

Domestic Policy Council

TOM FREEDMAN

The new president must create a strong, well-organized White House Domestic Policy Council (DPC) to ensure that he has substantive control over domestic policy formulation, access to the best information on domestic policy issues, and a forum for strategic coordination of domestic issues. The DPC was developed in response to a challenge for presidents: the expansion of federal government in the latter half of the 20th century meant key agenda items and strategic planning were increasingly being shaped outside their direct knowledge and control in the domestic agencies. Presidents from Lyndon Johnson to Richard Nixon to Bill Clinton all have sought to redress that balance by using the DPC to formulate and coordinate domestic policy. The DPC can play a critical role in spearheading and implementing the 44th president's domestic policy agenda and priorities, particularly for those issues that cut across the jurisdiction of a number of agencies and departments in the executive branch.

Recommendations

An effective Domestic Policy Council should be led by an assistant to the president for domestic policy who has a variety of skills. The head of the DPC must have the intellectual ability to evaluate and direct myriad policy proposals. He or she must also have the ability to manage a diverse staff, a temperament that can push sometimes-unpopular positions through agencies and unhappy civil servants, and yet be collegial enough to work cooperatively with the National Economic Council, cabinet secretaries, and others without alienating them.

In addition, the new president should consider choosing someone as head of the DPC with a strong policy background in one or more of the president's top policy priorities. The new head of the DPC should be someone who can immediately lead on the hardest domestic policy issues that will face the administration—whether those are health care, climate change, or education reform—while still having the skills to help supervise developments in other policy areas.

Many of the most successful domestic policy advisors—including Joseph Califano, Daniel Patrick Moynihan, and Bruce Reed—had distinct, often idio-

syncratic policy views, and were effective in part because they were heterodox and not hemmed in by the traditional interest-group politics that stymied agencies. For that reason, the new president should err on the side of picking a strong-minded thinker rather than someone who will simply be an “honest broker” among agencies and White House offices. In practice, the leader of the DPC should focus on a few major domestic policy agenda items and then delegate significant background work on other issues to a strong deputy and a number of strong special assistants to the president.

The first function the DPC must undertake is as lead strategist and coordinator on domestic policy issues, helping to create a coherent message that reflects the president’s direction. It should also work seamlessly with the other White House offices that deal with domestic policy issues, including the NEC, the new National Energy Council, the Office of Management and Budget, and the White House Offices of Legislative Affairs, Political Affairs, Public Liaison, and Communications.

Particularly important relationships for the DPC are with Congress and the White House Office of Legislative Affairs. How well the DPC supports the president’s agenda on Capitol Hill and responds to congressional proposals has a major impact on the ultimate success of the president’s overall domestic program. The role of coordinator and strategist may take up the bulk of the DPC’s time, especially during the run up to the State of the Union addresses, periods in which most presidents roll out a number of policy announcements.

A second role of the DPC is to support the development of domestic policies in key issue areas. The DPC should work with agency experts to make sure the new president has the specific policy proposals he needs to tackle tough problems. It must be able to provide thinking not only about key issues, but also the big, interconnected problems the country faces. In addition, the DPC needs to be able to provide prompt updates and options on emerging issues and crises. When a specific crisis emerges—for instance, an outbreak of school violence or a food safety issue—the DPC must focus the agency response and coordinate the president’s policy response.

Finally, the DPC must be a “go-to” source of information for the new president. It should provide easy one-stop shopping for information on any domestic policy, from what is going on in particular arenas to who is handling a certain issue and what policy options exist. The alternative for the White House is no alternative at all—guessing which cabinet agency has the issue, making inquiries, and getting ad hoc, inconsistent, uncoordinated responses back.

Inevitably, there will be tensions between the DPC and the cabinet secretaries and their senior staff at the agencies. If the council provides a common strategy and is a source of clear communication, then the president will get the most out of the vast set of agency know-how and resources. In turn, the agencies will get the chance for input and direction that helps them execute the president's agenda. Moreover, the DPC can be a powerful advocate for the agencies' perspectives from within the White House.

A Policy Agenda

The council works best when it helps develop new policy ideas that reinforce and demonstrate the president's overall positive vision for the role of government. The DPC must both implement the policy ideas the president outlined in his campaign and balance the need to make progress on a couple of the biggest priorities with the multiplicity of other issues that inevitably arise.

The first of these larger issues is building a strong social safety net. In a global, technological, modern economy, with sharp demographic changes, the question of how to reduce economic and social insecurity while still promoting widely shared economic growth will be paramount.

The DPC should help with the development and passage through Congress of extraordinarily important policies in this arena, including: health care reform, better child care and senior care, and policies that touch on work-life balance issues such as paid sick leave and child and parental care leave. Social safety net issues also will require working closely with the NEC on policies to reduce economic insecurity. This will include rethinking unemployment insurance and trade adjustment assistance programs, and supporting secure retirements for Americans by strengthening Social Security and considering additional retirement tools such as universal 401(k) accounts.

The White House's domestic policy agenda should make it a priority to address the challenges faced by nearly 40 million Americans living in poverty. There are numerous ways to increase opportunity for these Americans, including expanding the Earned Income Tax Credit, extending and reforming programs to fight hunger, using innovative means to provide affordable housing, and implementing a program to help former prisoners reintegrate successfully into society. All of these policies to build a stronger social safety net share some common features: the problems they confront have been overlooked for almost a decade; they often defy common ideological stereotypes; and there is public will for bold action.

A second important area of work for the DPC is to reduce economic insecurity by helping expand opportunity in the new economy. Education policy is a

key way to generate more opportunity. The council should explore ideas for reforms and investments, including improving teacher pay and accountability, reducing drop-out rates, promoting early childhood education, expanding after-school programs, and making college more affordable. Working with the Department of Education and the Office of Science and Technology Policy, the DPC should also help coordinate the development of more robust educational programs in science, technology, engineering, and mathematics—the so-called STEM disciplines—to boost our nation’s future global competitiveness.

A third area of work involves helping the new president break Washington stalemates that have been caused by polarization and special-interest gridlock. Among the big issues where significant steps can be taken are governmental and lobbying reform, immigration, protecting civil rights, fighting crime, and expanding consumer protection. In each of these areas, critical developments have been stymied for the last eight years, but progressive change has public backing. Compromise in some of these fields may be necessary, but in all of them a majority in Congress can likely be built.

Finally, the DPC should work cooperatively with the NEC and other policy shops in the White House on issues in which the DPC is not necessarily the lead entity. These include energy, the environment, rural and urban development strategies, and promoting and regulating technology. It will be useful for the new president early on to make clear how policy responsibilities are divided. One option will be for the president-elect to task his chief of staff to oversee the preparation of a plan for his approval that shows clear lines of policy authority. The plan should show which issues will be under the purview of the DPC, the NEC, other entities, or new councils and task forces.

Sequencing the Policy Agenda

The new president must pay special attention to the sequencing and timetable used to unveil and seek passage of his domestic policy program. The first 100 days of a new administration and the several months after each State of the Union Address serve notice of priorities and are the best opportunity to lead.

The reality is that finding the right sequence for policy proposals should follow Supreme Court Justice Potter Stewart’s approach: “You know it when you see it.” History suggests that having early accomplishments can build momentum and support. Biting off too much, however, or refusing to compromise can sink a president’s popularity and damage his reputational capital, making subsequent new policy announcements less likely to pass.

Staggering day one, first week, and first month signings of executive orders and bills on medium-sized issues while undertaking a major set of policy initia-

tives that might pass in the early part of the administration is the right balance to strike.

The trick is to lead with something big enough to inspire, but not so impossible to achieve that it will get bogged down and diminish the sense of presidential potential.

Events will dictate some policy developments, but having an internal game plan and schedule will maximize the chance of fulfilling the new president's domestic agenda. The DPC can play an important role in making sure the president has the information, specific proposals, and agency coordinating tools he needs to achieve his long-term domestic goals for the country.

White House Counsel

ELENA KAGAN

The new president must appoint a strong, knowledgeable, experienced White House counsel who can restore the professionalism and credibility of the office, help infuse the entire Executive Office of the President with an appreciation for the rule of law and its application to political activities, respect the responsibilities of other branches of government while protecting presidential prerogatives, and coordinate with other parts of the administration to provide the president with excellent legal advice.

The counsel's office is involved in some of the most important and sensitive issues in the White House. These attorneys will often find themselves in positions of some tension with others in the White House, administrative agencies, or Congress. The most effective counsel's offices in the past were those that were sensitive to political and policy interests and eager to help advance the president's goals, but aware above all that they need to comply with the highest legal standards and preserve our underlying constitutional system.

Responsibilities

The White House Counsel's four most important responsibilities are enforcing ethical standards and general rules of behavior in the executive branch, han-