame for its defeat on the Republicans. In a press release immediately after the Senate vote of 23rd August, Kennedy said:

I am sure that the threat of a White House veto mentioned by every speaker opposing the amendment contributed to this defeat. In addition, it should be noted that only one Republican voted for this sound approach to the medical care for the aged program. This vote demonstrates that if we're going to have effective legislation in this and other fields, we're going to have to have an administration that will provide leadership and a Congress that will act.⁸²

President Kennedy sent his medicare bill to Congress on 13th February 1961.⁸³ Even though he chose to ignore southern Democratic opposition to this bill during the election campaign, the same opposition was present when the 87th Congress convened. Every southern Democrat in the Senate who had voted against the Anderson amendment in 1960 was a member of the new Congress. Congressional Quarterly reported in 1962 that new additions to the House Ways and Means Committee during Kennedy's Presidency had not markedly cut into the plurality opposed to medicare in that Committee,⁸⁴ so that Kennedy faced an unchanged situation in both chambers. The point about changing membership of the Ways and Means Committee is important because Manley has shown that the anti-medicare majority on the Committee in 1960 was transformed into a pro-medicare majority in 1965 by changes of membership

82. See The Speeches of Senator John F. Kennedy, Presidential Campaign of 1960, Final Report of the United States Senate Commerce Committee, 87th Congress 1st Session, Senate Report 994 Part I, p.41. Throughout the campaign, Kennedy claimed that the defeat of medicare in 1960 was due to the threat of a Republican Presidential veto. See, for example, ibid., p.74, p.97, and p.157.

83. See Public Papers of the Presidents 1961, p.86

84. See Congressional Quarterly Weekly Report, 12th January 1962, p.33.

rather than changes in individual attitudes of members. Manley claims that "the clearest case of packing Ways and Means to ensure a policy outcome is medicare" and he notes that every Democrat who left Ways and Means after 1960 was replaced by a pro-medicare Democrat or, in the case of Clark Thompson of Texas, one who was willing to report it out of committee.⁸⁵ Similarly, the Senate Finance Committee also contained a strong conservative majority opposed to medicare in 1961.

The outlook for Kennedy's medicare bill did not look good. The conservative majorities on both Senate Finance and House Ways and Means Committees threatened to block the bill before it would get to the floor of the House or Senate. The initial strategic target, however, was Wilbur Mills because the bill had to originate in the House of Representatives and also because of Mills' known reluctance to let a bill go to the floor unless passage was assured. Mills was quoted as saying, "It's a waste of time to bring out a bill if you can't pass it. I just don't like to have a record vote for the sake of having a vote."⁸⁶ Sorensen described the Kennedy strategy as follows:

....But Chairman Wilbur Mills had his hands full with other administration bills. Although tentatively opposed to the bill, he told House Majority Leader John McCormack at the outset of the Kennedy administration (and McCormack so reported to the President at breakfast) that "something can be worked out if given time" and that the bill might better be added in the Senate to a House-passed measure and then taken up in conference. Kennedy also hoped that Senate passage would make House approval more likely.⁸⁷

Sorensen's recollection of McCormack's advice is correct, although he omits to mention that McCormack also told Kennedy that Mills did not have any determined views on the question of social security financing of medicare.⁸⁸ But Wilbur

85. See John F. Manley, The Politics of Finance: The House Committee on Ways and Means, Boston, Little Brown, 1970, pp.27-29.

86. Quoted in John F. Manley, "Wilbur Mills: A Study in Congressional Influence", American Political Science Review, Vol.LXII, June 1969, p.448

87. Sorensen, op.cit., p.343

88. See note 17 Chapter V.

Mills emphatically denies that this represented his position. He later commented:

I don't recall any such suggestion and that's not in keeping with my views. My basic views are that with respect to legislation that is given us under the House rules, that things should start in the Ways and Means Committee. I don't know where he got that from.....it wouldn't have succeeded.⁸⁹

Whether or not McCormack's intelligence was correct, the strategy was adopted by Kennedy. The House Ways and Means Committee held hearings on medicare in 1961, but took no further action on the bill. It is often said that the major reason why no medicare bill was reported by Ways and Means was because the Committee, and more particularly Wilbur Mills, were doubtful about its chances on the floor of the House,⁹⁰ but there were other reasons which have tended to be overlooked in the literature. Two such reasons relate to Mills himself. Firstly, Mills was personally opposed to financing medicare through the social security system, although he was prepared to look at other methods of finance.⁹¹ This, in effect, meant opposition to Kennedy's bill. Secondly, and perhaps more importantly, Mills was under considerable constituency pressure to prevent medicare reaching the statute book. Here a unique combination of circumstances combined to explain Mills' position. Mills represented the highly conservative, but safe, 2nd District of Arkansas. As a result of the 1960 census Arkansas was due to lose two Congressional seats in the 1962 reapportionment and it appeared that Mills would be opposed in a primary election for the first time in his career. Furthermore, it looked like he would be opposed by Dale Alford, the incumbent Congressman who was about to lose his 5th District seat. Under any circumstances the primary contest would have been difficult for Mills as Alford was a popular man who had won

89. Wilbur Mills, Oral History Interview, John F. Kennedy Library, p.17.

90. See, for example, Manley, op.cit., p.214 and O'Brien, op.cit., p.133.

91. Mills, Oral History Interview, p.15.

his Little Rock district from Representative Brooks Hays on write-in votes in 1958. Alford was also, by profession, a doctor who was strongly opposed to medicare and had the backing of the AMA. Only one newspaper reported Mills' reluctance to bring up the bill until reapportionment and its consequences had been settled in Arkansas.⁹²

The position at the beginning of 1962 looked equally bleak as far as the House was concerned. In January, Mills told The Washington Post that it was too early to judge the effects of the 1960 Kerr-Mills Act and that it should be given sufficient time to show what it could do. He then added, "I do not see how I can vote, at this session of Congress, for a different approach to the problem through social security," but also said that he would bring the administration's proposals to a vote before his Committee.⁹³ The Ways and Means Committee spent most of the second session on Kennedy's tax bill and trade expansion legislation and it had not voted on medicare before the issue was taken up in the Senate. Even Kennedy's nationally televised address to a pro-medicare rally in New York on 20th May failed to shift Mills. This was the only occasion where Kennedy 'went over the heads of Congress' to create public support for the legislation and both Sorensen and O'Brien admit that the attempt was a failure. O'Brien claims the speech only succeeded in annoying Mills.⁹⁴

By the end of June the Democratic leadership in the Senate had decided to force a vote on medicare by repeating the 1960 exercise. Senator Clinton Anderson was to move the medicare proposals as an amendment to a House passed public welfare bill. It was reported that the White House and the Congressional leadership had given up hope that Ways and Means would act that year and that

92. See New York Herald-Tribune, 16th April 1961. For a discussion of Mills' constituency difficulties see Harris, op.cit., p.108.

93. See The Washington Post, 26th January 1962.

94. See Sorensen, op.cit., p.343 and O'Brien, op.cit., p.134.

the strategy had been agreed at a meeting attended by Senators Anderson, Mansfield and Humphrey, Representative Cecil King (the administration's sponsor on the House side), Secretary Ribicoff and Lawrence O'Brien.⁹⁵ There was some optimism that medicare would pass the Senate. On the 8th July, The New York Times carried an article suggesting that the amendment had the votes to get through,⁹⁶ and, two days later, O'Brien reported a headcount of 51-49 in favour.⁹⁷ However, the optimism faded on the day of the vote. O'Brien notified President Kennedy that Senator Randolph, a supporter of medicare in 1960, was having problems and that the headcount was now 50-50.⁹⁸ On a roll-call the Anderson amendment was defeated by 52-48 votes. The Democrats divided 43-21 in favour and the Republicans 31-5 against. All the Democratic defections were from the southern and border states and they were almost identical to the 1960 dissenters. The southern Democratic opposition had a net gain of two votes. Frear was not a member of the 87th Congress, but Fulbright, who was paired against medicare in 1960, voted against in 1962. The two additions were Randolph of West Virginia and Hayden of Arizona, both of whom had voted for the Anderson amendment in 1960. The administration picked up four new Republican votes, those of Kuchel (Calif.), Cooper (Ken.), and Javits and Keating (N.Y.) in addition to Case (N.J.) who voted with the Democrats on both occasions. Sorensen and O'Brien put the responsibility for the defeat with Randolph. Hayden had promised to vote for the amendment if his vote was needed (and then Vice President Johnson would have had to use his casting vote), but, with Randolph voting against, defeat was inevitable.

95. See Robert Novak, "Senate Vote on Medical Care to be Sought Soon by Democratic Chiefs", Wall Street Journal, 25th June 1962

96. See John D. Morris, "Medicare and Politics", The New York Times, 8th July 1962.

97. See Sorensen, op.cit., p.344

98. See Sorensen, op.cit., p.344 and O'Brien, op.cit., p.134.

Randolph, normally an administration supporter, had come to an agreement with Senator Kerr to relieve a major welfare funds problem in West Virginia in return for voting to table the Anderson amendment.⁹⁹ No amount of administration pressure could shift Randolph and he was later quoted as saying that, although he had been under the heaviest of pressures, he thought a vote for medicare would have been merely a gesture because of the inaction on the part of the House.¹⁰⁰ In this respect, the 1962 vote was no different from 1960, but Randolph does not see this discrepancy. One can only assume that the pressure from Senator Kerr and the welfare problem in West Virginia was a more powerful factor in this instance than the White House lobby.

The tendency to blame Randolph emphasizes the importance of the single vote but should not hide the fact that southern Democrats combined with Republicans to bring about defeat. Kennedy had been unable to stop the appearance of the conservative coalition on medicare and thus suffered what was considered to be a major set-back. Medicare was eventually passed by the 89th Congress in 1965.

AID-TO-EDUCATION

Federal aid to education has long been, in the words of Richard Fenno, an issue of "incredible complexity and sensitivity" in the United States Congress.¹⁰¹ Since the mid-1950's the proponents of federal aid to education had been arguing for aid for school construction, assistance towards the cost of teachers' salaries and, although a lesser priority, a programme of scholarships. The conflict generated by these demands took on many guises and involved Congressmen in decisions that cut across traditional loyalties and

99. Randolph's problems are recounted by O'Brien, op.cit., pp.134-5, Sorensen, op.cit., p.334 and Sundquist, op.cit., p.313.

100. See Congressional Quarterly Weekly Report, 20th July 1960, p.1205.

101. Richard F. Fenno Jr., "The House of Representatives and Federal Aid to Education", in Robert L. Peabody and Nelson W. Polsby (ed), New Perspectives on the House of Representatives, Chicago, Rand McNally, 1963, p.196.

voting patterns. The opposition may be summarized as follows. The fiscal conservatives had traditionally opposed education programmes because of the levels of federal expenditure involved, but opposition was also generated by the fear of federal control of education especially with regard to financial assistance for teachers' salaries. Attempts to legislate for education were further complicated by racial and religious issues. The debate about the inclusion of private and parochial schools in federal education programmes - which, in effect, was a debate about Catholic schools - dates back to the 1940's and the racial issue was introduced in the mid-1950's by Congressman Adam Clayton Powell (D-N.Y.) who moved amendments to successive education bills barring federal aid to states which failed to comply with the desegregation decisions of the Supreme Court. In addition to these major cleavages within Congress, there were also disputes about the levels of financial aid and whether the aid ought to be given in grants, matching grants or loans. Together these cross-cutting issues made it extremely difficult for any education legislation to clear Congress.¹⁰² The two major laws, passed in 1950 and 1958, succeeded in unusual circumstances. The 'impacted areas' legislation of 1950 provided federal assistance for school construction and teachers' salaries in areas which were supposedly overburdened with federal government workers, thus creating inequitable demands on the states and localities. This was classic 'pork-barrel' legislation and was extended and renewed regularly without much difficulty. The 1958 National Defense Education Act was passed in the wake of the Soviet Union's successful

102. The major legislative histories of federal aid-to-education are Frank J. Munger and Richard F. Fenno, National Politics and Federal Aid to Education, Syracuse, Syracuse University Press, 1962, and Robert Bendiner, Obstacle Course on Capitol Hill, New York, McGraw-Hill, 1964. See also, Gary Orfield, Congressional Power: Congress and Social Change, New York, Harcourt Brace Jovanovich, 1975, Ch.7. and Sundquist, op.cit., Ch.V. Specifically relating to the Kennedy period are Wicker, op.cit., Ch.8 and 9 and H.D. Price, "Race, Religion and the Rules Committee", in Alan F. Westin (ed), The Uses of Power, New York, Harcourt Brace & World, 1962.

launching of Sputnik and was designed to provide assistance for scientific and technical education after many Congressmen expressed concern about the technological developments in the USSR. The Act was very much a reaction to the Soviet Union and the legislation was as much a national security measure as it was an education bill.¹⁰³ Even in the cold war atmosphere of the times, 140 Congressmen voted to recommit the 1958 bill and 26 Senators opposed passage. This was an indication of what could be expected on a general school aid bill.

From the mid-1950's onwards, education was a major deadlocked issue in Congress. In 1955, Eisenhower submitted a programme for education loans which was countered by a more liberal bill from Democrats in the House. The House Education and Labor Committee reported out a bill, but it was blocked in the House Rules Committee. The Committee reluctantly voted a rule for the bill in 1956 under the threat of being by-passed by the Calendar Wednesday procedure, but the bill was defeated on the floor of the House after the 'Powell amendment' had been introduced for the first time. In their attempt to defeat the Democratic legislation, the Republicans engaged in some tactical voting. The Powell amendment was carried in the Committee of the Whole by 225-192 with 148 Republicans in support. As the Republicans well knew, the inclusion of the amendment would ensure defeat of the bill on final passage and it was eventually defeated by 224-194 votes. The Democrats were split with 105 of them voting against the bill. The southern Democrats were solidly opposed because of the Powell amendment and were joined by 119 Republicans. Furthermore, the Democratic defectors included several members who were strong aid-to-education supporters, but had been forced into opposition by Powell.¹⁰⁴ The procedure was virtually repeated the following

103. The preamble to the Act makes this more than obvious. See Sundquist, op.cit., p.179.

104. See Sundquist, op.cit., p.167.

year when a 'Powell amendment' was proposed by a Republican and adopted. The bill was subsequently defeated on the floor of the House by the conservative coalition. Howard Smith moved to strike out the enacting clause of the bill and his motion was carried by a five vote majority. The 1958 National Defense Education Act was passed in both chambers, but an attempt by Senator McNamara to amend the legislation providing a one billion dollar programme for school construction only attracted thirty votes. Democratic proposals for a four billion dollar programme of school construction and aid for teachers' salaries were contained in the Murray-Metcalf bill of 1959. The House Committee on Education and Labor reported out a much reduced programme, but the bill was blocked in the Rules Committee where the Chairman simply refused to bring it up for a vote. In 1960 the Senate passed an amended version of the Murray-Metcalf bill sponsored by Senator McNamara. The Senate divided 51-34 on fairly partisan lines. Only twelve Democrats opposed the bill and only nine Republicans voted in support. This time the House Rules Committee was unable to prevent the bill going to the floor. One Republican committee member under constituency pressure voted for the bill thus defeating the conservative coalition.¹⁰⁵ Furthermore, the Republican tactic of adopting the Powell amendment to ensure defeat of the bill backfired and the House passed the bill, with the Powell amendment, by 206-189 votes. However, there was an objection to the conference committee on the floor of the House and, under the House rules, the Rules Committee must then grant a special rule before a conference can be agreed to. Although the bill had a 7-5 majority when it first came to the Rules Committee, it did not then contain the Powell amendment. The inclusion of the amendment was probably the cause of the two-vote switch when the conference was being considered. Trimble (D-Ark) and Reece (R-Tenn) voted against the bill going to conference as did all the other Republican members and Smith and Colmer. This time the Rules Committee had killed aid-to-education legislation in spite

105. See Fenno, art.cit., p.225.

of the demonstrated majority in favour in both the Senate and the House of Representatives.

Kennedy made education an election issue. He devoted almost the whole of a major speech to this subject in the last week of the election and, as with medicare, he put the blame for the failure with the Republicans. Speaking in Los Angeles on 2nd November, Kennedy said:

In 1957, a majority of the Republicans in the House killed aid to school construction. In 1958, every Republican in the key Education and Labor Committee voted against aid for school construction, and in 1960, when we tried again to provide aid for the construction of public school classrooms, 67 per cent of all Republicans in the House voted against it, and four Republicans in the Rules Committee joined together with two unwise Democrats - and we have some of them - joined together to kill the bill from ever getting to the floor of the House. That is the party that Mr. Nixon leads, and he is part of it.¹⁰⁶

He then made a commitment to providing federal assistance for teachers' salaries, school construction, high school scholarships and a programme for college building. Kennedy was doing no more than simply emphasizing the education plank of the Democratic platform which had promised "generous federal financial support within the traditional framework of local control."¹⁰⁷

Passage of aid-to-education bills had never been a major problem in the Senate, neither had it been the cause of major Democratic defections. Only ten Democrats opposed the 1958 Act and only twelve opposed the McNamara bill in 1960. The difficulties in 1961, as before, would be in the House. Certain things, however, had changed in Kennedy's favour. The Chairmanship of the Education and Labor Committee was now in the hands of Adam Clayton Powell - he replaced Barden of North Carolina, a long time opponent of school aid - but, more significantly, the expansion of the Rules Committee promised an end to conservative coalition victories there. On the debit side, the Democratic

106. See The Speeches of Senator John F. Kennedy, Presidential Campaign of 1960, p.855.

107. See The Rights of Man, p.35

loss of twenty-one seats in the 1960 election appeared to be an important factor. Although the House had passed an aid-to-education bill in 1960, it had only done so by a majority of seventeen votes.

President Kennedy sent his proposals on education to Congress within a month of taking office. The special message on education contained programmes for construction of college and university facilities, higher education scholarships and improvements in vocational education, but the most important part of the proposed legislation was a three-year programme for public school construction and teachers' salaries. The programme was basically the same as that contained in Senator McNamara's bill in 1960, but with reduced levels of expenditure. In outlining his proposals to Congress, Kennedy added:

In accordance with the clear prohibition of the Constitution, no elementary or secondary school funds are allocated for constructing church schools or paying church school teachers' salaries; and thus non-public school children are rightfully not counted in determining the funds each state will receive for its public schools.¹⁰⁸

Thus, because of Kennedy's election as the first ever Catholic President, he had little alternative but to take this position and he was immediately confronted by opposition from the Catholic church. The Catholic church wanted aid to be extended to all schools, whether private or public, but Kennedy was adamant that federal aid to parochial schools was unconstitutional.¹⁰⁹ He had hoped that this issue would be diffused by his proposals in April to extend and amend the National Defense Education Act. That Act enabled parochial schools to receive federal aid because grants were made for the development of specific subjects taught in schools and, in this sense, the 1958 Act was not a general school aid measure to which Kennedy's interpretation of the Constitution would prevail. In sending this second bill to Congress, Kennedy

108. Public Papers of the Presidents 1961, p.109

109. See transcript of Kennedy's press conference of 1st March, Public Papers of the Presidents 1961, p.143.

also stated in his letter of transmittal that it would be "appropriate that the Congress consider other proposals contained in these and other reports,"¹¹⁰ meaning that the question of aid to parochial schools should be considered as a possible amendment to the National Defense Education Act and kept separate from the school aid bill.¹¹¹ In this way, Kennedy hoped to keep the religious issue out of the debate on his priority bill. He had also managed to persuade Senator Wayne Morse, the sponsor of the administration bill in the Senate, to keep out the civil rights issue by not including a Powell amendment in the bill.¹¹²

Kennedy's school aid bill was dealt with speedily in the Senate and passed on 25th May by a vote of 49-34. Only twelve Democrats opposed the measure and only eight Republicans voted in support.¹¹³ This was almost a repetition of the previous year's vote on the McNamara bill and the only evidence of the effect of the religious issue was the opposition of Senator Dodd (D-Conn) who had supported aid-to-education in 1960.

The situation in the House was very different and there the question of aid to parochial schools became the major issue after an amended administration bill, sponsored by Representative Frank Thompson, was reported favourably by the Education and Labor Committee. Only one member pressed the case for aid to parochial schools in the Committee's report,¹¹⁴ but this battle was being conducted separately, outside the confines of the Committee and led by the Catholic Majority Leader John McCormack. McCormack had been working closely with Cardinal Spellman to get Catholic schools included in the school

110. See Public Papers of the Presidents 1961, p.319.

111. See Sorensen, op.cit., p.360.

112. See letter from Secretary of Health, Education and Welfare, Abraham Ribicoff, to Senator Morse reprinted in Congressional Record (Senate), 23rd May 1961, p.8639.

113. See Congressional Record (Senate), 25th May 1961, p.9045.

114. See U.S. 87th Congress 1st Session, School Assistance Act of 1961, House Report No.445, p.19.

aid legislation.¹¹⁵ In order to achieve this he persuaded three key members of the Rules Committee to postpone consideration of the school aid bill until the Committee had before it Kennedy's proposed extensions to the National Defense Education Act. McCormack's fear was that the House would not consider the second bill once the general school aid bill had been passed and, thus, Catholic schools would get no assistance.¹¹⁶ The three members were Howard Smith, the Chairman, who never wanted any school aid bill at all, and two Catholic Democrats, O'Neill of Massachusetts and Delaney of New York, both of whom represented heavily Catholic districts as did McCormack. On 20th June the Rules Committee voted 9-6 to postpone consideration of the school aid bill until it had the second bill before it as well. All Republicans on the Committee supported the postponement and were joined by Smith, Colmer, Delaney and O'Neill from the Democratic side. Delaney and O'Neill had been consistently liberal in their voting behaviour on the Rules Committee and, ironically, O'Neill was one of the two Democrats added to its membership at the beginning of 1961 to liberalize the Committee's decisions. Delaney was more strongly committed in opposition than was O'Neill and the New York Congressman voted against both education bills when they came before the Committee on 18th July. The Kennedy school aid bill, together with the college construction bill and

115. McCormack's role is mentioned in most of the studies of this legislation. See Sundquist, *op.cit.*, p.192, Fenno *art.cit.*, p.233 and Wicker, *op.cit.*, pp.129-130. Wicker's account clearly comes directly from Congressman Thompson as it was identical to the account I received when I interviewed Thompson. The Congressman told me, "McCormack used to like to brag about all the hierarchy of the Church who visited him for dinner and so on. He said to me one day that two bishops and a monseigneur had been to have dinner with him and Mrs. McCormack the night before and he mentioned their names, and they were from three widely spaces places geographically. So I reasoned that they were in town doing some scheming and I got spying around and learned that they were up at Catholic University en masse. I tipped John Morris off and he got the story." (Interview with Frank Thompson, 20th April 1971). The story by John Morris appeared in The New York Times on 2nd March 1961.

116. McCormack's manoeuvres with the Rules Committee are recounted in Tom Wicker, "School Aid Bill Stalled By Vote of Rules Group", The New York Times, 21st June 1961 and Drew Pearson, "Jockeying Threatens School Bill", The Washington Post, 22nd June 1961.

the National Defense Education Act amendments were tabled by an 8-7 vote. Delaney was joined in opposition by Smith and Colmer and supported by all the Republican members. The issue was complicated by the divided Catholic attitude to the legislation. Thompson, who sponsored the bill, was a Catholic, as were Ray Madden (D-Ind) and Tip O'Neill, both of whom supported the administration's position on the second Rules Committee vote. Thompson later claimed that he thought that a majority of the House's 88 Catholic members supported the bill,¹¹⁷ but, because of the Rules Committee action, there was no way to test this assumption.

The administration tried to salvage its proposals by drafting a compromise measure, the essence of which was the exclusion of federal assistance for teachers' salaries. It was thought that this would help win the votes of some southern Democrats and Republicans who had been particularly critical of this feature of the administration bill. There was, however, considerable difficulty in reaching agreement on the exact content of the compromise bill and the many proposals put forward appeared to confuse the issue even further.¹¹⁸ By mid-August, the administration had finally worked out a plan and this time it was decided to link the aid for school construction with an extension to the impacted areas legislation.¹¹⁹ It was believed that this might gain enough votes to by-pass the Rules Committee and bring the bill to the floor under the Calendar Wednesday rule. This was what ultimately happened, but, as with the HUD bill, the substantive issue was lost in the debate that followed. The Republicans at first objected, not to the revised bill, but to the fact that it had been reported out of the Education and Labor Committee

117. Interview with Frank Thompson. See also Drew Pearson, "Catholic Vote Split on School Aid", The Washington Post, 24th July 1961.

118. See John D. Morris, "Compromise Bids Stall School Aid", The New York Times, 7th August 1961.

119. See John D. Morris, "Kennedy Revives School Aid Plan", The New York Times, 18th August 1961.

without being discussed there. Representative Frelinghuysen (R-N.J.) claimed that this was "an inexcusable abuse of the legislative process,"¹²⁰ and Mathais (R-Md.) said that the bill had only had twenty minutes consideration in the Committee.¹²¹ There were then further objections to calling up a bill under the Calendar Wednesday rule that had not been considered by the Rules Committee.¹²² The Republican opposition was probably decisive. The motion to bring the bill to the floor of the House was defeated by 242-170 votes.¹²³ Only six Republicans supported the motion, whereas, in 1960, forty-four had voted in support of the school aid bill. The Democrats divided 164-82 on the 1961 vote which compares well with the 1960 division of 162-97. These figures suggest that the 1961 vote in the House was on procedural, rather than substantial, issues - at least as far as the Republicans were concerned. Indeed, Representative John Lindsay (R-N.Y.) told the House that his vote was "a protest against the procedure used and the complete inability of the majority to put its legislative house in order."¹²⁴

The blame for the defeat was apportioned to almost all concerned. After the initial defeat in the Rules Committee, one reporter blamed Rayburn and McCormack for not giving the bill their support,¹²⁵ (Rayburn was always lukewarm because of the teachers' salaries provision) and a New York Times editorial put responsibility for the final defeat on the Republicans and inept administrative leadership.¹²⁶ Those involved on the inside were critical of McCormack,

120. See Congressional Record (House), 29th August 1961, p.17426

121. See Congressional Record (House), 30th August 1961, p.17629

122. See comments by Republicans John Lindsay and Jessica MacWies, Congressional Record (House), p.17633 and p.17637.

123. Ibid., p.17577.

124. Ibid., p.17634.

125. See Roscoe Drummond, "The School Bill....Who Is To Blame?", The Washington Post, 24th July, 1961.

126. The New York Times, 1st September 1961.

Ribicoff and Powell. Thompson claimed that "the fundamental reason for the failure was McCormack's back room manoeuvring with Delaney and taking advantage of the situation in the Committee on Rules,"¹²⁷ and he was also very critical of Ribicoff for not being open with the Congressional leadership about the compromises proposed after the defeat of the first bill in the Rules Committee. Richard Bolling, a member of that Committee, said the legislation "couldn't have been handled worse. It was butchered from beginning to end," and he, too, was very critical of Ribicoff's conduct.¹²⁸ Bolling's wife was an Health, Education and Welfare liaison official at the time and made a number of specific criticisms. She says that Ribicoff lied to Rayburn about the contents of the compromise bill, that the leadership of Adam Clayton Powell was weak due to his prolonged absences from Washington, and that communication between the Department and the House Committee was bad.¹²⁹

It is clear, however, that the original legislation was stopped in the Rules Committee, without getting to the floor of the House, because the parochial schools issue cut across the traditional voting position of two key Catholic Democrat members, thus negating the increase in membership some months earlier. What followed was not a model of unified party leadership, but the damage had been done in the Rules Committee. The origins of this failure can be traced back to Kennedy's education message, which specifically drew attention to the exclusion of parochial schools, but one must remember that this was not a new issue and Kennedy's religion made the statement inevitable. It was equally possible that a school aid bill which included parochial schools would have been defeated by a different combination of Republicans and Democrats in the Rules Committee. Elliott of Alabama and Trimble of Arkansas

127. Interview with Representative Frank Thompson.

128. Richard Bolling, Oral History Interview, John F. Kennedy Library, p.46.

129. Jim Grant Bolling, Oral History Interview, John F. Kennedy Library, pp.37-45.

would have certainly voted against under such circumstances. The Kennedy proposal to ask Congress to consider the position of parochial schools as part of the National Defense Education legislation did provide the House with the opportunity to consider school aid on its own merits, but the Rules Committee did not see this in the same way.

Chapter IX

THE LEGISLATIVE PROGRAMME - II

Although the major proposals sent to the 87th Congress by President Kennedy had a mixed legislative reception, they did possess some common characteristics. Each had a lengthy Congressional history. Each had been deadlocked at some stage in the legislative process prior to Kennedy's inauguration and each had been adopted by the Democratic Convention as part of its platform for the 1960 election campaign. To some extent, the treatment by Congress of the five priority bills was a repetition of previous history. In most cases similar patterns of opposition appeared or threatened to appear and Kennedy's legislative task was to reduce the level of that expected opposition to the point where it was insufficient to prevent the passage of the bill in hand. His New Frontier legislative programme was the unfinished business of the liberal Democrats in the previous Congresses of which he was a member. Kennedy made area redevelopment, minimum wage, housing, medicare and aid-to-education his priorities because he felt that, under a Democratic President, there was a reasonable chance of legislative success for these bills. He did not include civil rights legislation among his priorities, nor indeed in his legislative programme at first, even though civil rights shared the same characteristics as the priority bills. It had been a major issue in American politics in the post-war years and, although Congress had passed two civil rights bills in 1957 and 1960, the content of those laws was far short of what the liberals in Congress and the civil rights movement were demanding. Their demands had been deadlocked throughout the 1950's by the opposition of southern Democrats through the blocking of legislation in committees and the use, or threatened use, of the filibuster in the Senate. Civil Rights therefore became an issue in the election campaign of 1960 and a major part of the Democratic platform. The reasons why civil rights legislation did not become part of the legislative priorities of the new President reveals some insight into Kennedy's relations

with Congress and this chapter analyses the developing legislative strategy in this particular area of policy.

THE COMMITMENT TO CIVIL RIGHTS

The civil rights plank was the centrepiece of the 1960 Democratic platform. It committed the party to virtually all of the proposals made by civil rights advocates in Congress during the previous five years. It called for "effective leadership by the whole executive branch of government to make equal opportunity a living reality for all Americans," and said that "the time has come to assure equal access for all Americans to all areas of community life including voting booths, schoolrooms, jobs, housing and public facilities."¹ These were, of course, precisely the areas of contention between the liberals and the conservatives in Congress, but it was the liberal view that dominated in the platform committee. The platform made specific legislative commitments to eliminating poll taxes and literacy tests, ending discrimination in education, the establishment of a Fair Employment Practices Commission - a proposal that Congress had first defeated when Franklin Roosevelt was in the White House - and an end to discrimination in federal housing allocations. It also promised to legislate to provide the Attorney-General with powers to seek injunctive remedies against breaches of civil rights laws. This last power had been sought throughout the previous five years as the only effective way of enforcing school desegregation and had been one of the most important sources of conflict between the pro and anti-civil rights forces. It was embodied in Part III of the 1957 bill and proposed as an amendment to the 1960 bill, but was eventually removed from both. In 1957, the Part III provision was defeated by 52-38 votes in the Senate with only thirteen Democrats voting in favour of the enforcement powers. An attempt was made by Senator Case to add a Part III provision to the 1960 bill, but a motion to table his amendment

1. The Rights of Man, Report of the Committee on Resolutions and Platforms, as adopted by the Democratic National Convention, 20th July 1960, p.53.

was carried by 55-38 votes. The influx of liberal Democrats from the 1958 election doubled the Democratic support for Part III over the 1957 vote, but, as in 1957, thirty-four Democrats voted to table, thus killing Part III once again.

The liberal civil rights position taken by the Committee on Resolutions and Platforms was largely attributable to its Chairman. James L. Sundquist, Secretary of the Committee, claims that the choice of a committed liberal was a departure from the previous tradition of non-ideological chairmen and that the credit for the selection of Chester Bowles must go to the Chairman of the Democratic National Committee, Paul Butler.² Bowles says that the testimony in favour of a strong civil rights plank was so overwhelming that southern spokesmen were reluctant to speak out,³ but Sundquist records that Senator Sam Ervin (D-N.C.) put up a strong fight against the civil rights plank that took up the whole of the second day of deliberations. At the end, however, he just did not have the votes and the civil rights plank was carried over the south's objections.⁴

Virtually all the civil rights commitments made by the Democrats in 1960 required legislation. The platform did mention areas in which the executive could act without reference to Congress, but it was, implicitly, a criticism of the inadequacy of previous legislation. In his study of the passage of the 1960 Civil Rights Act, Berman quotes Thurgood Marshall's statement that the Act "isn't worth the paper it's written on" and concludes that "subsequent events did not indicate that Marshall had been guilty of exaggeration."⁵

2. See James L. Sundquist, Oral History Interview, John F. Kennedy Library, p.10. See also his Politics and Policy: The Eisenhower, Kennedy and Johnson Years, Washington D.C., The Brookings Institution, 1968, p.251.

3. See Chester Bowles, Promises to Keep: My Years in Public Life, 1941-1969, New York, Harper and Row, 1971, p.291.

4. Sundquist, Oral History Interview, p.8.

5. Daniel M. Berman, A Bill Becomes Law: Congress Enacts Civil Rights Legislation, New York, Macmillan, 1966, p.135.

This was the view shared by the Democratic Platform Committee and adopted by Kennedy as the Democratic candidate. The emphasis on legislation at the outset was important for, although promising the greatest results, it also anticipated the greatest problems in so far as Presidential-Congressional relations were concerned.

Kennedy's initial view was in line with the platform. In a statement issued on 9th August he said, "I strongly support civil rights and I am wholeheartedly committed to the implementation of the platform.....we will promptly move ahead in carrying out the far reaching programs of legislative and executive action adopted in the 1960 Democratic platform."⁶ On 1st September, Kennedy, along with twenty-three other Senators, issued a statement on civil rights strongly denouncing Republican tactics in the session of Congress convened after the conventions. That statement concluded with the promise that

.....we pledge action to obtain consideration of a civil rights bill by the Senate early next session that will implement the pledges of the Democratic platform.⁷

and Kennedy also added in a separate statement:

In order to implement this pledge and assure prompt action, I have asked Senator Clark and Congressman Celler to constitute a committee to prepare a comprehensive civil rights bill, embodying our platform commitments, for introduction at the beginning of the next session. We will seek the enactment of this bill early in that Congress.⁸

It was precisely this commitment to legislation on civil rights that aroused most interest in the press conference that followed the issuing of the statement and again Kennedy emphasized his determination to go ahead with a major bill. It is worth noting that at no time during the election campaign did Kennedy

6. See The Speeches of Senator John F. Kennedy, Presidential Campaign of 1960, Final Report of the United States Senate Committee on Commerce, 87th Congress 1st Session, Senate Report 994 Part I, pp.12-13.

7. Ibid., p.69

8. Ibid., p.70

make a comparable commitment with respect to those areas of policy which made up his priority programme at the beginning of 1961.

For the first few weeks of the campaign, Kennedy continued to express the same convictions about the need for legislation on civil rights. In a speech in Los Angeles on 9th September he addressed himself specifically to the civil rights issue and took his commitment even further. He said that the next President must be prepared to move forward in the field of human rights in three general areas: "as a legislative leader, as Chief Executive, and as the center of the moral power of the United States." He then elaborated:

.....as a legislative leader, the President must give us the legal weapons necessary to carry on and enforce the constitutional rights of every American. We must wipe out discriminatory poll taxes, we must provide effective antibombing and antilynching legislation and we must continually strengthen the legal framework which permits us all to move forward toward our full constitutional, economic and political rights.⁹

Kennedy's campaign schedule during the rest of September took him to the border states and the south and then up to the north-west region of the country. He spoke in few eastern urban areas during this period and, consequently, civil rights was not a major feature of his campaign speeches that month, although he did talk about the need for civil rights legislation when he spoke to the annual convention of the United States Steelworkers on 19th September. However, one detects the beginnings of a change in Kennedy's attitude on civil rights towards the end of the first month of the campaign and there is evidence to suggest that he was becoming more aware of the practical and political problems of getting legislation of such magnitude

9. Ibid., p.191. The advance release text of the speech makes the commitment to legislation even more solid, but Kennedy cut out some sentences when he delivered the speech, presumably to save time. For example, after the first sentence quoted above, Kennedy's text read, "He cannot wait for others to act. He himself must draft the programs - transmit them to the Congress - and fight for their enactment, taking his case to the people if the Congress is slow in acting." The text continued further on, "And much legislation is needed.....Such legislation is already being prepared....And this bill will be among the first orders of business when a new Congress meets in January." See ibid., p.1011.

through Congress. When Kennedy faced a question and answer session in Minneapolis on 1st October, one member of the audience asked him what legislation had he in preparation on the civil rights issue. His answer was interesting in that it revealed a clear shift of emphasis from legislative action to the potential of executive action. His answer began:

I think I will say two or three things. First, there is a great deal that can be done by the executive branch without legislation. For example, the President could sign an Executive order ending discrimination in housing tomorrow....

He then listed some illustrations of the types of action that could be taken by the executive branch in relation to contracts, the right to vote and non-discrimination in employment. He still promised to submit legislation providing the Part III provisions for the Attorney-General, but concluded by saying that "the greater opportunity is in the executive branch without Congressional action."¹⁰ With the exception of his address to the National Conference on Constitutional Rights and American Freedom in New York on 12th October, this proved to be Kennedy's last major statement on civil rights during the campaign. Like his answer in Minneapolis, the New York speech reflected this changed attitude and stressed the possibilities of executive action. From this point onwards, civil rights was played down and, when Kennedy did refer to the position of negroes thereafter, he did so in the context of employment opportunities or access to education, but never again mentioned the civil rights bill.

A NEW STRATEGY ON CIVIL RIGHTS

After the election in November, the strategy outlined in Minneapolis quickly took root. When Kennedy met with the Congressional leadership in December to discuss his legislative programme neither Senator Mansfield nor

10. Ibid., p.432.

Senator Smathers recall any discussion of civil rights legislation,¹¹ nor was such a bill included in his list of priority legislation. Kennedy's State of the Union message contained just one sentence on the subject and no promise of any action whatsoever.¹² Instead, Kennedy quickly began to look at what could be achieved by executive action and, by early February, one of his aides had prepared a paper outlining a civil rights programme that could be undertaken within the executive branch.¹³ At the beginning of March, the President issued his first Executive Order in the civil rights area which established a President's Committee on Equal Opportunity.¹⁴ One cannot but agree with Ruth Morgan that this action was a substitute for legislation creating a Fair Employment Practices Commission,¹⁵ one of the commitments contained in the Democratic platform. At a press conference two days later, Kennedy was questioned on the absence of civil rights legislation from his programme and his response repeated the theme of the Minneapolis statement. He said:

When I believe that we can usefully move ahead in the field of legislation, I will recommend it to the Congress. I do believe that there are a good deal of things we can do now in administering laws previously passed by the Congress, particularly in the area of voting, and also by using the powers which the Constitution gives to the President through Executive Orders. When I feel there is a necessity for congressional action, with a chance of getting that congressional action, then I will recommend it to the Congress.¹⁶

11. Interviews with Senator Mansfield and Senator Smathers.

12. Kennedy said, "The denial of constitutional rights to some of our fellow Americans on account of race - at the ballot box and elsewhere - disturbs the national conscience and subjects us to the charge of world opinion that our democracy is not equal to the high promise of our heritage." See Public Papers of the Presidents 1961, Washington D.C., Government Printing Office, 1962, p.20.

13. See Memorandum to the President from Fred Dutton, 9th February 1961, John F. Kennedy Papers (White House Central Files: HU Box 358), John F. Kennedy Library.

14. Executive Order 10925, 6th March 1961, 26FR1977.

15. See Ruth P. Morgan, The President and Civil Rights: Policy-Making by Executive Order, New York, St. Martin's Press, 1970, p.46.

16. Public Papers of the Presidents 1961, pp.156-7.

At least one of the reasons for Kennedy adopting this strategy was made explicit in the above statement. He knew that a civil rights bill had no chance of passage. The problem was not just the gaining of a simple majority for the bill, but rather finding a two-thirds majority to invoke cloture on the inevitable southern Democratic filibuster in the Senate. But the likelihood of defeat was not the only, nor even the prime, consideration. Kennedy believed that the introduction of a civil rights bill would alienate the southern Democrats, including the moderate ones, to the extent that this would create an adverse reaction to other New Frontier legislation of direct benefit to negroes. He was thinking of the economic and anti-recession measures that would improve the condition of the negro, but were dependent on southern Democratic support in Congress.¹⁷

The power of the southerners in Congress caused the White House to move cautiously in all areas of civil rights action, not merely legislation. Even executive action was conditioned by the Congressional situation. For example, Kennedy's election promise to sign an Executive Order ending racial discrimination in federally assisted housing projects was affected and a memorandum, circulating in the White House in July 1961, indicates that the administration had found no way around its dilemma. The memorandum stated:

An Executive Order in the housing field or other areas of segregation is being pressed for by the minority groups in lieu of substantial legislative recommendations by the administration this year. Reconciling that pressure with the need for southern votes on major legislation remains the Gordian knot.

The dynamics both here and abroad compelling desegregation in this country are accelerating. How to provide leadership for those forces without destroying the Congressional coalition at mid-term is the nub of the problem.¹⁸

17. See Theodore Sorensen, The Kennedy Legacy, New York, Macmillan, 1969, p.220 and Lawrence O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974, p.144.

18. Memorandum from Fred Dutton to Harris Wofford and Andrew Hatcher, 8th July 1961, John F. Kennedy Papers (White House Central Files: HU Box 358), John F. Kennedy Library.

By the end of 1961 all notions of a civil rights bill had been dismissed. Lee White wrote a long memorandum to the President in November on civil rights policy and, in a section headed "Legislation v. Executive Action Considerations", he argued that any civil rights programme would have to be a strong one or none at all. His view was that a package of relatively easy items, like anti-poll tax and literacy test legislation, would not satisfy the civil rights groups and would still upset the southerners. He also noted in his memorandum that "any legislative program would arouse strong feelings in Congress and Larry O'Brien recommends against it."¹⁹

This change in strategy caused at least one embarrassment to the Kennedy administration when, on 8th May 1961, Senator Joseph Clark and Representative Emmanuel Celler jointly introduced in Congress the civil rights legislation that Senator Kennedy had asked them to prepare the previous September. Celler indicated that he had had no direct discussions with Kennedy about the civil rights package during the campaign and he was not aware that the legislation was not to get administration support.²⁰ Not only did the Clark-Celler bill not receive Presidential support, but, on the following day, the President's Press Secretary, Pierre Salinger, actually disassociated the administration from the package. He told the press that "the President has made it clear that he does not think it is necessary at this time to enact civil rights legislation."²¹ The reference was to President Kennedy's press conference statement of 8th March. Two pro-civil rights Republicans made the most of this in Congress. John Lindsay said that Kennedy had compounded his breach of faith with the public,²² and Senator Javits urged that "everyone of us who is

19. Memorandum from Lee White to the President, 13th November 1961, John F. Kennedy Papers (White House Central Files: HU Box 358), John F. Kennedy Library.

20. Interview with Emmanuel Celler, 10th August 1972.

21. Quoted in The New York Times, 10th May 1961.

22. See Congressional Record (House), 10th May 1961, p.7699.

deeply concerned with this subject must protest very strongly against the apparent attitude of the administration that it must appease Senators from one section of the country in order to get the rest of its legislation through, at the price of critically important civil rights bills."²³ The Republican attack was expected, but the incident made the new strategy clear to all.

CIVIL RIGHTS ACTION AND THE CONGRESS

Kennedy's approach to civil rights was based upon two assumptions about possible Congressional reaction if he had chosen to present comprehensive civil rights legislation. His first assumption, that a civil rights bill would never be passed by Congress can be tested by an examination of those civil rights issues that did come before Congress during the years of Kennedy's Presidency.

The first indication of difficulties in the area of civil rights came when the Senate Banking and Currency Committee considered the nomination of Robert C. Weaver as Housing and Home Finance Administrator. The Committee approved the nomination by 11-4 votes and the Senate did so by voice vote on 9th February 1961, but not before considerable opposition was expressed from southern Democrats. The Chairman of the Committee, Senator Willis Robertson, strongly opposed the appointment when it came before the Senate as a whole, citing Weaver's connection with the NAACP and his views on racially integrated housing,²⁴ and Senator Eastland, Chairman of the Judiciary Committee, described Weaver as "a man who has a pro-communist background."²⁵ The episode was to serve as a prelude to the opposition one year later when Kennedy announced that Weaver would be his nominee to head the planned Housing and

23. See Congressional Record (Senate), 11th May 1961, p.7821.

24. See Congressional Record (Senate), 9th February 1961, p.1965.

25. Quoted in Congress and the Nation: 1945-1964, Washington D.C., Congressional Quarterly Inc., 1965, p.110a.

Urban Affairs Department.

Much of the trouble in 1961 centred on the Civil Rights Commission. In July, the southern Democrats attacked Kennedy's three nominations to the Commission and forced a roll-call on one of them. Senators Eastland and Ellender led the floor fight against Spottswood Robinson III and managed to marshal seventeen votes against his nomination. But, more serious, was the attack on the Civil Rights Commission itself at the end of August. The issue was the extension of the life of the Commission and Kennedy's view was that it should be extended for an indefinite period. However, when Senator Clark proposed a four year extension, his motion was tabled by 48-42 votes. A majority of southern Democrats voted with a majority of Republicans, thus bringing the conservative coalition into effect.²⁶ An earlier motion to make the Commission permanent was defeated by a much larger majority and, eventually, a compromise bi-partisan proposal to extend the Commission for a further two years, put forward by Senators Mansfield and Dirksen, was carried by 70-19 votes, but almost every negative vote was from a southern Democrat.²⁷

Another problem in the Senate was that the Judiciary Committee had blocked every civil rights bill presented during the first session of the 87th Congress. In March, Senator Humphrey introduced seven civil rights bills and also co-sponsored one with Senator Douglas. In May, Senator Clark presented proposals implementing the civil rights plank of the Democratic platform and Senator Javits introduced a civil rights bill of his own. Javits and Senator Keating complained on the floor of the Senate about the behaviour of the Judiciary Committee,²⁸ but it had no effect on Senator Eastland and no civil bills were considered by the Judiciary Committee that session.

26. See Congressional Record (Senate), 30th August 1961, p.17513.

27. Ibid., p.17526.

28. See Congressional Record (Senate), 28th August 1961, p.16652.

At the beginning of the second session of the 87th Congress, Representative Ryan (D-N.Y.) made a lengthy appeal in the House for immediate civil rights legislation,²⁹ Emmanuel Celler reintroduced the Clark-Celler legislative package,³⁰ and the liberal Republicans continued their attack on the Kennedy administration for the lack of civil rights legislation.³¹ Amid all this, the administration decided to float a trial balloon in the form of a literacy test bill.³² The essence of the bill, sponsored by Senator Mansfield, was that a sixth grade education be the only literacy test for voters in Presidential and Congressional elections. It was introduced on 25th January and referred to the Judiciary Committee, but the bill did not have specific administration support. Kennedy had mentioned the legislation in his 1962 State of the Union message, but there was no Presidential message to accompany the bill and, on at least two occasions, Kennedy declined to commit himself to this legislation.³³ The negative attitude of the administration does lend support to the claim that, at the most, this was an attempt to test opposition to civil rights and, at the least, it was meant to provide some comfort to civil rights groups and the liberals in Congress. It was not a bill upon which Kennedy was prepared to stake his reputation. The legislation was immediately attacked by the southern Democrats and Senator Richard Russell (D-Ga) criticised the administration for permitting "Senator Javits and one or two of his associates to push them into this strained and politically inspired position."³⁴ The

29. See Congressional Record (House), 22nd January 1962, p.615.

30. See Congressional Record (House), 23rd January 1962, p.812.

31. See, for example, Lindsay's speech, ibid., p.708.

32. Sorensen states that this was an administration bill. See Theodore C. Sorensen, Kennedy, New York, Harper and Row, 1965, p.480 and Mansfield admitted it when he introduced the bill. See Congressional Record (Senate), 25th January 1962, p.914.

33. See Public Papers of the Presidents 1962, Washington D.C., Government Printing Office, 1963, p.95 and p.382.

34. Quoted in The New York Times, 27th January 1962.

Judiciary Committee held hearings, but took no further action. Nor was it expected that any action would be taken. The Committee had treated this bill in the same way it had treated all other civil rights measures before it. Mansfield then attempted to by-pass the Committee by attaching his bill as an amendment to a minor House passed bill and the southern Democrats responded with a filibuster. On 7th May, a cloture petition was filed carrying the names of twenty-one Democrats and ten Republicans. The first cloture vote was held on 9th May, but the attempt to end the filibuster was defeated by 53-43 votes. In the breakdown of voting, thirty Democrats and thirteen Republicans voted for cloture and thirty Democrats and twenty-three Republicans voted against. On 14th May, Mansfield tried for cloture again and was defeated by 52-42 votes. All the southern Democrats voted against. The following day the Senate agreed to lay aside the bill.

The fight over the Literacy Test Bill indicates the extent of the task facing Kennedy. Not only was Mansfield twenty-one votes short of a two-thirds majority on the second cloture attempt, but he was also ten votes short of a simple majority on both occasions. The abolition of literacy tests was just one part of the civil rights plank in the Democratic platform and the two cloture votes indicated clearly that the administration and the Congressional leadership were in no position to shut off a filibuster on any civil rights bill. It marked an end to any further administration attempts to introduce civil rights legislation in the 87th Congress.

The 1962 mid-term Congressional elections did not substantially alter the composition of Congress, nor the nature of the problem facing Kennedy. The 1963 State of the Union message contained a fleeting reference to the need to ensure that the right to vote must not be denied to any citizen on the grounds of race or colour, but there was no indication of any Presidential action.³⁵

35. See Public Papers of the Presidents 1963, Washington D.C., Government Printing Office, 1964, p.14.

On 28th February 1963, the President did send a special message to Congress on civil rights, but the recommendations contained therein fell far short of those promised in the Democratic platform.³⁶ Most of the message was a report on what had been achieved by executive action, although it did contain recommendations to protect voting rights, a programme of technical and financial assistance to school districts in the process of desegregation and an extension for the Civil Rights Commission. The message was the least Kennedy could do to maintain credibility with civil rights groups and not offend the southern Democrats. Unlike all previous special messages that Kennedy had sent to Congress, no draft bill accompanied this one. The President made it as clear as he could that he was not about to change his strategy on civil rights, nor was he going to force the issue with the southerners. And yet southern Democrats reacted with hostility. Senator John Stennis of Mississippi said the proposals contained in the President's message were "so extreme and unconstitutional that Congress should not seriously consider them," and John Bell Williams, a Mississippi Congressman, thought that "the whole kit and kaboodle is nothing more or less than an attempt to turn the Government over to the NAACP."³⁷

Kennedy did eventually present a civil rights bill to Congress on 19th June 1963, but this was the inevitable and unavoidable reaction to the events in Alabama and Mississippi. It was by no means an admission that the situation in Congress had changed. Commenting on the timing of the bill, Presidential aide Kenneth O'Donnell said, "I think, in fairness, events had forced the President's hand. I'd be a liar if I didn't say that."³⁸ In fact, the legislative proposals, even then, were drafted with potential southern opposition

36. For the text of the message see ibid., pp.221-30.

37. Both quoted in Congressional Quarterly Weekly Report, 8th March 1963, p.293.

38. Interview with Kenneth O'Donnell.

in mind. It contained no request for a Fair Employment Practices Commission and the Title III provisions were included, but severely limited. The Senate Judiciary Committee was consistent with its previous patterns of behaviour. Hearings were held and then the bill was pigeon-holed.

In addition to Congressional treatment of civil rights proposals in the 87th and 88th Congresses, one must also consider the attempts in the Senate to modify Rule XXII. The rule had been revised in January 1959 to permit limitation of debate by two-thirds of the Senators present and voting, but the addition of the words 'present and voting' had made little or no difference in practice. The liberals' demand was that the two-thirds requirement to invoke cloture should be changed to three-fifths. A motion to this effect at the beginning of the 87th Congress initiated a filibuster and an attempt at cloture was defeated by 43-37 votes. In all, twenty-eight Democrats voted against cloture. At the beginning of the 88th Congress, the Senate voted twice on Rule XXII. The first vote was on a motion that cloture could be invoked by a simple majority when considering changes in rules at the beginning of a session. This was defeated, as was a second proposal to alter the two-thirds majority requirement to three-fifths. Table 9.1. shows the solid southern Democratic

Table 9.1. Senate Voting on Rule XXII - 88th Congress

Proposal	For - Against	Dem. F - A	Rep. F - A	South.Dem F - A	Non-south.Dem. F - A
Simple majority for cloture on considering rules change	42 - 58	31 - 32	11 - 21	0 - 20	31 - 12
Three-fifths to invoke cloture	33 - 64	23 - 41	10 - 23	0 - 22	23 - 19

opposition in both cases, although some non-southern Democrats, principally border state members, gave their support to the position of the conservative coalition. It is also clear that the more radical proposal to amend Rule XXII

to lower the majority required for cloture was far short of support. Nearly two-thirds of the voting Senators were opposed. Rule XXII remained intact throughout Kennedy's Presidency and, hence, the southern filibuster on civil rights legislation was inviolable. Prior to Kennedy's accession to the Presidency only four cloture votes had been successful, but all nine cloture attempts on civil rights issues had failed to get the two-thirds majority.³⁹ Kennedy's problem was that, unless there was a substantial change of membership in Congress, the success of civil rights legislation would depend on the ability to curb the filibuster which, in effect meant amending Rule XXII. His task was complicated by the fact that the defence of Rule XXII did not necessarily imply opposition to civil rights, even though the filibuster had become synonymous with opposition to civil rights.⁴⁰

An analysis of the Congressional response to civil rights and related issues during Kennedy's Presidency provides solid justification for his claim that a civil rights bill would not succeed in getting passed. Experience with the more minor parts of the Democratic programme, such as the outlawing of literacy tests and the extension of the Civil Rights Commission, was an unmistakable indicator of what would happen if Congress had to consider a Fair Employment Practices Commission and Title III.

CIVIL RIGHTS AND THE NEW FRONTIER PROGRAMME

Kennedy's second assumption, that the introduction of a civil rights bill would adversely affect other items of legislation, is more difficult to substantiate. His civil rights initiative was presented very near to the end of his Presidency after most of his major legislation had either been passed or defeated. Furthermore, it is virtually impossible to isolate such factors

39. See CQ Fact Sheet on the History of Senate Filibusters, Congressional Quarterly Weekly Report, 27th April 1962, p.660.

40. Some liberals defend Rule XXII on the grounds that the procedure might be used to their advantage on other occasions. See, for example, the defence of Rule XXII by Wayne Morse in Nathaniel Preston (ed), The Senate Institution, New York, Van Nostrand, 1969, p.105-106.

in Congressional voting behaviour. Any evidence to justify Kennedy's assumptions can only be tentative, if not speculative, but, nevertheless, ought to be considered as a counterbalance to the many criticisms made of his strategy in respect of civil rights. The core of the critique was that, even taking into account the near impossibility of getting a bill passed, Kennedy ought to have gone ahead with such legislation to maintain his moral and liberal credibility. Wicker encapsulates the argument when he writes:

Fighting for a strong civil rights bill, whether it could pass or not, would have done a great deal to shore up the notion of Kennedy as a vigorous liberal and to hold his supporters together in loyalty and enthusiasm.....It may be hindsight, moreover, but it is nonetheless true that Kennedy's failure to send up a strong civil rights bill was another link in a long chain of cynical or blind American refusals to act either swiftly or adequately in correcting a century of injustice to Negro citizens.⁴¹

What many of the critics fail to take into account is the Presidential perspective on civil rights in the context of the legislative programme as a whole. The argument advanced by Wicker is justifiable if the civil rights bill was to be considered within a political vacuum, but, when a President argues that a moral stand on civil rights will damage the chances of other important items in his legislative programme, then the issue becomes more complex.

There was a prima facie reason for Kennedy's belief that a civil rights bill would have adverse consequences on other major legislation. In each of the priority items studied, southern support was crucial. It was not just a question of southern support on the floor of the House or Senate, but, more particularly, that most of the major bills were to go to committees chaired by southerners.⁴² Asked if a civil rights bill would have caused southerners to be less sympathetic to other legislation, Senator Sparkman (D-Ala.) said,

41. Tom Wicker, JFK and LBJ, New York, William Morrow, 1968, p.89. For a similar passage see Bruce Miroff, Pragmatic Illusions: The Presidential Politics of John F. Kennedy, New York, David McKay 1976, p.270.

42. See Sorensen, Kennedy, p.475. He quotes Kennedy as saying, "If we drive Sparkman, Hill and other moderate southerners to the wall with a lot of civil rights demands that can't pass anyway, then what happens to the negro on minimum wages, housing and the rest?"

"It could have. I won't say it would have."⁴³ However, a more specific indicator that Kennedy might have been justified in his assumption was the fate of an administration bill in 1963 authorizing an additional 455 million dollars for the Area Redevelopment Administration. In 1961, the House passed the Area Redevelopment Bill by 251-167 votes and, on 12th June 1963, it was due to vote on the additional grant for the ARA. The night before the House vote, President Kennedy had made a nationwide radio and television broadcast outlining the contents of the civil rights bill due to be presented to Congress the following week. When the House voted on the ARA grant, the administration was defeated by 209-204 votes. An analysis of the two votes reveals that

Table 9.2 House Voting on Area Redevelopment Bills in 1961 and 1963⁴⁴

Year	For - Against	Democ. F - A	Rep. F - A	Non-south Dem F - A	South Dems. F - A
1961	251 - 167	208 - 42	43 - 125	145 - 2	63 - 40
1963	204 - 209	189 - 57	15 - 152	141 - 4	48 - 53

twenty Republicans and nineteen Democrats switched their position from support of the ARA in 1961 to opposition in 1963. (See table 9.2). The Republican defection seemed to be due to genuine partisan differences about the role of the ARA during its first two years of existence. Their opposition was based on two factors. They believed that rural areas had received a disproportionate share of ARA allocations and also that the ARA had been guilty of waste and mismanagement.⁴⁵ The Republicans who switched votes included a large number who had often supported Kennedy's legislation in the past. Among them were

43. Interview with Senator John Sparkman.

44. See Congressional Quarterly Weekly Report, 14th June 1963, p.951. Border state Congressmen are included in the southern Democratic totals in this tabulation.

45. See account of debate in ibid., p.951

Lindsay (N.Y.), Mathais (Md.), Morse (Mass.), Schweiker (Pa.), Cahill and Dwyer (N.J.). Just as the Republican defections were almost solidly from the liberal wing of that party, so the nineteen Democratic defectors were, with one exception, all from the southern and border states. In 1961, the entire Alabama delegation voted for ARA, but half of them; Andrews, Grant, Huddleston and Selden, switched in 1963. A majority of the North Carolina Democrats switched from support to opposition as did the four Mississippi Democrats who supported ARA in 1961. Congressional Quarterly noted that many of these Democrats had been fairly consistent supporters of the President's domestic programmes and that Kennedy's civil rights broadcast had possibly cost him the votes.⁴⁶ The Democratic defections are hard to understand because the southern states had been, as many of the liberal Republicans feared, the major beneficiaries of ARA expenditure. Oklahoma had received a larger total than any other state, yet Jarman was one of the Democrats who switched to opposition in 1963. Alabama had seventeen ARA projects in hand at the time of the 1963 vote, yet half its delegation opposed the additional ARA authorization. One must not attach overriding importance to any single vote in the House, but, in the absence of anything more than speculation, this is the only indicator to the validity of Kennedy's claim. The unexpected switch of southern Democratic votes the day after Kennedy's civil rights broadcast may be more than a mere coincidence.

EXECUTIVE ACTION AND CONGRESSIONAL OPPOSITION

It became clear as the Kennedy Presidency proceeded that Congressional opposition was also affecting his executive action strategy. The centrepiece of this strategy was the Executive Order barring racial discrimination in housing projects financed with federal grants and an analysis of the decision-making process with respect to this Executive Order further highlights the effect of Congress on Presidential action. This analysis is also undertaken

46. Ibid., p.951.

because evidence now available reveals that many of the existing accounts of this particular area of civil rights policy are deficient and, in some cases, oversimplistic.

One of the major commitments made by Senator Kennedy during the election campaign of 1960 was the promise to sign an Executive Order on housing "at the stroke of a pen" and it was an issue on which Kennedy had been sharply critical of Eisenhower's lack of action. The criticism was originally stated in the civil rights statement of 1st September. It read:

If the Republican administration were sincere about its pleas for civil rights, it would take executive action now - executive action to end inequality in all Federal housing programs as the Civil Rights Commission unanimously proposed nearly a year ago and which the President could do by the stroke of his pen.⁴⁷

Kennedy made a commitment to sign such an order several times during the campaign. His question and answer session at Minneapolis was one such occasion. He repeated the promise when addressing the National Conference on Constitutional Rights in October,⁴⁸ and again in New York, just two days before polling day, when he told his audience:

I want to be a President who recognizes every citizen's rights as well as his obligations - particularly when one stroke of the pen on an Executive order could assure all citizens that every door will be open - in Government employment, in Federal jobs and to federally financed homes.⁴⁹

Kennedy did not sign that Executive Order immediately. At a press conference on 1st March 1961, he said that an Executive Order on housing "is being considered"⁵⁰ and repeated this at another press conference later that month.⁵¹ Sorensen says that the Order had been drafted by November 1961, but that the delay in signing it was so as not to offend the southern sponsors

47. See Speeches of Senator John F. Kennedy, Presidential Campaign of 1960, p.69.

48. Ibid., p.576.

49. Ibid., p.910.

50. Public Papers of the Presidents 1961, p.137

51. Ibid., p.92.

of Kennedy's housing bill, Senator Sparkman and Representative Raines. Then there was a further delay while the White House awaited a report from the Civil Rights Commission on the housing situation.⁵² In December 1961, The Wall Street Journal reported that Kennedy had decided to put off signing the Order until the following summer. The report said:

The President has given in to the pressure of White House legislative lobbyists and Southern lawmakers who warned that issuing the order now would endanger the Kennedy Administration's foreign trade bill and other important legislation in the coming session of Congress.....If the President sticks to his decision the order is unlikely to be issued before the summer at the earliest and probably not until Congress has adjourned. That would, in theory, reduce the risk of Southern animosity to the President's legislative program.

and the report concluded:

But two Alabama Democrats, Senator Sparkman and Rep. Raines, the major sponsors of Democratic housing legislation in Congress, and other pro-Administration Southerners, argued that it would not work that way. They maintained that the Executive Order would leave lasting resentment that would cost the Administration votes it needs on important bills.⁵³

In January 1962, Kennedy told a press conference that he would issue the Order when he considered it to be in the public interest,⁵⁴ and, again in July, when he said, "I will announce it when we think it would be a useful and appropriate time."⁵⁵ Sorensen claims that the 1962 delay was attributable to the need for southern support on the HUD legislation and, when the bill had been defeated, a further delay was needed so that the signing of the Order would not be attributed to petty spite.⁵⁶ The Executive Order was eventually signed on 20th November and announced by Kennedy in a statement at a press conference .

52. See Sorensen, Kennedy, p.480

53. "Kennedy to Delay Executive Order Barring Discrimination in Federally Aided Housing", The Wall Street Journal, 26th December 1961.

54. Public Papers of the Presidents 1962, p.21.

55. Ibid., p.544

56. Sorensen, Kennedy, pp.481-2.

following a lengthy statement on the Cuban missile crisis.⁵⁷ Sorensen says that it was a deliberately low-keyed announcement so that it would be as little divisive as possible.⁵⁸

Almost all the published accounts of Kennedy's handling of civil rights policy take their cue from Sorensen and explain the delay in the signing of the housing order in terms of Kennedy's need to appease the southerners, but, whereas Sorensen sees the whole episode as a demonstration of Kennedy's political skill, others see it differently and less sympathetically. Henry Fairlie blames Kennedy for procrastination and tokenism;⁵⁹ Lewis Paper says the handling of the Executive Order "did not speak well of his success as a public educator,"⁶⁰ and Miroff, the most outspoken critic of Kennedy's handling of civil rights, puts it all in the context of a "pragmatic liberalism rooted in elite politics," - an approach which he unhesitatingly condemns.⁶¹

It is certainly true that the attitude of the southern Democrats was an important factor in terms of the Executive Order, as it was in many other policy areas, but it was not the only factor. There is now evidence to show that opposition to the signing of the Order was also generated by a number of liberal Democrats in Congress, particularly those with suburban areas within their districts. Lee White, who drafted the Executive Order, recalled:

It was not only the southern Democrats that were troublesome. There were a couple of other factors.....Certainly there was something to the fact that an awful lot of the key committee chairmen were from the southern states and districts. But an

57. See Public Papers of the Presidents 1962, pp.831-2.

58. Sorensen, Kennedy, p.482

59. See Henry Fairlie, The Kennedy Promise: The Politics of Expectation, New York, Doubleday, 1973, pp.250-1.

60. See Lewis J. Paper, The Promise and the Performance: The Leadership of John F. Kennedy, New York, Crown, 1975, p.243.

61. See Miroff, op.cit., Ch.6.

awful lot of people from northern states and districts had some terribly great reservations. For example, one of the areas that I do recall had to do with housing and the Executive Order. There were an awful lot of people running for re-election in 1962 who let it be known to the White House, through O'Brien, and said that if the President signs that Order, tell him he'd better plan on someone else representing my district besides me.⁶²

This account, curiously overlooked by Miroff, Paper and others, is supported by documentary evidence that shows that some liberal Democrats were exerting pressure to stop Kennedy signing the Executive Order before the November Congressional elections. This pressure appeared to be under way in August prior to the elections. On 11th September, Lawrence O'Brien told Lee White that Congresswoman Leonor Sullivan of Missouri and Congresswoman Martha Griffiths of Michigan were "vehement in opposing any Housing Order as they insist it would be devastating in their respective districts - Martha Griffiths further insists this would doom others in addition to herself in Michigan."⁶³ A few days later, O'Brien sent another memorandum to White which read:

Martha Griffiths interim report regarding Housing Order - worse than ever with her - Cong. Ryan (Mich - 14th C.D.) could be defeated - Cong Byron considers it a real problem - in her view will defeat Swainson.⁶⁴

Lee White had also received notice that Senator McNamara's staff thought the Order ought to be delayed until after the election, although the staff of the other Michigan Senator, Philip Hart, thought that the Order would be helpful in the election campaign.⁶⁵

Martha Griffiths was seriously disturbed by the possible electoral consequences of Kennedy's signing of the Order. She represented the 17th

62. Interview with Lee White.

63. Memorandum from Lawrence O'Brien to Lee White, 11th September 1962, Lee White Papers (Housing: Executive Order), John F. Kennedy Library.

64. Memorandum from Lawrence O'Brien to Lee White, 15th September 1962, Lee White Papers (Housing :Executive Order), John F. Kennedy Library.

65. Memorandum from Bill Welsh to Lee White, 4th October 1962, Lee White Papers (Housing:Executive Order), John F. Kennedy Library.

District of Michigan which included a suburban area of Detroit. She wrote to O'Brien on 18th September on the subject of the Executive Order and the letter is quoted here in full as an illustration of the dilemma in which some northern liberals found themselves and the consequent pressure they exerted on the White House.

September 18th 1962.

Dear Larry:

The Detroit Free Press, as usual, ran a timely and an excellent article in their Sunday issue on Housing Integration. Because I think it presents facts, not fancies, I enclose a copy which I hope you will read. Note-window breaking incident; non-speaking of neighbors; present high vacancy rate; plus support of the local government for integration.

Larry, there is not time enough left before the election for the white areas to understand the full implications of this order; throw the rocks and settle down.

Del Rio, the negro investor, mentioned in this article, has already been in the Redford Township area of my District attempting to buy property. The residents are extremely nervous. Most white people have resigned themselves to the fact of integration, but the suburbs of Detroit believe it will be years before it applies to their exact area. While the Detroit administration and the churches of Detroit are doing their utmost to explain this problem; the suburban areas of my District have Republican administrations. I do not wish to be unfair. It is possible that they would be most helpful; but it is not probable.

If such an order is to be issued, it should not be issued immediately preceding an election; because it will be interpreted as political and as an attempt to buy votes.

No Democratic Congressman, from suburbia, to whom I have talked, believed he is in danger of losing colored votes; but he does feel such an order could cost white votes.

In case the counsel of those seated less close to the fire than I am prevails, however, and I lose this election, would you mind asking the President if I can have the next Supreme Court vacancy, where I can legislate in safety far from the prejudices of the precincts.

Cordially,

Martha.

P.S. Maybe the order should be preceded by a little series of lectures on:

1. Beer parties will be held in the back yard. The front lawn is for grass.
2. Knifings will be confined to your immediate family.

3. Loud talk, television and horn blowing will cease at 11.00 p.m. and not be resumed until 8.00 a.m.⁰⁶

While it is not true that the views of Griffiths and those others reported above represented the position of all northern Democrats from metropolitan areas, they were significant enough to cause Kennedy to delay signing the Executive Order on housing until after the November elections. Kennedy's intention to delay signing until the HUD legislation had been dealt with, in order to placate the southerners, only partially explains the situation. The HUD bill and reorganization plan had been killed in Congress by mid-February. From then on the attitude of some northern liberal Democrats became a crucial factor. The Executive Order on housing does illustrate that Congress can affect Presidential strategy beyond the bounds of legislation and also that the nature of Congressional opposition, in this particular instance made Kennedy's task somewhat more complex than is generally recognized.

CONCLUSION

There is some evidence to suggest that Kennedy was beginning to make progress in overcoming Congressional obstruction to civil rights legislation. Both Schlesinger and O'Brien have testified that Kennedy adopted tactics that might have improved the chance of passage of the bill. Schlesinger has written:

On June 19th the administration proposed the most sweeping civil rights legislation in American history. In the next few months, President Kennedy and the Attorney General made the crucial political arrangements with the House Republicans to secure passage of the bill in the House of Representatives. Without deprecating President Johnson's deep and effective commitment to civil rights, one must note that such congressional leaders as Senators Mansfield and Dirksen and Representatives Albert and Halleck have all testified that the civil rights bill was on its way to certain enactment before President Kennedy was killed in Dallas.⁶⁷

66. Letter from Martha Griffiths to Lawrence O'Brien, Lee White Papers (Housing: Executive Order), John F. Kennedy Library.

67. Letter from Arthur M. Schlesinger Jr. in The Times, 17th March 1970.

O'Brien has explained this arrangement with the House Republican leadership in more detail. He claims that he recommended Kennedy to approach Charles Halleck, the Republican Minority Leader, to win Republican support to get the civil rights bill out of the House Judiciary Committee. The problem in the House was that some pro-civil rights members of the Judiciary Committee were advocating a stronger bill that would have been too controversial to win majority support on the floor of the House. They were being encouraged by those totally opposed to civil rights legislation in the hope that such a move would ensure defeat. Halleck was able to deliver enough Republican votes to have the administration bill reported out of the Judiciary Committee in late November, two days before Kennedy's assassination. O'Brien believed that bi-partisan support would ensure passage in the House and then put the onus squarely on the Senate. The hope was that this would force the hand of the Senate Judiciary Committee and Senator Eastland to act.⁶⁸

The approach to the Republicans by Kennedy represents a recognition of the position in Congress and the impossibility of overcoming the traditional obstructive devices employed by opponents of civil rights legislation. The realities of the situation in Congress forced Kennedy into a marked shift in his strategy on civil rights. He did sacrifice the moral leadership that he promised in the election campaign and he did play down some very specific commitments made shortly after his nomination as Democratic candidate. What has been argued here is that judgments about the rights and wrongs of such a strategy do need to be made in the light of several considerations, including the assumptions Kennedy made about possible Congressional reaction to his moves in this policy area. But it has not been the prime concern of this chapter to make any judgment, rather to examine the nature of Congressional opposition and test the validity of Kennedy's assumptions to provide a firmer foundation on which judgments might be made in the future.

68. See O'Brien, op.cit., pp.144-47. Halleck confirms this account in his Oral History Interview with the John F. Kennedy Library, pp.9-14.

Chapter X

KENNEDY, CONGRESS AND LEGISLATIVE LEADERSHIP

Conventional wisdom has established that John F. Kennedy's performance as a legislative leader was not particularly good. It points to his failure to get some of his legislation through Congress and, invariably, it compares him to his successor, Lyndon Johnson, whose legislative achievements provide a striking contrast to those of the Kennedy years. It is often argued that Kennedy was never a part of the establishment during his service in Congress and was thus unable to dominate those in positions of power on Capitol Hill. Furthermore, it is frequently said that he rarely made any attempt to rally public support for his domestic programme to create the necessary pressure to force legislators to go along with him. Some commentators are particularly scathing because of what they see as Kennedy's appeasement of southern conservative interests at the expense of his liberal campaign commitments. They criticise his consensus style of politics, his conventionality and his pragmatism. Henry Fairlie talks of "the illusions of consensus and the temptations of pragmatism" while Bruce Miroff entitles his study of the Kennedy years, "Pragmatic Illusions".¹

The origins of this conventional wisdom can be traced back to contemporary newspaper accounts of Kennedy's relations with Congress for, after an initial concern with the co-operation between the President and Capitol Hill, the press quickly began to focus on the tensions and conflict between the two branches. This was to be expected, partly because there is a time-lag between the inauguration of a new President and Congressional action on his legislative

1. See Henry Fairlie, The Kennedy Promise: The Politics of Expectation, New York, Doubleday, 1973, Ch.10 and Bruce Miroff, Pragmatic Illusions: The Presidential Politics of John F. Kennedy, New York, David McKay, 1976.

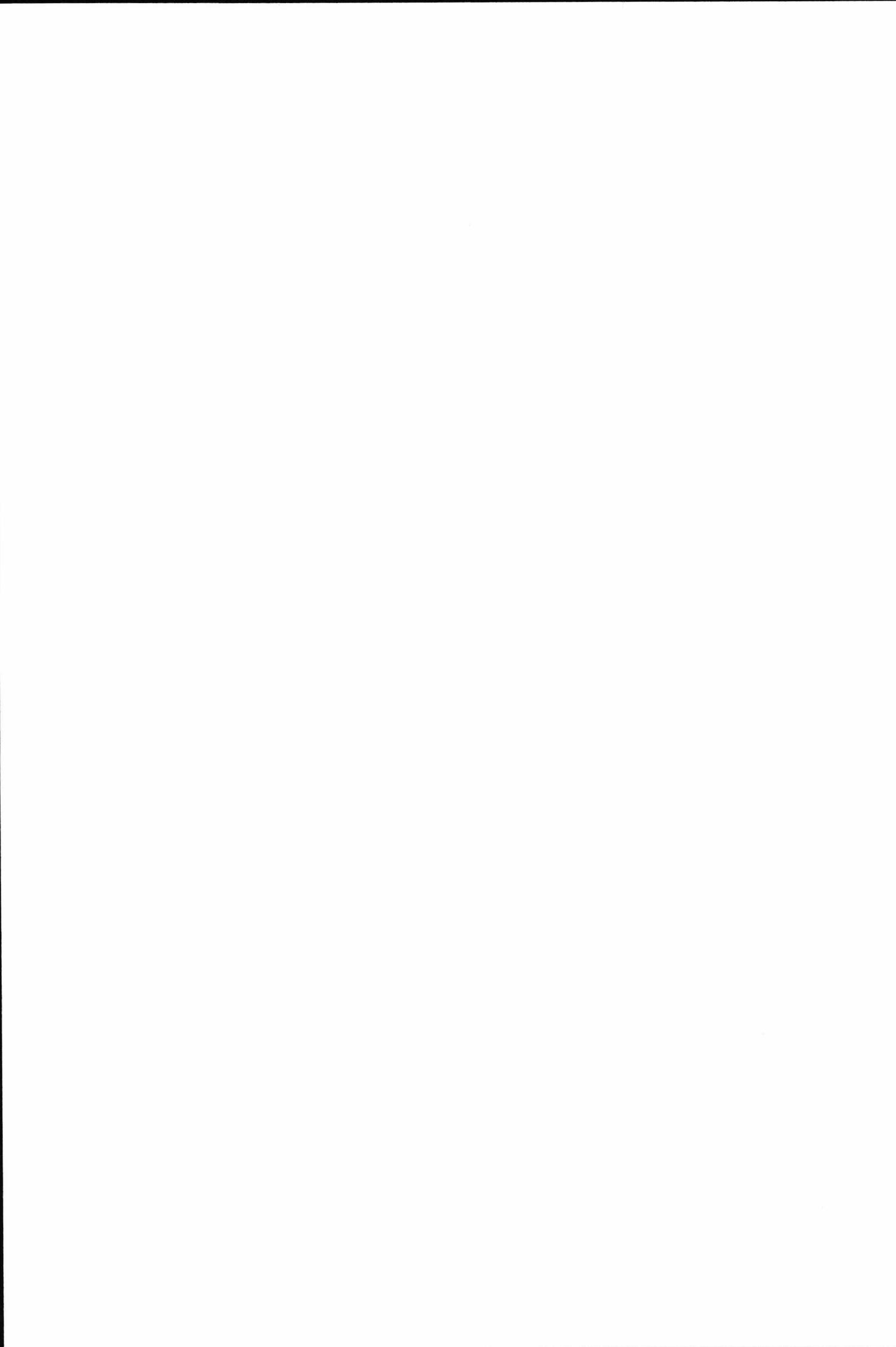
proposals and also because tension and conflict make better news than does co-operation. Soon after the Easter Congressional recess, the more critical articles began to appear. Russell Baker commenced a contribution entitled "Why Kennedy has Trouble on the Hill" with the statement, "First, of course, is the obvious reality that President Kennedy is in trouble with Congress."² Baker, Arthur Krock and Chalmers Roberts all pointed to the lack of widespread support for the Kennedy programme together with the more conservative position of the public as reflected in Congress.³ In May, the compromises on the minimum wage bill made Kennedy's 'southern strategy' apparent and provoked a number of articles and editorials. The defeat of the Farm bill at the end of June did not help Kennedy's reputation,⁴ and the eventual failure of the school aid legislation virtually set the seal on the historical record.

It is precisely because legislative success, in quantitative terms, has become the measure of Presidential legislative leadership, that Kennedy's achievement appears to be limited. A fairly inept piece of politicking by Theodore Sorensen helped to fix the image indelibly. On 12th September 1961, Robert Novak wrote an article for The Wall Street Journal entitled "Kennedy and Congress" with the sub-heading, "On Balance the New Frontier is Still Far From Opened". The article followed in the wake of the school aid defeat and was by far the most critical piece on Kennedy's leadership to have

2. New York Times Magazine, 16th April 1961.

3. See Arthur Krock, "First 100 Days", New York Times, 16th April 1961 and Chalmers M. Roberts, "Nation's Basic Conservatism Limits Kennedy's Program". The Washington Post, 17th April 1961.

4. During the last week of June, both the House and Senate Committees on Agriculture rejected the key provision of the Kennedy Farm bill for controlling farm prices and production. Press reporting of this defeat was fairly extensive and provided a useful contrast with the almost negligible coverage given to the passage of the Omnibus Housing Bill at the very same time.



appeared in the American press to date. It began:

The bountiful crop of New Frontier legislation sought by President Kennedy has turned out stunted. No matter how White House lieutenants may claim general satisfaction with the proceedings on Capitol Hill these past seven months, the actual scorecard of achievement is not one to bring joy to Mr. Kennedy.

Novak then asked "why this spotty record for a newly-elected President endowed with an overwhelming Democratic Congress?" and pointed to several factors such as the fiction of the Democratic majority, ineffective Congressional leadership and Kennedy's preoccupation with foreign affairs. Novak claimed that "jousting with Congress over domestic legislation has become more or less a spare time pursuit" for the President. He also thought the failure was partially attributable to Kennedy's refusal to fight for the legislation.

Novak wrote:

Concentration on the cold war has meant that Mr. Kennedy never even attempted to go over the heads of the lawmakers to win popular support for his discarded domestic proposals. Although his aides have spared no effort to switch key Congressional votes on special issues as they arose, the President has not sought the kind of change in political climate that might convert scores of Congressmen on scores of issues. Nor has he made any sustained effort to combat the anti-administration propaganda stemming from a nationwide conservative revival or the lobbying by special interest groups.

The article concluded on a pessimistic note. Novak thought that the record in 1962 could well be even less impressive than in 1961 and urged Kennedy to "make a broader effort to transform the overall Congressional climate if he is to avoid a legislative debacle."

In spite of one sentence in Novak's article which read, "Moreover, Mr. Kennedy's aides have perfected the art of dressing defeat in the clothing of victory", Sorensen reacted with some anger to the article and hastily arranged a press conference to present his version of the story. Neither press relations nor Congressional relations were within Sorensen's area of specialization and the incident provides a useful illustration of just how specialized White House staff responsibilities had become. Sorensen handled

the White House response to Novak in the worst possible manner and one result of his effort was to generate even greater ridicule of Kennedy's legislative record. Firstly, Sorensen invited selected journalists only and left out some important newspapers such as The Chicago Times and The Los Angeles Times. This caused great resentment among the press corps. Secondly, Sorensen proceeded to make some rather extravagant claims on behalf of Kennedy's legislative achievements. One journalist who was not admitted to Sorensen's session, but nevertheless obtained a fairly accurate account of what was said, wrote that Sorensen described Novak's article as the worst story of the year and handed out non-attributable statements claiming that Kennedy had far out-performed Roosevelt and Eisenhower in their initial encounters with Congress. Sorensen claimed that Kennedy recorded 33 "major legislative accomplishments" in the 1961 session, thus proving himself three times as persuasive as President Roosevelt who got only 11 major measures from Congress in 1933 and equally superior to President Eisenhower who obtained only 14 major bills when he started in 1953. What annoyed journalists particularly was that, among the 33 major legislative accomplishments, Sorensen listed the creation of the Cape Cod National Seashore.⁵

Novak's article was important because it firmly established what was to become the conventional wisdom about Kennedy's performance as a legislative

5. See Willard Edwards, "Voice of President Ghosts for Reporters", Chicago Tribune, 17th September 1961. Even O'Brien, who does his best to disguise the damage done by Sorensen, concludes that the reporters who attended were unimpressed, sceptical and resentful. See Lawrence O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate, New York, Doubleday, 1974, p.129. The accuracy of Edward's account is confirmed by an article by one reporter who accepted the Sorensen line. See Robert C. Albright, "Honeymoon Congress Ran Up Solid Record", The Washington Post, 24th September 1961. It also corresponded to a summary of legislative accomplishments inserted into the Congressional Record (15th September 1961, p.19771) by Carl Albert which, presumably originated from Sorensen. This, in turn, provided ammunition for an attack on the legislative record by the Republican National Committee.

leader. It was also significant in that it generated a reaction by Sorensen which managed to ensure that all further discussion of this aspect of Kennedy's Presidency would be in terms of wins and losses - a balance sheet approach to Presidential-Congressional relations. Almost without exception, the historical analysis has taken up from where contemporary press reporting left off. The Congressional barriers are presented as barriers which Kennedy could not overcome and did not attempt to overcome, and the quantity of legislation passed during these years serves as indisputable proof of Kennedy's limited legislative success.⁶ This is not to deny the legitimacy of such an approach, but rather to suggest that it leads to an incomplete and, in some case, a misleading understanding of the nature of Presidential-Congressional relations during the Kennedy administration. The balance sheet approach not only utilizes a crude measure of legislative leadership, it also fails to take into account precisely those sort of institutional innovations which have been described in the earlier part of this study. A second deficiency of much of the writing on the Kennedy period is the manner in which it deals with the nature of Congressional opposition. All too often it is explained in terms of the existence of the southern Democrats and their conservative political philosophy. This is true enough as far as it goes, but it is an explanation that needs further development. Finally, there is the question of Kennedy's leadership effort in this area. Many writers agree with Henry Fairlie that Kennedy's leadership skills, by which Fairlie means arousing public support for Presidential policy, were confined to the foreign affairs area and not employed to ensure passage of his domestic legislation in Congress.⁷ Criticism of Kennedy's supposed lack of effort is widespread, but alternative

6. One of the best examples is Lewis J. Paper, The Promise and the Performance: The Leadership of John F. Kennedy, New York, Crown, 1975, pp.275-77.

7. See Fairlie, op.cit., p.261.

strategies of action are rarely considered. The problem of what exactly Kennedy should have done to overcome Congressional opposition tends to be overlooked in the literature, and yet one feels that criticism of a particular course of action cannot be effectively sustained without some presentation of alternative courses of action. Each of these features, characteristic of much of the writing on Kennedy's relations with Congress, is considered separately in the context of the evidence and argument presented in this study in order to suggest that conventional wisdom is in need of some adjustment.

MEASURING PRESIDENTIAL LEADERSHIP

The Presidency is perhaps the one major area in the study of American government which was immune to the behavioural revolution in post-war American political science. The rigid emphasis on scientific method and quantitative techniques applied so extensively to the analysis of Congress, the Supreme Court, political parties, the electoral system and the electorate, does not feature in the literature of the Presidency.⁸ The assessment and measurement of Presidential leadership does, however, present very real methodological problems. In the area of Presidential-Congressional relations, the problems are somewhat more acute because political scientists and historians are prone to equate strong Presidential leadership with a high rate of legislative success and frequently use this as a yardstick in their general assessment and comparison of Presidents. Although this is an inevitable outcome of the changing role of the twentieth century American Presidency, the analysis of leadership, and particularly the tools of analysis, have not advanced accordingly. The problem is that a variety of different methods are employed to assess Presidential legislative leadership

8. I have argued this point elsewhere. See John Hart, "Presidential Power Revisited", Political Studies, Vol.XXV, No.1. March 1977, p.54.

of Congress and each may yield different results.⁹

Apart from a purely subjective assessment based on personal political preferences, the most popular index of Presidential legislative success has been the Box-Score calculated by Congressional Quarterly. Ironically, this is one of the few completely quantitative methods of measurement, even though the Presidency has not usually been subjected to quantitative analysis. The Box-Score compares the number of specific legislative requests submitted by the President with the number of those requests approved by Congress. The percentage of those approved thus becomes the Box-Score. Congressional Quarterly began computing scores at the commencement of Eisenhower's Presidency in 1953 and scores are available for each President until the end of 1974.¹⁰ Kennedy's Box-Score is shown in table 10.1.

Table 10.1. C.Q. Box-Score for President Kennedy 1961-63

Year	Specific Proposals	Approved by Congress	% Score
1961	355	172	48.4
1962	298	133	44.6
1963	401	109	27.2

The usefulness of a Box-Score is that it allows one to make a quantitative comparison between various Presidents and their success as legislative leaders, and many writers have done just this to indicate Kennedy's limited success. It also provides an absolute measurement for each President.

9. Ripley is the only writer to have given serious consideration to the problems of measuring legislative success, although he has done so from the point of view of Congress. Unfortunately, his contribution is rather inconclusive. See Randall B. Ripley, Majority Party Leadership in Congress, Boston, Little Brown, 1969, p.17.

10. Congressional Quarterly appear to have discontinued the Box-Score at the end of 1974. The CQ Almanacs for 1975 and 1976 do not report figures for those years.

Kennedy's score is worse than that of Eisenhower and much lower than that of Lyndon Johnson, but higher than Richard Nixon's.¹¹ The inadequacy of this method, however, is that it does not distinguish between major and minor specific legislative requests. It treats all proposals equally so that an important and controversial policy initiative and a routine request for the renewal of an expired law are weighted in exactly the same way. Neither is any allowance made in the calculations for the degree of difficulty in getting a bill through a particular Congress. The last two decades, for example, have seen a variety of different Congresses that have affected the passage of legislative proposals in different ways. This ranges from the "coat-tails Congress" of 1965 and 1966, which gave Lyndon Johnson virtually all he wanted, to the Democratic controlled 93rd Congress which nearly impeached a Republican President. Thus, the Box-Score is just a quantitative measure and necessarily limited in what it reveals about Presidential legislative leadership. Congressional Quarterly also computes a Presidential Support Score, which serves as another index of Presidential success. The Support Score measures stated Presidential policy positions and the percentage Congressional support on roll-calls for those positions.

Table 10.2. Average CQ Presidential Support Scores 1953-1976.¹²

President	Average Score	Highest	Lowest
Eisenhower	72.0	89.0	65.0
Kennedy	84.5	87.1	81.0
Johnson	82.5	93.0	75.0
Nixon	67.0	77.0	50.6
Ford	57.6	61.0	53.8

11. The average Box-Score for each President is Eisenhower (47.8%), Kennedy (40.6%), Johnson (57.2%) and Nixon (36.6%).

12. Based on the Presidential Support Scores in Congressional Quarterly Almanac, Washington D.C., Congressional Quarterly Inc., 1976, p.991.

This covers a wider area than specific legislative requests as represented in the Box-Score, but suffers from many of the same defects. In Kennedy's case, it also presents a very different picture for, of all Presidents since Eisenhower, Kennedy has the highest Support Score of all.(see table 10.2.), including a greater level of support than Lyndon Johnson. Of course, this quantitative measure is open to various interpretations. One could, for example, read Kennedy's high Support Score as a measure of his ability to persuade Congress, but, conversely, it could also be interpreted as a measure of Kennedy's compromising with Congress - his skill in accepting the Congressional position before making policy declarations. If one takes the more favourable interpretation, then there is the problem of reconciling the high Support Score with the low Box-Score.

The Congressional Quarterly indices show the limitations of a purely quantitative approach to the measurement of Presidential legislative leadership. The statistics are crude measures which need to be supported by qualitative analysis if any meaningful statements are to be made. Certainly, a mere restatement of the statistics by themselves, as Paper has done, is a simplistic and misleading piece of evidence.¹³ On their own, they explain very little and, particularly in Kennedy's case, do not allow an assessment of other aspects of the Presidential-Congressional relationship. The balance sheet approach to the measurement of legislative leadership has been refined by Congressional Quarterly to the point where its use restricts the range of analysis and enquiry.

This study is based on a broader perspective of Kennedy's performance as a legislative leader - a perspective which is not confined to wins and losses, yet neither is it purely subjective or impressionistic. Essentially, it has been concerned to answer three questions about Kennedy's achievements or failures as a legislative leader. Firstly, following the line of

13. See Paper, op.cit., p.275

enquiry advocated by Neustadt, what did the President do to assist his chances of legislative success?¹⁴ Secondly, what was the nature of Congressional support and opposition to the President's legislative proposals? Thirdly, what was the outcome of his principal legislative commitments? It is hoped that the answers to these questions will yield a more fruitful explanation of Presidential-Congressional relations and establish a wider perspective of analysis than has hitherto been the case.

The first question allows one to explore the institutional developments in Presidential-Congressional relations during the Kennedy years and particularly the use of the White House Office of Congressional Relations. This study has assumed that efforts to change the framework of that relationship merit serious attention and should be taken into account in any consideration of Presidential legislative leadership. The second question attempts to assess the Congressional situation and evaluate Presidential leadership in the light of the difficulties facing him. A President who deals with a compliant Congress, containing a large majority in his support, has a much easier task than does a President who has to bargain with an independent, obstructive Congress without an effective majority. This is self-evident and hardly needs stating, but is often forgotten in the literature of executive-legislative relations. If comparisons are to be made between Kennedy and Johnson or Kennedy and Roosevelt, then one must make an allowance for the strength or weakness of Congressional opposition to the President. The third question emphasizes the major legislative proposals of a President in an attempt to set a more realistic standard by which one

14. See Richard E. Neustadt, Presidential Power: The Politics of Leadership, New York, John Wiley, 1960, especially p.2. Neustadt argues that, in assessing Presidential leadership, "not action as an outcome but his impact on the outcome is the measure of the man.....His influence becomes the mark of leadership." Surprisingly, this is not one of the standards applied by Neustadt in his specific appraisal of President Kennedy. See "Kennedy in the Presidency: A Premature Appraisal", Political Science Quarterly, Vol.LXXIX No.3, September 1964. This premature appraisal eventually became the additional chapter in the 1968 edition of Presidential Power.

can evaluate legislative successes and failures. The approach adopted by Congressional Quarterly is over-simplified and indiscriminating. A purely quantitative approach yields little insight into the legislative process. For example, Eisenhower's Box-Score in his first year of office was 72.7%, higher than any other President has scored in any one year since, but Eisenhower only submitted 44 specific legislative proposals and none of them could properly be classified as major proposals. This study has sought to make a statement about Kennedy's legislative leadership on the basis of his major legislative commitments, rather than total legislative proposals. Clearly, Presidents attach varying importance to the legislative proposals which carry their name, but, by taking a sample of the priority commitments, one can make both a qualitative and a rough quantitative analysis in an area of uniform political importance. The difficulty comes in making a judgment on which areas of policy were considered to be the most important and, to some extent, the judgment is necessarily subjective. But, in Kennedy's case, the selection was not problematic. The six major legislative commitments studied in the previous two chapters; area redevelopment, minimum wage, housing, education, medicare and civil rights, all featured prominently in the Democratic platform and the election campaign. During the transition period Kennedy, himself, selected five of these as his priorities for the 87th Congress while the sixth, civil rights, was given equal emphasis and importance in the platform and the campaign, so justifying its inclusion here. No other single policy area was given quite the same weight by the President at the beginning of his term of office, and, therefore, the assumption has been made that these were the items that Kennedy initially wanted enacted above all else. They thus provide a reasonable yardstick by which one can measure his legislative achievement.

THE IMPACT OF CONGRESSIONAL LIAISON

In his earlier study of Presidential-Congressional relations, published in 1963, James MacGregor Burns distinguished between two types of leadership -

the Jeffersonian and the Madisonian. The thesis is well-known and need not be restated here, although it should be noted that Kennedy was then considered to be a President in the Madisonian tradition. Burns believed that Kennedy, rather than altering Presidential-Congressional relations, preferred to rely on the exploitation of existing Presidential authority, but that this was not enough to overcome the existing barriers to power.¹⁵ Burns claimed that Kennedy was a policy activist and liberal, but, at the same time, an institutional conservative.¹⁶ The prescription for ending the deadlock of democracy was seen to be the revitalization of the state parties, the recruitment of young, able, liberal candidates for Congressional elections and the reform of Congress. Kennedy's seeming inability to undertake this task was thus seen as a limiting factor in his leadership qualities. Two main criticisms may be made of Burns's thesis in the present context. Firstly, his programme of remedial action was more than one step removed from political reality and, secondly, it overlooked the significant developments that were being undertaken by Kennedy in the area of Presidential-Congressional relations. The second criticism was eventually recognized when Burns published his second book on this subject. After considering Kennedy's Presidency a little further, Burns conveniently came up with a third model of leadership - the Hamiltonian model of a vigorous executive working within the system of checks and balances.¹⁷ He wrote of Kennedy:

But the President was doing something else that was at least as important. He was showing what could be done with the federal government without reforming it. As Chief Executive and Chief of State he was leading the executive branch with such vigor and style and imagination that in a sense he was "tuning high" the whole national government, just as Alexander Hamilton had once done.¹⁸

15. See James MacGregor Burns, The Deadlock of Democracy: Four-Party Politics in America, Englewood Cliffs, Prentice-Hall, 1963, pp.309-311.

16. Ibid., p.321.

17. See James MacGregor Burns, Presidential Government: The Crucible of Leadership, Boston, Houghton Mifflin, 1965, p.28.

18. Ibid., p.x.

Part of the process of "tuning high" the whole national government was reflected in the development of Congressional liaison during the Kennedy administration. Earlier chapters have described how Congressional liaison was upgraded and given an unprecedented status and importance within the White House. The Office of Congressional Relations and the regular leadership meetings were at the centre of a concerted and systematic attempt to bridge the separate institutions and provide a unified party command over the legislative process. What is now needed is an assessment of the impact of these developments on the legislative process in order to determine how such innovations affect the level of co-operation or conflict between the two branches of government.

The immediate impact of the creation of such structures is the bridge it establishes between President and Congress in a system of government that is perhaps characterized by its lack of such linkages. The very fact that the leadership meetings brought together the party leaders in the House and Senate was considered to be of value. The meetings also provided the only formal and regular means of contact between the President and Congressional leadership and, although such contact existed during Eisenhower's period of office, Kennedy was the first activist President to utilize this particular structure to advance a large and controversial legislative programme in the name of the party he led. The limited evidence at least suggests that the meetings were genuine forums for meaningful deliberation, if not decision-making, in the field of domestic legislation and also for the consideration of wider issues. The leadership meetings do not ensure a form of collective responsibility and, indeed, on particular occasions, certain party leaders in Congress were at the head of the opposition to President Kennedy. However, they do serve as the only mechanism of united party leadership that American government has yet devised. In the context of the reform proposals considered in the first chapter, the leadership meetings appear to perform the same functions

as the often proposed executive-legislative council. Certainly, when the President and the Congressional leadership are of the same party, the leadership meetings do become an executive-legislative council and, like the proposed council, their success as an effective institution of government will depend to a large extent on the attitude of the President. Kennedy found these meetings to be of importance and value to the extent that they were written in as a permanent and regular part of his Presidential schedule. The leadership meetings ought also to be looked at from the point of view of a shared need by both the President and the leadership. Kennedy took office with an absence of demonstrated public support and mandate for his programme, yet the Congressional leadership looked to the head of their party to set the legislative agenda for Congress. At the outset, each depended on the other and neither the President nor the Congressional leadership had the necessary strength for the one to assert dominance over the other. The leadership meetings brought together not only different personnel, but also different needs.

The limitations of this degree of leadership co-ordination are not inherent in the structure itself, but rather in the way in which the Congressional leaders relate to the led. If a President decides to conduct his relations with Congress through the Congressional leadership, then his success will depend to a large extent on the influence which the leaders are able to exert over the rank-and-file Congressmen. The ability of the leaders to pass on the desires of the President and to ensure support for his legislative programme becomes crucial in the relationship and, for all the consideration given by political scientists to the improvement and reform of party government, this particular facet has been a neglected area.¹⁹

19. There is very little material on the party leaders in Congress which looks at their power and influence. Rather disappointingly, Peabody commences his major study of Congressional leadership by saying that questions about the leadership's ability to maximize votes on the floor and to implement party platforms are difficult to answer and could provide the basis for another book. He then proceeds to a study of leadership contests. See Robert Peabody, Leadership in Congress, Boston, Little Brown, 1976, pp.3-4.

Prior to Kennedy's election, Sam Rayburn and Lyndon Johnson dominated their respective chambers in Congress. Both were established figures who had built up a network of relationships and influence during their service on Capitol Hill. Johnson was removed from the Congressional leadership by his selection as Vice Presidential candidate and, within a year of Kennedy taking office, Rayburn died after a long illness. Thus, Kennedy was dealing with an inexperienced Congressional leadership and neither Mansfield in the Senate nor McCormack in the House were able to exert the degree of authority that their predecessors had possessed. Indeed, Mansfield very much rejected the Johnson style of leadership. Russell Baker brilliantly contrasted the differences in approach of Mansfield and Johnson in an article in The New York Times. He wrote:

Mr. Johnson tackled his problem with brilliance, ruthlessness, drive and charm. His Senate was a six-ring circus with Lyndon Johnson performing in every ring - pulling a last minute tie-breaking vote out of the Democratic cloakroom at midnight..... It was magnificent and dramatic, but it inevitably left scarred egos in a body where vanity is often more powerful than logic.

Mr. Mansfield, by contrast, operates with the sweet benignity of a shepherd watching his flock. Under the collective leadership he has devised, responsibility is farmed out to the committee chairmen who know the most about the bill in question. In Mr. Mansfield's words: "I'm not the leader, really. They don't do what I tell them. I do what they tell me."²⁰

This may point to an important weakness in the relationship that Kennedy established. Neither Mansfield nor McCormack had the degree of influence over the crucial block of southern Democrats that was vital to the success of the New Frontier programme, and neither did they attempt to dominate in the Rayburn-Johnson mould. Considering O'Donnell's account of Johnson's selection as Kennedy's running-mate, one might perhaps question Kennedy's wisdom in this respect. Kennedy may well have had a difficult task in getting Johnson to accept party leadership from the White House, but he

20. Russell Baker, "Senate Shows Hushed New Look", The New York Times, 17th July 1961.

might have also benefitted from the greater influence in the Senate that was, undoubtedly, one of Johnson's assets.

Kennedy did not, however, direct all his efforts at Congressional liaison through the leadership meetings. He built up the White House Office of Congressional Relations to operate at the very centre of the legislative process and the major innovations have been detailed at some length. The purpose here is not to summarize these developments, but to attempt to assess their impact on Presidential-Congressional relations. Such an impact can best be considered by examining the Congressional Relations Office in terms of its general intervention in the legislative process, its success or failure in influencing Congressional voting behaviour and, finally, its legacy for the future structure and organization of what is now frequently labelled "the institutionalized Presidency".

The obvious temptation is to judge the White House Office of Congressional Relations solely in terms of its vote-winning ability as lobbying on behalf of the President is regarded as its major purpose. But this would do an injustice to the complexity and range of its activity. Part of its impact was in its day-to-day work on Capitol Hill. For the first time, the departmental liaison staffs were co-ordinated under White House direction, giving an added emphasis to the importance of the President's legislative programme. At the very least, this reduced the risk of departments working with Congressmen and Congressional committees at cross purpose to the President's position. One must also look to the channel of communication established by the liaison staff through which Congressmen could make their views known. Legislators quickly realized that O'Brien's well-organized staff could convey their views, and ensure action if needed, within the White House primarily because of the importance which Kennedy attached to liaison work. But perhaps the significant impact of its day-to-day operations was the intelligence-gathering function performed by the liaison staff. They used a methodical and organized system of intelligence-gathering. The most visible sign of this

was the headcount leading up to a major vote and this enabled O'Brien to determine where the votes were, how significant the opposition was, and how best to devise tactics, strategies and decisions on timing in the light of what they had learnt. The Rules fight at the beginning of the 87th Congress was the best example of the impact of the headcount and one can fairly safely say that, had it not been for O'Brien's groundwork, the original date of the vote would not have been postponed and, in all probability, the Resolution to enlarge the membership of the Committee on Rules would have been lost instead of carried. This, in turn, would have had a profound effect on the outcome of many New Frontier legislative proposals. The decisive role of O'Brien was also specifically illustrated in two instances - the 1961 minimum wage bill and the 1963 Civil Rights Bill. In both cases, he made significant decisions about tactics and strategy and, although the Trade Expansion Act has not been dealt with in this study, O'Brien played a key role in the decision to go ahead with this legislation in 1962, instead of proposing an extension to the less controversial Reciprocal Trade Agreements Act which was due to expire that year.²¹ Thus, such activity on the part of the liaison staff ensures the President with a more efficient and more sensitive tool of legislative leadership than is otherwise the case.

Assessing the impact of the Congressional liaison staff on voting behaviour is much more problematic and complex. The only definitive statement could come from an analysis which isolated each causal factor in each Congressman's vote on a series of roll-calls, from which one might be able to derive a quantitative measure of impact. This is, of course, impossible. One cannot easily isolate the various pressures which may determine a vote in Congress. Few legislators would admit to being subject

21. Interview with Lee White.

to any form of pressure and members of the House of Representatives would not want to give the impression that any factor was more important than that of constituency. Indeed, even if a legislator did admit to all the factors that influenced his voting decision, then that would be at best a highly subjective assessment. A second problem would be that of identifying those legislators who were subject to White House pressure in the first place. The lobbying effort of the liaison staff is a marginal effort. They are not usually concerned with every legislator on every vote, but only with those who are wavering in their decision or those who might change their vote if subjected to pressure. Those legislators firmly committed one way or the other are rarely the target of White House lobbyists. Finally, there would be the difficulty of measuring the intangibles, such as a favour done in the past and its effect on a particular vote. The White House Office of Congressional Relations functions to create conditions favourable to the passage of the President's legislative programme and, thus, long term efforts would have to be taken into account in assessing impact.

Notwithstanding these problems, one can still make qualified statements about the impact of the liaison staff on voting behaviour in Congress. The very fact that they operate at the centre of the legislative process with such intensity, does suggest that the effort was worthwhile, otherwise one might reasonably presume that the level of activity would decline once it was perceived to pay little dividend. In fact, the reverse was the case and the White House Congressional Relations Office maintained its status and importance throughout the Democratic administrations of the 1960's. One can judge the impact of the liaison office through the isolated cases that are highlighted in memoirs, contemporary newspaper accounts and the documents of the period. For example, it is clear from the many accounts of the legislative history of medicare in the 87th Congress, that the White House failed to persuade Senator Randolph to support the Anderson amendment, yet it is equally clear, from documentary evidence, that the liaison staff were

successful in persuading Representative Victor Wickersham to vote for the area redevelopment and minimum wage bills in 1961 against the wishes of his constituency.²² Some other examples of individual legislators who were influenced by the liaison staff were mentioned earlier, but one cannot go much further in this direction at the present time precisely because the necessary documentary evidence is still unavailable. When O'Brien's papers are released it might also be possible to measure the impact of the liaison staff by comparing initial headcount reports to the actual vote, which would then provide some indication of the effectiveness of the White House lobby in switching votes. For example, O'Brien's headcount on the House Rules fight five days prior to the vote revealed that the Resolution would be defeated by seven votes, yet, when the vote was held, the Resolution was carried by a five-vote margin. Assuming O'Brien's original headcount was correct, and there is no evidence to suggest otherwise, then one might reasonably attribute the six switched votes to the efforts of O'Brien and his team in this particular instance. Other measures of the impact of the liaison team might be seen in the comparison of votes on Kennedy legislation with those on similar or identical bills in previous Congresses. For example, Congressional opposition to area redevelopment was considerably reduced under Kennedy's administration. In both the House and Senate, the 1961 vote shows significantly more support for the legislation than did the 1959 vote. One cannot isolate the White House lobbying effort as the sole cause of this change, but it is difficult to point to any other factors that might have accounted for it. The only significant variable was the changed composition of the House and Senate as a result of the 1960 election and, if this had had any effect, it was more likely to be in the direction of increased, rather than decreased opposition.

22. See letter from Victor Wickersham to Lawrence O'Brien, 27th March 1961, John F. Kennedy Papers (White House Central Files, LE Box 467), John F. Kennedy Library.

Therefore, if one asks whether the White House liaison staff were able to influence Congressional voting behaviour during the Kennedy administration, the answer is yes. But this must be qualified. Although O'Brien and his staff did succeed in winning votes for Kennedy's legislative programme, they failed to do so on other occasions. Furthermore, they may have been able to win votes on a particular roll-call, but not enough to ensure victory. A one-vote switch on the Kitchin-Ayres amendment to the minimum wage bill would have been enough to ensure its defeat and register a legislative victory for President Kennedy, but the White House failed to get that one vote. Perhaps the more important question will be under what conditions is White House lobbying successful and whether there is any pattern to its successes and failures, but speculation at this point is premature and one will, at least, have to await the contents of O'Brien's papers before any hypothesis can be put forward.

That each successive President since Kennedy has maintained a White House Office of Congressional Relations is a mark of the impact of the developments that took place during the Kennedy period. Johnson maintained the same structure and same personnel after Kennedy's death and both Nixon and Ford had an even larger number of White House staff working on Congressional liaison than did Kennedy. A specialized Congressional relations staff has now become an established part of the institutionalized Presidency and President Carter began with a Congressional liaison staff of twelve and a promise to add a further four more.²³ It is now expected that a new President will appoint a member of his staff to manage Congressional liaison just as he appoints staff to other traditional posts like Press Secretary or National Security Assistant. Yet, when Kennedy took office, one advisor

23. See Congressional Quarterly Weekly Report, 26th February 1977, p.362.

said there was no need for such a position within the White House and another was somewhat cautious in what he recommended with respect to O'Brien's position. In this sense, the innovation has now become institutionalized, but Congressional liaison functioned very differently under the Republican administrations of Nixon and Ford. It was different primarily because the opposition party had control of Congress. It was not utilized as an arm of the Presidency to create conditions for legislative victories and the Nixon Congressional liaison efforts had more in common with those of Eisenhower than Kennedy. The large staff did not reflect the same intensity of activity that had characterized the Kennedy years. In fact, Nixon was critical of his liaison staff operating on Capitol Hill. His idea was that the White House staff should oversee the work of the departmental liaison staff from the White House and that departmental staff operations would suffice.²⁴ Much of Ford's liaison activity was directed towards prevention rather than passage of legislation and often the active solicitation of votes was to help sustain a Presidential veto. The Democratic control of Congress during the Nixon and Ford years affected the impact of Congressional liaison in a number of ways and the attitude of both Presidents towards legislative leadership made comparison with the Kennedy and Johnson experience somewhat irrelevant. Carter's deployment of White House staff in the area of Congressional liaison will make the longer term impacts of the Kennedy developments more apparent as, once again, the same party controls both branches of government. It is, however, far too early to draw any conclusions from the Carter experience to date.

LEGISLATIVE PROPOSALS AND LEGISLATIVE OPPOSITION

The legislative case histories examined in the previous two chapters do not, of course, represent the sum total of Kennedy's proposals during his

24. Interview with William Timmons.

two years and ten months in office, but are meant to provide a fair sample of how his major, as opposed to total, legislative proposals were treated by Congress and to indicate the nature of Congressional support and opposition that he encountered. There were some important legislative victories and defeats which have not been mentioned. The passage of the Trade Expansion Act and the Tax Revision Act in 1962 were considered to be important achievements, whereas defeats on the farm and foreign aid bills were regarded as serious setbacks. Nevertheless, the implications drawn from the six policy areas selected here provide enough scope for the analysis of Kennedy's performance as a legislative leader.

The record is a mixed one. Three of the priority measures; area redevelopment, minimum wage and the housing bill, were passed by Congress, but, medicare, aid-to-education and the bill establishing a Housing and Urban Department were defeated. The civil rights bill had cleared the first of several important hurdles just two days before Kennedy's death. Whether this amounts to a legislative failure is questionable and one cannot avoid taking into account the history of the defeated bills under Lyndon Johnson. It is a moot point whether medicare, civil rights, aid-to-education and HUD would have eventually been passed under a Kennedy Presidency and, hence, the argument will always be inconclusive.

Common to the fate of all Kennedy's legislative proposals was the attitude of the southern Democrats and the potential voting alliance with the majority of Republicans to defeat the Kennedy legislation. The conservative coalition failed to appear on the area redevelopment and housing bills, but did appear in the House on the minimum wage bill, in the Senate on medicare and in both House and Senate to defeat the proposed Housing and Urban Affairs Department. The very appearance of the conservative coalition did not necessarily mean the defeat of Presidential legislation, as the minimum wage bill shows, but its appearance in both chambers usually ensured a defeat. Thus, the southern defection from the national Democratic platform was the key to Kennedy's

problems with Congress. But it is not enough to explain Congressional opposition solely in terms of the lack of Kennedy supporters within his own party, for often it was the combination of southern Democratic opposition with other factors that brought about the defeat of a Kennedy proposal. The best example is the aid-to-education legislation in the House of Representatives. Here the bill was killed by southern Democratic opposition located within the Committee on Rules, aided by Catholic opposition also within the Committee on Rules and led by a Catholic Majority Leader. Traditional north-south, liberal-conservative cleavages within the Democratic party were compounded by the unavoidable superimposition of the religious issue and thus prevented the bill reaching the floor of the House. Similarly, one can look at the treatment of the medicare and HUD legislation in the Senate. In both cases, a majority of southern Democrats were opposed, but their traditional opposition was strengthened by other factors. The vote on the HUD bill had little to do with housing or urban affairs. Weaver's nomination injected the racial issue into the debate and Mansfield's move to discharge the bill from the committee and bring it to a vote on the floor of the Senate was interpreted as an attack on the committee and seniority system. The racial issue was also the reason why the House Rules Committee prevented the HUD bill going to the floor of the House. Medicare had been blocked in both the Senate and the House by southern Democrats who had key positions on the relevant committees, and neither the Senate Finance nor the House Ways and Means Committees even considered the bill after hearings had been held. Thus, when medicare was considered by the Senate as a whole in 1962, it came to the floor as an amendment to a House passed bill, by-passing the Senate Finance Committee. The issue again was more than just medicare. Southern dominance in the Senate Judiciary Committee was also the reason why the Senate was prevented from considering any civil rights bill during Kennedy's Presidency.

Sundquist has argued forcefully that the "failure of Congress to enact

the Kennedy program is chargeable to the simple fact that the voters who elected Kennedy did not send to Congress enough supporters of his program."²⁵ He claimed that Kennedy's troubles stemmed neither from deficiencies in Presidential leadership nor Congressional opposition, but the failure of the 1960 election to resolve the partisan conflict between the executive and legislative branches.²⁶ To a large extent this is true, but such a statement does hide some of the more complex facets of opposition that Kennedy encountered. The southern power within committees to prevent legislation reaching the floor of the House or Senate does need to be taken into account together with the complexity of the issues that accompanied certain areas of legislation.

The institutional blocks were particularly important in the House where each of the bills that failed were killed in committee; medicare in Ways and Means and HUD and aid-to-education in the Rules Committee despite its enlargement. It is sometimes argued that such committee behaviour only reflects the attitudes of the House and Senate as a whole and, even if the committees had released these bills, they would have been defeated on the floor.²⁷ One can only speculate, but what ought to be considered was that Kennedy had established the machinery, in the form of the Congressional liaison staff, to assist his chances of persuading legislators to support his legislation. Such structural innovations within the institutionalized Presidency may well change attitudes on the floor of the House or Senate, but it was not designed to overcome long-standing, traditional, procedural barriers in Congress. The one exception was the enlargement of the Rules Committee, but this had not been initiated by the White House, even though

25. See James L. Sundquist, Politics and Policy: The Eisenhower, Kennedy and Johnson Years, Washington D.C., The Brookings Institution, 1968, p.478.

26. Ibid., p.480.

27. Sundquist is one of many who argue this line. See ibid., p.478

Kennedy's staff was instrumental in ensuring success for Speaker Rayburn.

Although the sample of legislative proposals in this study shows, in quantitative terms, that Kennedy's record is mid-way between success and failure, the purpose has been to point to the nature of opposition to the programme rather than the outcome of the programme judged in terms of victories and defeats. The opposition as revealed in the sample case-studies was characterized by the potential and actual threat of the southern Democrats and the use by this group of procedural devices to prevent majority consideration of the legislation. This was coupled with the appearance of more than usually complex issues and patterns of cleavages resulting from them. It does suggest that an examination of the legislative record on an issue-by-issue basis might be a more revealing mode of analysis than a generalization about the final score of victories and defeats.

One can, however, make some comment about the crucial position of the southern Democrats. Not all voted against the Kennedy programme consistently. Indeed, the Kennedy liaison team made significant inroads into the strength of the conservative coalition such that the percentage of conservative coalition victories reaches its lowest point in a twenty-five year period during Kennedy's term of office.²⁸ Nevertheless, many of the southern Democrats were an anathema to their party. They had no ideological sympathy with the national Democratic programme, refused to support the party platform, and, consequently, opposed the New Frontier legislative programme of President Kennedy which was directly derived from the 1960 platform. In many cases, allegiance to the Democratic party was attributable to the power afforded by the seniority system in Congress and little else. There was consistent and distinct difference between the voting behaviour of the southern and the non-southern Democrats during the Kennedy years and this is well illustrated by data taken from roll-call voting in the first session of the 87th Congress.

28. See Congressional Quarterly Almanac, Vol. XXXII, Washington D.C., Congressional Quarterly Inc., 1976, p.10008.

Froman has compiled the average scores for three groups of legislators on three series of roll-calls calculated from Congressional Quarterly data (see table 10.3). He compares the average voting behaviour of northern Democrats, southern Democrats and northern Republicans in terms of their support for Kennedy's position on foreign policy, domestic policy and on the larger-federal-role. (This measures Congressional support on issues which would increase the federal government role in various aspects of economic and social life). The table shows the southern Democrats consistently behind

Table 10.3. Average Regional Voting Patterns in 87th Congress 1st Session.²⁹

Region & Party	Kennedy Domestic Support %	Kennedy Foreign Support %	Larger Federal Role %
Northern Democrats	83.8	83.9	92.7
Southern Democrats	56.9	57.2	56.4
Northern Republicans	34.4	53.3	17.3

northern Democratic levels of support, but nearer to the northern Democrats than were the Republicans. This latter point might possibly indicate further justification for Kennedy's strategy of seeking southern Democratic support, rather than bipartisan support from the Republicans.

Kennedy was faced with a group of southern Democrats that represented not their party, but their sectional interests. Furthermore, they wielded power out of proportion to their numerical strength in Congress and to the population they represented as a percentage of the population at large. They had a disproportionate share of committee chairmanships,³⁰ and were over-

29. See Lewis A. Froman Jr., Congressmen and their Constituencies, Chicago, Rand McNally, 1963, p.91.

30. See Randall B. Ripley, Congress: Process and Policy, New York, W.W. Norton, 1975, p.100.

represented in Congress. In the Senate, the overrepresentation is built in because of the allocation of seats on a geographical rather than population basis, but, in the House, the southern Democratic overrepresentation was at its peak. Kennedy suffered because of the malapportioned and mal-districted Congressional seats that gave an unfair advantage to conservative rural interests. The nature of Congressional representation was beginning to change during Kennedy's term of office as a result of the Supreme Court decisions in Baker v. Carr (1962), Wesberry v. Sanders (1964) and Reynolds v. Sims (1964). The overrepresentation, certainly of some southern states, began to show up in the 1960 census. As a result, the south lost five Congressional seats; one in Alabama, two in Arkansas and one each in Mississippi and North Carolina. Florida picked up four seats and Texas one, but the Florida increase is accounted for by the large influx of northerners into that state during the previous decade. However, the effects of the 1960 census, which were first apparent in the 88th Congress, were not as important as the Wesberry decision when the Supreme Court held that Congressional districts must be as equal in population as practicable. The ensuing redistricting changed southern politics. As a result, the south has become more representative and Congressional districts more competitive. One indication of this is the increase in southern Republican Congressmen. When Kennedy took office, there were only seven Republicans from the eleven southern states, but the number increased steadily over the decade and thirty-three were elected to the House in 1972.³¹ This must be coupled with other factors that were also beginning to change the nature of representation in Congress. Democratic primary contests were contested more frequently in the south as the decade progressed; turnover of membership of the House increased significantly for various reasons during this period, voter registration increased dramatically in the south as a

31. See Thomas P. Murphy, The New Politics Congress, Lexington, D.C. Heath, 1974, p.23.

result of the Voting Rights Act of 1965 and, by the end of the 1960's, one was beginning to witness the beginning of the break-up of the southern stranglehold on Congressional committees, culminating in the removal of three southern House committee chairmen by the Democratic caucus in 1974. Kennedy's legislative misfortune was that he occupied the White House at the beginning of a significant transition in Congressional politics, and particularly in southern Congressional politics, yet he did not remain in the Presidency long enough to experience the benefits of these changes. In a sense, his encounter with the southern Democrats was unfortunate.

The conflict between Kennedy and Congress was not simply a conflict of ideas and attitudes. Critics would be correct, if this were the case, in assuming that a President might overcome this opposition by vigorous public leadership on behalf of his policy. But the conflict and the opposition was deep-rooted, almost systemic and the public appeal alone would not necessarily overcome the barriers. Kennedy did choose to conduct his relations with Congress without going over its head to create widespread public support for his proposals and many critics see this as his major weakness as a legislative leader. However, they presuppose that a campaign of this type always works. They believe that the 'fireside chat' in the style of Franklin Roosevelt automatically generates public support, but Kennedy was not the President during a period of domestic crises and there was not the same urgency about the New Frontier as there was about the New Deal. As Cornwell notes, "short of an overriding crisis, Presidents need more than publicity techniques to overcome the enormous frictions in the American political system."³² Kennedy once tried to appeal to the public over the heads of its representatives in Congress in connection with his medicare proposals, but it had little effect. As stated at the beginning of this study, there are two Presidencies in American government and what

32. See Elmer E. Cornwell Jr., Presidential Leadership of Public Opinion, Bloomington, Indiana University Press, 1965, p.297.

necessarily works for the President in the foreign affairs arena does not always do so in the field of domestic affairs.

PRESIDENTIAL LEGISLATIVE LEADERSHIP

It has been argued that the many accounts of Presidential-Congressional relations during the Kennedy years have perhaps over-emphasized the conflict between the two branches and given little attention to the level of co-operation that existed. This study has sought to redress the imbalance and present a different perspective on the relationship between Kennedy and Congress. In assessing Kennedy as a legislative leader, considerable attention has been given to his attempts to enhance his chances of legislative success by establishing structures within his Presidency that would help to breakdown barriers where possible and create the conditions for successful passage of his legislative programme. A second factor in the assessment of Kennedy as a legislative leader was the nature of the opposition he encountered in Congress. Kennedy's relations with Congress were very much conditioned by this opposition and his legislative strategy was essentially pragmatic and realistic. One might argue about the political desirability of such a strategy, but the indications are that Kennedy had some justification for adopting the approach that he did and that the strategy was working. Thirdly, the study has looked closely at the outcome of Kennedy's major legislative proposals and noted the successes and failures. The boundary between legislative success and legislative failure is by no means a definitive one, but, on the basis of the sample presented here, it would not be accurate to describe the record as one of failure.

Kennedy was elected to the Presidency by a narrow margin of votes and without a clear mandate for his programme. His party had lost seats in Congress and was divided philosophically to the extent that Kennedy could never be sure of an effective majority. He did not take office at a time of war or domestic economic crisis, yet was committed to a large legislative

programme and an activist Presidency. Such conditions impose limitations on Presidential legislative leadership and there seems to be little value in analysing Kennedy's leadership as if he was operating under the same circumstances as Franklin Roosevelt. The conditions were very different. Crisis, itself, affords a President great power over Congress as do large Congressional majorities. In the absence of such circumstances, the dimensions of Presidential-Congressional relations begin to change and Kennedy's relations with Congress illustrate the realistic limitations of Presidential leadership under normal conditions. Many of the obstructions encountered by Kennedy are no longer present in Congress, but future Presidents, especially after Watergate, might well come up against barriers of a different kind. Experiences like Watergate do have some effect on the perspectives adopted by political scientists, historians and other commentators on the workings of government and, perhaps, writers might look back to the beginnings of the 1960's and ask not why did Kennedy's legislative programme fail to get through Congress, but, rather why did he manage to get so much of his programme passed. The dimension of co-operation raises different questions and a different kind of analysis.

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