



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

August 13, 1974

To Tom W.  
DR.

THE ADMINISTRATOR

Dear Rog:

I have decided to set out some of my own thoughts on how to strengthen and make more effective the relationship of the President to agencies and to the Congress. I will not try to cover all aspects of the matter but simply to set out a few ideas from the perspective of my own experience over the past 25 years.

To summarize --

- (1) There should be open and direct communication on a regular basis between the President and agency heads.
- (2) There should be full, advance consultation with Congress, on as bipartisan a basis as possible, in the development of Presidential policy.
- (3) Agency heads should be given maximum freedom in decision-making consonant with overall Presidential policy. Neither OMB nor White House staff should become a barrier between the President and agency heads. In particular, OMB should avoid making policy decisions with major political implications. The key decisions must be made by the President.

These objectives cannot be assured by creating new institutions or changing old ones, although some new procedures could be helpful. Rather they must evolve as the result of the way the President in fact operates.

The need for direct communication on a reasonably regular basis between the President and agency heads is plain. It is the best and only way to assure clear policy direction from the top down within the Administration. It will help build teamwork, policy commitment at all levels, Administration credibility, and agency morale.



Discussions between the President and agency heads should have a clear policy focus. At the same time, agendas should not be too rigidly focused. The President should use his agency heads as antennae to extend his own awareness of public attitudes and issues. They should constitute an invaluable resource for him in this regard. If any do not, he should replace them.

Involving the Congress in policy development -- particularly legislative policy -- is equally important and probably more difficult. There are built-in constraints involving the separation of powers and the realities of the political system. At the same time, it is important that procedures be developed and utilized that do not constitute mere window-dressing and PR. There should be real and effective consultation prior to the formulation of an Administration position. Failure to do this has led again and again, in my own experience, to legislative ineffectualness on the part of the executive branch. For example, in the development of the water pollution legislation which ultimately became the Federal Water Pollution Control Act Amendments of 1972, the Administration's position was so narrow and rigid that it played no effective role in the legislative process, other than as sideline critic. As a result, we had no position from which to negotiate and were essentially ignored. The same situation is now developing in other areas.

I strongly recommend that the President officially and publicly direct his agency heads to meet bipartisanly with key committee leaders to get their views on key issues and to report these views back directly and personally to him. This is a process that could and should be institutionalized as a regular, on-going practice.

Major legislative and budgetary decisions should be made by the President and should, to the extent practical, involve direct communication between him and the affected agency head. I recommend that the prior practice of final appeal on budget decisions to the President by his agency heads be restored. The last such appeal process involving the President was in 1969 (to my knowledge). Recently, final appeals have not even gone to the Director of OMB but have been heard at the Deputy Director level. This practice downgrades the agency, eliminates an invaluable opportunity for the President to get a feel for the real guts of an agency's programs, and leads inevitably to the making of decisions with major political implications without the effective involvement of responsive political officials.



Obviously, while every agency head would like to elevate every decision to the President, I recognize that the President must not be overwhelmed with detail. At the same time, it is critically important that neither White House nor OMB staff become an iron barrier between the President and agency heads (or the Congress). I doubt that there is any way to guarantee this by formal procedures. The key has to be the determination and insistent effort of the President to involve himself in decision-making to the greatest extent practical. (By the way, please understand that my references to OMB are meant in the context of my own very high regard for the professionalism of OMB.)

I wish to raise one final point which inevitably has an element of self-interest. I recommend that major independent agency heads with responsibilities that cut widely across government functions attend Cabinet meetings as a matter of course. In this category, I would place EPA and FEA. In my own case, environmental concerns tend to have central relevance to energy, economic, agricultural, transportation, housing, public land, etc., issues. Yet I normally hear second or third hand of Cabinet discussion of environmental matters. By the same token, it is important that I, as head of EPA, have direct exposure to the development of economic and other policies without having to rely on the press or other indirect sources. Such a regular exposure provides an agency head with an opportunity to achieve a broader perspective in his decision-making and to strengthen his ability to articulate a well-balanced Administration position. I am confident that FEA would have a similar interest.

The above are some brief thoughts which I hope you and your associates will find helpful. In addition to the members of the President's transition committee, I am passing a copy of this letter on to Bryce Harlow and John Sawhill. If I can expand on or add to these preliminary ideas, please let me know.

Sincerely,

(sgd) Russ

Russell E. Train

Honorable Rogers C. B. Morton  
Secretary of the Interior  
Washington, D. C. 20240

cc: Honorable Donald Rumsfeld  
Honorable John O. Marsh, Jr.  
Honorable William Scranton



August 13, 1974

MEMORANDUM TO DAVE PARKER

FROM: Clay T. Whitehead

Confirming the discussion between Al Haig and Don Rumsfeld, I will coordinate all schedule proposals to be submitted by the Transition Team. In this I will be assisted by Roger Porter. Should you receive any requests on behalf of the Transition Team or its members through other channels, we are prepared to confirm them.

We will be proposing a number of individuals to meet with the President over the next few weeks and hope to do well in advance to ease coordination problems for all concerned. At this time, the only specific items we have are:

1. The President's request to Phil Buchen to arrange meeting with Frank Fitzsimmons, Paul Hall and Leonard woodcock to balance the meeting with George Meany;
2. A meeting with David Packard, the head of the Business Conference; and
3. The President's wish to keep his options open to meet the head of the mine workers' union, if necessary, to avert a shutdown by the miners.

CTW:jdm



August 13, 1974

MEMORANDUM TO PHIL BUCHEN

FROM: Clay T. Whitehead

Bob Griffin called and suggested that there is no one Jewish religious leader that would be acceptable to the various factions of Judaism. Jack Javits suggested that Max Fisher be contacted to name two or three representative Jewish leaders. Griffin very much feels that Fisher should meet with the President. This might be combined with the meeting Romney proposes with Max Fisher on voluntary action.

CTW:jdm

Lunch with Commission on the Organization of Government for the Conduct of Foreign Policy.

The Commission was created by the Foreign Relations Authorization Act of 1972 (co-sponsored by Senators Fulbright and Aiken); it has a very broad charter to submit recommendations and findings to provide a more effective system for formulating and implementing foreign policy. The FRA Act apparently stemmed from concern over Kissinger's conducting foreign policy out of the White House.

The Commission is comprised of 12 members (2 from Senate, 2 from House, 2 from Executive Branch, 6 from private life). It is chaired by Robert D. Murphy, formerly Ambassador to Belgium and Japan, Assistant Secretary of State for UN affairs, and Under Secretary of State for Political Affairs. The Commission General Counsel is former Senator Spong.

The Commission expires June 30, 1975, at which time it will issue a report. It has a staff of 23, and has undertaken a research program and solicited the views of every member of Congress.

Though the Commission was authorized in July of 1972, the four members to be appointed by the President were not named until March 1973. It began monthly meetings the following month, and has continued them up to the present.

Apart from Senator Mansfield's membership on the Commission, it is not known what particular interest he has shown.

Membership:

Ambassador Robert D. Murphy, Chairman  
David M. Abshire  
William J. Casey  
Anne Armstrong  
Senator Mansfield  
Senator Pearson, Vice Chairman  
Mrs. Charles W. Engelhard  
Frank C. P. McGlinn  
Representative Zablocki  
Representative Frelinghusen  
Dr. Stanley Wagner  
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