

# Reshaping the Presidency

By William V. Shannon

WASHINGTON — Once Richard Nixon is impeached, the Office of the Presidency will have to be restructured and somehow brought more effectively under democratic control. Thoughtful persons are already pondering as to how this can be done in ways that accord with America's constitutional and political experience.

Congress and the courts are supposed to check and balance executive authority. But the weakness of these restraints, as James L. Sundquist of the Brookings Institution has pointed out, is that "they operate after the fact, often long after the fact."

Experience has shown that President Eisenhower has already dispatched the marines to Lebanon or President Kennedy has given the C.I.A. invasion of Cuba the go-ahead signal or President Truman has seized the steel mills well before any other branch of government can do anything or even knows what is under way.

The problem is that within the executive branch, a President has no equals. He may consult with members of his cabinet or leaders of Congress or private citizens, but there is no one whom he is obliged to consult before he takes action.

George Reedy, who was President Johnson's first news secretary and later became an incisive critic of his style of governing, observed last year in his book, "The Presidency in Flux," that "he [the President] is a form of king and no one argues with a king. He is isolated from the moment he steps into the White House because everyone around him is his subordinate . . . the problem is to somehow establish peers for the President."

Most of the other self-governing countries have parliamentary systems in which the prime minister has to carry the majority of his colleagues in the cabinet with him before making a major decision and they are collectively responsible to the national legislature.

The U.S. is not about to adopt a parliamentary system. To work well, such systems require more party discipline than members of the House and Senate would be willing to accept. Moreover, no individual occupying the Presidency with its proud tradition of vigorous independence would like to begin sharing his power with his cabinet colleagues.

But short of adopting a parliamentary system is there no way of building institutional restraint inside the executive branch that would provide a timely check on a President's actions and require him at least to consult persons of stature before he acted?

Benjamin V. Cohen, who was in influential assistant and legal adviser

to President Franklin D. Roosevelt and who in retirement is still one of the Capital's wisest men, addresses this question in lectures he delivered in May at the University of California in Berkeley.

Mr. Cohen's proposal is that Congress establish in the office of the President a small "executive council" made up of perhaps five to eight persons. These would be individuals "of highest public standing, with great but varied experience and outlook, to be nominated by the President and confirmed by the Senate. The council must be kept small to encourage confidential discussion and serious deliberation."

This executive council would constitute a super-Cabinet. Its members would not supervise specific departments as individual Cabinet members now do and would continue to do. Instead they could perform the job of monitoring, approving and coordinating the policies and programs of the various departments and agencies which has been performed in recent Administrations by senior White House aides.

One of the weaknesses of the Nixon Administration was that inter-agency disputes were settled by Presidential aides with no experience or personal standing such as John D. Ehrlichman, a former zoning lawyer, and H. R. Haldeman, an advertising agency manager. They contrast markedly with James F. Byrnes, a former member of the House and Senate whom President Roosevelt asked to step down from the Supreme Court to serve as his "assistant President" for home-front activities during World War II.

Mr. Cohen stresses that for his proposed council to succeed, its members would have to be persons of the standing of Byrnes, or Henry L. Stimson or Adlai Stevenson.

More important than the coordinating function, however, is the consultative one. Before a President made any important decision or commitment, he would have to consult with the executive council which would be fully informed on all the facts.

"Such a council would strengthen not diminish [the President's] position, since he and he alone would have the ultimate power of decision and the last word," Mr. Cohen observes.

Since Vice President Ford has no executive experience, it would strengthen public confidence as the Presidential power passes into his uncertain hands if Congress insisted upon the establishment of an executive council. It would help provide the new President with the unbiased judgment, experienced counsel, and moral support he will badly need.