The Contemporary Presidency: Managing White House-Congressional Relations: Observations from Inside the Process

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This article examines the relationship between the president and Congress. Using the authors’ experience working for Congress and for the Bush and Clinton White House Offices of Legislative Affairs, the article suggests several additional factors that should be added to an explanation of the relations between the president and Congress. These include the importance of reciprocity between the president and members of Congress, the dynamic nature of political trade-offs between the two branches, and the impact of the kind of policy being considered in the strategy used by the White House and the Hill. The article is critical of assessing presidential success by simply using roll call votes, vetoes sustained, or presidential support scores. It is suggested that the president’s Office of Legislative Affairs does not find these measures useful in keeping track of success and failure and often measures success by what is kept off the legislative agenda.

The complex dance between the president and Congress is perhaps one of the most misunderstood relationships in American government. Translating citizen preference into law and policy is at the very core of American representative democracy. The interaction between the White House and Capitol Hill is where much of this “translating” occurs. However, rivalry between the president and Congress fundamentally affects the linkage between voters and government. A variety of factors, such as our constitutional design, a variety of constituencies, varying terms of office, weak political parties, divided party control of gov-
ernment, pluralism, and political individualism have a direct impact on the capacity of a president to work with Congress (Thurber 1991, 1996b).

We attempt to improve the understanding of executive-legislative working relationships by suggesting alternative ways to analyze the conduct between these two institutions by combining our firsthand experiences while working on the staffs of Presidents Bush and Clinton and as longtime academic observers of the rivalry.

Much of the research to date, as well as conventional wisdom among reporters and pundits, suffers from a common flaw: analyzing the relationship between Congress and the president, principally from the standpoint of the president (Peterson [1990] and Collier [1997] make similar arguments). This is not surprising since most who study executive-legislative relations are presidential scholars (Laski 1940; Corwin 1957; Rossiter 1960; Burns 1963, 1973; Cronin 1980; Neustadt 1980; Bond, Fleisher, and Kurtz 1996). Peterson (1990) calls this approach “presidency centered” (see Pfiffner [1996] and Thurber [1991, 1996a, 1996b] for balance of presidential and congressional viewpoints on the relationship). Most of the existing literature assumes the president is the central actor in the congressional arena. Whether he “wins” or “loses” is often central to this approach. This model also shapes how the press and the public think about the role of the president and Congress. The public often assumes that when a new president gets elected he has a policy mandate that should automatically move through Congress. Success or failure then hinges on how much and how quickly he moves his proposed legislation through the lawmaking process.

Despite a recognition by scholars that the president and Congress are “separate institutions sharing power” (Neustadt 1980) with a constitutionally and politically built-in rivalry (Thurber 1995, 1996b) or that a “tandem institution” perspective is more complete than a “presidency-centered” approach (Peterson 1990), many contend that the true test for a “successful” or “influential” president is how much legislation he can push through Capitol Hill within the first one hundred days. Our White House experience differs from this measure of success.

We will present three aspects of the president’s interactions with Congress that, if incorporated into analysts’ thinking about this subject, will enhance our understanding of the relationship. First, we suggest that the “reciprocal influence relationship” between the White House and Congress merits more attention. Second, we highlight the lack of appreciation for the trade-offs involved in managing relations with Congress contained in much of the scholarly and popular writing on the subject. Third, analysts devote too much time assessing outputs such as roll call votes, vetoes sustained, or presidential support scores in measuring presidential influence on Capitol Hill, rather than other measures of success. Developing a more complete understanding of White House-congressional affairs requires an equal amount of focus on “inputs” (consultation, building trust, eliminating items on the agenda, as well as varying strategies based on the type of policy under consideration) and institutional variables (lobbying the House versus the Senate and dealing with varying conditions of party control) (see Thurber 1996a on impact of policy type on the relationship). We discuss these elements and link them to several “real-world” examples based on our experiences inside the White House during the Bush and Clinton presidencies.
Reciprocal Influences and Coequal Branches

To better understand presidential-legislative interaction, it is necessary to acknowledge the reciprocal pressures and influences between the coequal branches. Our collective practical and academic experience affirms the framework advanced by scholars who view the president and Congress as “separate institutions sharing power” (Neustadt 1980) and “tandem institutions” (Peterson 1990). But this characterization should be taken a step further. The relationship that exists between the president and Congress is one of “reciprocal influences.” Congress tries to influence the president as much as the White House tries to persuade Congress. The degree and direction of recursive pressure and the type of policy being considered can vary over time. Occasionally, the White House takes the offensive: other times it is Congress that roars back. From time to time each wishes institutional solitude, while at other times the two must interact. Influence and success at either end of Pennsylvania Avenue varies according to the set of issues and policies under consideration.

Throughout our tenure at the White House, lawmakers and their staff regularly sought to garner White House support, intervention, and involvement on a host of policies, ranging from very particular issues to broad legislative proposals. Rarely were such issues raised in the context of overt exchange for supporting presidential initiatives. In most cases, lawmakers sought to influence the president or the administration with varying degrees of success, something many scholars and the media collectively ignore. Few focus on the level of “success” that individual members of Congress enjoy in promoting their agenda with the president.

During the Bush and Clinton administrations there were numerous instances in which senators and representatives lobbied the White House to change the administration’s position on legislation. Lawmakers trying to promote their projects and legislation frequently put matters on the president’s “radar screen” for the first time—and it usually worked. Congressional leadership, committee chairs, or ranking minority members had special power lobbying the president because of their leadership positions.

Sometimes some of the most intense lobbying between the White House and Congress took place in the final stages of the legislative process. During House and Senate floor deliberations of legislation moving toward final passage, members of Congress often lobbied the president to accept certain amendments or to agree to changes in a conference committee. Moreover, it was usual for lawmakers to lobby the administration early in the legislative process. Well before President Bush unveiled his Clean Air Act Amendments of 1990, many senators and representatives from both parties persuaded the White House to include or exclude provisions to benefit their state or district. They had battled with each other for twelve years over the Clean Air Act (CAA) of 1990 before President Bush brought the issue to the breast of the presidency and forced his solution on the Hill. His solution included many provisions that had long been pushed on the president by members of Congress. Sometimes the White House welcomes member lobbying, because if they can accommodate members’ concerns and interests, they then have a built-in base of congressional support when legislation is ultimately moving on the Hill, as with the 1990 CAA.
If President Clinton had employed a more inclusive approach during the formulation and deliberation of his comprehensive health care reform, he might have been more successful. As First Lady Hillary Rodham Clinton and Ira Magaziner crafted their proposal, congressional input was very selective (and secretive) and in many cases was nonexistent. Consequently, when the Clinton plan was finally submitted to Congress, there was little built-in congressional interest in its success. While lobbying teams both inside and outside the White House worked hard to build a broad-based coalition among members, building Capitol Hill support was difficult. When the bill mustered controversy, existing support waned and attempts to construct a winnable majority became almost impossible. Admittedly, several factors led to the demise of this legislation, but the White House’s failure to maximize its lobbying efforts by enlisting legislative support at the earliest phase of the policy-making process was certainly among the most serious of them.

Congressional lobbying manifests itself at all stages of the legislative process. This side of the policy-making equation is readily apparent to observers and participants closest to the process. It is also an aspect of executive-legislative relations that infrequently receives much attention in either scholarly or journalistic writing. A more appropriate framework for analyzing this relationship between Congress and the president must incorporate the existence and power of a “congressional agenda” in addition to a president’s program. Recognizing this reciprocity and understanding the dynamic attempts at influence is a key to fully understand the policy-making process.

Trade-Offs, Trade-Offs Everyone

Designing a legislative road map to success would be much less daunting if powerful presidents only had to build winning coalitions. Unfortunately, most presidential actions cause reactions in peculiar places, in the world of trade-offs. Winning in one arena may cause a major loss in another. Presidents Bush and Clinton, for example, faced divided party government conditions during most—or in the case of Bush, throughout—their administrations. Each could have offered legislation aimed at the median legislators’ policy position and bargained or offered other inducements to win a simple majority. Yet, that model was unrealistic because of the trade-offs facing both presidents. The most obvious example of this is the trade-off between forging majority coalitions and party building and winning elections.

This was a constant struggle for President Bush and his team. Throughout his administration, legislation such as the Clean Air Act Amendments, the Savings and Loan Recapitalization Act, and “fast-track” trade legislation required bipartisan support from Democratic Party committee chairs and rank-and-file members to generate majority support for his policies. Bush’s own party members often met discussions with the Democratic Party leadership with apprehension and suspicion. The White House’s task during these exercises was to balance the needs of the president’s party members for consultation and attention with the demands of the majority to compromise and move legislation forward. Although President Bush could have negotiated with Democratic Party members in furthering his legislative agenda, the need to build and promote his own party’s particular policies and preferences
were limiting factors. President Clinton faced similar trade-offs during the last six years of his administration, confronting a Republican majority in Congress.

Trade-off problems for a president are not isolated to his own party, however. The trade-off issue faced the Bush administration when he advocated legislation that was more ideologically conservative and attempted to build coalitions with the more moderate Republicans and conservative Southern Democrats. The White House targeted many U.S. House districts represented by conservative Democrats as the best places to pick up additional seats. On several occasions during the height of a White House lobbying push on legislation, conservative Democrats routinely noted to presidential aides as represented in the following quote from one House member:

I’ll consider voting with you on this bill, but you need to talk to (an administration political representative) and tell him that he can’t come down to my district and campaign against me this weekend. You guys have got to understand that you can’t ask me for my vote today and then try to beat my brains in politically tomorrow.

The White House must face the trade-offs inherent in building coalitions with an ideologically diverse set of lawmakers—whether they are from the president’s party or the opposition. Our collective experience suggests that both political parties include members who represent a broad set of political ideologies. The size of the diversity within each party can also vary from issue to issue. Constructing legislation that garners 218 votes in the House or 60 (assuming a filibuster) votes in the Senate, given the ideologically diverse makeup of Congress, is a formidable political task requiring adroitly manageable trade-offs.

The Bush administration referred to this problem or challenge as “Rubik’s Cube” politics—sometimes agreeing to provisions that align all the colors on one side of the block only to misalign colors on the other side. This challenging trade-off is common to any White House dealing with Congress. For example, President Clinton’s agreement to increase funding levels to win the votes from his own party for an appropriations bill would often have the effect of triggering opposition from fiscal conservatives. Reducing funding to appease conservatives would mean losing the votes of those seeking the increased funding.

Regional political tradeoffs also challenge a president’s relationship with Congress. During and immediately after the oil embargo, Presidents Carter and Reagan often faced difficult trade-offs between the interests of energy-producing states and the demands of more consumer-oriented midwestern or northeastern states. For representatives and senators, how to vote for their constituents’ best interest was clear. For a president trying to build national coalitions as well as satisfy the local demands of numerous lawmakers is one of the most difficult political problems facing the White House.

More recently, presidents face political trade-offs when balancing the demands of rural and Western members who represent gun owners with congressional advocates of a growing block of urban and suburban voters who view gun control as an answer to many school and social problems.

The constraint of “time” is another trade-off the White House must manage. Members of Congress regularly criticize the White House for only being able to focus on one single issue at a time, a trait common to the White House legislative office that routinely works this
way during major legislative battles, focusing its attention to winning a key vote on the House or Senate floor, and disposing of it before moving on to another project. Congress, with its diverse committee system and decentralized power structure, processes a variety of issues simultaneously. A typical legislative day might find two or three key issues on the floor, leadership meetings about the agenda for the following week, and a half-a-dozen critical markups in committees. Given all the issues Congress can present to the president and the limited number of hours in a day or week, it is critical how the White House prioritizes. The White House must decide which issues to get involved with and which to ignore or delegate to others within the administration. The resolution of these choices and the trade-offs ultimately shape the White House-congressional agenda.

Every day during the Bush and Clinton administrations, lawmakers requested White House involvement. For example, during the final days of nearly every close roll call vote in the House during the Bush administration, a member of the Republican leadership would say: “We need a letter from the president to help us get the final few votes.” Letters from the president may lose their value as political currency if too many are sent on too many occasions. Managing the trade-off of when to ask for presidential involvement and when to let others from the administration, such as cabinet secretaries, handle such requests is key to keeping the chief executives' role fresh and effective.

A related factor is how often the president asks Congress for favors or support. Presidents and their staff must prioritize the frequency of their requests so they don’t “wear out their welcome” with lawmakers. If we view the White House-congressional relationship from the reciprocal perspective as proposed earlier, lawmakers must also weigh how often they solicit presidential favors. This calculus of when and how often one institution seeks support is a critical part of White House-congressional relations that should be examined much more closely.

Throughout a session of Congress it was very common for lawmakers to contact the Bush and Clinton White House staff and announce: “I haven’t asked you guys for anything for a while. I’d really appreciate your support on X.” Clearly, lawmakers know there is a limit to how often they can ask the White House for support or favors. Knowing when or not to ask is a key strategic behavior on the part of legislators.

Similarly, presidents know they can only ask for support from Congress on tough votes. White House staff must advise the president and seek support from the congressional leadership to sequence votes in such a way that the president does not wear out his welcome on Capitol Hill. Calculating when, when not, and how often to request favors and support is fundamental to the strategic relationship between the president and lawmakers. How this aspect of White House-congressional affairs is handled has major consequences for the quality and degree of separation of powers during any given stage of a presidency.

**Inputs versus Outputs**

Analyzing the inputs that ultimately result in legislative actions is the third area that deserves additional scrutiny. Most research on White House-congressional relations centers on “outcomes” in the legislative process: winning floor votes and sustaining vetoes and con-
gressional support for the president. While important, these “outcome” measures are only part of the process. Key to a more complete understanding of the relationship between the White House and Congress is identifying and analyzing the variables that shape these outcomes. Our experience suggests three “inputs” that merit further consideration: institutional variables, policy context, and strategic goals of the actors.

Institutional Variables

Some scholars argue “institutional variables” are among the most important considerations in predicting presidential success with Congress. They have found that partisan and ideological makeup on Congress is more important in predicting presidential success than, for example, the president’s bargaining skills (Bond and Fleisher 1990). Others conclude that a president’s legislative power is “marginal,” with success or failure determined by the size of his majorities (or lack thereof) in Congress (Edwards 1990). On the surface, these conclusions make sense. Presidents with large majorities of their own party, like Franklin Roosevelt or Lyndon Johnson, should produce prodigious legislative outcomes. During the past decade, other researchers have found that presidents facing opposition majorities in Congress as well as unified party control produce the same level of legislative success (Mayhew 1991). Binder (1999) attempts to resolve this apparent paradox by analyzing other institutional variables like the challenges of bicameral rules.

We cannot resolve all the empirical and substantive issues surrounding questions of presidential success in this article. Our White House experience and observations during the past two administrations, however, support the notion that institutional variables (e.g., mixed versus unified government and bicameral rules) are among the most important factors in understanding outcomes. Moreover, depending on the exact configuration of institutional variables, presidents need to adopt vastly different approaches to dealing with Congress. For example, during the Bush administration, the White House staff dealt with opposition majorities in both the House and Senate by routinely telling reporters and other observers that success with Congress should be measured by the “bad” things they stopped in addition to any “good” things they could accomplish. What was kept off the congressional agenda was as important as what was passed. Conversely, President Clinton knew he had a rare opportunity with unified party government in the first two years of his presidency and actively sought out his party’s majority to enact as much legislation as he possibly could. He also witnessed the difficulty of moving comprehensive legislation through the Congress with his health care reform proposal and economic stimulus package because of the supermajority rules in the Senate. Clinton’s political hardships with these two bills during a period of unified party government lend strong support for Mayhew’s (1991) and Binder’s (1999) theses which states that presidents whose party controls Congress still have problems getting everything they want. The Bush and Clinton administration relations with Congress support the notion that institutional variables deserve more attention as decisive determinants for presidential success and influence. Bicameral issues and divided versus unified party government remind us why contemporary presidents cannot always get what they want when dealing with Congress.
The Policy Context of White House-Capitol Hill Relations

Another contextual variable that deserves further consideration concerns the type of policy pursued by the White House (see Thurber 1996a). Initially, the type of policy pursued affects the lobbying strategy by a president or by members of Congress and consequently the success of these two institutions.

Presidential-congressional policy making takes place in a wide variety of policy-making settings ranging from fairly open and public systems involving a large number of White House and congressional actors to relatively closed systems with few participants. The location of decision making in the White House or Capitol Hill, the scope of the issue, the nature of a policy, and the number of participants involved in a decision all have an impact on the characteristics of the presidential-congressional policy-making system. The type of policy being considered affects the politics of the decision-making system handling it. Schattschneider (1960) put it succinctly: “New policies create new politics.”

Circumstances may develop that are beyond the immediate control of presidents and members of Congress. The Organization of Petroleum Exporting Countries’ (OPEC) oil embargo in 1973, the decline of communism and breakup of the former Soviet Union, droughts and floods in the United States, the Exxon Valdez oil spill, the Three Mile Island nuclear power plant accident, the collapse of the Soviet Union, and the invasion of Kuwait all changed the type of presidential-congressional policy-making system that routinely handles these energy, foreign policy, and environmental policies.

Presidential-congressional decision-making systems operate within constitutional, electoral, and political party structures of the wider American political system and, in effect, make them work. Interested individuals, businesses, and groups cluster naturally around the White House, congressional committees, and executive branch agencies whose decisions affect them either positively or negatively. An explanation of the organization and behavior of these decision makers is essential to an understanding of presidential-congressional relations.

It is a useful analytic tool to think of White House-Capitol Hill policy-making processes as falling into specific kinds of systems. One way to think of them is a continuum ranging from macro policy systems, or “high politics” (general policy decisions with major electoral/political effects involving the president and broad public interests, visibility, divisiveness, extensive media coverage, and many participants) to policy systems (with minimal presidential involvement in highly technical issues) to micro policy systems (narrowly focused decision making involving a very small and often closed group of decision makers). Policy issues may move up or down the decision-making continuum from micro politics to subsystems to macro policy-making systems. Each level of policy making has varying degrees of White House involvement as revealed in the Bush and Clinton presidencies.

Foreign policy initiatives are excellent examples of macro political decision making (see Thurber 1996b). Foreign policy initiatives are normally pursued using bipartisan strategies. When President Bush sought congressional authorization for the use of force in the Persian Gulf, the administration realized the proposals would gain maximum support if they appeared “above politics.” In selling his proposal to Congress, Bush articulated his position
above the leaders in Congress directly to the American people using high moral and national interest rhetoric. “The liberation of Kuwait and the defense of Saudi Arabia” appealed to the American public at the level of moral correctness and national self-interest, not partisan politics. Many foreign policy initiatives such as Clinton’s battle for the North American Free Trade Agreement (NAFTA) and the permanent normalization of trade relations (PNTR) with China adopt a nonpartisan flavor, which affects the way the White House lobbies Congress.

Policies more technical in nature or “subsystem politics,” such as the 1990 CAA or legislation to recapitalize the depository insurance funds for banks and savings and loans during the Clinton administration, usually will also require bipartisan approaches. This type of policy, however, relies on the technical expertise of lobbyists and congressional committee members and staff with jurisdiction over the issue (the technical network or subsystem). On issues like these, lobbying by the White House takes on several other characteristics. First, the technical nature of the issue requires a division of labor and involvement of other administration personnel and interest groups with appropriate expertise. Expanding the number of those involved also requires added coordination by the White House staff. Second, issues that are more technical in nature require early White House involvement by technically competent stakeholders.

We normally left the lobbying of issues at the Committee and Subcommittee level to the (Cabinet) Department legislative liaison staff,” noted one member of the Bush Legislative Affairs Office. “However, on some issues that were clear presidential initiatives we had to get involved much earlier in the process and coordinate the subject matter experts from the agencies, guiding their role at the Committee level in Congress.

Subsystems that control distributive policies also produced their own unique lobbying strategies by the White House (Thurber 1996b). Congress, not the president, did most of the formulation of distributive policies. The White House would then join the “dance” later in the process, adding its blessing to the legislation or signaling its unhappiness. Normally, a president’s concern deals with some broader policy proposal attached to the distributive bill. For example, during the past ten years, two distributive highway bills led presidents to wage policy battles on issues like the federal speed limits and drinking ages but not on the details of the distribution of highway funds. Both broad-based policy issues were eventually resolved with presidential involvement. The micro policy of distribution of funds was handled by a small group of expert participants on the Hill, in agencies, among interest groups, and in the White House.

Finally, when a president wants Congress to implement major issues from his campaign agenda, he first approaches his party’s leadership in Congress. Unified party government helps smooth the way for solid legislative accomplishments. President Clinton had this luxury during the first two years of his administration (1993-94) and was able to push through some of his campaign promises, such as a major down payment on reducing the deficit (which passed by one vote and all Democrats), the Goals 2000 and other educational reform measures, significant installments on the vice president’s initiatives on reinventing government, family medical leave, and motor voter legislation.
Strategic Goals of the Actors

The “strategic goals” of the key actors on both ends of Pennsylvania Avenue are among the most critical inputs in predicting a president’s legislative success or failure. Moreover, while strategic goals are difficult to quantify, careful observation can identify this concept, revealing its importance. Strategic goals helped create partisan gridlock during two periods of the Clinton administration in 1995 and 1996. The Republican leadership promoted their partisan objectives at the cost of legislative action. This period of inactivity, due to strategic goals, contrasts starkly with later periods in the administration (1997 and 2000) when both Clinton and the congressional leadership sought concrete legislative accomplishment for their own purposes.

These strategic relationships are dynamic, not static—just as is the policy process. The entire presidential-congressional “dance” must be viewed as an active set of relationships and policy cues that ebb and flow throughout the course of an administration. Sometimes the relationship is strong and lends itself to cooperation, reciprocity, compromise, and legislative accomplishment. At other times, because of a host of political circumstances, relationships can sour, creating an environment of hostility, mistrust, and rivalry. In these cases the legislative progress becomes difficult, if not impossible.

Let us not be too hasty in judging the success and quality of a particular president’s relations with Congress or his success or influence in passing programs. As shown with Bush and Clinton, presidents may have a good relationship during one period of time, and then those relationships deteriorate for some time and then regain a friendlier environment again, all during one congressional session. These dynamics change dramatically during the course of a president’s tenure. Just observe the successes and failures of President Clinton’s seven and one-half years in office.

Conclusion

Linking citizen preferences to governmental action and outcomes is an essential element of an effective representative democracy. After voters express themselves by selecting a president, citizen preferences are arbitrated a second time in the lawmaking process between Congress and the White House. Unfortunately, confusion often exists about this “second arbitration” and White House-congressional relations.

Our insider’s view on White House-congressional relations generates an understanding of the challenges faced by the chief executive in dealing with Capitol Hill. On the basis of our experiences inside the White House Congressional Affairs Office as well as careful academic observations of the process, we offer three insights to broaden the current knowledge of presidential-legislative relations. By focusing on the “reciprocal” nature of the relationship, on the inherent “trade-offs” a president must make, and on balancing the emphasis on “outputs” (success and influence) with analyzing “inputs,” we develop a richer and more robust understanding.

It is also common to miss the significance of the tandem and dynamic nature of the policy-making relationship between the White House and Congress. How this connection
changes over time, alternating between reciprocal and combative, cordial and hostile, or sometimes even benign neglect plays a critical role in the level of legislative accomplishment for any president. Some administrations go through several phases of relations with Congress with strong and productive periods, but then change to periods of icy hostility. The dynamic nature of this relationship is influenced by the nature of the policy being made and other political and institutional variables.

Most presidents, unless blessed with extraordinary political and institutional circumstances and incredible leadership skills, will give up a lot to Congress. Sacrificing much with Congress, getting less than you hope for, and moving an agenda slower than expected are realities that modern presidents must embrace as normal decision-making processes. Instead of trying to predict what the next president can accomplish in the first hundred days, we should ask if he will be able to get anything done at all. Given the built-in checks on both the president and Congress, a president who succeeds with even small agenda items in Congress deserves more plaudits and accolades than are currently afforded by the press, pundits, and scholars.

References


