It is doubtful whether any student of the presidency has been able to digest the mass of presidential literature which has appeared in recent years in publications of all kinds. A thoughtful sampling of articles which have appeared in the professional journals suggests that the authors, almost unconsciously, use the administration of President Harry Truman as a kind of high-water mark, or measuring stick, of initiative in the legislative process over the last forty years. Comparisons or contrasts with the Truman administration are particularly evident when the president’s constitutional role in the legislative process is a major part of the discussion.

In analyzing the reason for this focus, five realities about the Truman administration provide an answer. First, President Truman had the most exhaustive knowledge of the presidency of any president, with the possible exception of Woodrow Wilson. Second, Mr. Truman had a great sense of order in assigning lines of responsibility for the legislative programs advanced during his administration. Third, he chose to give legislative programs a central and concentrated attention which was both new and unique. Fourth, he used the institutional machinery of the federal government to the fullest in carrying out his constitutional duties with respect to legislation, separating the politics of program and policy from the politics of partisan commitment and position. And finally, he resisted most effectively invasions by Congress of the president’s constitutional role.

It is difficult to be certain about the exact timing of the various steps which President Truman took or approved in establishing the policies and mechanisms adopted to advance the goals of his administration through legislation. It is less difficult to identify what those policies and mechanisms turned out to be. Some critics have argued that this kind of precision in identification is possible only with hindsight and that the legislative processes of the Truman administration came into being, if not
accidentally, at least without much direct presidential involvement. No person who participated directly in the handling of legislation during the Truman administration can accept that argument, however. The president was very much involved.

His September 1945 message to Congress was, to a large extent, the baseline for the Fair Deal. It was also a charge of all executive agencies to accept his substantial catalogue of the nation's needs, even though he frankly admitted to Harold Smith (who continued as budget director until June 1946) that some of his goals probably would not be reached. There was not enough of a consensus among the Democratic members of Congress to give him genuine hope for favorable action. Certainly, the election of a Republican Congress in 1946 did not improve the chances.

With the election of the Eightieth Congress a number of things
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happened. President Truman decided to have the Bureau of the Budget conduct on his behalf an institutionalized process of liaison with all the committees in both Houses, with their Republican chairmen, and with both the majority and minority staffs of the committees. He felt that it was important—particularly when Congress was controlled by the opposition—for the committees to have information available about the relationship of pending legislation to the president's program without, in the majority of cases, directly involving either him or the White House staff. Accordingly, the director of the Bureau of the Budget appointed a career civil servant as the legislative liaison officer to head up this institutionalized process. With the president's approval, the director also instituted a more thorough process within the Budget Bureau to coordinate and clear agency reports to Congress on pending legislation. These institutional arrangements were designed to supplement, but in no way to replace, the clear, effective, and timely enunciation of plans which the president provided through his regular meetings with the Democratic leadership.

The practice of annually preparing the president's comprehensive legislative program was also adopted. This legislative agenda was presented in the State of the Union, Budget, and special messages; and it was nurtured by the special assignment of lead responsibility to a department or agency and by expanded central clearance through the Bureau of the Budget's agency reports and testimony on program items.

Truman's budget directors—successively, James Webb, Frank Pace, and Frederick Lawton—provided through the bureau's career staff four kinds of assistance. First, the bureau took charge of collecting legislative proposals throughout the executive branch. Second, the bureau made initial recommendations, separating the proposals into items that ought to be considered as part of the president's program; items that could be included in departmental legislative programs; and items the staff believed to be unnecessary, untimely, or inconsistent with the president's program. Third, the bureau developed preliminary cost estimates for items that might be included in the president's legislative program and prepared analyses of the fiscal and programmatic implications of the major items. Fourth, working with various agencies and the White House staff, the bureau developed projections about the time needed to prepare transmittal messages and legislative drafts and about committee schedules which might affect the timing and consideration of legislation.

The interlocking elements of this machinery were not, it is true, all preplanned. There was a natural process of evolution. The system soon became more pertinent and useful for domestic issues than it did for defense matters and international affairs. Although the Department of
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Defense (and its service departments), the State Department, and the other agencies with responsibilities of an international nature prepared legislative programs, by and large, these were handled differently and at the higher political and policy levels. The reason for focusing attention on the domestic legislative program was, in large part, the result of escalating agency demands to resume activities curtailed or abandoned during World War II and to initiate new programs in response to the public’s postwar needs and desires. Furthermore, the president’s interest and concern about developing a rational and greatly expanded domestic program necessitated the coordination of proposals to avoid duplication and budgetary competition. It was, therefore, natural for the White House staff to work directly with the Budget Bureau staff and to use the bureau as an institutional agent of the president.

This machinery might not have developed as it did were it not for the election of the Eightieth Congress. But after President Truman’s reelection in 1948, the institutional processes which had begun more than two years earlier certainly took on a more positive and definitive existence. For the first time in executive branch history, the president set forth his entire legislative program, along with estimates of the cost, in a specific section of the annual budget. The wisdom of this procedure was challenged by a number of the president’s political advisers, largely on the grounds that the Republican opposition would claim credit for a budget reduction whenever pieces of new legislation were not enacted. President Truman, however, did not accept this argument. He maintained that both Congress and the American people were entitled to full information about his legislative goals and their associated costs. The record of the way in which he handled press questions either at the annual budget “seminar” or in his regular press conferences proves conclusively how carefully he personally had fitted the elements of his legislative program together and how energetic and persuasive an advocate of that program he was prepared to be.

In addition President Truman further institutionalized the existing system for preparing and submitting agency reports and views, together with the Budget Bureau’s analysis, on all enrolled bills. Facsimile copies of enrolled enactments were circulated by the Budget Bureau not only to agencies directly affected, but to all agencies with a pertinent interest in the particular bill. The schedule for presenting agency reports and the Budget Bureau’s analysis and recommendation was made tighter so that the White House staff and the president had several days’ leeway to conduct any further examination or analysis before Mr. Truman approved or vetoed a bill. The president also greatly increased the Budget Bureau’s
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staff participation in preparing veto messages, signing statements, and the memoranda of disapproval issued on bills he pocket-vetoed.

Until Mr. Truman became president, the approval or veto of private relief bills had depended largely on the recommendation of the agency chiefly affected. It had become quite customary for agencies to recommend a veto on many kinds of private relief bills on the grounds that they were discriminatory and thus would interfere with a uniform application of the general law. President Truman took a different view. In essence, his position was that in a constitutional sense any private relief bill represented either a petition to Congress for the redress of a grievance or an expression by Congress that there was some justification for an exception to the existing law. He gave close attention to the issues involved and adopted the view that equity demanded consideration of each private enactment on its own merits as well as an assessment of its effect on the general law.

Thus, President Truman approved many private relief bills to reverse the rigid and horizontal application of a general law that created hardships which he considered unjustifiable—for example, mandatory exclusion under the immigration laws of persons convicted of minor offenses (“crimes involving moral turpitude”) or of persons with a history of certain diseases. Similarly, President Truman did not believe that it was equitable in every instance to enforce the statute of limitations.

A second manifestation of President Truman's interest in private legislation was the full support he gave to the successful effort to persuade Congress to consolidate individual private relief enactments dealing with the same subject into omnibus bills whenever possible. Here again the institutional approach of an agency staff working with the committee staff proved beneficial.

President Truman's knowledge of the presidency, his tremendous respect for the office, and his determination that its constitutional powers be in no way impaired, led him to regard his legislative duties most seriously. He examined every aspect of presidential responsibility for legislative initiative and judged it in light of the constitutional provision that “the executive power shall be vested in a president of the United States.” The federal agencies and their staffs, both political appointees and career civil servants, soon recognized that the uncompromising clarity of his position required the highest degree of their institutional vigilance in conducting legislative activities. Perhaps the best example is to be found in the agencies' change of attitude during the Truman administration toward what in government parlance had come to be known as the “legislative veto.”

For some years there had been a growing tendency by Congress to
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enact laws delegating broad power but also providing that either the president or the agency charged with carrying out the law had to come to an agreement with a congressional committee (or subcommittee) on just how the law was to be administered. President Truman believed that such provisions were unconstitutional and directly challenged the executive authority of the president. This attitude played a very important part within the agencies in increasing the feeling that the officers discharged their duties as an extension of the president: No executive agency was to acquiesce in sharing administrative responsibilities with the legislative branch.

Although in later administrations some compromises on the use of the legislative veto gained acceptance on the grounds of political necessity, the fact remains that President Truman's stand (which had been taken occasionally by previous presidents) has had an enduring effect upon the legislative process. Certainly in the years since the Truman administration, the position which he took with such forcefulness has been a major safeguard against any erosion of executive power. Within the agencies he inspired respect and a better understanding of the real meaning of the constitutional provisions concerning executive power and responsibility for legislation by institutionalizing the procedures for handling legislation. He opened the door to a new kind of participation in the legislative process by officers of the career service. His faith and trust helped make them see the larger picture and transcend narrow allegiances to agency programs and the constituencies of those programs. He expected the bureaucracy to provide maximum assistance both to him and to the office of the president.

And, with the Bureau of the Budget in the van, the bureaucracy responded and thus contributed to Mr. Truman's effective conduct of the presidency.