

**Exit Interview with Gene Eidenberg, Sec. to the Cabinet and Asst. to the President for Intergovernmental Affairs**

**Interviewer:** Emily Soapes of the Presidential Papers Staff

**Date:** June 9, 1981 in Mr. Eidenberg's office in the West Wing of the White House

**Transcriber:** Lyn Kirkland

**Soapes:** I have to assume that you did not come straight from teaching political science at the University of Minnesota into Jack Watson's office in 1977.

**Eidenberg:** No, I did not. My history after leaving the Political Science Department of the University of Minnesota was to become Deputy Mayor of Minneapolis for two years, to return to the University after that and to assume several administrative jobs. I left the University of Minnesota in 1972 to go to the University of Illinois in Chicago where I was Vice Chancellor and also served as chairman of State Law Enforcement Commission for three years and came to the Department of Health, Education and Welfare in February of 1977, first as Executive Assistant to the Under Secretary and then as Deputy Undersecretary for Intergovernmental Affairs and moved in July of '78 from HEW to the White House to be Jack Watson's Deputy Secretary of the Cabinet and Deputy Assistant for Intergovernmental Affairs and then moved to my current assignment at the time that the President appointed Jack as his chief of staff and then appointment me as assistant to the President as the Secretary of the Cabinet.

**Soapes:** In the summer of '79?

**Eidenberg:** Exactly. Eighty.

**Soapes:** Was it eighty? Gosh, that's right. Things are running together for me.

**Soapes:** Had you known Jack Watson before you came over here?

**Eidenberg:** I knew Jack from my work at HEW. I was part of the Intergovernmental network that was established across the government and I worked closely with Jack and his staff on a number of projects during '77 and '78 and in the middle of '78 I came over here at Jack's request.

**Soapes:** Did that include work on the Urban Policy package?

**Eidenberg:** That included work on the development of the urban policy itself, the actual signing of executive orders, and the President's announcement of policy and the implementation of it which was within Jack's purview that began after I arrived and it was one of the principal reasons that I came over—to help in that process. We worked together on other projects and it was one of the general governmental responsibilities that -- Jack had been assigned by the President had to reach across the government-- and it was one of the earliest actions that President Carter took in this arena-- was to send out a memorandum to each of his agency heads in February of 1977 asking each cabinet secretary to establish his or her office's capability, staff capability, to relate that department's work to the concerns of the state and local elected officials who would be affected by those cabinet secretaries decisions and actions. The President also asked in that memorandum that no recommendations be made to him for decisions that he would be called upon to make or legislative recommendations that would go to the congress that hadn't first been considered with respect for their potential impact on state and local officials...state and local governments. So it was necessary, across the government, to establish these mechanisms, these staff capabilities that really were not as well defined or as well developed in previous administrations. I think it is fair to say that President Carter's initiative in the intergovernmental area represented really a fundamental breakthrough, a change and a raising to a new level of importance over prior presidencies and Secretary Califano's response to the President's February memorandum was to create the Deputy Undersecretaryship for Intergovernmental Affairs which he asked me to assume. So, it was in that context and that relationship I was Jack Watson's contact, in effect, in HEW for intergovernmental matters.

**Soapes:** And was there a similar contact for the other departments?

**Eidenberg:** Every other department.

**Soapes:** Every other one?

**Eidenberg:** The particular structure varied. In some cases the Assistant Secretary for Congressional Affairs was also given intergovernmental responsibilities. In some departments the executive assistant to the secretary was given a responsibility for an intergovernmental portfolio. In HEW Secretary Califano's decision was to create a separate staff office with the sole mission for handling intergovernmental affairs. In my case I also had the responsibility for coordinating the management of regional offices for HEW, primarily because those regional offices do so much day to day business with mayors and governors and county boards and the like.

**Soapes:** When you say intergovernmental affairs, we're essentially talking about state and local governments?

**Eidenberg:** Precisely. We're talking about the federal government's relationships and impacts on general purpose governments -- state government, local government, municipal government and county governments and the elected officials who are responsible for carrying out those responsibilities and relating their governments concerns to the federal government, and in fact that is the intergovernmental portfolio.

**Soapes:** We've begun talking about urban work that you have done.

**Eidenberg:** Well, to elaborate a little bit about the intergovernmental thing and its importance, there are two things that need to be born in mind. Number one, President Carter came to office as the first former governor to serve as President since Franklin Roosevelt and it is a fascinating historical bracketing of profound changes in the way the federal government did business with state and local government and in the agenda of concerns that the federal government was going to take initiative to address. After all, it was really the new deal and Franklin Roosevelt's administration that started the massive quantum leap forward in federal financing projects. When Jimmy Carter came into office in January of 1977, the federal government was presiding over something in excess of 500 separate categorical grant-in-aid programs, revenue sharing-special revenue sharing, and block grant projects and programs. As we leave office, the federal government will assist state and local governments with the financing of programs and services to the tune of something like 85 billion dollars annually. The comparison between what Jimmy Carter inherited and where the federal government was in terms of its financing of state and local services, its regulation of state and local services, and its impact on the quality of life with respect to responsibilities of state and local governments was a different world from what Franklin Roosevelt inherited. So you have these two presidents kind of bracketing a fundamental kind of sea change in the federal government's posture and its role and its impact on the operations of state and local governments. Clearly, as a former governor, President Carter understood both the assistance that such federal aid can provide and also understood the bureaucratic complexities and the intrusions that the federal government can impose upon the effective delivery of services. The principle problem, in my judgment, and I think it reflects the President's view, is that the federal government in trying to apply national standards and national approaches to its responsibilities to state and local government tended to put all governments at the state and local levels into a kind of cookie cutter mentality so that the way that you did it in Atlanta, or the way you did it in Fulton County, or the way that you did it in Georgia had to be the way that you did it in Minneapolis or Los Angeles or California or New York, and that in fact what was missing from this system, this gargantuan intergovernmental financing and regulatory system, was the kind of flexibility that would allow elected officials, who ultimately have to be held accountable politically for their actions, to give them the kind of flexibility that they would need to make sure that those services that the federal government was now financing, would be delivered in effective, efficient ways. So President Carter's mind set was not to pull the federal government out of the support position that it had grown over time to

be in, in respect to the services that state and local government provides, but to put it in a posture that would (A) assist state and local governments in doing the job in a more cost effective way and (B) make state and local government more accountable in the sense of giving it more flexibility, giving the governor, and the mayor, and the county board the management and policy flexibility to use federal resources for the purposes that congress intended but to let them do it in the way that met the particular cultural and service and historical requirements of a given community in a given state. That's a lot easier said than done and much of what Jack Watson and I and our colleagues around the government have been working on for the past four years, is to translate those goals and those purposes into real policy decisions, into real legislative changes and into a change in attitude, build an environmental change in perception across the federal system of what its relationship and its attitude and its responsibilities ought to be towards state and local governments. I think it is an important kind of contextual background to have as we talk about all this because the President came with a first hand, on the line experience of doing business with the federal government as a governor.

**Soapes:** Right.

**Eidenberg:** He welcomed the assistance that the federal government could provide to the state of Georgia but he wasn't all that appreciative of the federal governments telling him how to run the programs and services that Georgians needed and were entitled to when he was governor, since he figured he had been elected governor he ought to be responsible for how those programs and services get run.

**Soapes:** Can you site some particular actions or policies that you think illustrate this change in attitude?

**Eidenberg:** Well, I think there are a number. It is hard to assign priorities. In the President's urban policy, for example, there were over 100 administrative and statutory changes to laws that would provide the kind of flexibility that I'm talking about. Let me give you just one statutory example with respect to the biggest education program that the federal government runs, Title 1 of the Elementary and Secondary Education Act. The whole question, and this sounds like bureaucratic gobbledegook, but the fact of the matter is that the audit process has a massive impact, a massive impact, on state and local government. Every dollar that gets spent is subject potentially to a federal audit. Audits were not coordinated. The federal government was in fact auditing the program consequences of the billions of dollars spent for secondary and elementary education under Title 1, the program that sends money to the schools in areas with low income families, primarily in the urban and rural poverty areas of the country. The funds are administered by the state education agencies. The Congress appropriates dollars that the President puts in his budget to go to the state education authorities to provide funds that go to these schools with kids from these low income families. Why shouldn't, the President asked, why shouldn't the state education agency be responsible for conducting the audits? After all, the

service is delivered by the local school boards. The state agency is the fiscal intermediary and the agent for the federal government. Why shouldn't the audit be conducted, why should the federal government be intruding its audit process? Well, the law was changed to make possible for the state education agency to assume that new responsibility. Under President Carter there has been, for the first time, a coordination of the federal audit process across all the agencies so that the agencies don't keep coming into these local governments kind of "ad seriatim" and interrupting their work procedures and forcing them to change their schedules. On a substantive basis, much of what we did in urban policy and what the President did in urban policy was to improve the targeting of federal programs so that they were in fact going to those who are most in need, and we did that with the economic development administration and we did it with much of the service programs across HEW and other areas. The idea was to have the federal government indicate with as much precision as possible who is the target population, what is the purpose of the program to be served, and to give the state and local officials more flexibility in administering the program-- how they organize it. Now, a lot of those degrees of freedom in accomplishing those goals are restricted by congressional action. The President doesn't have total discretion. I think President Carter would have preferred to go a lot further in this area than we were able to go, in part because of congressional restrictions. When I arrived on the scene at HEW in 1977, one of the first issues I was handed to work on was the vocational rehabilitation dispute in the state of Florida and the question was does the state of Florida have the right to organize the way it delivers vocational rehabilitation services or must it organize the delivery of those VR services the way the federal government mandates. Florida had passed a law organizing its social services programs and had VR services under that total umbrella arrangement. We tried to give them that flexibility. The congress and subcommittees that have the responsibility for managing and authorizing the vocational rehabilitation program said no, every state's got to do it precisely the same, and the case went all the way up to the federal court system and Florida was denied its flexibility. So that's a case where we didn't get the job done we tried to get done and wanted to get done but we were denied the opportunity of achieving that particular result because of congressional requirement, so it is a very complicated process and it will take a number of years to clean out the underbrush of all that legislative restriction on executive authority to give state and local governments the kind of flexibility it ought to have. The real question here is can you have a system of accountability so that the federal funds are being spent for the purposes that the President and the congress intended they be spent for and still give them the flexibility, or in order to have that kind of accountability do you have to require that every "I" be dotted and every "T" be crossed in exactly the same way in every jurisdiction.

**Soapes:** By the federal government.

**Eidenberg:** By the federal government. President Carter believes the former is possible. We've made some strides but there are still many years yet ahead for the federal government to improve that system.

**Soapes and Eidenberg have an off-interview conversation about an in-coming phone call to which Eidenberg responds "He's calling again? I just talked to him." The tape is turned off (apparently for him to take the call) and then restarted.**

**Soapes:** I've seen a statement in the press that said the President was skeptical of using the federal government to solve social ills.

**Eidenberg:** That's right.

**Soapes:** That's probably an oversimplification.

**Eidenberg:** That's an oversimplification. I think the President believes strongly in the federal government's continued assistance to and setting standards for the delivery of critically needed services to people in need and to communities in need. He was insistent that the federal dollar be spent effectively and targeted to real need and not be spent on marginal cases, either jurisdictionally or individually, but the President was not, did not come to office looking to withdraw the federal government from its by now historic commitment to assisting people in need and communities in need. The question was "How do you establish that intergovernmental partnership to take best advantage of the competence that exists at the state and local government and so that local communities can have more control over their own destinies and are not always dancing at the end of federal agency decisions and regulatory requirements. If, in fact, the ultimate purpose of the legislation and the congressional intent is being served why should the federal government require that it be done precisely the same way in each community is a simple way of phrasing the question. So, no, the President was very much committed to continuing the programs but eliminating those parts of the program that had been outmoded or were no longer as effective or efficient as they ought to be, but he did not come into office looking to essentially turn the clock back 50 years. It was to make the system that is in place now responsive to the political and governmental realities of the 1980's. Think in the differences in the quality and competence of state and local governments at the time that Franklin Roosevelt came into office and when Jimmy Carter came into office. It's night and day. State legislatures were basically part time legislative bodies in the 1930s and the 1940s. They were inadequately staffed. Local government was not professionally staffed. Governors' offices were not particularly well staffed. You now have in the state houses and city halls and county court houses around this country legislative and executive agencies of local government sophisticated in their decision making procedures and in their information management systems, highly trained expert people running these programs, many of whom have had previous experience in the federal government. You have lots of people working in the federal government now who have

previous experience in local government or state government, from the President on down, and it seemed to me that what the President was saying is “Look, it’s a different world...it’s a different intergovernmental world”. Whatever the circumstances were, racism, discrimination, inadequate services being provided by state and local government, before this major sea change occurred starting in the early ‘30s and continuing in a really unabated way through the present time, that the competence, the basic competence of the state and local government, its sensitivity and its willingness to live with the basic requirements, the constitutional requirements of equal opportunity and equal application of the laws, meant that you could take advantage of that resource in the 1980s where that resource didn’t even exist at the state and local levels in the 1930s and 1940s. So the President was both reflecting a frustration born of having to deal with an unresponsive federal bureaucracy during his tenure as governor. He was also reflecting the frustration that state and local elected officials have at the perception that the federal government doesn’t think state and local government can do the job. Governor Jimmy Carter fully understood he was competent to do the job in Georgia and Governor Busby, his successor, is competent to do the job...and Governor Graham in Florida and Governor Brown in California. You name your governors and your mayors around the country, there are exceptions to prove the rule, but by and large the governors and the state legislative leaders and the mayors of this country are themselves personally equipped and committed for the purposes of these federal programs and to the services they are to provide and they are staffed by people who have both the technical and the professional and the community commitment to get the job done. Why not use that resource? Why not put that federal system back in better balance?

The pendulum had swung for all the reasons historic and political we know, to a highly federally oriented system. Jimmy Carter was saying we don’t have to throw the baby out with the bath water. We can put that pendulum in better balance between state, local, and federal government and still get the job done and probably do it in a way that is more efficient, more responsive to local requirements, and therefore produces a better sense on the part of the people as a whole that the government they have a more immediate access to is also responsible for the programs that impact their lives and impact their pocket books. I think a part of the President’s perspective on all this is a recognition that there had grown up as a result of this incremental change over 40 or 50 years of time a subtle but very important gap between who was being held accountable for programs that the federal government finances at the state and local level and who was responsible for actually administering the services. The governor and the mayor is held accountable when things go wrong but the governor and the mayor say “Hold it. The citizens are holding me accountable politically, as they should, for what goes right or wrong with the services that I provide, but I don’t have the responsibility under this system for providing the services. I’m being held accountable for something I don’t have total responsibility for...” and I’ve always asked the question, having come out of a county in Chicago, most recently, before coming to Washington, whenever there is a welfare or Medicaid scandal out in Cook County,

who do you hold accountable for it? Who is really responsible for it? Is it the Department of Health and Human Services, is it the Cook County Welfare Department, is it the State Department of Public Aide? The thing has become, this interdepartmental financing and management system has become, so complex that the citizen who is paying the taxes, who is dependent upon government for the services doesn't have a handle to grab, doesn't know where to point when they want change, or when they want to hold people accountable. The local officials are saying, "Hey, look. Give us the responsibility. We're being held accountable now. Give us the responsibility." That's really what President Carter's mission has been, both in the policy decisions he's made and in the way he's structured the federal government and the attitude he has tried to infuse in this federal government...that is look to the state and local official, as not only somebody who is going to be politically accountable, but somebody who can be responsible for the management of these federally financed programs.

**Soapes:** And to what extent did the interpretation of this attitude depend upon the personal relationship that Jack Watson had for, what-- three years, and then you for the past year, with mayors, local elected officials, and so on?

**Eidenberg:** Oh, I think it depended to a very considerable extent on that and on some other attitudes. It obviously depended to a very great extent on the attitudes and the commitment of the Cabinet secretaries who actually on a day to day basis had more impact on the five hundred plus categorical and grant-in-aide revenue sharing programs, block grant programs, and after all, the White House doesn't run the programs, the agency runs the programs. The first attitudinal shift had to be at the secretarial level and the President helped that along by instructing them to create these intergovernmental staff capacities and to ensure that those people were involved in the policy process... those departments are not put off to the side somewhere and ignored when key decisions are being made. And I think it is fair to say there were sections that didn't do it with equal skill and facility in every instance, but I believe that no major policy decision or legislative proposal was made by this administration that did not first benefit from very great consultation, very detailed consultation, with the effected representatives of state and local government who were asked to carry out the service and be the deliverer of the service.. And bear in mind the federal government doesn't deliver most of these services. We provide the regulatory framework and the dollars, but the server---the welfare program is run by the local government, housing is built by local housing agencies—transportation agencies are state transportation agencies, so all these programs, these billions of dollars are being spent, in fact, for services that are administratively under the control of a state and local official, in that sense. So the creation of these intergovernmental offices was a very important part of the President's kind of, here in Washington, changing of attitudes. I think the work that we did out of the White House staff and out of the agencies and intergovernmental offices, with the mayors and governors, was a very important part of the credibility building process. There had been lots of talk about how you change the federal system and there had been lots of slogans passed about over the years about



the new federalism now and the new change—we're going to do better for the state and local officials but a lot of mayors and governors had seen administrations come and go who had made pledges coming in---and when the four years are up or the eight years are up, they looked and said well, nothing much had changed --in fact there is more regulatory control. There is less degrees of freedom in our hands than when this administration came in. So there was a lot of credibility building to be done and I think a very important contribution that Jack and this office provided during the four years was in demonstrating in things as mundane as "case work"--- solving individual problems---a governor would call up and say "I am getting the run-around from this agency and it is very important to me and my community to get this decision made. Our staff spent thousands of hours doing case work...thousands and thousands of hours over the last four years---insuring that governors and mayors, on a bi-partisan basis, when they would call up and say, "I can't get this decision made, I can't get this action taken, I can't get these two agencies to coordinate their response to my community's needs".....doing that kind of work. We didn't always give the governor or mayor the answer that he or she wanted. The fact that it was the governor or mayor didn't mean, "Oh yes, you can do what you want, Mr. Mayor or Mr. Governor, but we gave them answers...we gave them answers. We'd tell them no when the answer was no. We'd tell them yes when the answer was yes. But they knew after a relatively few months of this administration's tenure that if there was a problem at HEW they could call me and they could get an answer from me and it would be an authoritative answer because Secretary Califano insured that I had the authority to speak for him on these kinds of questions and Jack Watson for the President of the United States would get an answer for them. That credibility just proved invaluable as we then moved to the next step of addressing the kinds of cross-cutting policy questions, urban policy, rural and small town development policy, and bringing the government together and trying to re-orient its attitude and posture. Let me quickly add parenthetically that, having said all these things, it is not my judgment that the job is done. I mean I don't want the implication of this conversation to be that there isn't, there is more work to be done than we have accomplished. I don't think we have accomplished 50% of what needs to be done... but I think the credibility was established, I think the fact that it can be done, that if you set your mind to it that in fact you can make a difference has been shown. That there are some policies that we can point to where it's not just case work, it's not just attitude, it's not just credibility, its actual law and administration policy and executive order and had we had a second term, of course, we would have had a chance to address some of the more profound and fundamental kind of underlying questions of the allocation of responsibilities between the federal government and state and local government. It would have been an interesting battle up in congress but we were prepared to address those questions.

**Soapes:** You've begun answering this question I think, which was an obvious need for intergovernmental affairs. Why was cabinet secretary added to it? (28:26)

**Eidenberg:** Well, that was not an accidental decision.

**Soapes:** No, obviously not.

**Eidenberg:** The President made a very self-conscious and premeditated judgment that two things had to happen if this intergovernmental mission was going to be successful in terms of what we were discussing. Number 1: The assistant for the President for Intergovernmental Affairs was going to be perceived by virtue of his title and mission to be the principal staff officer relating in the President's behalf with governors, mayors, and other elected officials. The question was how do you establish the credibility and effectiveness of that staff officer speaking for the President across the government...reaching to the secretaries of the agencies, recognizing that the 85 billion dollars a year doesn't get spent by the White House. It gets spent by the Secretary of Health and Human services, the Secretary of HUD, the Secretary of Transportation, and the like. So the decision was made to put the kind of coordinative responsibilities of the cabinet secretary's job in the same portfolio with the outreach and governmental relationship of the Assistant to the President for Intergovernmental Affairs. I think it was a profoundly important decision. I think it made possible the things that we were able to get accomplished because the secretaries of the agencies perceived that we were not just some kind of goodwill ambassadors from the President doing either politically effective work or doing relatively minor ministerial work on the President's behalf with governors and mayors, but in fact we were at the core of the policy process, we were at the core of the implementation of federal policy. If there is a distinction to be drawn in the White House staff structure, the Cabinet Secretary in Intergovernmental Affairs Office in the Carter Presidency was really the Domestic Policy Implementation Staff for the President. Stu Eizenstat and the Domestic Policy staff was the policy formulation/policy development wing of the domestic side of the White House but when the President was looking within his White House staff for implementation leadership, it was this office. That did not mean that Stu Eizenstat and his staff were not involved in implementation issues and it didn't mean that we were not involved with Stu and his people in the development of policy options before it went to the President, but in terms of the principle missions it was very clear, very well understood and tended to be understood by the constituent groups, both cabinet secretaries and the state and local elected officials who were dealing with us. So that combination of those two missions, those two rolls, was very premeditated and I think was a very important part of this office's success over the last four years.

**Soapes:** Meaning not an outsider seen by the cabinet secretaries implementing the policy?

**Eidenberg:** Absolutely, absolutely. The President's intent was signaled as clearly by that decision to his cabinet as anything else he did during those four years. Obviously it took the competence of the people in this office. It took Jack Watson and his staff to get that job done. I mean, to translate into concrete reality, you had to hit the ground running in large measure because the cabinet secretaries understood the President's commitment. That it was real. It wasn't window dressing.

**Soapes:** Can you give a rough percent, what percent of your time...or can you even divide it?

**Eidenberg:** You really can't divide it. If you were asking me what uniquely cabinet secretary functions I performed or Jack performed or is performing percentage of my time. It was literally the preparation of the agendas for the cabinet meetings, it was the preparation of the minutes following the cabinet meetings, the distribution of those minutes and the retaining of those minutes and an occasional piece of staff work with respect to a single agency, not some matter that wasn't perhaps immediately affecting a state or local jurisdiction, probably less than ten percent of our time, perhaps less than five percent of our time. I mean, it was a trivial. The purely cabinet secretarial function was just not identifiable. The rule that the thing was linked inextricably.... the two missions were inextricably linked.

**Soapes:** I want to ask you something from other administrations –how often did the cabinet meet?

**Eidenberg:** The cabinet meetings?

**Soapes:** Was it every other week?

**Eidenberg:** There was an interesting pattern. As a matter of fact, we were looking over the pattern of frequency of cabinet meetings in response to a request that we got from the New York Times a couple of weeks ago. In the first year of the Carter presidency, the cabinet met virtually every week. In the second year of the Carter presidency, the cabinet met essentially every two weeks. In the third year of the Carter presidency, the frequency declined still further and the average was something like every four to five weeks. Then as we got into the campaign and we were challenged for the re-nomination by Senator Kennedy and increasing amounts of cabinet secretary and presidential time and White House staff time had to be devoted to the renomination process and people were taking leaves of absence to go out to campaign in the states and all the rest. The fourth year was even less frequent. I don't know, we've got those numbers, but it was like once every two or three months. It was very infrequent. The process for handling cabinet meetings was fairly routinized. Before each cabinet meeting, our office would solicit agenda items from the cabinet secretaries and from senior White House staff and a memorandum would be prepared over Jack's signature and subsequently my signature to the President suggesting an agenda based on those consultations, based on our own knowledge of what the President was working on; I mean he might want to have issues to share with the cabinet. There were some reoccurring items, the dominant foreign policy disputes of the time or issues of concern would be on the agenda for the Secretary of State to report on or brief on. Recent economic indicators would be inevitably on the agenda for the chairman of the Council of Economic Advisors and other economic policy advisors to comment on. Inevitably the President would add his own items to the agenda that were not included in the draft agenda that we had submitted to him

ahead of time. The meeting would typically last two hours and we would try as rapidly as possible to get the minutes compiled after the meeting was over and they would be distributed.

**Soapes:** Could there be any variance in the agenda or was it not questioned?

**Eidenberg:** Absolutely. The variance from the agenda was inevitably.... predominantly the President's own judgment about what other items he wanted to raise or items that he did not want to raise that we had suggested. He rarely, he rarely took matters off the agenda. I can think of almost no occasions when we suggested an item for the agenda that he didn't address. But he would frequently add one or two items to the agenda that hadn't been suggested. By the way, in terms of the frequency of meetings, even during the most active period, in the first year or two of the administration, during the summer months the cabinet did not meet, so that weekly/bi-weekly schedule basically was during the non-summer months. There were occasional.... there have been some half dozen or so special meetings of the cabinet when the President wanted the cabinet brought together for a briefing on some very urgent breaking event, for example, the Algerian invasion by the Soviet Union was an occasion for the cabinet to brought together for a briefing on what the President's response was going to be.

**Soapes:** Afghanistan?

**Eidenberg:** The Russian's invasion of Afghanistan. What did I say?

**Soapes:** Algeria.

**Eidenberg:** Algeria? The Afghanistan invasion. When the President submitted a new budget for fiscal '81. When he submitted his first budget, the economic circumstances required a rather urgent tightening up of the budget. There was a special need for the cabinet to convene for the President to essentially give the general policy advice to the cabinet as to his goals and purposes and how he would proceed in that very difficult set of consultations with Congress to bring the federal budget deficit down further. So there must have been about a half dozen of those special cabinet meetings in four years or so.

**Soapes:** President Carter came in, as we are hearing now, talking about cabinet government. From your experience, did cabinet tend to be decision making... informational meetings? What happened, in fact?

**Eidenberg:** They clearly were not decisional meetings. I would offer an analysis but I'll describe what the cabinet was like in a second but I want to....the concept of the phrase "Cabinet government" has taken on a meaning in the popular press and discourse which I think does not square with President Carter's view and in a certain sense, and I am speculating a little bit now because I haven't talked to the President directly about this and I haven't heard these words from him, but I am giving you my hypothesis on President Carter's view of cabinet government. I

don't think he ever considered that cabinet government would mean that the cabinet collectively or in sub-committees, would meet with him and decide issues in some collective sense. President Carter understood from the beginning that there was only one person who had the constitutional authority to decide presidential questions and that was the President himself. He wanted advice, he wanted to hear from senior people in government who were responsible in those policy areas, but having received all that advice, the decision was a presidential decision. There was never any ambiguity or question with respect to Jimmy Carter. His concept of cabinet government was that having picked senior competent people to run these agencies, they should by and large run those agencies and that the White House staff should support the presidency, in a corporate sense ---- the executive office of the President, and should be a communications link between the President and the cabinet offices or with those issues of personal and policy concerns to the President, but that the Cabinet should not be run from the White House. It was never; the cabinet government concept was never, under President Carter, the notion of the cabinet as a collectivity, that when it met would decide policy questions. The discussion we're hearing in the press now about a new model for cabinet government with committees, and subcommittees and a super cabinet that was never an actively pursued idea. The fact is, de facto, there were clusters of policy focused groups, particularly in foreign policy and the national security area that met regularly with the President. Secretary of State, Secretary of Defense, the National Security Council Advisor met regularly with the President on a weekly breakfast basis to discuss foreign policy questions. I really want to make clear what President Carter didn't think was an option—or a desirable option—for a cabinet government concept. So when you say cabinet government you really have to be more precise. What would a cabinet meeting be like? The cabinet meeting really was an informational meeting. They were opportunities for the President to insure that the senior officers of his government were briefed on a common information basis of what he was thinking, what his attitudes were about the most pressing issues that were working their way through the government at that moment or would likely to be before the government in the coming weeks; major legislative issues, major foreign policy decisions, energy problems, the full gamut, the full gamut. No issue was kept off the cabinet agenda by virtue of its subject matter or its sensitivity. The cabinet discussed all these issues but their purpose was not to make decisions but for the President to be sure that the Secretary of Labor knew what his policy was with respect to responding to OPEC oil prices increases, for example, because if the Secretary of Labor is out speaking around the country and meeting with groups, he is going to be asked about energy problems. He's not going to be asked just about labor problems so it was important to the President for there to be a continuing common basis of information on all the issues of current concern and he wanted to know from his cabinet secretaries what they were working on, what their high priority issues were that he needed to be advised on, so they were informational meetings. Typically a cabinet meeting, in addition to the cabinet secretaries, the senior White House staff attended all cabinet meetings. In the early months of the Carter administration I gather, I wasn't here, but I gather that the cabinet meetings

were also attended by a larger number of middle level White House staff than was the case later on. The President decided that in order to maintain a sense of candor and openness in discussion, he wanted to restrict attendance at the meetings so restriction was then brought to the agency heads, the cabinet members, senior White House staff and during my tenure as Deputy Secretary for the Cabinet I think I was the only middle level White House staffer who attended because I was the one who literally took the notes and maintained the minutes during the meeting. I think my predecessor Jane Frank also attended cabinet meetings and she was the one who took the notes and wrote the minutes following each meeting.

**Soapes:** (Soapes appears to be having a side conversation with an aide.) Marsha and I were discussing over here this Cuban refugee collage. (Laughs) OK, let's identify some issues that maybe would not fall under what we would think of ...maybe Cuban refugees for one or Three Mile Island.

## **Tape 2**

**Eidenberg:** The President looked to this office to provide the coordinating leadership in his name and his behalf across the government in its response to any domestic crisis or catastrophe. There needs to be in place in any White House where there is staff leadership to follow up on major floods, tornados, strikes and other unanticipated events that are calamitous in their bankrupt potential. There is a federal emergency management agency that had the administrative capacity to coordinate the government but these major domestic crises require a personal Presidential attention.

**Soapes:** Yeh, it makes you feel like the President cares about....

**Eidenberg:** Right. The President's views and desires are in fact communicated and followed up on. This office has handled such things as the coal strike in 1977, the fuel shortage, gasoline shortage in the summer of 1979, the Three Mile Island accident, the nuclear power accident in Pennsylvania, the Cuban-Haitian refugee influx of this past year, the Mt. Saint Helens volcano eruption. There have been a number during the past four years of major unanticipated crisis developments which required presidential, personal presidential leadership and intervention and that was also this office and that was logically so, because Jack and myself, as his successor, we .....these domestic calamities and catastrophes impact our state and local government. The first impact, the first responsibility for emergency response is always the state and local government. That's where the events occur and that's where the fire departments, police departments, and the other emergency services exist on line. So we managed and coordinated the federal government's response to these and other major crises and when they occur I can tell you that they are absolute sponge for time. The major portion of this staff's time was devoted to each of these incidents when they occur. Three Mile Island was literally an around the clock operation for 3 or 4 days. There were periods of time during the Three Mile Island accident when the

technical people who were on the ground, the Nuclear Regulatory Commission and others, the scientists and nuclear engineers who were working with the problem at Three Mile Island plant were telling us that there was a hydrogen bubble forming within the containment that posed a threat of depressing the water, the coolant fluid, inside the core and below the core's level so that it would start to reheat and so the possibility of a meltdown, while not imminent, was real. As it turned out, that hydrogen bubble, on subsequent analysis, was not as great a threat. It was more a possible, more a hypothetical possibility, but we were operating under the assumption that the phenomena was occurring. Obviously, nobody could go in there to check it out and take measurements.

**Soapes:** Right.

**Eidenberg:** And our job, the technical people, the scientific personnel, were on the scene. The President had dispatched, through the Nuclear Regulatory Commission, the senior person to be on scene to coordinate the Federal Government's assistance in dealing with the mechanical and technical and engineering problems of the accident. But there was a massive preparation that had to be taken, be undertaken in anticipation of an evacuation of hundreds of thousands of people, if in fact a judgment had been reached that the danger point was becoming so critical that we would have to move people from say a five or ten or fifteen or twenty or even a twenty five or thirty mile radius from around the plant; and as you expanded the radii, you obviously increased the population by quantum numbers... by quantum leaps. As it turned out, of course, the emergency evacuation plans that each of these individual counties had prepared were dusty and on the shelf and they bore no relationship to the possible threat that we had. We were given the possibility of a major release of radiation, high concentration radiation, into the atmosphere and the distribution of that fallout over an unpredictable range, what the wind was going to be doing what direction it was going to be blowing from, how intense it was, how high in the altitude it would go. We were talking to the governors of New York, New Jersey, and Maryland about all this. It wasn't just a Pennsylvania problem. We'd had a major accident occur, a major risk of radioactivity, we would have to bring in medicines, prepare cots in gymnasiums and schools, and set up communications centers. It was just a massive logistical undertaking in the space of three or four days. New emergency evacuation plans were developed or logistical support was put in place and military support units were alerted. We were ready to go if we had to do it. Fortunately, thank God, it wasn't required. There would have been a loss of life. A major evacuation cannot move that many people and hospitals, prisons, schools on that short notice without threatening people's lives and their health. So it was not something we were looking forward to undertaking with great enthusiasm. It was a job [that] had to be done and the Cuban refugee thing has taken on a different kind of meaning because it stretched on for nine or ten months. It's the first time in this country's immigration history when massive numbers of people seeking political asylum showed up on our shores unannounced and without prior warning... Where the administrative and legislative policies for dealing with immigrants, refugees never

contemplated the notion that people would be seeking political asylum by the tens of thousands on short notice. Our whole refugee policies and statutory structure over the years has assumed that the asylum applicant would be an individual who defected from a ballet company or from diplomatic corps or something who might show up individually in an embassy overseas and we have policies and laws for dealing with it. But, suddenly, we were confronted literally with tens of thousands of people arriving in south Florida, with no support apparatus in place, with no anticipation of this coming, to handle this influx and they all received political asylum. We also had had numbers of fishers arriving in small numbers over a longer period of time that were becoming a burden for south Florida and that arrival probably continues today. President Carter's state of emergency has the only mechanism under our statutes to use and mobilize federal resources available to deal with this emergency. We had to open our military bases to house these people, we had to set up resettlement operations, we had to set up emergency feeding and housing conditions in south Florida. There were thousands of federal employees involved in this, the Coast Guard, the Navy. The major naval exercise in the Caribbean [was] canceled so that the naval assets could be added to the Coast Guard's assets that were brought from all over the East Coast and the Gulf of Mexico to assist in the life saving and the humanitarian and the interdiction efforts of the enterprise. It's been an unprecedented and extraordinary event. It's been a subject of great controversy. The political consequences have been nothing but negative. The fact of the matter is that the President's view was both humanitarian and rigidly supportive of our current legal---of our law. The President made a statement in response to a question at a League of Women Voters forum in which he addressed----which got widely advertised and distorted—and no doubt changed the public perception of what the policy was and I don't think we ever caught up on that.

**Soapes:** I was going to ask,

**Eidenberg:** The President made the statement that, as widely advertised, that we welcome these people with open arms and open hearts. This is consistent with American immigration tradition and history. What the President in fact said was that we didn't ask for this arrival. This was not something we wanted. We had laws for dealing with people who were seeking political asylum and those who were eligible to receive it would receive it and those that weren't would not receive it---would return to their country, but that we weren't going to be denying people the opportunity who were on the high seas—we weren't going to tell people they were not going to be permitted to land in the United States when they were floating when there would have been a massive loss of life in the Caribbean. We would receive these people humanely and in a humanitarian way consistent with American tradition and then apply our laws after their arrival to decide who would be permitted to stay and who wouldn't. Well, of the President's statement... all that got publicized was, you know, the open arms and open hearts statement and the fact we would enforce our laws was totally ignored and of course it created the public impression that somehow the President was.....



**Soapes:** Flip-flopping.

**Eidenberg:** Flip-flopping and opposed to this thing. We were trying to enforce the law to prevent Cuban Americans from going illegally to Cuba to pick up aliens to bring to this country against our laws and we were successful to a fifty to sixty percent rate and we finally had adequate Navy and Coast Guard resources on the scene but it took a week, it took a week or 10 days to get the adequate resources down there and during that time thousands of Cuban Americans had left Florida in small boats... anything they could lay their hands on. It is estimated that something like 50 million dollars of private funds were expended by the Cuban American community during the height of the Mariel Boat Lift to rent and buy and to pay for the cost of bringing people from Cuba. So it was politically a devastating development. The President did what was ...what he did was the right thing to do. I'll never forget that meeting that we had with the Florida congressional delegation at the height of this thing. You can imagine, it was a very hot meeting. Senators and Congressmen were deeply agitated about the situation. Florida was buckling under the pressures of this massive onslaught of humanity. We were still putting in place the mechanisms to move them out of Florida and to house them in Pennsylvania, and Wisconsin, and Arkansas, and other places until we could get a handle on the situation. Rumors, you know, were flying around that Castro was emptying his jails and his mental hospitals and that all these people were either criminals or crazy, which in fact was not the case. There was a population----my estimate is 2 to 4 thousand of the 125,000 that arrived ---who meet that test. There was public panic about the quality of these people who were coming and the Florida delegation was in a high state of agitation. I remember that Congressman Kelly who is now defending himself against a bribery charge in the Abscam trial, turned to the President and said, "Mr. President, you've got to stop these people from coming. You've got to use America's military power to stop them from arriving... Don't let these folks go. Sink these boats." The President turned to Congressman Kelly and he said, "Congressman, I'm not inclined to sink boats with people in them." There are times when people in jobs, a job like the Presidency, when just that base core human instinct guides their action and I don't think I have ever been personally prouder of the President when, in all this flap and people yelling for attention and trying to persuade the President to steamroll a different type of response, he said, "we are going to enforce our laws." He was quiet, he was determined, he was calm. He was controlled. He said, "We are going to enforce our laws. We are not going to be overrun. This country can cope with the problem, but I am not about to sink boats with people in them." Had the President taken a different policy, literally thousands of people would have died in that exodus. They were coming over in anything that could float and the Coast Guard made several thousand rescues at the high seas. I myself was in a Coast Guard plane that rescued some people that were coming over. I went down to observe what was going on. In fact, over 93% of these people have been resettled. They're doing well in communities in this country. The legal process is going on. Those people who are dangerous to our communities have been isolated,

incarcerated, and being held in camps. The real story, which someday will be told and understood is that this country, consistent with its truest traditions, did the right thing under enormously difficult and complicated circumstances—welcomed people to this country in an humanitarian way in order to make decisions about who would be permitted to stay and who would not, but didn't in a wanton or cavalier way, jeopardize the lives of 125,000 people. Twenty seven people died making the crossing. Nonetheless, it is amazing that so few lost their lives in this exercise. It was a callous, hypocritical act that Fidel Castro perpetrated. He was literally using disgruntled citizens in his own country who were hungry, who were frustrated by the failure of the Cuban economy to provide anything like a decent standard of living. He was essentially using them, as somebody said, as bullets in a new kind of war. He was throwing them at the United States. The President decided he wasn't going to fire back, at any means. He did the right thing, I've never had any doubt about that. I wish, obviously, that we could have handled the situation in a way that would not have had the devastating political consequences for President Carter that this had, but *'you pays your money and takes your chances in this business.'* In the end, President Carter did the right thing.

**Soapes:** You mention that and yet one of the things I've read, one line that really held for the President was the mayors and the governor...

**Eidenberg:** Absolutely.

**Soapes:** ...and the article I was reading attributed this to a large extent to Jack Watson's personal involvement with these people.

**Eidenberg:** That's right. There's no question but Jack's work and the work of this office and the President's commitment to doing this work was profoundly important in terms of the political support the President enjoyed when he was running for re-election from the mayors and governors around the country... I have no doubt that at one point Senator Kennedy and his people believed, because the President's polls were so bad at the time, that once he announced that he was going to run for election—to seek the nomination from the Democratic Party, that Democratic officialdom around the country would run to support his candidacy. We took very specific steps to ask our friends from around the country, Democratic mayors and governors, to stand up and be counted for the President and they did so, unhesitatingly. There was no reluctance on their part to do so. They stood up, they were counted, and I am sure it must have come as a big surprise, it must have even been a shock to Senator Kennedy and his political advisors that after he announced his candidacy, the Democratic office holders around the country didn't flock to his candidacy. Not only did they not flock to his candidacy, but they stood up and announced their support for President Carter's renomination. I think it was one of the thresholds in the process of Jimmy Carter's being renominated for a second term. I think it was a profoundly important event and it was not because, as some cynical analysis have had, that some highly targeted grants-in-aide and the use of federal assets and resources, quote, unquote,

“bought” the support of Democratic mayors and governors. That is an absurdity. There is not that much discretion in the use of federal funds, even if we were so inclined to use it. We were not. The fact of the matter is that the mayors and governors and the rest were reflecting their appreciation and their approval, both of the policies that the President was pursuing in respect to urban and rural policies and Jack Watson’s and his staff, and the government’s responsiveness to their concerns as state and local officials. They said “We don’t want to change Presidents. We’ve got a President who is doing the job for us...and there is no reason to change. We want to applaud what has been going on. We are not sitting here with criticism.” I think the reasons that politically the re-election was lost went to other questions---the state of the economy, the hostage problem, and other issues that are widely commented on that are outside my purview but I think the fact of the matter is that the President’s record on the intergovernmental front was strikingly successful and reaped him significant political reward.

**Soapes:** You have to feel good about the work you’ve been involved in.

**Eidenberg:** I feel very good about the work I’ve been involved with. There have been frustrations. There have been developments, like the Cuban refugee situation which had very serious, negative political consequences that I sure wish I could have avoided for the President but not because I think in retrospect that the President should have done something on the policy side profoundly different. I do not. The President was right. He was right on moral, ethical, and humanitarian, and ultimately political grounds in terms of the integrity of this country’s history and tradition. He was right, unequivocally right. The panic and the condition of the economy at the time these people arrived, however, with the high employment rate and the rest, just *fueled* a sense of outrage and panic around the country that bore no relationship to the reality of what was happening, in my judgment.

**Soapes:** You have mentioned a number of issues that you’ve been dealing with. Is there any one that since the election that has occupied major time?

**Eidenberg:** No, my time since the election has been a continuing responsibility for the Cuban issue. While we don’t have Cubans arriving we do have Haitians arriving and we still have 5500 Cubans at Fort Chaffey in Arkansas. We still have problems in Miami and Dade County with sponsorships that have broken down and are continuing problems, but it hasn’t occupied my time anything like it did at the peak of the crisis. No, I’ve been spending most of my time since the election trying to clear up outstanding pieces of business, agency work, work we are doing with cities and states. I’d like to get as much of that done as possible. All of it, if possible, before we leave office. Inevitably some things won’t get done but it’s been pretty much across the board. We’ve had one cabinet meeting and a number of events of that sort.

**Soapes:** You mentioned the shift in attitude that we’ve talked about, as something that you think that with another four years would have been something that you think, in the abstract, would

have been addressing. Were there any plans, things left undone that you would have been doing in the next four years that you can cite?

**Eidenberg:** Oh yeh. Very specifically. The President spoke to a Washington meeting of the National Conference of State Legislators, the leadership of the National Conference of State Legislators, last year and in that speech he committed himself to a fundamental review of the federal system, that is, the intergovernment system, to address the regulatory and financing questions and the fundamental underlying approach of federal law with respect to functions. What level of government ought to be responsible for what kind of services and what kind of functions? I had already begun within my staff a very quiet and low profile analysis of some of those questions so that, had we been re-elected I would have been in a position to come to the President and say here is an agenda of issues that we can begin to address and ought to think about addressing. The policy process, of course, would have required further analysis. That was the big issue. The question of having already invoked the credibility, having established the network and the system, and having in place a set of relationships that you could really use, then what is the agenda of major role and regulatory and financing issues in the intergovernmental system that need to be addressed...and that is what we would have been prepared to take on that obviously we won't have a chance to do.

**Soapes:** You have been very generous with your time. I think you obviously realize the importance of your office. If we can find you within five years how would we best go about it. Do you have an alumni association; do you have a permanent home, parents?

**Eidenberg:** Yeh, let me see what would be the best place to find me? I have no doubt; I don't know where my next assignment is going to be. I don't [know] whether we'll be staying in Washington or leaving. I have no doubt that this administration will maintain some kind of directory of Presidential appointees and try to stay in touch with each other. My guess is that we all---our whereabouts will be known on a continuing basis to the Carter Library Administration in Georgia. We are putting together some kind of directory and my guess is that the best way to track me and my colleagues down later on in five years is to work through the Carter Library.

**Soapes:** Well, that is what I am trying to do for them....is to find out how best to find you. Jody Powell might know? Jack Watson might know? Susan Clough might know. **Eidenberg:** Jack Watson will always know.

**Soapes:** OK, we'll always know where Jack Watson is so that is a way we can find you.

**Eidenberg:** How will you always know where Jack Watson is? He may go into hiding.

**Soapes:** No, I don't think he....I don't think we'd ever lose track of Jack Watson.

**Eidenberg:** I was being facetious.

**Soapes:** Yeh, OK.

**Eidenberg:** I'll be.....Jack will always know where I am. My guess is that one of the things this kind of system service provides is everybody ought to be instructed as they change address and move to take new assignments, they ought to let the Carter Library administration know.

**Soapes:** Right, right.

**Eidenberg:** So they can try to maintain an up to date.....

**Soapes:** Well, that is one of the things this project has done, is to try to get a rudimentary... Yes, Rutgers alumni will always knows where I am. Yes, Yale Law School. Yes, Jody Powell will always know where I am. It's one of the minor functions of this project. Thanks.

**Eidenberg:** Jack Watson will always know.

**Soapes:** Thanks ever so much. Really appreciate it, really appreciate it.

**(Also present is Marsha Thomas of Mr. Eidenberg's staff)**