

**Phillip S. Hughes Oral History Interview – JFK#1, 04/24/68**  
Administrative Information

**Creator:** Phillip S. Hughes  
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**Biographical Note**

Assistant Director for Legislative Reference, Bureau of the Budget (1959-1967). In this interview, Hughes discusses the transition from Dwight D. Eisenhower to John F. Kennedy, how the Bureau of the Budget handled this transition and interactions between the Bureau of the Budget and White House staff, among other issues.

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Phillip S. Hughes– JFK #1

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Oral History Interview

with

PHILLIP S. HUGHES

April 24, 1968  
Washington, D. C.

By Larry J. Hackman

For the John F. Kennedy Library

HACKMAN: Mr. Hughes, did you know John Kennedy at all, or have any contact with his Senate office, before he became President that you can recall?

HUGHES: I had some contact with his Senate office, no personal contact so far as I recollect.

HACKMAN: Can you remember anything particularly about the contacts you had with his office, anything at all?

HUGHES: No, I don't. I think they were more or less routine, concerning particular bills that he was interested in, perhaps bills that he sponsored, or the status of items of business, projects, for instance, that he was concerned with.

HACKMAN: I'd like to get you to comment a little bit on the general direction the legislative reference division was taking during the [Dwight D.] Eisenhower years, during the period you were over here. Was there change in function or procedure, anything that stands out in your mind?

HUGHES: In a procedural sense, I think it's fair to say that the office functioned substantially in the Kennedy Administration as it had in the Eisenhower Administration, and, for that matter, as it had in the

[Harry S] Truman Administration before that. I think this is probably revealed best by the fact that for the greater part of the Eisenhower Administration we operated the legislative clearance function on the basis of a circular issued by direction of President Truman and signed by the last Truman Budget Director, [Frederick J.] Fred Lawton, as I recall it. Then for most, at least, of the Kennedy Administration, I believe all of it, we used an essentially identical circular issued by direction of President Eisenhower as our guide for conducting the clearance activity.

So procedurally, in terms of controls and techniques and so on, we were really on all fours with the prior Administration. The nature and the tempo of the activity, however, were considerably different, particularly in the early days of the Kennedy Administration because the Eisenhower philosophy of government and public administration contemplated a somewhat different role for the President and for his administration than did the Kennedy philosophy. In addition to the philosophical differences, there were those that were almost compelled by the campaign commitments of President Kennedy and his repeated insistence on "getting America moving." I think that's a kind of a summary phrase that connotes what I'm trying to convey.

Early after the election, a number of us within the Bureau sat down with key members of President Kennedy's staff to familiarize them with the institutional processes, including the legislative clearance process, and the people we sat down with included [Theodore C.] Ted Sorensen and [Myer] Mike Feldman and [David E.] Dave Bell, who was at that point the Budget-Director-designate, I believe. And they found the procedures essentially satisfactory and immediately, during the transition period, set about working their plans into the procedures to the extent consistent with the whole philosophy of the transition. And so there was quite a period in the interval between the election and the Inauguration when we were serving essentially two Presidents, one outgoing and the other incoming, not just in terms of communicating information to the incoming President and his staff, but also in terms of actually working on the development of legislative proposals and of sets of specifications for legislation and for programs that President Kennedy was committed to as a consequence of the campaign.

HACKMAN: Had there been anything special you'd had to do before the election as the campaign was developing since there obviously was going to be a new administration? Because I had heard that, I heard different reports on this, that people at the Bureau of the Budget were keeping track of the various commitments made in speeches in the campaign.

HUGHES: The Bureau did have and, as I see it, has on a continuing basis a kind of an institutional responsibility to facilitate the transition from one administration to another, and we are really in the process of gearing up for this same circumstance now in anticipation of the fall election. At the time of the Kennedy campaign and consequent election and transition, the ground rules weren't as clear as they now are. There wasn't the statutory base that now exists. And the process, in a sense, was not as clearly institutionalized. But nonetheless, in effect, we kept track of two sets of speeches and two sets of newspaper publicity to try and get a running start at the process of program formulation, no matter who was elected. And we compiled what one of the Bureau staff members called a "Kennedypedia," which was a somewhat boiled down version but still pretty formidable, a couple of inches thick, perhaps, loose leaf, of statements and speeches which in our judgment represented the core of the Kennedy program as it had been unveiled during the course of the campaign.

We also, as a part of our institutional responsibilities for transition, tried to, and did, develop on our own issue papers and agency memoranda which summarized for new agency heads the essence of their responsibilities and agency structure and the budgetary picture and so on. And the issue papers set forth in fairly concise terms what we considered to be some major problems, budgetary and otherwise, which would confront the new agency head and on which he might wish pretty early in his particular tour of duty to take a position. These were essentially background papers, factual, but they may have contained a recommendation if we thought the picture was pretty clear one. In other circumstances, it may have simply set forth pros and cons and left to him the question of which way to. . . .

HACKMAN: Yes, yes. Was that done in cooperation with the existing department heads at that time? Or was that all done here at the Budget Bureau?

HUGHES: Well, the work and I think the basic decisions were made pretty largely within the Bureau, but certainly there was a substantial amount of cooperation between the Bureau and the agency. But we assumed that somewhat similar processes would take place within the individual agencies--that is, the staff there would do some briefing for the new agency head. We thought, though, and I still think that the somewhat detached perspective of an agency like the Bureau is useful, is a useful perspective from which a new agency head can look at his agency and perhaps see some problems or maybe some

virtues that it's difficult for him to see from within the agency or on the basis of the perspective of people who are essentially within the agency.

HACKMAN: In your contacts with the agencies on this matter would you be more inclined to talk to career people within the agencies than presidential appointees?

HUGHES: I don't think so. Our contacts by and large would have been informal, and we would have sought information wherever we could get it. But I think I ought to emphasize again the fact that these were Bureau papers. Responsibility really was ours, and in many instances I think the agency might have differed either as to whether there was an issue or the relative priority of the issue.

I think some cases, or some for instances, that might illustrate this kind of a problem would be, oh, agricultural program policy. What questions will confront a new Secretary of Agriculture with respect to agricultural price supports? The Bureau's viewpoint here is essentially a different one, it tends to be anyway, than that of the Secretary of Agriculture or his principal staff members. And so our questions and our answers in some instances would be different. We recognized this; we thought the different perspective would be helpful to him. He's free, obviously, to ignore our rack up of issues and priority.

HACKMAN: This thing was developed, this Kennedypedia, I guess it would be a Nixonpedia, whatever, it was developed in the same way for each candidate?

HUGHES: That's right.

HACKMAN: Was this limited to things they were saying in the campaign or also incorporate things they had said in the past? For instance, in Kennedy's Senate career or. . . .

HUGHES: Not exclusively, but almost entirely were they limited to the campaign. The campaign really opens a new book, and what people have said before is not necessarily relevant or not necessarily consistent with what they say during the course of the campaign and, of course, philosophies evolve as the campaign progresses.

HACKMAN: Was this something that was new in '60, or had this been done in '56 or '52?



HUGHES: Well, in, let's see, in '56 we did a somewhat similar type of thing, although in '56, the problem was somewhat different, obviously. In '52, though, we also did a similar kind of thing, again, on a less structured, less formal, probably less complete basis. I was trying to think back to '60.

My recollection obviously is not as good, but I do remember, for instance, [Joseph M.] Joe Dodge, who was Eisenhower's Budget-Director-designate, sitting in on the budget review sessions which we conducted on behalf of President Truman. Fred Lawton was President Truman's Budget Director. But Joe Dodge sat in and asked an occasional question, and so, by the time of the Inauguration and by the time he became actually the Budget Director, he had a pretty good briefing on the component parts of the last Truman budget and had some ideas that he would not otherwise have had as to what might be done about it.

HACKMAN: Was there any problem as far as Mr. [Maurice H.] Stans, who was the last Eisenhower Director, in getting involved in doing something like this in preparation for a possible Kennedy Administration? Was there any problem within the Bureau at that point?

HUGHES: I don't really recall any. Certainly there were none prior to the election because the time commitment involved was a relatively light one; at that point, relatively few man hours were consumed. Also, of course, the fact that it was President Eisenhower's second term and he was clearly out of the picture made it a somewhat easier situation all around, just as the President's [Lyndon B. Johnson] pronouncement of a couple of weeks ago eases our present situation somewhat. After the election, we had the problem, the staff had the problem, of two pretty active crews of White House staff and embryonic agency organizations and so on, each of them trying to get certain kinds of things done in preparation for either the close-out of the Eisenhower Administration or the Inauguration of the Kennedy Administration, and we had to carry the water on both shoulders fairly carefully at times, but I thought there was a remarkable degree of understanding and acceptance, on both sides, of the difficulties that were inherent in the situation.

HACKMAN: At what point, can you recall, did Sorensen and Feldman and Bell get involved over here, come over for the first time?

HUGHES: Well, my recollection is that I met with Ted and Mike Feldman and Dave Bell within about ten days or two weeks of the election to discuss legislative clearance procedures and to see what sorts of arrangements

they wanted in the new administration. Also, at about this same time, Dave Bell had been designated, I think, as an observer or something of the sort, I've forgotten what the . . .

HACKMAN: Did he have an office over here before he actually took over? When did that come about?

HUGHES: Yes, I'm sure he had an office in the building here, somewhere on this floor, as I recall it, and he started sitting in on budget hearings and on budget review sessions in much the same fashion that Joe Dodge had done it eight years earlier. And so he, too, was in a position to be off and running at the time of the Inauguration so that, from the standpoint of the Bureau, the transition was a relatively smooth one, a very smooth one, I would say. Many of us knew Dave Bell, both from the time he'd formerly been in the Bureau and from the time he was on the White House staff. And the fact that Elmer Staats, who was the last Deputy Director under Eisenhower, also was the Deputy under Dave Bell, eased the situation also.

HACKMAN: What types of things were Feldman and Sorensen interested in in that period?

HUGHES: Well, they were interested in the tools of government, in the processes through which the Bureau on behalf of the President could make the President's will felt within the executive branch. And the principal two processes are the budget process and the legislative clearance process. However, beyond that, and once they understood the nature of those processes and how best they might become involved in them, they started being interested in particular subject matter areas, the priority of subject matter interest depending somewhat on the extent to which the particular item had become a campaign commitment or issue.

HACKMAN: This is during the transition you are talking about?

HUGHES: Yes. One of the very early ones was the area redevelopment legislation which had, I think, been sponsored in the Senate principally by Senator [Paul H.] Douglas.

HACKMAN: Once by Kennedy, I think.

HUGHES: Yes, but which had become quite an issue during the campaign which related to the West Virginia phenomenon, and so Mike Feldman seemed to have a kind of a charter to evolve that piece of legislation.

HACKMAN: He was working on a task force with [William L., Jr.] Bill Batt and Douglas in that period, too, on that thing.

HUGHES: I think that's right. At just about that same time he, I know, was asking the Bureau to tap in on the Bill Batt-Douglas task force effort and results and convert them into a bill and backup justification material and transmittal letters and so on. So that was one of the very early pieces of legislation that I recall.

I'm trying to think of other individual items. It seemed to me education and amendments to the Social Security Act came up pretty early in the whole sequence of events. The Kennedy technique was to establish a whole series of task forces to try and convert some of the campaign promises, general statements, into legislative formulation. And some of these task forces were outside of the government or outside of the executive branch anyway. You mentioned the Batt-Douglas effort. Others were very much inside the government or at least utilizing a number of people inside the government. Wilbur Cohen, I remember, chaired a task force in the social security-public assistance area, and he drew, I think in an informal way but very heavily, on people inside the Department for assistance. So that these task forces, some frequently using agency people even though the agencies weren't formally involved and normally involving some Bureau staff participation, developed specifications for legislative proposals which the agency staff then converted into specific legislative form. All this during the transition period and prior to the Inauguration. By Inauguration time, some of the task forces had completed their job and were out of business. I think the area redevelopment one was a case in point. And we had a bill ready to go.

HACKMAN: That was a Senate one, if I remember it.

HUGHES: But in some other cases, the task force or the effort on the part of the agency continued on until it had been brought to a successful conclusion.

HACKMAN: What types of problems came up in this period, in this tug between the Eisenhower Administration and the Kennedy Administration, as far as Mr. Stans' role and Mr. Bell's role and . . .

HUGHES: Other than the joint demand for time on the staff, I don't remember any serious problem. The situation is eased somewhat by the fact that the needs of the outgoing administration tend to slack off, not necessarily in

proportion with but as a partial offset at least to the increasing needs of the incoming administration. And I suppose this helped some. Relatively rarely were there demands of--I don't recall any offhand--were there situations where we had to make a hard choice and tell one or the other. As we see the situation, we can't do both of these things while our primary responsibility was to the incumbent President, heavy pressure on behalf of the President-elect was difficult to resist.

HACKMAN: I had wondered if you remembered any guidelines on that from the White House because I'd heard that Wilton Persons, who had worked for, well, who was Eisenhower's number one assistant, I guess, at that point, had said that no one should make contacts without this being cleared. And I don't know if that applied to the Budget Bureau or not, or whether he was particularly concerned with foreign policy or what this applied to.

HUGHES: I don't remember any such general instructions. By and large my recollection is not only was there a general climate that we ought to do--the career and the incumbent political officials ought to do--what they could to facilitate the transition but, as I recall it, there were some fairly specific either presidential or White House instructions that agencies, the executive branch, in general, was to do all it could to facilitate the transition.

HACKMAN: What was the reaction to the Bell appointment here in the Bureau?

HUGHES: Oh, it was very good. Because he's. . . . First of all, he was a kind of known quantity; he also is a very highly regarded guy, besides being known. He established quite a reputation as a staff member in the Bureau, and as a White House staff member and in his subsequent stint overseas (I guess he was in Pakistan) and the work, let's see, he was up at the Littauer School, I guess, at Harvard immediately before he came down here--nothing he had done since he left the Bureau detracted from the very high regard in which he was held. So I certainly felt very good about his appointment, and I think I pretty well reflect the Bureau opinion generally. Many people here knew him much better than I did. I came just about the time he left.

HACKMAN: Did that appointment indicate any change in direction in the Bureau on the face of it, that the new administration looked at the Bureau in any different way?

HUGHES: Oh, I think it did, yes. It's very hard for me to say that, you know, on "x" date we had a philosophical change. I'm sure the historians will describe it that way at some point, but I'm too much in the trees to see the forest in that kind of perspective. Over the years, and I think it started in the middle or the later part of the Eisenhower Administration, the role of the Bureau has changed somewhat; as government grew, as it did in the Eisenhower Administration and subsequently, but as government grew, the Bureau has acquired a programming role that it did not have, at least to the same extent, before. The problem of choice among the programs has become increasingly important. And perhaps, to some extent, the negative role of the Bureau has become less important, at least in relative terms. And the agencies themselves are more responsible than they used to be for efficient and economic operation.

But as this programming role has developed, the problem of choice has become more important. The Bureau has looked at itself and looked at government programs in a somewhat different light. In the old days, speaking in very oversimplified terms, our initial answer was supposed to be no, and everybody would have been surprised if we said yes the first time around. As time has passed, we're supposed to do something a little different than that. We can say no, perhaps in a fairly high percentage of cases, but in some of the more crucial ones we're supposed to give pretty serious consideration to alternative and better ways of accomplishing an objective which the President or an agency had or a member of the majority party in the Congress thinks is a desirable objective. And so we have increasingly tried to give consideration to how to do something rather than to lining up a long list of reasons why it shouldn't be done.

Now that's gross oversimplification, but this started, I'm sure it started way back somewhere, but it has been a growing phenomena through the fifties, and certainly in recent years we have done a great deal of this kind of thing. It played an important part in the establishment of some of the Kennedy programs, a part in the affirmative sense, not just the negative. And perhaps, in some ways, even more so in some of the Johnson programs, the poverty program, elementary and secondary education, and so on.

HACKMAN: Some people--including some people who were over here at the time--that we've talked to have made the point that economists became more important in the Bureau and the accounting function maybe less.

HUGHES: I think that's true, but I think that's somewhat more of a symptom than cause. I'm not sure whether Dave Bell is an economist with a capital "E" or not. He's a combination economist, political scientist, public administrator, I'd say. Probably less of a capital "E" economist than his three successors have been: [Kermit] Gordon, [Charles L.] Schultze, and [Charles J.] Zwick. But I think the economic emphasis of recent years probably, again, is a consequence rather than a cause; it reflects a growing concern with choice and with the impact of the budget on the economy. I'm sure there will be new eras in the future in budget directors. We've had public administrators and lawyers, bankers and accountants and economists, and I don't know who's next.

HACKMAN: What about the people that Mr. Bell brought with him, Mr. [Kenneth R.] Hansen as his Assistant Director and, who was his other Assistant Director? I've got it down here somewhere. Did this indicate the same general direction, or were the roles these people played any different than previous assistant directors?

HUGHES: I don't think there was a marked difference in the roles of Hansen--let's see, Charlie Schultze was a Bell appointee, but he was later--oh, [Robert C.] Bob Turner.

HACKMAN: That's right.

HUGHES: Bob Turner. No, their outlook was considerably different than some of the Eisenhower assistant directors, but the relationship which they established to the staff was probably quite similar. I guess substantive evaluations, qualitative evaluations are kind of tough here. I think Bob Turner and Ken Hensen, to pick a couple of guys, were relatively easy to do business with in comparison with some of their predecessors.

HACKMAN: You mean for you to do business with or for everyone?

HUGHES: The staff, I'm talking about staff in general. But the roles they performed, their relationship to the Director and their relationship to the staff, I think, were not vastly different.

HACKMAN: All right. Going back to something else. On your relationships with Feldman and Sorensen during the interim period, were they pretty green as to the way the Bureau operated and what it could do, particularly your side of the operation, what it could do for them at that point?

HUGHES: Yes. I think--you said "green"; I'd say yes. Generally speaking, they were used to functioning in the general context of a senator's office. And my impression is that senators' offices are, or tend to be kind of fire-fighting operations operating from crisis to crisis. Some routine operation, certainly, getting out the mail and so on, but by and large they work from one flap to the next with rather limited opportunity and limited machinery, limited need, to control anything. The senator is--I don't know whether he's an autocrat or an oligarch or a feudal lord, but he has rather marked areas of jurisdiction and correspondingly sharp limitations on his activities and responsibilities and rights. The notion, therefore, of a tremendous set of institutional machinery which, if allowed to, could carry on the functions of government under kind of general directions given by a President and his key staff members, that notion was somewhat foreign to them.

And I think they fell into a pretty standard misconception that in order to get a job done, it had to be done at the White House by Feldman or Sorensen or Lee White or somebody else who was known to them personally and perhaps known to the President personally. Clearly, government cannot function in this fashion. And I think both Ted Sorensen and Mike Feldman, as they got an exposure to the machinery of government and saw the tools that the President has--in the form of the budget; in the form of the legislative clearance process; in the form of management directives, reorganization plans, perhaps, but other management tools; in the form of messages through which he expresses policy and demands control and obedience in some sense--as they became aware of these tools, they got pretty adept at using them. My experience with them in legislative reference was very fine, however, it was very friendly and a good one.

It's difficult for a guy who moves in from the outside, even from Capitol Hill, to understand the complexities of some of the problems of government when you get down into the detail. And Mike Feldman wanted stuff somewhat sooner sometimes than we were able to produce it in good shape. But generally speaking, we came to terms and disagreed fairly amicably if it came to that. But we resolved our difficulties pretty well.

HACKMAN: Who else were they talking to over here in that period?

HUGHES: They were certainly talking with Dave Bell. They were talking with [William D.] Bill Carey, who at that time was Executive Assistant Director; they were talking with me and with Wilfred Rommel, who was my deputy; occasionally, they were talking with the Assistant Directors in particular subject matter areas; they were talking with Elmer Staats,

who was the Deputy Director of the Bureau. And I would say their circle of contacts probably expanded as they became acquainted in the Bureau.

And, as a matter of fact, we encouraged expansion of the circle, within limits anyway, so that they could go to individual staff members when they were seeking information and get the information direct. There was no use in funneling it all through Elmer or me or Bill Carey or anybody else. But, within the period of a year perhaps, my guess is there were fifteen or twenty or maybe more people within the Bureau, outside of those I've mentioned, that they had identified as having information and sound advice in areas that were of particular concern to them.

HACKMAN: Going back to something we were talking about. It's five after twelve--do you have to go or something?

HUGHES: No, I have a little more time.

HACKMAN: Okay. As far as the last Eisenhower budget, well, the Kennedy Administration found out when they got in, or they felt, that this hadn't been a realistic budget. Was there any feeling at that time within the Bureau that you can recall that this was so? Were the Kennedy people talking about this when they first came over?

HUGHES: Well, I guess the short answer is I don't remember very clearly, but the campaign had made it quite clear that budget level was a rather fundamental issue between the two administrations. You used the term "realistic budget level": what's real in the world of budgeting is damned hard to determine, witness today some of our problems on tax increases versus expenditure reductions. But it certainly was quite clear all during the transition period and thereafter that President Kennedy would want to make some rather basic changes in the last Eisenhower budget and did. Now, I've forgotten the vehicle, but I think he put out, in effect, an addendum, a Kennedy supplement or something like that, to the Eisenhower budget which had programs like area redevelopment in it. And I believe there were a few compensating, partially compensating, reductions in it but principally new programs that the President had talked about during the course of the campaign.

HACKMAN: During this interim period were you establishing any kind of relationships with the new department and agency people that were coming in?

HUGHES: Yes. We did this both informally and formally. On the formal side we set up a series of meetings with new Cabinet heads and new major agency heads, sat down with some background material with them, gave them these papers which I mentioned, with some indication of the areas under



their jurisdiction in which the President had committed himself to new program directions or new programs, something of that sort. So this was a rather formal process involving generally Secretaries of Cabinet departments and major agency heads like the Veterans Administrator, Atomic Energy Commission . . .

HACKMAN: GSA [General Services Administration].

HUGHES: GSA, I think--I'm not sure of that--and NASA [National Aeronautics and Space Administration]. [James E.] Jim Webb stayed over. There was a great deal of dialogue that took place during the transition period.

Then informally, less formally, in any event, the Bureau staff at all levels was busy trying to get acquainted with the new look in the agencies, the division chiefs with the agency heads and their principal subordinates: Under Secretaries, General Counsels, Assistant Secretaries. We in the office of legislative reference were establishing a new set of contacts with legislative liaison people in the agencies and so on.

HACKMAN: Before the Inauguration were these people, as you briefed them, were they feeding any information back to you to plug into the White House information-- or to the Kennedy operation?

HUGHES: Yes. I said that promptly and with some assurance. If you push me to think of an example, I'd be hard put to do it, but I do recall from dialogues that I participated in that some of the agency heads had ideas of their own on our ideas and on President Kennedy's ideas, and we got some feedback out of this process that we used in the process of legislative development.

HACKMAN: Did you have any contacts with [Richard E.] Neustadt or Clark Clifford who were working on some transition problems?

HUGHES: I didn't have any with Clark Clifford. I had a great deal during the transition period in particular and just after it with Dick Neustadt. I knew him from earlier days and from occasional contacts we had during the Eisenhower Administration when he was writing some of his articles and doing his dissertation.

HACKMAN: Can you remember any of the specific things he was interested in at all?

HUGHES: No. However, I tend to associate him more with the techniques and procedures of government and the tools of the presidency than with the substance of particular

issues, but I'm not sure whether that's the way it was or whether that's because of his writings. But I think it's accurate to say that his major interest, as I saw it, was in getting President Kennedy off to a good start in terms of the way the processes worked within the executive branch and in terms of executive and legislative relationships as they were affected by the clearance process and by the liaison work necessary to get a legislative program on the Hill and accepted.

HACKMAN: Can you remember anything about the putting together the first State of the Union message--what feed in your operation had? Did they look over here?

HUGHES: The Bureau played a pretty important part in it. I'd say the chief participants were probably Dave Bell, we in the legislative clearance process, and selected program people in the Bureau whose programs were given particular space and attention in the State of the Union. Our role here, though, tends to be more of a smoothing up and coordinating and straightening out role rather than an innovative role. Somebody was doing the drafting, Ted Sorensen mostly, and he would do it on the basis of suggestions made by individual agencies, and then his product would come over here for review in light of facts as we knew them, policies as the Administration was beginning to evolve them, and so on.

HACKMAN: In these changes in the Eisenhower budget that President Kennedy made in that first go-around, can you remember any of the tug and pull between agencies, new agency heads, to get program expansion?

HUGHES: No, I really can't. I do have in mind in the area redevelopment business some traditional pulling and hauling between Commerce and Labor on what the emphasis should be. But it's very difficult for me to sort out what really happened from what I know must have happened just looking at the major problems. There are areas where, from time immemorial, there have been disagreements and I'm sure will be for a long time to come. The Commerce-Labor one is one. The Interior-Agriculture argument is another one. Also, there are continuing controversies between what you might call the "program" or clientele agencies and the general purpose ones, like the Bureau, but I can't recall specific instances.

HACKMAN: Let me ask you something else. As compared to the Eisenhower Administration and the Johnson Administration, how seriously did the Kennedy people this first time around appear to take the platform and the commitments they had made during the campaign? Did they make much use of the things that you had put together during the. . . .

HUGHES: Yes, they did. As near as I could tell, they did. They had, of course, data of their own put together in the Democratic National Committee context. Both Mike and Ted Sorensen had good minds and had a pretty long history of involvement with the President so that they had their own computer systems for keeping track of these things, but they did use the data we had, and they asked us from time to time to run checks on what had been done in relation to what had been promised. And we did this with considerable success.

To get back really, I think, to your question, they did take pretty seriously the need to deliver on the commitments. Now delivery is a term which may mean a bill finally enacted or a program finally established. On the other hand, it may just mean an effort to comply in an area where full compliance would be very difficult or impossible or would involve more expenditure of personal and political capital than warranted.

HACKMAN: Can you remember them ever expressing the thought that, "Gee, we slipped up when we said that," or "This is a particularly difficult thing to handle"?

HUGHES: Yes. I wish I could think of some for instances, but. . . .

HACKMAN: One that may be a possibility would be the housing Executive order, which the. . . . Remember he had made the statement in the campaign that "I can solve this problem with the stroke of a pen," and then the Executive order took two years to write? Do you remember anything?

HUGHES: I wouldn't have been directly involved in that. The situations that I recall would quite naturally have been in the legislative context and they generally involved circumstances where, from the standpoint of then-Senator Kennedy's own power base, he was taking a very safe and, in a sense, a pure position, but as his power base expanded, the same position became untenable, or at least became much more difficult. And the problems, I think, that I recall were in the labor relations area, and I don't remember whether situs picketing was one of these.

HACKMAN: That's probable.

HUGHES: I think it may have been. I think some of the general Taft-Hartley controversy was an area where Mike and Ted at one time or another both agreed that they should have said less or something different, in any event.

HACKMAN: Common situs picketing when Landrum-Griffin was written was something that [Wayne L.] Morse wanted to go ahead and deal with, and Kennedy said, "You get the bill. We won't deal with it now. We'll put it off." And then it was a problem. That's my recollection.

HUGHES: Yes. I think inevitably there are lots of these kinds of situations where perspective of the presidency does bring about a rather marked change in view. I think it ordinarily reflects to the credit of the individuals rather than otherwise, at least as I would appraise the situation.

HACKMAN: Did you, as head of your division, have more contacts or a different type of contacts with the White House staff, like Sorensen, Feldman, [Lee C.] White, than had existed under the Eisenhower Administration? Was this different?

HUGHES: I probably had more, and I think the Bureau in general probably had more because of the increased activity, particularly in the legislative area. And with the activity came their need to know certain things and our need to know certain things, and this forced more numerous and probably more intensive contacts than had been the case before. But we had a lot of contact with [Gerald D.] Jerry Morgan, Roemer McPhee, Wilton Persons, Bryce Harlow, in the Eisenhower Administration also.

HACKMAN: I had wondered, people had characterized the Kennedy Administration very generally as being informal as opposed to the formal way the Eisenhower White House operated, I wonder if this had any effect on the way they operated with you?

HUGHES: I think there was much less formality in the Kennedy Administration, even in the day to day contacts. The staff concepts of President Eisenhower, quite naturally filtered down to his staff, and they were somewhat more prone to formal memoranda, meetings, more extensive discussion of many issues than was the Kennedy Administration or the Johnson Administration for that matter.

Frequently in the Kennedy Administration, particularly in the early years, there just wasn't time for the kind of formality and the kind of careful preparation that the Eisenhower Administration almost demanded. Instead of writing a memorandum to Mike Feldman, say, on a particular legislative issue, in many circumstances I would simply take a draft Bureau report or a draft agency report over and say, "Now, Mike, here's what we think ought to be said, in general terms. Do you have any problem with this?" Sometimes he'd look at it, sometimes I'd talk from it and come back with a

decision based on what we said, but sometimes departing from it. In other circumstances where time permitted or where the issue was sufficiently significant, we'd write our memorandum pretty much in the same fashion we would have in the Eisenhower years.

HACKMAN: Did this vary from Sorensen to Feldman to White in the way they handled things?

HUGHES: I don't believe so. Ted usually ended up with the big problems, and he had particular areas of interest that he worked in, but I'd say informality was pretty characteristic of the Kennedy Administration. And Lee White and Mike and Ted are all fairly informal. They're three quite different characters but all informal.

HACKMAN: Was there ever any problem for you, was it a problem in knowing who to go to as far as the importance of the thing or as far as the subject matter of the thing? Were lines fairly clearly drawn?

HUGHES: Yes. I think so, generally. There was a clear line of demarcation in the White House between the legislative tacticians under Larry O'Brien, and the substantive guys under Ted Sorensen. And there were relatively few substantive guys. There were Ted and Mike and Lee White.

HACKMAN: Did Dungan ever get involved in any of this?

HUGHES: Well, Dungan was in the foreign business.

HACKMAN: Aid.

HUGHES: By and large. Aid and foreign policy matters. From time to time, I'd see a little of him but relatively little. I knew him, of course, in the Bureau. I had only rare contact with him. [Kenneth P.] Kenny O'Donnell had a world all of his own as the appointments guy. I didn't see a great deal of him. And the tacticians would call us to find out the position on specific legislation. Only rarely would they get into the substance of the issue.

HACKMAN: Did you go to these people directly or did you ever feel like you had to go through Bell's office to go to these people?

HUGHES: No. No. We had a pretty clear set of relationships worked out. Actually, I had a pretty clear set worked out with Maury Stans, and it boiled down essentially to going to my own way as long as I conformed to

Administration policy and didn't get either him in trouble, or the President. Not quite that loose. The issues where there was a big money component he wanted to know about, and that was no problem. Pretty much the same relationships carried over with Dave Bell and, for that matter, Kermit and Charlie Schultze. Each of us, I think, acquires his own set of interests, and there are substantive areas where we talk with one and not with the other, but that's a minor variation on the general theme.

HACKMAN: There's been a lot of talk about splits within the White House staff. From where you stood could you see any of this? Problems with who was handling what?

HUGHES: No, I didn't. . . . I think there was a general split between the tacticians and the substantive guys, and that probably is normal in most sets of circumstances. And I thought from time to time that everybody would have been better off if contact between Larry and Ted, for instance, had been a little more continuous. I didn't get the feeling there was any serious friction there, just two guys with different jobs and probably somewhat different philosophies but working together pretty harmoniously, as far as I could tell.

HACKMAN: As things developed, did Bell, Dave Bell, make many changes at this end of the operation as far as the way things worked?

HUGHES: No, made almost none. You mean as far as the White House--what do you mean?

HACKMAN: As far as the internal operations of the Bureau went.

HUGHES: Vis-a-vis the White House, you mean?

HACKMAN: Yes.

HUGHES: No. No, I don't recall any major ones. I don't recall the need for or the issuance of any Bureau circulars, for example. Life went on pretty much as it had.

HACKMAN: What about in your relations with the departments and with the Hill, any changes, basic changes in procedures here?

HUGHES: No, I don't recall any. Bill Carey as Executive Assistant Director had a congressional liaison responsibility outside and apart from the legislative clearance function.

HACKMAN: I had wondered how his role tied in with your operation.

HUGHES: Really, they are separable functions. They can be tied together, and we have kind of tied them together at this point. But they are separable. One is simply the function of receiving congressional phone calls and doing something about them or correspondence and doing something about it. The correspondence may be simply an inquiry into the status of a bill or it may be a demand to do something in the budget or in the legislative area or you name it. A phone call, likewise. But the clearance function, on the other hand, involves a specific piece of legislation and the development essentially of an Administration posture on it.

HACKMAN: What role did your operation play in the writing of Executive orders under the Kennedy Administration?

HUGHES: The Bureau performs the same kind of a clearance function in respect to Executive orders that it performs in the legislative area. And that function has not really changed significantly during the years I've been in the Bureau. We'll receive an agency proposal for an order; we'll circulate it amongst the other agencies concerned, reach our own conclusion with respect to it, and then transmit it in accordance with a governing Executive order, transmit it to the Department of Justice for approval as to form in the galley, prior to transmission to the President. And that's been the process for twenty years and more. However, Executive orders are handled by the General Counsel.

HACKMAN: I had heard that--if you can recall, the first Executive order the Kennedy Administration had was that food stamp thing, food stamps. And from what I heard, Feldman more or less didn't go through the regular routine on this thing. Do you recall that?

HUGHES: Well, yes. I think he went. . . . Yes. I remember the order fairly well. Not in detail, but I remember the circumstances. Mike, on behalf of the President, wanted to take some executive action to enlarge the food stamp program and extend it to additional areas and increase the limits and so on, wanted to go just as far as he could. We explored the legislative route and, whatever the merits or demerits, it would have taken a considerable amount of time. The result of all the deliberations was a conclusion to take the order route.

The problem, I think--problem, if you can call it that; yes there was a problem--stemmed from the fact that this was not the thing you'd ordinarily do by Executive order. It appeared to us to be interpretable as at least a partial substitute for legislative action, and was using CCC [Commodity Credit Corporation]

funds, as I recall it, in a somewhat different fashion than previously. I believe [Arthur B.] Art Focke, the General Counsel, who handles orders, pointed out to Mike that this was kind of new and novel and could cause a fair amount of flak in the Congress which might well want to legislate this kind of thing if it was going to be done. But Mike was pretty insistent that we ought to go ahead. We also explored the possibility of doing things simply by instruction; the President, with his "constitutional public welfare" hat on, would direct the agency head, the Secretary of Agriculture, to do something and not issue an order. But Mike felt the formality and the splash that came about from the order would be desirable. So we ended up that way. The order went through all the normal processes, but Mike pushed it through, in effect.

HACKMAN: Were they more inclined, as things developed, to do something like this? Were there other instances where they used the Executive order more broadly?

HUGHES: Yes, I think generally the Kennedy Administration was a somewhat less orthodox Administration than the Eisenhower. That kind of follows from the nature of the two individuals and their philosophies. The Kennedy Administration was much less to be concerned with precedent and with departures from precedent and with doing something different as long as it was within the parameters of the President's responsibility and right and Constitutional base.

HACKMAN: Did they usually, after this, though, go through the regular route?

HUGHES: I think even in this case they went essentially through the regular route. Normally, in other cases, they took the regular course of action because the clearance process, for instance, works pretty well and can work very fast if circumstances require it. The budget process also works well but not necessarily fast. And some of the other institutional arrangements can handle situations on a crisis basis reasonably well. And I think they used the machinery of government pretty effectively.

HACKMAN: You'd said earlier that in some cases they--Feldman, I believe you mentioned--became impatient. Was this particularly in relation to Executive orders or the legislative clearance process or in general?

HUGHES: Oh, Mike is a pusher in general. And he wants it as soon as he can get it. My comment was really a general comment, reflecting, in part, his own personality and



tendencies; in part, his responsibility as kind of a chief pusher and, in a sense, I guess a hatchet man for President Kennedy; and, in part, a lack of full understanding of how complicated the government is. That lack of understanding came from this somewhat different scene that he'd been involved in on the Hill.

HACKMAN: Did Feldman have the responsibility in the area of all Executive orders, or did this vary on the staff as the legislative problems?

HUGHES: I think Mike had legislation in general and Executive orders, all of them, to the best I can recall, and I'm sure he did some base touching over there, particularly with Ted. But he was under Ted's general supervision. He was kind of the guy in the legislative and Executive order arena, on the substantive side, not on the tactics end.

I think I probably ought to sum it up fairly soon.

HACKMAN: Well, I've probably got a half an hour or an hour to go, so why don't we just cut here, and can I come back again sometime when you can stick me in and we'll finish up? I can take what I've got and go over it and redevelop . . .

## THE PRESIDENT AND LEGISLATION

By  
Phillip S. Hughes,  
Assistant Director for  
Legislative Reference,  
Bureau of the Budget  
before the  
Federal Business Association  
Dallas, Texas  
October 29, 1958

When I wrote to Mr. Gill regarding the subject of my talk this afternoon, I told him that it could have had any of several different titles. One obvious one is "The Bureau of the Budget and Legislation." Another one that tempted me was "One Bureaucrat's View of the Legislative Process," or "How to Get Out of the Frying Pan into the Fire and Back Again." But whatever label we give the legislative clearance process, it is to me an intensely fascinating one and one which I believe fundamentally important to the Government as we know it today. The process is relatively little known, particularly the portion of it that takes place entirely within the Executive Branch of the Government. I believe, too, that the fact that the Bureau of the Budget plays an important part in this process is even less known. I hope that in discussing it today I can give you some idea of its scope and importance and also of the life, the suspense, and the excitement that it has for those of us participating in it. If I can give you some idea of what we do and why we do it, perhaps our respective jobs may, over the long run, be made a bit easier.

To start off, what has the President, who is by definition the Chief Executive, got to do with legislation, and if he has much to do with it, how about the Constitutional separation of powers, the division of our Government into legislative, executive, and judicial branches? The answer to this question is, of course, that the Constitution itself gives the President very important legislative responsibility and some additional responsibility closely related to the legislative process. First of all, of course, there is the President's veto power. Perhaps we tend to think of this as executive rather than legislative power, but surely the power to disapprove legislation is a legislative power. The veto authority granted the President by the Constitution is contained in section 7 of Article I of that document which in general spells out legislative authority. Second, section 2 of Article II of the Constitution says that the President "may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices." The opinion of department heads on legislation is essential in the formulation of the President's legislative program and in determining the actions to be taken with respect to legislative proposals before the Congress. Third, section 3 of Article II says that "the President shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient." In doing this he, of course, proposes and supports legislation for the Congress' consideration. In addition to these three

Constitutional stipulations, the President of course has other powers and responsibilities -- as Commander-in-Chief, as head of the Government, and as the leader of his political party. I think, though, for purposes of this discussion we can focus our attention on legislative responsibilities that are more or less specific in the Constitution.

Acknowledging the President's legislative responsibilities, what business has the Bureau of the Budget, and, more specifically, what business have I in this intensely political and controversial legislative process? The answer to the first part of the question is easy, at least up to a point. The Bureau of the Budget is involved in the legislative clearance process because successive Presidents have wanted it to be. Something like the existing legislative clearance process has been in existence since the time of President Harding. For a number of years the focus of the effort was on legislation with a budgetary impact, but as time passed the need for more comprehensive clearance and coordination of proposals resulted in the extension of the operation to cover all types of legislation. In carrying on the legislative clearance function the Bureau operates really as an extension of the institution of the Presidency, and we are fully armed with the requisite Executive orders and with circulars, issued by the direction of the President, which spell out the policy and procedures. Why put this legislative clearance function in the Bureau? Successive Presidents have felt that the Bureau, with its Government-wide interests in policy, management, and procedure was the logical repository of an operation

which requires contacts with the Congress and with all agencies of the Executive Branch of the Government. The usefulness of the clearance process is evidenced not only by its durability, but by the general support it receives from both executive agencies and the Congress and by the high degree of compliance with it. The executive agencies and members or committees of Congress may take issue with the views that the Bureau expresses or with its handling of a particular piece of legislation, but the fact of general support for the function is undeniable.

Now about the people who carry on this function. I am a career Government employee, as are all of the employees of the Office of Legislative Reference. I entered Government service in 1913 and the Bureau of the Budget in 1949. All but one of 19 employees of the office have been in Government service five years or more, and most 10 years or more. My predecessor as Assistant Director for Legislative Reference, Mr. Roger Jones, served in the Bureau of the Budget under three Presidents, and as Assistant Director for Legislation under two Presidents of different parties. Professionally and civil service-wise we classify ourselves as legislative analysts. Some of us are lawyers but others, including me, are not. Since we are few, we depend upon the time and talents of other Bureau of the Budget staff and agency staff for expert advice and counsel.

The Office of Legislative Reference exists because the President and the Congress, whatever may be their respective political alignment, need an institutional mechanism -- machinery for communication at the

point where legislation or legislative materials flow from one to the other. We also exist because the agencies within any administration also need the same kind of middleman to serve as an honest broker and coordinator and to facilitate the settlement of controversies. Congress needs to know executive branch views and to have the benefit of executive agency expertise not only on the three or four or 10 or 20 major legislative proposals which are in the headlines throughout a congressional session, but also on the literally thousands of lesser bills which collectively may have a greater impact than the major ones.

Let me give you a few figures to indicate the volume of legislative business. During the 85th Congress, executive agencies themselves proposed about 850 separate pieces of legislation. Bills and joint resolutions actually introduced in both Houses totalled about 19,000, and of this total about 8,000 actually received serious consideration of a sort involving the preparation and submission for clearance of one or more agency reports. To round out the statistics, the 85th Congress enacted 936 Public Laws, 764 Private Laws, and an additional 51 bills which were vetoed by the President.

With this volume of business it is quite apparent that neither the President nor any one of his immediate political assistants is in a position to review and evaluate all legislation from the standpoint of his program and policies. Congress can seek and does seek the views of individual agencies, but for obvious reasons it is not in a position to coordinate and reconcile divergent agency views. Furthermore, the Congress wants to know not only what the agency thinks about the bill,

but also what the President on behalf of his Administration thinks about the bill. From the standpoint of the executive agencies, Agency A may have vastly different views from Agency B with respect to a given proposal, and if the proposal is a new one or a new variation of an old one, neither agency may be sure of the President's position -- the Administration's position.

Let's consider some specific legislative clearance operations.

Agency A has a draft bill which it wishes to sponsor in the 85th Congress. If the bill is an important one, it may even wish to have the President sponsor the bill by mentioning it in one of his state messages or in a special message. The bill is sent to the Bureau of the Budget in accordance with well-established procedures. The Bureau reviews the bill and determines that Agencies B, C, and D have substantial interests in it, so we send it to these other agencies for review and comment. All of them may find the draft submitted by Agency A to be satisfactory. More likely, one or more of them will propose technical or substantial amendments. Perhaps divergent views can be worked out by correspondence or by telegrams or perhaps we need to have a meeting to make possible a better understanding of respective positions. If the bill is an important one and the differences cannot be worked out, key members of the White House staff and the President himself will be brought into the discussion prior to the reaching of a final decision. Finally, however, the Bureau will advise Agency A that its legislative proposal can be submitted, perhaps with Presidential endorsement, or that it cannot be submitted because it conflicts with established Administration objectives.

When a bill has been introduced in the Congress and considered by the committee, to which it is assigned, to be of sufficient importance for further study, the committee normally asks one or more executive agencies for their views. When these views are ready they are submitted to the Bureau of the Budget for review as to the relationship of the legislation and the views expressed to the President's program. The Bureau, after obtaining the views of other interested agencies, may tell the reporting agency either (1) there is no objection to the proposal, (2) the legislation achieves an important Administration objective and therefore is in accord with the President's program, or (3) it conflicts with an important Administration objective and therefore is not in accord with the President's program. There are a number of possible variations on these three themes -- as, for instance, amendment to eliminate other agencies' objections -- but they are generally illustrative of the range of coordination advice given. During the course of negotiations over conflicting agency reports the persuasive powers of the respective parties are brought fully into play. The more heated the controversy, the more earnest the anti-twisting efforts of the disagreeing agencies, but in the last analysis the Congress gets unvarnished agency views.

Finally, with respect to enrolled bills, the Bureau is the President's agent in obtaining from all the interested agencies their final recommendation with respect to approval or disapproval of the bill in the form passed by the Congress. Since the Constitution provides only 10 days for the President's final action, the agency's written analysis and recommendations, its preparation of a draft veto message or signing



statement, if any, the Bureau's summary of sometimes divergent agency recommendations, and the President's own review and final action must take place on an extremely tight schedule. The tight schedule must not, however, be allowed to prevent the President from receiving full and complete analyses and recommendations from the agencies concerned so that his final decision will be made with all the facts at his disposal.

You can see that we in the Office of Legislative Reference are middlemen in more ways than one. Our opportunities to get into trouble are virtually unlimited. We not only carry water on each shoulder, but a hatchet in each hand as well. Beyond the basic responsibility of all Government employees to serve in the public interest we have several other responsibilities to fulfill. First of all, we must help the President to be the kind of a President that he wants to be, and we must see to it that in the legislative area the President's official personality is communicated to the Congress and to the executive agencies as clearly and expeditiously as possible. Secondly, in our role as middlemen we must serve as the honest broker between the executive branch and the Congress and between individual executive agencies throughout the legislative process. Thirdly, as employees of the Bureau of the Budget we must see to it that in our honest broker role we give neither too much nor too little emphasis to the Bureau's basic concern over the Federal budget and Federal finances.

If we do our job well, (1) the Administration develops a legislative program which is consistent with and carries out its broad policy objectives; (2) the Congress has full opportunity to consider the

Administration's program and to debate its pros and cons' additionally it can obtain coordinated agency views on all legislation under consideration; (3) the executive agencies have legislative proposals which they can defend before the Congress with full knowledge of the views of other interested agencies and with the assurance of the general support of the Administration from the President on down; (4) you people in the Federal Government's field offices have more carefully considered and better drafted laws as bases for carrying on your programs.

You and I, as individuals, may disagree with the objectives of a program that it is our responsibility to carry out, but this is not really the test of the effectiveness or desirability of the legislative clearance process. The true test questions are: First, were all possible lines brought to bear on the problem in formulating the President's program -- or the Administration position? Second, were the program and policy decisions made known so that the program or position could be presented effectively to the Congress? Third, in the legislation returned free of avoidable administrative problems and technical bugs? If the answer to these three questions is yes, and regardless of whether you and I personally like the legislation or not, was in the Bureau of the Budget did our job, you have better legislation to work with, and the public is assured that the legislation, whatever it may be, received the consideration which proposals affecting the lives of 160 million people should receive.

EXECUTIVE OFFICE OF THE PRESIDENT  
BUREAU OF THE BUDGET  
WASHINGTON 25, D. C.

June 16, 1960

CIRCULAR NO. A-19  
Revised

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Procedures for the coordination and clearance of agency recommendations on proposed, pending and enrolled legislation

1. Purpose. This Circular consolidates the Bureau of the Budget's general instructions to the agencies on the legislative coordination and clearance process. It supersedes Circular No. A-19 (revised September 12, 1956), Circular No. A-9 (revised July 2, 1956), and Circular No. A-42 (February 14, 1957), which are hereby revoked. It also includes instructions on the preparation of agency legislative programs, which have previously been incorporated in Circular No. A-11, Instructions for the preparation and submission of annual budget estimates.

At the direction of the President, the Bureau of the Budget performs legislative coordination and clearance functions which have the purpose of assisting the President in developing his position on legislation, making known the administration's position on particular legislation for the guidance of the agencies and information of Congress, assuring appropriate consideration of the views of all affected agencies, and assisting the President with respect to his action on enrolled bills.

2. Definitions. The following definitions apply herein:

Advice: Information transmitted to an agency by the Bureau stating the relationship of particular legislation and reports thereon to the program of the President or stating the views of the Bureau as a staff agency for the President with respect to such legislation and reports.

Agency: Any executive department or independent commission, board, bureau, office, agency, Government-owned or controlled corporation, or other establishment of the Government, including regulatory commission or board, and also the municipal government of the District of Columbia, but not including agencies of the legislative or judicial branches of the Government.

Enrolled bill: A bill passed by both Houses of Congress and presented to the President for his action.

(No. A-19)

Proposed legislation: A draft bill with supporting documents which an agency wishes to present to Congress for its consideration, or any legislative proposal included in an annual or special report or in other written form which the agency proposes to transmit to the Congress or make available to the public.

Report: Any written expression of official views on pending bills or resolutions prepared by an agency for (a) transmittal to any committee, member, or officer of Congress or (b) presentation as testimony before a congressional committee.

The terms "proposed legislation" and "report" do not include justifications for appropriations or proposals for reorganization plans.

3. Agency legislative programs. Agencies shall prepare annually proposed legislative programs for the forthcoming session of Congress. These programs are used by White House, Bureau of the Budget, and other Executive Office staff in assisting the President in the preparation of his legislative program, annual and special messages, and the annual budget.

An agency's legislative program is to be developed before or concurrently with the preparation of its annual budget submission, and 10 copies of the program shall be transmitted to the Bureau at the same time as the annual budget submission. If an agency has no proposals to make, it will submit a statement to this effect.

The proposed program shall include all items of legislation, including proposals to repeal provisions of existing law or to extend provisions of expiring law, which an agency contemplates proposing to Congress (or actively supporting if already pending legislation) during the coming session. The decision to include an item will take into account the President's known legislative, budgetary, and other relevant policies.

The program shall also include separate lists of (a) legislative proposals under intensive consideration in an agency which have not yet reached the stage of inclusion in its proposed legislative program, and (b) all laws or provisions of law affecting an agency (whether or not the agency will propose their extension) which will expire from the end of the preceding session of Congress to the end of the next calendar year. Any laws which will expire at a still later date will also be included if special circumstances warrant their extension in the forthcoming session.

Attachment A provides more detailed instructions as to the content and format of proposed legislative programs.

Submission of legislative proposals pursuant to this section does not constitute a request for Bureau advice. Such requests will be made in the manner prescribed in section 4.

4. Coordination and clearance of agency proposed legislation and reports. Before proposed legislation or a report (see definition of "report" for coverage) is transmitted outside the Executive Branch, the originating agency shall submit it to the Bureau for coordination and advice.

- a. Copies to be furnished. At least four legible copies of proposed legislation and reports on public bills and two copies of reports on private bills shall be furnished. Where wide circulation or expedited action may be required, the originating agency will consult in advance with the Bureau as to the number of copies to be supplied. In most instances, machine reproduced copies are necessary to assure legibility.
- b. Timing of agency requests for advice. Reports shall be transmitted to the Bureau in sufficient time (normally one month) to permit action by the Bureau to be completed prior to the date when it is necessary to transmit the reports to the Congress. Agencies will not commit themselves to forward reports or proposed legislation to Congress on a time schedule which does not allow orderly coordination and clearance to take place. Agencies will state in their letters of transmittal to the Bureau any information on congressional schedules and requirements which bears upon the urgency of their reports or proposed legislation. Where unforeseen congressional deadlines make it necessary, however, expedited handling may be requested.
- c. Certain items to be included in agency submissions. When submitted to the Bureau, proposed legislation shall be accompanied by a draft of the letter which an agency proposes to send to the Speaker of the House and the President of the Senate in transmitting the draft bill. In addition, an agency will furnish background information, such as an analysis of the provisions of the proposed legislation, comparison with existing law, a statement of other agencies' interests, etc., which will be helpful in acting on its proposal. Similarly, a letter requesting

advice on a report on pending legislation will identify previous related bills and set forth any relevant comments not included in the report itself.

In cases where a legislative proposal, either proposed or pending, would carry out a Presidential recommendation, the report or letter transmitting proposed legislation to the Congress shall include a statement identifying the recommendation and indicating the degree to which the legislation concerned will carry it out.

- d. Personnel and cost information. The Act of July 25, 1956, 70 Stat. 652 (5 U. S. C. 642a) requires that in certain cases agency reports on pending legislation and agency proposals for new legislation include estimates of additional expenditures and manpower which would result from enactment of the legislation. In order that agencies will have these requirements readily at hand for careful compliance, this statute is set forth as Attachment B.

In addition to the above requirements, an agency shall include in its letter transmitting proposed legislation or in its report on pending legislation its best estimate of the appropriations (for each of the first five years) which will be needed to carry out its responsibilities under the legislation. Similarly, if the legislation would effect savings in appropriations, increase or decrease Federal revenues, or affect the receipts or expenditures of a trust or special fund, an agency shall include its best estimate of these savings or changes. These estimates will be on a fiscal year basis.

- e. Bureau action on agency submissions. Upon receipt of an agency's proposed legislation or report, the Bureau will undertake the necessary coordination with other interested agencies. If congressional committees have not requested reports from all of the interested agencies, the Bureau will request additional agency views within specified time limits, which must be carefully observed. The Bureau will consult with the President, when appropriate, and undertake such staff work for him as may be necessary in cooperation with other Presidential staff. It may call on

the originating agency for additional information or arrange interagency meetings to exchange views, resolve differences of opinion, or to clarify the factual situation.

When coordination has been completed, the Bureau will transmit advice to the appropriate agencies, either in writing or by telephone. In transmitting advice, the Bureau will indicate any considerations which it believes the originating agency should or may wish to take into account before submitting its proposed legislation or report to the Congress.

- f. Agency action on receipt of advice from the Bureau. To make the record clear and to prevent misunderstanding, an agency shall state in its report or letter transmitting proposed legislation to the Congress the advice which it has received from the Bureau.

In the case of reports on pending legislation, receipt of advice contrary to the views expressed by an agency does not require the agency to modify its views. In such cases, however, the agency will review its position in the light of the advice received. If it decides to modify its views after consideration of the advice received, it shall consult with the Bureau informally to determine what change, if any, in the advice previously received would be appropriate. If the agency's views are not modified, the advice received from the Bureau shall be incorporated in full.

In the case of proposed legislation, the originating agency shall incorporate in its letter of transmittal to the Congress the advice received from the Bureau. However, an agency shall not submit to Congress any proposal which it has been advised is in conflict with the program of the President.

When an agency, upon receipt of advice, transmits its proposed legislation or report to the Congress, it will furnish a copy to the Bureau.

- g. Agency action where prior clearance has not been effected. When congressional time schedules do not allow an agency to obtain advice from the Bureau prior to the transmittal of its report to the Congress, the agency shall so state in its report and shall indicate that consequently no

determination has been made as to the relationship of the pending legislation or its report thereon to the program of the President. Four copies of the report in such cases will be transmitted to the Bureau at the same time that transmittal is made to the Congress. The Bureau will subsequently furnish advice in appropriate cases, and the agency shall transmit this advice promptly to the Congress.

In cases where an agency has not submitted a report for clearance and its views on pending legislation are to be expressed in the form of oral testimony, the Bureau will undertake, upon request by the agency, such coordination and give such advice as the circumstances permit. In presenting its oral testimony, the agency shall indicate what advice, if any, has been received from the Bureau. If none has been obtained, the agency will so indicate.

Agencies shall not submit to Congress, on their initiative or with their endorsement, proposed legislation which has not been coordinated within the Executive Branch in accordance with the provisions of this Circular. However, agencies need not submit for clearance draft bills which are prepared as a drafting service for a congressional committee or member of Congress, provided no commitment is made with respect to the position of the President or the agency. A copy of such draft bill and the accompanying letter will be furnished to the Bureau.

- h. Transmittal of agency communications to the Congress. All agencies shall observe the explicit instructions of House Rule XL and Senate Rule VII and forward proposed legislation or various reports required to be made under statutory provisions to the Speaker of the House and the President of the Senate.

These instructions do not require that reports which have been requested by Committee Chairmen on bills and resolutions pending before their Committees be sent to the Speaker of the House and the President of the Senate. Such reports will be transmitted directly to the requesting Committees.

- i. Interagency consultation. In carrying out its legislative functions, each agency is encouraged to consult with other agencies concerned in order that all relevant interests and points of view may be considered and accommodated, where appropriate, in



the formulation of the agency's position. Such consultation is particularly important in cases of overlapping interests, and intensive efforts should be made to reach interagency agreement before proposed legislation or reports are transmitted to the Bureau.

Interagency committees and other arrangements for joint consultation may often be useful in reaching a common understanding. However, in order that the President may have the individual views of the responsible heads of the agencies, any proposed legislation or reports so coordinated shall be transmitted to the Bureau by the individual agencies involved with appropriate reference to the interagency coordination which has taken place.

As an additional means of effecting interagency coordination, the Bureau will from time to time furnish the agencies with lists of the liaison officers who have been designated by their agencies to handle the coordination of legislative matters. An agency will promptly notify the Bureau of a change in its liaison officer.

- j. Reclearance requirements. The advice received from the Bureau generally applies to all sessions of each Congress, but does not carry over from one Congress to the next. Accordingly, an agency does not need to seek reclearance of a report on which it has already received advice before making the same report on identical bills introduced in the same Congress, unless changed conditions indicate that reclearance is appropriate. It shall, however, include in its subsequent reports appropriate reference to the advice received on its original report. It will also transmit one copy of any subsequent report to the Bureau at the same time that it is transmitted to Congress.

If an agency wishes to request reclearance of a draft bill or report, identical or substantially identical to one cleared for transmittal to a previous Congress, its request should be transmitted in a form similar to that illustrated in Attachment C. Submittal of lists of bills or reports for this purpose is discouraged because each item must be handled separately in the Bureau.

Clearance of written testimony before a congressional committee on pending legislation is not necessary if an agency has already received advice on a written report on

the same legislation and the testimony simply enlarges on the report and raises no new issues. Similarly, clearance of a report is not necessary if an agency has already received advice on written testimony on the same legislation and the report simply confirms the testimony. A copy of the report or testimony will be furnished to the Bureau.

- k. Use of no comment reports. As a general rule, an agency will submit a no comment report only when it has no interest in the pending legislation or nothing to contribute by way of informed comment. An agency will submit such a report for normal clearance, unless a different procedure is informally arranged with the Bureau. In either event, one copy of each such report will be furnished to the Bureau at the time it is transmitted to Congress.

5. Enrolled bills. Under the Constitution, the President has 10 days (including holidays but excluding Sundays) to act on enrolled bills after they are presented to him. To provide the fullest possible opportunity for Presidential consideration, enrolled bills must be accorded top priority.

- a. Initial Bureau action. The Bureau will obtain facsimiles of enrolled bills from the Government Printing Office and immediately forward one facsimile to each interested agency, requesting the agency's views concerning the bill and its recommendation for Presidential action.
- b. Agency action. Each agency receiving such a request shall immediately prepare a views letter and transmit it in duplicate to the Bureau not later than 48 hours (excluding Sundays) after receipt of the facsimile. Because of the definitive nature of Presidential action on enrolled bills, agency views letters shall be signed by a Presidential appointee. The letters will be delivered by special messenger to the Bureau staff member indicated in the request for views.

Agency views letters on enrolled bills are transmitted to the President and will be written with the objective of assisting him in reaching a decision. Each letter will therefore be complete in itself and will not incorporate by reference earlier reports.

The letters will contain (1) an analysis of the features of the bill (this is primarily the responsibility of the agency having the principal interest), (2) where appropriate, a comparison of the bill with administration proposals on the same subject, (3) such comments, criticisms, analyses of benefits and shortcomings, or special considerations as will assist the President in reaching a decision, (4) identification of factors which make it necessary or desirable for the President to act by a particular date, (5) an estimate by any agency responsible for operations under the bill (or if there are no operations by the major interested agency) of the first-year and recurring costs or savings under the measure, and (6) a specific recommendation as to action by the President.

Letters recommending disapproval must be accompanied by a proposed veto message or memorandum of disapproval, in quadruplicate, prepared on legal-size paper and double-spaced. Such a message or memorandum shall be a finished product in form and substance which can be used by the President without further revision.

Agencies may wish, in exceptional cases, to recommend issuance of a signing statement by the President. Letters so recommending must be accompanied by a draft of such statement, in quadruplicate.

Letters on private bills shall cite, where appropriate, precedents which support the action recommended by the agency or which need to be distinguished from the action so recommended.

Views letters on enrolled bills are treated as privileged communications and agencies will be guided accordingly in determining their content.

- c. Subsequent Bureau action. The Bureau will transmit to the President the agency letters, together with a covering memorandum, not later than the fifth day following receipt of the enrolled bill at the White House.

By direction of the President:

MAURICE H. STANS  
Director

Attachments

(No. A-19)

INSTRUCTIONS RELATING TO THE PREPARATION OF AGENCY LEGISLATIVE PROGRAMS

1. An agency's proposed legislative program will be divided into two parts:

PART I -- PRESIDENT'S PROGRAM PROPOSALS

Those items which an agency believes are of sufficient importance to be included in the President's legislative program and given specific endorsement by him in one of the regular annual messages, such as the budget message, or in a special message.

PART II -- ALL OTHER PROPOSALS

2. Within each Part, the items will be listed in order of relative priority.

3. With respect to each item of proposed legislation, the following information will be provided:

- a. A brief description of the proposal, its objectives, and its relationship to existing programs. Agencies are encouraged to include greater detail on the specific provisions of their proposals in cases where the proposals are included in Part I, or where the subject matter proposes new policies or programs or raises complex issues.
- b. Pertinent comments as to timing and readiness of drafts.
- c. Pertinent references to bills and reports concerning the subject in current or recent sessions of Congress.
- d. An estimate of (1) any appropriations which would be required during each of the first five years, (2) any savings in appropriations, (3) any changes in budget receipts, or (4) any changes in the receipts or expenditures of a trust fund or a special fund.

Each item of proposed legislation will be given a separate number for purposes of ready identification.

4. The lists of legislative proposals still under consideration and of expiring laws (see Section 3 of the Circular) will be presented separately from Parts I and II. The following special instructions apply to them:

- 2 -

- a. Items still under consideration will be listed in approximate order of priority and each briefly described in terms of subject matter and status.
- b. Expiring laws will be described in terms of (1) the subject, (2) the citation, (3) the date of expiration, and (4) a brief explanation including the agency's views as to whether the law should be extended or permitted to expire. If an agency recommends extension, the proposal will be included in Part I or Part II (see 1 above), as appropriate.

5. The statement shall be prepared on 8 by 10 $\frac{1}{2}$  size paper. General conformance to the format of the attached exhibit will greatly facilitate the use of these programs.

Attachment

DEPARTMENT OF GOVERNMENT

PROPOSED LEGISLATIVE PROGRAM FOR THE \_\_\_\_ SESSION OF THE \_\_TH CONGRESS  
(Items in each Part are listed in order of priority)

PART I -- PRESIDENT'S PROGRAM PROPOSALS

1. Alaska Omnibus Act -- To make those changes in Federal laws which have become necessary and desirable because of Alaska's admission into the Union. Proposal would (a) make Alaska eligible to participate in a number of Federal grant-in-aid programs on a comparable basis with the other States; (b) terminate certain special Federal programs; (c) authorize Federal financial assistance during an interim period, transfers of Federal property to the State, and other measures required to facilitate orderly transition; (d) clarify the applicability of certain laws to Alaska; and (e) eliminate inappropriate references to the "Territory of Alaska" in Federal statutes.

Early enactment is required to assure continuity of a number of essential public services in Alaska and to provide for the orderly transition of Alaska to statehood. Drafting has been substantially completed and a bill will be submitted to the Bureau of the Budget shortly.

Bill will authorize transitional grants as follows: \$10.5 million for fiscal year 19\_\_, \$6 million for 19\_\_ and 19\_\_, and \$2.5 million for 19\_\_ and 19\_\_. Amounts appropriated for grants for a number of activities would be offset to a large extent by elimination of appropriations for a number of activities which the Federal Government would have continued to finance had Alaska remained a territory.

2. ....

PART II -- ALL OTHER PROPOSALS

3. Unemployment insurance for ex-servicemen -- Would extend unemployment insurance provisions of the Social Security Act for Federal civilian employment to cover service in the armed forces. Program would be administered by States under agreements with Federal Government. Purpose is to insure individuals leaving the armed forces the same income protection enjoyed by Federal civilian employees and most industry employees.

H. R. 10000 and S. 5000 were introduced in the first session of the 8<sup>th</sup> Congress as departmental proposals. H. R. 10000 was reported July 1, 19\_\_ (House Report No. 888). No action on S. 5000.

Benefit costs for 19\_\_ are estimated at \$50 million. There will be offsetting savings of about \$10 million since some individuals qualified under existing law will seek benefits under the new law. Administrative costs are estimated at approximately \$3.2 million in 19\_\_. Benefit and administrative costs for the four years after 19\_\_ will be dependent on employment conditions then prevailing but are not expected to exceed the cost estimates for 19\_\_.

ACT OF JULY 25, 1956, 70 STAT. 652 (5 U. S. C. 642a)

"(a) Each report, recommendation, or other communication, of an official nature, of any department, agency, or independent establishment of the executive branch of the Federal Government (including any corporation wholly owned by the United States) which--

"(1) relates to pending or proposed legislation which, if enacted, will entail an estimated annual expenditure of appropriated funds in excess of \$1,000,000,

"(2) is submitted or transmitted to the Congress or any committee thereof in compliance with law or on the initiative of the appropriate authority of the executive branch, and

"(3) officially proposes or recommends the creation or expansion, either by action of the Congress or by administrative action, of any function, activity, or authority of any such department, agency, independent establishment, or corporation, to be in addition to those functions, activities, and authorities thereof existing at the time such report, recommendation, or communication is submitted or transmitted to the Congress or any committee thereof, shall contain a statement, with respect to such department, agency, independent establishment, or corporation, for each of the first five fiscal years during which each such additional or expanded function, activity, or authority so proposed or recommended is to be in effect, disclosing the following information:

"(A) The estimated maximum additional --

"(i) man-years of civilian employment, by general categories of positions,

"(ii) expenditures for personal services, and

"(iii) expenditures for all purposes other than personal services,

which are attributable to such function, activity, or authority and which will be required to be effected by such department, agency, independent establishment, or corporation in connection with the performance of such function, activity, or authority, and

"(B) such other statement, discussion, explanation, or other information as may be deemed advisable by the appropriate authority of the executive branch or which may be required by the Congress or a committee thereof.

"(b) Subsection (a) of this section shall not apply to the Central Intelligence Agency."

Assistant Director for Legislative Reference  
Bureau of the Budget  
Executive Office of the President  
Washington 25, D. C.

Subject: Proposed report on \_\_\_\_\_, 8\_\_th Congress

The Department of \_\_\_\_\_ has been requested to submit a report on the subject bill, which is identical with \_\_\_\_\_ of the 8\_\_th Congress.

Will you please advise whether there is objection to submitting the same report on subject bill as was prepared on \_\_\_\_\_ and submitted to you for clearance on \_\_\_\_\_, except for the following modifications:

(No. A-19)