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BEFORE
SENATE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS
OCTOBER 22, 2009
PRESIDENTIAL ADVICE AND SENATE CONSENT:
THE PAST, PRESENT, AND FUTURE OF POLICY CZARS**

Mr. Chairman, Senator Collins, and members of the Senate Committee on Homeland Security and Governmental Affairs, thank you for your invitation to appear here today to testify on the creation, role, and congressional accountability of so-called policy “czars.” My statement reviews the historical antecedents of these presidential agents, the conditions contributing to their creation, their initial use during the period of World War II, their congressional accountability at that time, some later developments, and some considerations regarding their future relationships with Congress.

Introduction

Upon entering office, the initial Presidents were somewhat limited regarding official sources they might enlist for administrative assistance. The Constitution provided that they might “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.” On more general matters concerning the appointment of such officers and treaty-making, the Senate was constitutionally prescribed an advisory role, but President George Washington, upon presenting himself to the assembled Senators in August 1789 to consult on public business, quickly became aware of their unwillingness to engage in such discussions.¹ Around the same time, the House of Representatives made it clear that it did not welcome personal appearances by the heads of the executive departments on the floor of that chamber, and that reports and other information should be transmitted by those officials in writing and not in person.² In August 1793, the Supreme Court rebuffed Washington’s request for legal advice regarding certain matters of international law, neutrality, and the construction of French and British treaties, and declined to express an opinion except in a case duly litigated before it.³ The overall effect of these developments was to leave the President dependent upon those he made the heads of the executive departments for the provision of administrative assistance, including both management and advice. Out of this situation arose the Cabinet.

A Cabinet, it has been said, “originates in the universal need on the part of any single Chief Executive to consult with others and draw upon the advice of others in exercising his political power,” including making members of the Cabinet agents of the Executive for such an

exercise. Although the Cabinet concept may be traced to “an inner circle of the King’s advisers in England in 1622,” the warning has been offered that the “American Cabinet was not a copied product,” and that its “terminological affinity with the English institution should not be stretched to connote other similarities except the most general and, indeed, universal sense.”⁴

Washington’s Cabinet initially consisted of a Secretary of State, Secretary of War, Secretary of the Treasury, and Attorney General. The last of these did not head a department until 1870, but was a regular attendee at Cabinet meetings from 1792. Not so the Vice President, as the office was regarded as a legislative position, the primary duty being to preside over the deliberations of the Senate.⁵ Both John Adams and Thomas Jefferson held this view, the former breaking 29 Senate voting deadlocks and the latter relying upon this stance as a basis to decline other assignments from the President, such as a diplomatic mission, and to protect his leadership of the opposition party.⁶ It is not surprising, therefore, that the Vice President, for many years, was not included in Cabinet deliberations. John Adams apparently attended one Cabinet meeting, but the President was not present at this particular gathering.⁷

Over the next 30 years, factionalism — partisan, ideological, and geographic, among other considerations — would militate against the Cabinet concept. With the 1829 inauguration of Andrew Jackson, the presidential circle of advisers and agents — trusted political friends within and outside the government — became much more apparent. Jackson depended upon his Cabinet for very little. Some successors, however, notably John Tyler, James K. Polk, and Franklin Pierce, made considerable use of it. For the period leading up to the Civil War, the Cabinet was generally thought to have been important for policy and political management rather than administration.⁸

During the embattled presidency of Abraham Lincoln, the Cabinet was considered to have been of largely symbolic value, though the administrative skills of a couple of members — Secretary of State William H. Seward and Secretary of the Navy Gideon Wells — were appreciated. None other than former President William Howard Taft recounted the story of Lincoln’s remarking that, after heated debate in the Cabinet on a particular matter, decision came in one unanimous vote — his own.⁹ Within the past few years, historian Doris Kearns Goodwin has given us a more detailed account of this Cabinet experience.¹⁰

Jackson was a President primarily interested in politics and personality, not administration. His election and White House tenure occurred in an era marked by turbulent controversy and party instability, and comings and goings in his Cabinet somewhat reflected the unsettled state of affairs. For many reasons, political survival being not the least, Jackson utilized a special circle of loyal, intimate advisers who came to be known as the Kitchen Cabinet.¹¹ They represented “rising social groups as yet denied the prestige to which they felt their power and energies entitled them.”¹² The phrase was revived by the press again when Tyler succeeded to the presidency in April 1841. Deserted by Whigs and Democrats alike, he resorted to a select circle of advisers composed of personal and political friends from his native Virginia.

Indicative of other such circles of informal advisers and confidants were subsequent press references, not always based on the most reliable evidence, to equivalents of the Kitchen Cabinets of Jackson and Tyler. Grover Cleveland was credited with having a “Fishing Cabinet”; some 30 athletic friends of Theodore Roosevelt was dubbed the “Tennis Cabinet”; for Warren G. Harding, there was the “Poker Cabinet”; and the “Medicine Ball Cabinet” was attributed to Herbert Hoover. Franklin D. Roosevelt brought to the White House a new group of advisers and agents — the Brains Trust — composed of intellectuals and other ideas people from the academic world.¹³ Because there was an insufficient number of staff positions at the White House to accommodate them, these aides were placed elsewhere in the executive branch, but primarily served the President. This novel manner of governmental employment provides a small indication of the need that was subsequently met with the creation of the Executive Office of the President (EOP) and the White House Office (WHO) in 1939, providing enclaves for presidential agents and advisers who, in the view of some, would be regarded as “czars.”

Institutional Haven

Shortly after the dawn of the twentieth century, the federal government entered a new phase — the rise of the administrative state. Among the forces contributing to this development was the Progressive Movement, which sought greater government intervention into, and regulation of, various sectors of American society. An autonomous Department of Labor was established in 1913, along with the Federal Reserve. The Federal Trade Commission was created the following year. With the entry of the United States into World War I in 1917, regulatory and other governmental activities expanded, and the number of administrative agencies increased. With the postwar era, government expansion momentarily slowed, but began again with the onset of the Great Depression and subsequent New Deal responses to the economic emergency.

As President, Franklin D. Roosevelt utilized a variety of coordinative arrangements. The first attempt in this regard was a 24-member Executive Council, chartered by E.O. 6202A on July 11, 1933, issued pursuant to the Federal Emergency Relief Act¹⁴ and the National Industrial Recovery Act.¹⁵ It included the entire Cabinet, the Director of the Bureau of the Budget (BOB), and the heads of the various economic recovery agencies. Chairing the panel, Roosevelt was assisted by a single executive secretary, Frank C. Walker, who performed “such duties as may be prescribed him by the President.” As the Council’s only professional staff member, Walker performed purely administrative duties — he was no “czar,” even though, by one estimate, he was “the first of a long line of so-called assistant presidents.”¹⁶

Finding the initial Council somewhat unwieldy, Roosevelt soon abandoned it for a National Emergency Council, established by E.O. 6433A on November 17, 1933, issued pursuant to the same statutes utilized for chartering the prior council, as well as the Agricultural Adjustment Act.¹⁷ The new Council counted a lesser number of Cabinet and recovery agency heads as members, and had field directors in each of the states to coordinate federal relief efforts. Walker initially served as the panel’s executive director, was briefly succeeded by Donald Richberg, then returned. The Council was also assisted by about a half dozen additional senior

professionals, along with the field directors.

A reconstituted National Emergency Council was established with E.O. 6889A of October 31, 1934. As a consolidation of the Executive Council, the first National Emergency Council, and a National Recovery Administration oversight panel called the Industrial Emergency Committee, it suffered from an abundance of members, but the authority of its executive director was expanded to make him a potentially strong presidential agent. Roosevelt, however, did not vest Richberg or Walker with this status. After the latter left government service in December 1935, the Council went into a decline, its last meeting occurring on April 28, 1936.¹⁸

The last of Roosevelt's coordinative schemes for depression-era programs was created for purposes of administering the Emergency Relief Appropriations Act.¹⁹ Popularly dubbed "the five-ring circus," it consisted of a variety of interlocking clearance and coordination mechanisms, beginning with Walker at the National Emergency Council, then continuing with the Secretary of the Interior and Public Works Administrator, the head of the Works Progress Administration, and the Secretary of the Treasury, and concluding with the BOB Director.²⁰ Undoubtedly, the "five-ring circus" worked largely because of the personal political skill and energy of Roosevelt and the devotion of those within the "circus" to him. It also amply demonstrated, however, the President's growing dependence on assistants and agents other than Cabinet members. Furthermore, while it assured Congress, for the moment, that the President could create a coordinative and administrative superstructure to expend lump-sum appropriations for federal relief, it also caused Roosevelt to reconsider the need and ways to integrate the emergency agencies, no matter how temporary, into the existing executive branch framework.²¹

By the time he commenced his second term as President, Franklin D. Roosevelt had administrative reform on his agenda. He wanted to improve the President's ability to manage the executive branch, including the President's authority to reorganize the executive branch and to be assisted by his agents. Previous Presidents — Theodore Roosevelt, Woodrow Wilson, Warren Harding, and Herbert Hoover — sought ways to better manage the executive branch, including its reorganization. Congress had vested Wilson with temporary reorganization authority for the period of United States involvement in World War I;²² Hoover also had lately been granted reorganization authority.²³ In 1929, Hoover had also convinced Congress to authorize his hiring of two additional presidential Secretaries and an Administrative Assistant.²⁴ This increased allotment of White House positions still was not adequate to accommodate the "Brains Trust" advisers Roosevelt brought with him from New York and who had to be located, physically and as employees, at the Department of Agriculture, Department of State, and Reconstruction Finance Corporation.

To assist him in his thinking about, and in developing his plans for, administrative reform, Roosevelt created a temporary study panel — the President's Committee on Administrative Management — on March 22, 1936.²⁵ The members included chairman Louis Brownlow, a former journalist who had pursued, in the spirit of the Progressive Movement, civic

leadership positions, including becoming a Commissioner of the District of Columbia Government, and eventually landing him in the role of the head of the Public Administration Clearinghouse in Chicago; Charles E. Merriam, a preeminent University of Chicago political scientist, who was a proponent of governmental planning; and Luther Gulick, a burgeoning figure in the new field of public administration, who was expert in organization and management matters.²⁶

The Committee's report, which was released to Congress on January 12, 1937, proposed that all executive branch agencies be subsumed under one of the existing Cabinet departments. Contending that "the President needs help," it proffered that his immediate staff needs be increased with "a small number of executive assistants who would be his direct aides in dealing with the managerial agencies and administrative departments of the government." These aides, "probably not exceeding six in number," according to the report, "would have no power to make decisions or issue instructions in their own right." Whoever these agents were, or where located, "they would not be interposed between the President and the heads of his departments." In no regard would they be "assistant presidents in any sense," it said. Those chosen for these positions "should be possessed of high competence, great physical vigor, and a passion for anonymity."²⁷

Complications ensued. Three weeks after submitting the Committee's report to Congress, Roosevelt announced he wanted to enlarge the membership of the Supreme Court. His "court-packing" plan not only fed congressional fears of a presidential power grab, but also so preoccupied Congress that the Committee's recommendations were ignored. Shortly thereafter, however, events, not the least of which were the 1938 election returns and both public and congressional response to Roosevelt's proposed \$3 billion recovery and relief allocation, and his request that Congress examine the concentration of economic power in the United States. By July 1938, the President was again meeting with Brownlow, Merriam, and Gulick with a view to crafting some kind of reform legislation. The result was the Reorganization Act of 1939, which empowered the President to propose reorganization plans, subject to a veto by a majority vote of disapproval in both houses of Congress, and also to appoint six Administrative Assistants.²⁸

Prior to the passage of the legislation, Roosevelt had set Brownlow, Merriam, and Gulick to work on preparing his initial reorganization plans.²⁹ The first of these, submitted to Congress on April 25, indicated that certain agencies were transferred to the Executive Office of the President (EOP), but offered no explanation of that entity.³⁰ Later, on September 8, the President issued E.O. 8248, formally organizing the EOP and, thereby, defining it in terms of its components.³¹ Brownlow viewed the EOP as "the most revolutionary result" of the Reorganization Act, and regarded it as the means for "the effective coordination of the tremendously wide-spread federal machinery." He called the initial version "a little thing" compared to its later size. It grew under Roosevelt, and "it continued to expand and was further regularized by statute, by appropriation acts, and by more reorganization plans" during the succeeding years.³²

The EOP organized by E.O. 8248 consisted of the White House Office (WHO), an institutionalization of the President's immediate staff; the Bureau of the Budget (BOB), relocated from the Department of the Treasury; the National Resources Planning Board, an upgrading of a planning board within the Department of the Interior; the Office of Government Reports, which had assumed the information responsibilities of the defunct National Emergency Council; the Liaison Office for Personnel Management, an attempt at realizing the single civil service administrator recommended by the President's Committee on Administrative Management in 1937; and, "in the event of a national emergency, such office for emergency management as the President shall determine." The Office for Emergency Management (OEM) was created by a presidential administrative order on May 25, 1940, and its functions were further specified in an administrative order of January 7, 1941.³³

Thus, on the eve of the entry of the United States into World War II, the President had at least three havens for his agents, special assistants, and closest advisers. The EOP was a presidential enclave where agencies immediately assisting the President could be located. In late May 1940, when Roosevelt reactivated the Council of National Defense, largely to make use of its potential staff resources and an advisory structure to gather and influence the views of key industrial, business, scientific, and engineering leaders, he located it within the EOP. Moribund since mid-1921, the Council had been statutorily chartered in 1916 and functioned as a sub-Cabinet coordinating and planning committee.³⁴

New agencies to help, initially, with preparations for the defense of the nation and, subsequently, with the prosecution of World War II — many of which were administratively created — were made subunits of OEM, which became something of a holding company for these entities. At the time of Roosevelt's death in 1944, the *United States Government Manual* indicated the existence of 16 major wartime agencies within the OEM fold, even though, by this time, its status as a major coordinating entity had declined.

Discretionary funds for defense preparations permitted the President greater liberty to also create and fill professional staff positions in the WHO. In addition to Secretaries and Administrative Assistants, other titles began to appear, but their significance was not always clear. There were no accompanying position descriptions; the authority of the individual newcomers derived from their proximity to the President, their particular mission, and their performance, though personality and friendships could not be ignored. A case in point was Harry L. Hopkins, a social worker who had served Roosevelt since 1930. Early in 1942, Hopkins, who had most recently been acting as Roosevelt's special emissary to Winston Churchill, was brought onto the WHO payroll as Special Assistant to the President, the first person to hold that title. His ability and delivery were well established. Moreover, he remained Roosevelt's "closest friend and most valued adviser," making him, by one estimate, "probably the most powerful presidential aide who ever lived."³⁵

Another position created early in 1942 was Special Executive Assistant, which was immediately filled by Eugene Casey, recently a Deputy Governor of the Farm Credit

Administration. Two years later, Roosevelt installed his old friend Samuel I. Rosenman within the WHO as the first Special Counsel to the President. Rosenman had long assisted Roosevelt as a speechwriter. In October 1943, he had resigned his New York State judgeship and subsequently joined the President's staff not as a legal adviser — the position would evolve into this role later — but to pursue his old speechwriting craft. By the end of the war, new titles were particularly vague, and there were, as well, various presidential agents who wielded far greater authority than the President's immediate WHO assistants.

War and the Coming of “Czars”

Roosevelt utilized his new administrative structures — the EOP, WHO, and OEM — with his own well developed management style. From his immediate assistants, he sought diverse ideas and outlooks. Thus, he selected aides having dissimilar backgrounds who might personally provide differing perspectives or, as a consequence of their contacts, could elicit a variety of advice from others. Moreover, he chose individuals of clashing temperaments and values who could be strong advocates of their viewpoints. He proceeded to produce and sharpen clashes among these persons by granting overlapping delegations of authority. To hold his official family together, Roosevelt demanded absolute centrality. Standing above the fray, he was the final decisionmaker; loyalty to him was the glue that held the family together and could be invoked to balm hostilities among the family members.³⁶ The reward for loyalty was access to the President. While this management style served Roosevelt quite well during his first two terms, when ideas for combating the Great Depression were needed, it did not produce effective mobilization during the war years. Strategic commitments and advanced planning were needed, not scattered ideas. In military affairs, he was largely willing to rely on his senior officers — General George C. Marshall and Admiral Ernest J. King — when making those decisions.³⁷ In the production and distribution of war material, including the setting of priorities and related economic considerations, he was initially less willing to depend upon a similarly limited number of chieftains.

In a series of lectures delivered at the University of Alabama during the latter part of November 1946, Luther Gulick, who had been a member of the President's Committee on Administrative Management and, thereafter, a close observer of, and participant in, Roosevelt's utilization of his new management structures, reviewed the experiences and lessons of World War II for public administration. “The Cabinet as an institution, if indeed it may be called that, continued its dismal course,” by his estimate, and was not even “to be listed as an agency of war co-ordination.” He then asked, by contrast, “Where would we have been in this war without the Executive Office of the President,” and he single out some of its components — the WHO, BOB, and OEM — for special mention. Overall, he felt, “no one can question the extraordinary total effectiveness of the Presidency under the administrative system which we had through the war years.”³⁸

Gulick also recognized the President's use of what he called “czardoms.” Borrowing from a categorization developed by political scientist James W. Fesler, another close observer

and participant in Roosevelt's wartime administration, Gulick considered the "czardoms," not always successful in every case, to be of three kinds: (1) "emergency agencies focusing attention entirely on a single commodity or industry, like the Petroleum Administration for War ...," (2) "emergency agencies with 'horizontal directive authority' over a major defense function — like the War Production Board ...," and (3) "super-co-ordinating agencies like the Office of War Mobilization, Office of Economic Stabilization, Office for Emergency Management, Bureau of the Budget, and White House [Office]." ³⁹ Other candidates for "czardom" might be offered by other analysts. Summarizing the operating experience of the "czars," Gulick said:

These single-purpose administrators had the great advantage of simplicity of mission. They, their staffs and the public knew exactly what they were trying to do. In general they "got results." They "bulled their way through," overcoming many obstacles. But they also made a great deal of confusion for other programs. ⁴⁰

It was also crucial to have the support of the President, to the point that, the orders given and the actions taken were regarded as those of the President. This was what not only made the "czars" presidential agents, but also what, in the end, made them successful.

Not all attempts to install a "czar" were realized, and some were less than fully successful. Take the example of the Office of Production Management. One of the reasons Roosevelt had reactivated the dormant Council of National Defense in May 1940 was to use its resources and its seven-member Advisory Commission to assist in the defense mobilization effort by conducting investigation, research, and coordination of private sector industry, business, science, and engineering. Soon after being appointed, the Commission members, probably with the President's encouragement, moved beyond playing a purely advisory role and began to assume actual administrative responsibility. The panel, however, had very limited authority, contract clearance being perhaps its most important, and no real powers regarding production. Liaison with other federal agencies was difficult, in part because the activities and efforts of the Commission members was uncoordinated. ⁴¹ Responding to calls for a single administrator, Roosevelt issued E.O. 8629 of January 7, 1941, establishing the Office of Production Management (OPM) to increase production for national defense by mobilizing the "material resources and the industrial facilities of the Nation." ⁴² Located within the EOP, the new agency was vested with the mobilization responsibilities of the Advisory Commission, and two of that panel's top officials — William S. Knudsen, the president of General Motors, and Sidney Hillman, the president of the Amalgamated Clothing Workers — were named its Director General and Associate Director General, respectively, but were given joint authority in the direction of OPM's programs. In one considered view, however, "the President retained many powers which the codirectors needed in order to exert full jurisdiction over a mobilization." Indeed, so wary was he "of permitting OPM independence that he specified its internal organization in the executive order." ⁴³ Roosevelt may have wanted a production "czar," but he was unwilling to make the necessary vestment of authority. Unhappy with his creation, Roosevelt placed OPM under the supervision of the newly established War Production Board (WPB) with the issuance of E.O. 9024 of January 16, 1942. ⁴⁴ Very shortly thereafter, on January 24, the President issued E.O. 9040 abolishing OPM and transferring its functions and personnel

to WPB.⁴⁵

As the successor to OPM, WPB might have realized a “czar” in its chairman, Sears, Roebuck executive vice president Donald Nelson. E.O. 9024, chartering the Board gave Nelson “authority to make final decisions on procurement and production and to head the entire armaments program,” and was considered, as well, “Roosevelt’s greatest delegation of power since 1933.” Furthermore, Nelson “was given authority to determine all policies and procedures of all agencies in respect to war procurement and production ‘including purchasing, contracting, specifications and construction; and including conversion, requisitioning, plant expansion, and the financing thereof; and issue such directives in respect thereto and he may deem necessary or appropriate’.” In brief, “Nelson’s executive order was broad enough to include virtually every aspect of the domestic war effort, except price control in which he could nevertheless exercise considerable influence.”⁴⁶ For reasons best known only to him, however, Nelson allowed his authority to become diluted. Perhaps he did not want to fully contend with the stormy infighting over production priorities and output that occurred in 1942, or he did not realize how much of his job he was turning over to his deputy, but he gave away “many functions, allowed the creation of several coordinate agencies in essential fields over which he should have retained authority, and permitted many inroads on WPB’s power to make final decisions.”⁴⁷ Ironically, Nelson’s actions resulted in the creation of “czars” for manpower and for rubber production. When the President sought to give closer attention to labor supply and realizing the best utilization of the nation’s manpower in the war effort, he offered Nelson the opportunity to have a new manpower control agency located under WPB supervision. Nelson, to the bafflement of his associates, declined and the subsequent War Manpower Commission, established with E.O. 9139 of April 18, 1942, was placed in the EOP.⁴⁸ Moreover, when Roosevelt vetoed legislation by a distraught Congress to strip WPB of authority over the production of synthetic rubber, and then learned that immediate remedial action was required to prevent “both military and civilian collapse due to rubber scarcity,” he established the Office of Rubber Director within WPB with E.O. 9246 of September 17, 1942.⁴⁹ Responding to this development, Nelson indicated that the Rubber Director, William M. Jeffers, the president of the Union Pacific Railroad, would exercise the WPB Chairman’s authority over rubber production and would issue the necessary directives to other government agencies concerned with rubber.⁵⁰ Nelson remained with WPB in his leadership position, such as it was, until late 1944.

It might be noted that Roosevelt had earlier created a position somewhat similar to that of the Rubber Director. In a May 28, 1941, letter to Secretary of the Interior Harold L. Ickes, Roosevelt asked him to serve simultaneously as head of a new Office of the Petroleum Coordinator for National Defense. Ickes had been in such dual capacities in the past, leading, for instance, the Public Works Administration while continuing to be Secretary of the Interior during Roosevelt’s first two terms. The duties of the Petroleum Coordinator were transferred to the Petroleum Administration for War, created by E.O. 9276 of December 2, 1942, and which Ickes directed for most of its existence until early 1946 while he remained Secretary of the Interior.⁵¹ Gulick regarded Ickes’ petroleum role to be that of a “czar,” one held by an individual who was also a Cabinet officer.⁵² Of related interest is E.O. 9334 of April 19, 1943, which provided that

another “czar” identified by Gulick, the War Food Administrator, together with the Secretary of Agriculture, “shall each have authority to exercise any and all of the powers vested in the other by statute or otherwise.”⁵³

Finding the War Mobilization “Czar”

Finally, as Donald Nelson allowed his authority as WPB Chairman to become diluted, Roosevelt found his war mobilization “czar” in the person of James F. Byrnes. Elected to the House of Representatives in 1911, where he remained until he was elected to the Senate in 1931, Byrnes became a trusted and skillful legislative agent and political adviser for Roosevelt, for which he was rewarded in 1941 with a lifetime appointment to the Supreme Court. The Pearl Harbor attack and United States entry into World War II, however, made him eager and ready to leave the Court and help the President with the prosecution of the war. He began, while still a member of the Court, by assisting with the drafting and passage of the vital First and Second War Powers Acts, and then urged the President to replace “the various and overlapping defense offices that Roosevelt had assembled in a haphazard manner since 1939 with one centralized authority.”⁵⁴ Appearing to take this advice, Roosevelt created WPB. Donald Nelson, however, did not seem to appreciate the design. As the military prospects of the nation became brighter with each passing month of 1942, the need grew for the President “to appoint a largely independent administrator to direct the wages and prices of the U.S. domestic economy during wartime.” Byrnes not only supported the idea, he also urged Roosevelt to threaten to use the Reorganization Act of 1939 and the War Powers Acts to create the needed regulatory office unless Congress legislated an economic stabilization program.⁵⁵ Congress responded with the Stabilization Act of 1942, which “directed the President to issue a general order stabilizing prices, wages, and salaries affecting the cost of living” and “authorized him to provide for ... subsequent adjustments in prices, salaries, and wages as might prove necessary for the effective prosecution of the war or the correction of gross inequities.”⁵⁶ Enforcement of the President’s order by the Director of an Office of Economic Stabilization (OES) was authorized, and the agency, located in OEM, was subsequently realized with the issuance of E.O. 9250 on October 3, 1942.⁵⁷ Asked by Roosevelt to become the OES Director, Byrnes quickly resigned from the Court and assumed his new duties on October 15. The powers delegated to Byrnes by E.O. 9250, by one estimate, “were sweeping and probably could not have been legally given up by any president to a nonelected official except under the exigencies of wartime.”⁵⁸ Moreover, Byrnes located his office in the East Wing of the White House, which served as a reminder as to who he worked for and from where his authority derived. Interpreting his powers broadly, he would execute his duties decisively and with effectiveness, prompting many to regard him as the “economic czar.”⁵⁹ By one account, “Byrnes oversaw the greatest change from civilian to military employment in the history of the United States since the Civil War, with none of the inflation or profiteering that had characterized that war or the First World War.”⁶⁰

Byrnes was ambitious and felt underutilized in his OES position. On May 14, 1943, he sent a letter to the President expressing his frustration, offering his resignation, and expressing his willingness to serve in some other position. At a lunch meeting with Roosevelt a few days

later, “Byrnes suggested the idea of his appointment to the post of a centralized war mobilizer,” a role Donald Nelson apparently did not want and one which the President had come to realize he needed. Roosevelt told Byrnes to work with Samuel Rosenman and BOB in preparing a draft executive order creating such an office.⁶¹ The result was the creation of the Office of War Mobilization (OWM) by E.O. 9347 of May 27, 1943; Jimmy Byrnes would direct it.⁶²

The creation of an agency like OWM had been welcomed by the much respected and influential Senate Special Committee Investigating the National Defense Program, known as the Truman Committee in reference to Senator Harry S. Truman, who had prompted the creation of the panel and who chaired it from March 1941 until August 1944.⁶³ In a May 6, 1943, report on conflicting war programs, the committee had famously stated:

The task of control and guidance is of utmost importance. Clear leadership in strong hands is required. The influence from above must be always towards unity. Where necessary, heads must be knocked together.⁶⁴

Continuing, the report discussed the difficulties experienced with WPB — the failure to exercise its own powers and the dilution of its authority, particularly as a consequence of the creation of competing “czars” who were not empowered to determine the whole production program themselves. “Today,” said the report, “discussion of the over-all legal authority of the War Production Board is mere pedantry. Although the authority may exist it has not been exercised.”⁶⁵

The OWM mandate was sweeping and general; it was empowered

(a) To develop programs and to establish policies for the maximum use of the nation’s natural and industrial resources for military and civilian needs, for the effective use of the national manpower not in the armed forces, for the maintenance and stabilization of the civilian economy, and for the adjustment of such economy to war needs and conditions;

(b) To unify the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products and to resolve and determine controversies between such agencies or departments, except those to be resolved by the Director of Economic Stabilization under Section 3, Title IV of Executive Order 9250 [concerning agricultural prices]; and

(c) To issue such directives on policy or operations to the Federal agencies and departments as may be necessary to carry out the programs developed, the policies established, and the decisions made under this Order. It shall be the duty of all such agencies and Departments to execute these directives, and to make to the Office of War Mobilization such progress reports as may be required.⁶⁶

From his office in the East Wing of the White House, Byrnes “soon was regarded as

second only to the President on the home front,” and with “his frequent exhibition of confidence in Byrnes, the President helped establish public and governmental understanding and recognition of his position.” OWM operated with a small staff, which Byrnes “instructed not to constitute an isolating ‘layer between the director and the heads of agencies [but] ... to facilitate the relations of the director with agency heads’.” A small staff “prevented OWM from engaging in administrative activities and operations and from undertaking or interfering with the normal functions of other agencies.” It was also “inadequate to perform the type of central planning function which many people considered OWM’s most important duty.” This, however, was not a limitation in Byrnes’s view, for he “felt that most planning should be conducted at agency levels and that it was his job primarily to coordinate such plans.”⁶⁷

“Byrnes interpreted his new authority at the OWM as reaching practically every Washington administrator,” it was observed, “and in this move he was encouraged by Roosevelt, who was happy to be relieved of the political and logistical responsibilities of the home front and to be able to devote more time to the strategic ends of the war.”⁶⁸ As a consequence of congressional concern about the accountability of the OWM Director regarding his exercise of his vast discretionary powers, as well as a desire to begin planning for conversion to a peacetime economy, Congress enacted the War Mobilization and Reconversion Act of 1944, creating the Office of War Mobilization and Reconversion (OWMR) as an independent agency and making its presidentially-appointed Director subject to Senate confirmation with a two-year term.⁶⁹ This act, by one near-contemporary estimate, was “considered the broadest grant of power ever legislated by Congress, creating for the first time by statute a superdepartmental director over the whole range of home-front executive activities for war and reconversion — powers so great that some critics questioned the constitutionality of such a grant to anyone short of the President.”⁷⁰

Upon signing the legislation into law, Roosevelt issued E.O. 9488 transferring the functions and resources of OWM to OWMR.⁷¹ Byrnes, who was named to head the new agency, continued to operate from the East Wing of the White House. He left OWMR in April 1945 and, three months later, was named Secretary of State. OWMR was dismantled at the end of 1946.⁷²

A few years after the demise of OWMR, it was evaluated as “a notable, although improvised, attempt to equip the President with a strong staff arm for executive policy and program coordination, as distinguished from administrative management and fiscal control.” The author of the study, a participant-observer who served on the OWM-OWMR staff for 16 months, regarded the agency to be a successful instrument of central control and coordination for the President.⁷³ Other such experiments would be tested in the years ahead.

War “Czars” and Congressional Accountability

By one estimate, for the period of World War II, Congress “gave the President all the power he needed to wage a victorious total war, but stubbornly refused to be shunted to the back of the stage by the leading man.”⁷⁴ Legislating, however, was not the only role Congress chose for itself. “The proliferation of investigation committees was one of the singular characteristics

of the war Congress,” it has been observed. “The emphasis on investigation, on the control of policy after the passage of an Act, was a spontaneous congressional reaction, as it were, to the increasing number of activities with which the administrative branch was concerned.”⁷⁵ Did the executive branch cooperate when officials were asked to appear before congressional committees? Could sensitive wartime matters be discussed in these proceedings, including deficiencies and blunders?

While no generalized response to these questions can be offered, because there is not adequate historical research to permit such, something can be offered regarding the wartime “czars” discussed earlier. An examination of the initial hearings of the Truman Committee clearly reveals that such “czars” testified on several occasions before this panel.⁷⁶ For the period of April 1941 to April 1943, for instance, OPM Director General William S. Knudsen appeared once and OPM Associate Director Sidney Hillman appeared twice; WPB Chairman Donald Nelson appeared thrice; Petroleum Coordinator Harold L. Ickes appeared thrice and Deputy Petroleum Coordinator Ralph K. Davies appeared thrice; and Rubber Director William M. Jeffers appeared once. Interesting as well were the instances when lesser officials of the offices of the war production “czars” came before the Truman Committee to testify. Of these, OPM officials made 17 appearances, WPB officials 24, and Petroleum Coordinator officials 8.

This record would appear to suggest that the executive branch was willing to cooperate with the Truman Committee in its investigations of the national defense program. If the “czars” were accountable to this panel, it is likely that they were accountable to other committees as a consequence of overlapping interests among them. Outcomes, however, might differ, as the following observation suggests.

This overlapping of interests resulted in some diversity among the committees themselves on the merits of any particular policy. The degree to which the administrators accepted criticism varied; not being bound by law to accept this advice, they had to make a prudent evaluation of the nature of the criticism and the strength of the political groups supporting it. An administrator might find himself in the ambivalent and somewhat embarrassing position of being supported by one committee and vilified by another. Although there were frequent duplications of effort, the committees spread their nets sufficiently wide to encompass most of the war activities. The actual influence of congressional investigations cannot be measured solely by their hearings and reports and by the immediate administrative reaction thereto. Every administrator knew that some day he might be asked to explain his action before a congressional committee.⁷⁷

It might be added that, even those administrators purported to be “czars” knew that such an accounting could be sought from them.

Later Developments

The phenomenon of so-called “czars,” which seemingly began during the World War II era, did not disappear with the return of world peace. Various presidential agents came to

denominated or regarded as “czars,” although the criteria for designating them as such has not always been explained or discernable.⁷⁸ The realization of “czars” through special presidential designation and locating them somewhere in the EOP or WHO experienced a variation during the administration of Richard M. Nixon when senior presidential assistants appeared to assume czar-like roles. This development had been anticipated some years before, as the following comment suggests.

Whether manifested by a benign lack of interests or by purposeful competition, departmentalism operated to reduce the potentialities of the Cabinet as a coordinating mechanism. Yet in view of the extent to which executive decisionmaking must now be conducted across departmental boundaries, it does not seem too much to say that the Chief Executive’s primary managerial task is precisely this one of coordination. From the seminal recommendations of the President’s Committee on Administrative Management in 1939 to the present day, the President’s need for assistants in this area has been widely recognized. This, indeed, is the *raison d’être* for the phenomenal proliferation of those staff organs with interdepartmental planning, operating, and advisory functions which now comprise the Executive Office of the President. The expansion of this Office — of, for instance, the Budget Bureau, the National Security Council, the Office of Defense Mobilization, the Council of Economic Advisers, the White House Office — must be considered in part as an inevitable response to the new dimensions of government activity, but also in part as an adverse reflection on the ability of the Cabinet in coping with the difficult problems of coordination involved.⁷⁹

The observation suggests that WHO and EOP satellites had come to better serve the President as coordinators of executive functions. Moreover, presidential agents within these entities had come to play policy roles, refining policy suggestions and even regulating the access of other policymakers to the Chief Executive. However, as former presidential assistant Theodore Sorensen has noted, such a role carries with it certain dangers.

A White House adviser may see a departmental problem in a wider context than a Secretary, but he also has less contact with actual operations and pressures, with Congress and interested groups. If his own staff grows too large, his office may become only another department, another level of clearances and concurrencies instead of a personal instrument of the President. If his confidential relationship with the President causes either one to be too uncritical of the other’s judgment, errors may go uncorrected. If he develops ... a confidence in his own competence which outruns the fact, his contribution may be more mischievous than useful. If, on the other hand, he defers too readily to the authority of the renown experts and Cabinet powers, then the President is denied the skeptical, critical service his staff should be providing.⁸⁰

As presidential assistants move toward the possibility of the equivalence of departmental authority, whether such power be measured in fiscal or political influence terms, the wrath of official department heads can, and often is, incurred. Sorensen has commented as follows:

No doubt at times our roles were resented. Secretary [of Commerce Luther] Hodges, apparently disgruntled by his inability to see the President more often, arranged

to have placed on the Cabinet agenda for June 15, 1961, an item entitled “A candid discussion with the President on relationships with the White House staff.” Upon discovering this in the meeting, I passed the President a note asking “Shall I leave?” — but the President ignored both the note and the agenda.⁸¹

Such disputes within the presidential “family” can be viewed as merely matters of paternal favor. When these encroachments of power become enmeshed in relationships with other branches of the government — in particular, Congress — then constitutional issues ensue. In this regard, former White House Press Secretary George Reedy offered the following observation on the increasing authority of WHO staff and the significance of this development both in terms of information flow and accountability.

At one time the White House staff was a relatively small group of people. They consisted of personal advisers to the President, and here you have the whole question of executive privilege which has been exercised, in my judgment, in an extremely legitimate form. I do not think that you should be able to pry loose from a President what he does not want to be pried loose. But, even if you should be allowed to do it, there is simply no way of getting at it. I do not care what law you write, or what you put through the Congress, or how many safeguards you set up, there is another branch of the Government, and to really try to pry loose from the President his thoughts, and his personal advice, I think, would even come close to participating in a constitutional crisis. But, because the authority lies within the White House, rather this ability lies within the White House, of exercising executive privilege, what has happened with the proliferation of White House staff members is that you are to the point where you are gradually getting a shift of the operating agencies into the White House itself.⁸²

The concern reflected in Reedy’s comment was that there was developing a phenomenon of elite WHO decisionmakers who were not accountable to Congress. The most controversial example of such a presidential policymaker at the time of Reedy’s comment was Henry Kissinger and his National Security Council staff which usurped the field of American national security affairs during the initial years of the Nixon Administration. Not only did Kissinger and his retinue undermine the Department of State and the career foreign service, but also Congress could not compel him or any member of his staff to provide an account of any aspect of their activities.⁸³ Commenting on the situation, Senator J. William Fulbright, chairman of the Senate Committee on Foreign Relations, remarked: “Mr. Kissinger and his entire staff have taken the position of executive privilege.”⁸⁴

The situation was no different with regard to domestic policy. In a May 1971 speech in San Jose, California, Senator Ernest F. Hollings remarked:

It used to be that if I had a problem with food stamps, I went to see the Secretary of Agriculture, whose Department had jurisdiction over that program. Not any more. Now, if I want to learn the policy, I must go to the White House and consult John Price.

If I want the latest on textiles, I won’t get it from the Secretary of Commerce,

who has the authority and responsibility. No, I am forced to go to the White House and see Mr. Peter Flanigan. I shouldn't feel too badly. Secretary [Maurice] Stans has to do the same thing.⁸⁵

At the time of these comments, Price was a Special Assistant to the President in the WHO; Flanigan was an Assistant to the President and later became simultaneously the Executive Director of the Council on International Economic Policy in the EOP. Maurice Stans was the incumbent Secretary of Commerce.

During the Nixon Administration, officials in the executive departments and agencies became distraught over the power exercised by the WHO staff and their usurpation of line department and agency functions. A top Department of Commerce official typically complained that "the business community pays no attention to this Department; if you have a policy problem, you go see Peter Flanigan — and he is available."

"Peter Flanigan," the official said with a sigh, "is to the Department of Commerce what Henry Kissinger is to the Department of State."⁸⁶

In brief, the problem posed by such WHO staff usurpation of department and agency functions was twofold: an inappropriate and unjustified power grab and an unwillingness, for being an immediate presidential assistant, to be accountable to Congress. The immediate situation was resolved as a consequence of Nixon's resignation from office and the departure of his WHO assistants. Nonetheless, the prospects for the situation repeating itself, in less problematic, pervasive, and different ways remained — the "czars" might return.

"Czars" and Congress: Some Considerations for the Future

Since the beginning of the "czar" phenomenon during World War II, some developments have occurred which have significance for the accountability of such presidential agents to Congress. Chief among these is greater specificity on the part of Congress as to how appropriated funds are to be used. The following considerations seem relevant.

John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon all publicly subscribed to the practice that assertions of so-called executive privilege regarding the testimony of presidential assistants before committees of Congress would be exercised personally and exclusively by the President. Subsequent Presidents appear to have followed this precedent. Congress should accept nothing less: no lesser official, such as the President's Chief of Staff or White House Counsel, should be allowed to make this claim.

When a President does prohibit congressional committee testimony by a "czar" or presidential agent, efforts should be made to obtain the desired information on an informal basis. Responsive factual documents might be sought instead, or answers to interrogatories might be pursued. The presidential agent in question might be held accountable through a departmental or agency official heading the entity in which he or she is located, or this individual might be asked to brief congressional committee leaders or staff, as happened with Henry Kissinger and, more

recently, presidential homeland security adviser Tom Ridge.

In the closing days of World War II, Congress enacted legislation requiring that an agency in existence for more than one year may not use allocated funds to pay its expenses without a specific appropriation or specific authorization for such by law, which was subsequently codified.⁸⁷ As originally intended, the provision is a check on the presidential establishment of new agencies within the EOP. Its larger implications are twofold: new EOP agencies headed by a so-called “czar” — such as the Office of Homeland Security, established by E.O. 13228 of October 8, 2001 — must conform to this requirement, and all EOP agencies should be properly mandated and not made subsidiaries of other EOP entities.⁸⁸ In this latter regard, there are entities within the EOP which do not have an official charter. The Office of Policy Development, for example, has no administrative or statutory mandate, and otherwise consists of two administratively established presidential councils, according to recent *U. S. Government Manuals*. Similarly, since the 1972/1973 issue of this guide, the executive Office of the Vice President has been portrayed as an EOP unit, but there is no formal basis for this assertion. Moreover, entities were recently established statutorily within the EOP — such as the Homeland Security Council⁸⁹ and the Privacy and Civil Liberties Oversight Board⁹⁰ — and they have been regarded financially and, by implication, managerially, as subunits of the WHO. This modification is reflective of reorganization authority which is not available to the President. Congress should insist that the EOP agencies it mandates be treated as principal units of the EOP and not subsumed by some other EOP unit.

In 1978, Congress, after considerable effort, established personnel authorizations for WHO, two other EOP units, and the executive Office of the Vice President.⁹¹ This authorization might be revisited with a view to the adequacy of its allotments, its reporting requirements, and scope. In this last regard, should other EOP units be included with regard to staff authorizations?

Mr. Chairman, thank you, again, for your invitation to appear here today before the committee. I welcome the questions of members.

Notes

1. See Stephen Horn, *The Cabinet and Congress* (New York: Columbia University Press, 1960), pp. 16-18.
2. *Ibid.*, pp. 10-13, 18-21.
3. See Charles Warren, *The Supreme Court in United States History*, Vol. 1 (Boston, MA: Little, Brown, 1932), pp. 105-111.
4. Richard F. Fenno, Jr., *The President's Cabinet* (New York: Vintage Books, originally published 1959), pp. 9-10.
5. Traces of this view remain even today. A recently published study of the development and administration of the National Security Act, when discussing efforts by President Dwight D. Eisenhower to provide his Vice President with a key role in the national security policymaking process, noted that there were limits to these endeavors "since the vice president was not officially a member of the executive branch of government." Douglas T. Stuart, *Creating the National Security State* (Princeton, NJ: Princeton University Press, 2008), p. 248.
6. In a May 13, 1797, letter to Elbridge Gerry, for example, Jefferson wrote: "I consider my office as constitutionally confined to legislative functions, and that I could not take any part whatever in executive consultations." Andrew A. Lipscomb and Albert Ellery Bergh, eds., *The Writings of Thomas Jefferson*, Vol. 9 (Washington, DC: Thomas Jefferson Memorial Association, 1903), p. 382.
7. Fenno, *The President's Cabinet*, p. 19.
8. Leonard D. White, *The Jacksonians* (New York: Macmillan 1954), pp. 92-93.
9. William Howard Taft, *Our Chief Magistrate and His Powers* (New York: Columbia University Press, 1916), p. 35; William Howard Taft, *The Presidency* (New York: Charles Scribner's Sons, 1916), p. 31.
10. Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln* (New York: Simon and Schuster, 2005).
11. White, *The Jacksonians*, pp. 94-95.
12. Arthur M. Schlesinger, Jr., *The Age of Jackson* (Boston, MA: Little, Brown, 1945), p. 67.
13. See R. G. Tugwell, *The Brains Trust* (New York: Viking Press, 1968).

14. 48 Stat. 22.
15. 48 Stat. 195.
16. Louis Brownlow, *A Passion for Anonymity: The Autobiography of Louis Brownlow, Second Half* (Chicago, IL: University of Chicago Press, 1958), p. 319.
17. 48 Stat. 31.
18. A. J. Wann, *The President as Chief Administrator* (Washington, DC: Public Affairs Press, 1968), pp. 54-66; Lester G. Seligman and Elmer E. Cornwell, eds., *New Deal Mosaic: Roosevelt Confers with His National Emergency Council, 1933-1936* (Eugene, OR: University of Oregon Books, 1965), pp. xiv-xxix.
19. 49 Stat. 115.
20. See Brownlow, *A Passion for Anonymity*, pp. 323-324.
21. Barry Dean Karl, *Executive Reorganization and Reform in the New Deal* (Cambridge, MA: Harvard University Press, 1963), pp. 197-198.
22. 40 Stat. 556.
23. 47 Stat. 413 as amended at 47 Stat. 1515.
24. 45 Stat. 1230.
25. An October 1935 memorandum largely prepared by Charles E. Merriam, an eminent University of Chicago political scientist and subsequent member of the President's Committee on Administrative Management, offered an initial perspective on what would be the focus of the panel. One year later, another memorandum, prepared in November 1936 by Louis Brownlow, the Director of the Public Administration Clearinghouse and chair of the President's Committee, outlined the content of the panel's report, and his 1958 biography records the President's reaction to, and comments on, this memorandum. For all three items, see Brownlow, *A Passion for Anonymity*, pp. 327-328, 376-377, 378-382.
26. See Karl, *Executive Reorganization and Reform in the New Deal*, pp. 82-165.
27. U.S. President's Committee on Administrative Management, *Reorganization of the Executive Departments: Message from the President of the United States Transmitting a Report on Reorganization of the Executive Departments of the Government*. S. Doc. 8, 75th Cong., 1st sess. (Washington, DC: GPO, 1937), p. 19.
28. 53 Stat. 561.

29. Richard Polenberg, *Reorganizing Roosevelt's Government* (Cambridge, MA: Harvard University Press, 1966), pp. 184-187.
30. 53 Stat. 1423.
31. 3 C.F.R. 1938-1943 Comp., pp. 576-579.
32. Brownlow, *A Passion for Anonymity*, pp. 313, 416.
33. 3 C.F.R. 1938-1943 Comp., pp. 1320-1321.
34. 39 Stat. 649; see Grosvenor B. Clarkson, *Industrial America in the World War* (Boston, MA: Houghton Mifflin, 1923).
35. Patrick Anderson, *The President's Men* (Garden City, NY: Doubleday Anchor Books, 1969), p. 79.
36. Richard Tanner Johnson, *Managing the White House* (New York: Harper and Row, 1974), pp. 5-6, 11; Patricia Dennis Witherspoon, *Within These Walls* (New York: Praeger, 1991), pp. 21-28.
37. See Eric Larabee, *Commander in Chief* (New York: Harper and Row, 1987); Andrew Roberts, *Masters and Commanders* (New York: Harper, 2009).
38. Luther Gulick, *Administrative Reflections from World War II* (University, AL: University of Alabama Press, 1948), pp. 76-77.
39. *Ibid.*, p. 23.
40. *Ibid.*, p. 100.
41. Herman Miles Somers, *Presidential Agency: OWMR, The Office of War Mobilization and Reconversion* (Cambridge, MA: Harvard University Press, 1950), pp. 11-13.
42. 3 C.F.R., 1938-1943 Comp., pp. 852-853.
43. Somers, *Presidential Agency: OWMR*, p. 15.
44. 3 C.F.R., 1938-1943 Comp., pp. 1079-1080.
45. *Ibid.*, pp. 1082-1083.
46. Somers, *Presidential Agency: OWMR*, p. 24.
47. *Ibid.*, p. 25.

48. 3 C.F.R., 1938-1943 Comp., pp. 1145-1147.
49. Somers, *Presidential Agency: OWMR*, pp. 27-28; 3 C.F.R., 1938-1943 Comp., pp. 1210-1211.
50. Somers, *Presidential Agency: OWMR*, p. 28.
51. 3 C.F.R., 1938-1943 Comp., pp. 1228-1231.
52. Gulick, *Administrative Reflections from World War II*, p. 22.
53. 3 C.F.R., 1938-1943 Comp., pp. 1273-1274.
54. David Robertson, *Sly and Able: A Political Biography of James F. Byrnes* (New York: W. W. Norton, 1994), pp. 311-312.
55. *Ibid.*, pp. 316-318.
56. 56 Stat. 765.
57. 3 C.F.R., 1938-1943 Comp., pp. 1213-1216.
58. Robertson, *Sly and Able*, p. 319.
59. *Ibid.*, p. 326.
60. *Ibid.*, pp. 325-326.
61. *Ibid.*, p. 326.
62. 3 C.F.R., 1938-1943 Comp., pp. 1281-1282.
63. See Donald H. Riddle, *The Truman Committee: A Study in Congressional Responsibility* (New Brunswick, NJ: Rutgers University Press, 1964); Harry Aubrey Toulmin, Jr., *Diary of Democracy: The Senate War Investigating Committee* (New York: Richard R. Smith, 1947).
64. U.S. Congress, Senate Special Committee Investigating the National Defense Program, *Investigation of the National Defense Program: Concerning Conflicting War Programs*, Rept. 10, Part 9, 78th Cong., 1st sess (Washington: GPO, 1943), p. 2.
65. *Ibid.*, p. 5.
66. E.O. 9347, 3 C.F.R., 1938-1943 Comp., pp. 1281-1282.
67. Somers, *Presidential Agency: OWMR*, pp. 52, 55-56.

68. Robertson, *Sly and Able*, p. 327.
69. 58 Stat. 785.
70. Somers, *Presidential Agency: OWMR*, p. 1.
71. 3 C.F.R., 1943-1948 Comp., pp. 345-346.
72. See E.O. 9809, 3 C.F.R., 1943-1948 Comp., pp. 591-592.
73. Somers, *Presidential Agency: OWMR*, pp. 1-2.
74. Clinton Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies* (Princeton, NJ: Princeton University Press, 1948), p. 265.
75. Roland Young, *Congressional Politics in the Second World War* (New York: Columbia University Press, 1956), p. 19.
76. The initial review of Truman Committee hearings included those held between April 15, 1941, and April 3, 1943. This review is continuing. The Truman Committee held its last wartime hearing in December 1945, but continued operations until April 1948, and held its final hearings in November 1947. Senator Truman left the committee on August 4, 1944, after receiving the Democratic party nomination for the vice presidency. When the Senate abolished all special committees in 1948, many of the resources and investigative expertise of the Truman Committee were vested in a new permanent investigations subcommittee of the Senate Committee on Expenditures in the Executive Departments — now called the Committee on Homeland Security and Governmental Affairs — on the initiative of that panel's chairman, Senator George D. Aiken.
77. Young, *Congressional Politics in the Second World War*, pp. 19-20.
78. See Bradley H. Patterson, Jr., *The Ring of Power* (New York: Basic Books, 1988), pp. 271-279.
79. Fenno, *The President's Cabinet*, pp. 141-142.
80. Theodore C. Sorensen, *Decision-Making in the White House* (New York: Columbia University Press, 1963), pp. 71-72.
81. Theodore C. Sorensen, *Kennedy* (New York: Harper and Row, 1969), p. 259.
82. U.S. Congress, House Committee on Government Operations, *U.S. Government Information Policies and Practices — Administration and Operation of the Freedom of Information Act*, hearings, 92nd Cong., 2nd sess. (Washington: GPO, 1972), p. 1013.

83. I. M. Destler, "Can One Man Do?," *Foreign Policy*, No. 5, Winter 1971-1972, pp. 28-40; John P. Leacacos, "Kissinger's Aparat," *Foreign Policy*, No. 5, Winter 1971-1972, pp. 3-27; George Sherman, "A Sickness at State," *Washington Evening Star*, March 7, 1972, pp. A1, A4.
84. U.S. Congress, Senate Committee on Foreign Relations, *War Powers Legislation*, hearings, 92nd Cong., 1st sess. (Washington: GPO, 1971), p. 453.
85. Dom Bonafede, "Ehrlichman Act as Policy Broker in Nixon's Formalized Domestic Council," *National Journal*, vol. 3, June 12, 1971, p. 1240.
86. *New York Times*, March 20, 1972.
87. 31 U.S.C. 1347.
88. 3 C.F.R., 2001 Comp., pp. 796-802.
89. 116 Stat. 2258; 6 U.S.C. 491.
90. 118 Stat. 3684; 5 U.S.C. 601 note.
91. 92 Stat. 2445; 3 U.S.C. 105-107.

Biographical Profile

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