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PRESENT:

**“CHECKS AND BALANCES: PERSPECTIVES ON
AMERICAN DEMOCRACY AT THE BEGINNING
OF THE 21ST CENTURY”**

WELCOME AND OVERVIEW OF THE CONFERENCE

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JOHN PODESTA: Good morning and thank you for being here this morning. I'm John Podesta. I'm the president of the Center for American Progress. I want to begin this morning by just taking a moment to reflect on our neighbors, our friends, our colleagues who have been devastated by Hurricane Katrina. Now is a moment, I think, when the help of neighbors, the prayers of all of us, and the work of government that we're here to talk about today is critical, and so we hope that this devastation passes quickly.

We're proud to join with the Center for Congressional and Presidential Studies at American University in sponsoring this program today. This is an important event, and I don't think it could be much timelier. Just as I was coming in, I saw my friend Mark Rosenberg from the American Law Division at the Congressional Research Service and he informed me that the president has signed 80 signing statements since coming into office saying that he would ignore over 600 provisions of law that have been enacted into law during his tenure, so I think this question of separation of powers, balance of power, the strength of the presidency in relationship to the Congress is really an incredibly timely topic.

As Americans, we share a unique heritage. The founders understood that in a democracy, good government not only requires the representation of diverse viewpoints, but also a balanced distribution of authority to prevent the unilateral exercise of power. In that sense, the oath of office administered by the president, the vice president, and every member of Congress pledges to protect the Constitution. And in that, it is a pledge to protect a system of shared power. In the final analysis, it's our only insurance that the power of the state will be shared between independent policymakers and the only guarantee we have that ours will be a society that respects open debate and the free flow of information and ideas. And that guarantee, at the end of the day, will protect our liberty.

Speaking as someone who has had the privilege of working in both the legislative and executive branches, I've had a ringside seat to see how those checks and balances work and how they've enabled our nation to overcome crisis which would have brought other countries' governments to the brinks of collapse.

I know most of you are familiar with Senator Robert C. Byrd of West Virginia. I was talking to Bill LeoGrande, who actually worked for him, earlier about Senator Byrd, who we had the privilege of hosting at the Center just a few months back. You may have heard him correct reporters who have asked him the question how many different presidents he served under. Senator Byrd invariably breaks in at that point to point out that he has served with 11 presidents – (laughter) – and under none of them.

I think a good many of us remember the story that while leaving the Constitutional Convention, Benjamin Franklin was approached by a small group and asked what kind of government he had been creating. Franklin answered, of course, “A republic, if you can keep it.” All these years later, Franklin’s words are still a cogent reminder that the guarantees of the Constitution are protected not just by oaths, but by what each of us does in our daily lives to protect the checks and balances, to protect that institution, so that our national heritage remains a lively reality.

As you can imagine, we at the Center for American Progress are very proud of the tremendous work that went into putting this conference together. Scott Lilly, a senior fellow at our center, and Jim Thurber of American University have worked hand in hand for nearly eight months to create this program. Scott left the Hill after 31 years, where he served as clerk and staff director of the House Appropriations Committee, minority staff director of the committee, and chief of staff in the office of Congressman Dave Obey, to come to the Center as a senior fellow and work in a variety of areas including economy and budget, government ethics, and congressional oversight. He has been an integral part of our team. He is an individual who has not only had broad institutional responsibilities on Capital Hill, but he is also one who has been intimately involved in the reform efforts in the Congress for more than three decades. He brings a unique perspective to the study of Congress that is both theoretical and practical. Like me, he moonlights part time at Georgetown University teaching classes in this area. And I must say that when I served as President Clinton’s chief of staff, and I used to go up and see Scott and Dave Obey when – particularly when Mr. Obey disagreed with – (laughter) – something that the president was doing, the notion of checks and balances was in full force and at high volume, I might add. (Laughter.)

Jim Thurber has been a professor at American University for more than three decades. He is widely known as one of the nation’s top scholars on the Congress and is the author and coauthor of numerous books and more than 75 articles and chapters on Congress, congressional-presidential relations, congressional budgeting, congressional reform, interest groups and lobbying, and campaigns and elections. He is a distinguished professor of government and director of the Center for Congressional and Presidential Studies, our cosponsor of this event.

Thanks to Jim and Scott’s hard work, we have a program that we believe raises some critically important issues that have not, frankly, received the attention that they deserve. We appreciate those who have joined with us in this effort to make the presentations well balanced both philosophically and politically. I want to underscore that because just as neither party has a permanent hold on either elected branch of government, the balance of power between these branches should be of equal concern to Republicans and Democrats alike, and to every other American who’s devoted to the vitality of our democracy.

So thank you again for participating in this important undertaking. Enjoy the conference. And now I have the pleasure of inviting up Bill LeoGrande, dean of the School of Public Affairs at American University.

Thank you.

(Applause.)

WILLIAM LEOGRANDE: Thank you, John. Let me add my welcome. Thanks to all of you for coming. I think you're going to have a very exciting day. I want to begin, of course, by thanking John Podesta and Scott Lilly at the Center for American Progress for their partnership with the School of Public Affairs and the Center for Congressional and Presidential Studies in putting together this very timely and interesting conference.

The School of Public Affairs at AU takes great pride in bringing scholarship to bear on important public issues of the day. With over 50 full-time faculty members, we offer courses in graduate and undergraduate programs in political science, public policy, public administration, criminal justice. One of our crown jewels is the Center for Congressional and Presidential Studies. It is enjoying its 25th anniversary this year, the year 2005. Jim Thurber was the founder and director of – remains the director of the center. It has, over the years, organized literally hundreds of bipartisan forums, conferences on topics related to Congress, the presidency, elections, campaigns, American politics, and public policy generally. It's a place that brings together not just scholars to talk about these issues, but scholars, journalists, practitioners, and students to talk about the pressing issues of the day.

This conference, of course, is looking at how effectively Congress has been performing its constitutional responsibilities of oversight, lawmaking, war powers, and the power of the purse in the context of a reassertion of presidential power and authority. This is a subject close to my own heart. I worked on staff in both the House of Representatives and the United States Senate in the 1980s focusing on foreign policy issues. That was a time, you'll recall, when President Reagan was determined to reassert presidential prerogatives in the area of foreign policy to overcome the Vietnam syndrome. And Congress, controlled in part by the opposition party, was determined not to yield to him in this effort to restore the imperial presidency.

The conference today brings together well-known academics and practitioners to look at a wide range of executive congressional relations and issues. You can see by the titles in the program the breadth of the topics that we're going to be covering. I want to thank all the participants for coming and sharing their knowledge with us today, and it should be a very lively conference considering the issues that we've got on the table.

And now it's my pleasure to introduce Jim Thurber, who has been the person, along with Scott Lilly, that really has been the architect of this conference and has been doing good work as a distinguished professor in the School of Public Affairs and American Government for as long as I've been there. (Laughter.)

Jim?

(Applause.)

JAMES THURBER: Well, welcome everyone. I think that the distinguished panelists on all of our panels are equal to the distinguished individuals in the audience. We're going to leave plenty of time for Q&A after their presentations because we have many scholars and journalists and activists in the audience that know this topic well. I want to thank John and Scott from the center for coming to us and suggesting this. We usually try to have a very balanced, bipartisan approach to our conferences and I think we have done so with this conference, with the people that are here.

The conference is structured around two central questions, as you can tell by the program and the introductions so far. One, has the presidency grown more or less powerful than the founding fathers intended? What has happened recently for people to say that we have a new imperial presidency?

Secondly, is Congress performing its constitutional and political responsibilities: the responsibility of lawmaking, figuring out what the most important problems that are public in society, dealing with those by suggesting solutions and building minimum winning coalitions around those solutions? Are they expressing adequate power of the purse in terms of passing appropriations on time, the budget on time, and adequately checking the president when needed through the power of the purse? Are they adequately expressing their war powers or the sword power as we are in war at this point? Are they doing an adequate job also of oversight – oversight over existing programs, but oversight especially these days with respect to the war in Iraq and questions of contractor behavior as well as what is going on on the ground in Iraq? Are they expressing their constitutional responsibility of representation?

They do very well with local representation as we've seen with the energy bill, the transportation bill, the 24,000 earmarks in the spending bill last December, but are they adequately expressing a national representation or the national will? And do they also adequately express their responsibility of deliberation? What is deliberation? Deliberation is merging ideology and values with facts and knowledge. Sometimes, some would say that the ideology overwhelms the question of facts and knowledge.

And then finally, a lot of people don't think about this with respect to Congress, but are they adequately expressing their responsibility of education: educating the American public about problems and solutions, educating the public about how they make decisions? Are they transparent and open? And in conclusion, through these responsibilities are they adequately checking the executive as designed in the Constitution?

The central question today – and it's an open question in my opinion, from my perspective – is, is there a new imperial presidency? The presidency, according to some, lost a great deal of power under Clinton and previous presidents, and they're simply pushing back and getting those powers back. Is that right? All presidents try to push the

limits of their power – all presidents. Some are more successful than others. And has Congress pushed back adequately? Has much of the expansion of the presidential power recently been given by Congress or taken by the president?

This conference has four panels or four events. One, the first panel is focused on the presidency and the reassertion of executive power. The second event is a luncheon with two speakers, Mickey Edwards, a Republican, and Martin Frost, a Democrat, former members, and then they're focusing on the question of the role of Congress and whether it's standing up to its constitutional responsibilities. The third panel – Scott Lilly is the chair – is made up of former staff on the Hill that have been insiders to the process, highly respected Democrats and Republicans for over 30 years, along with Janet Hook, a *LA Times* reporter covering the Hill. And finally, we're going to end with three scholars on a panel that will focus on why Congress matters. Why Congress matters vis-à-vis the president, in particular.

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