

Going Public and the Problem of Avoiding Presidential/Congressional Compromise

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Every president seeks to determine or influence policy. Upon election, presidents bring to office their goals, objectives, and hopes for public policy. To accomplish these policy initiatives and changes they have to work with Congress. The institutions of Congress and the presidency are designed such that only rarely can one institution dominate policymaking. Their interdependence is so strong that most of the time they must find ways to compromise or get along. Congress controls the budget so the president has to find a way to work with Congress in order to accomplish virtually any goals. On the other hand, the president has veto power over legislation and is the head of the executive branch (bureaucracy), so Congress has to work with the president to avoid time-consuming roadblocks and conflicts. So, they work together and compromise. Most of the time.

The president has numerous tools at his disposal to aid in his efforts to convince Congress to work toward his policy goals. He can promise to help the reelection campaign of a member of Congress, provide (or deny) access to information on policy negotiations, invite members of Congress to White House events or to travel with him on Air Force One, etc. These resources are desirable to the members of Congress and can be used in negotiations (both implicitly and explicitly) with Congress. The overwhelming majority of presidential initiatives are only accomplished through long, detailed negotiations and compromise. Therefore, presidents will use all their political skills and resources to influence members of Congress.

Compromise and cooperation may be desirable as a mechanism for institutional balance, but that does not mean that it is the preference of either party. This institutional interdependence most of the time results in neither Congress nor the

president succeeding in achieving *all* they desire. The essence of compromise is that each party relinquishes or gives in on some of their positions so that the final product represents something less than each party may want but that on which both parties can agree. The degree to which each party must retreat from their optimal position will vary by circumstance and case but in the end, the need for agreement between the institutions will yield some sort of middle ground position.

Compromise can also be extremely time consuming. It does not have to be, but most of the time it is. Each party will endeavor to achieve their goals. It only takes one participant to pull back or stall to delay the process on any policy initiative. Even when all parties are sincerely working to reach a compromise, it can take a significant amount of time to reconcile the various demands on, perspectives on, and interests of any issue. And the greater the number of competing interests or viewpoints, the more difficult and time consuming the reconciliation may be.

Additionally, presidents may find compromise too costly in terms of the resources it requires. Access to the White House, photo ops with the president, inclusion of members of Congress in information sessions, or promises of consideration of future issues/concerns, etc., are all resources of the president. In general, the more the president asks of Congress, the more he may have to use his legislative resources to get it.

Furthermore, compromise and negotiations are not necessarily isolated to singular policy initiatives. All members of Congress have their own agendas and may only be willing to negotiate with the president on one issue by trading votes, support, or resources on another issue. This may be particularly true in cases where the president really wants something but lacks the ability to push it through without significant bargaining. The president may have to trade his future support or position on an issue in order to gain the support or cooperation of Congress today. This type of linking policy issues can make accomplishing the president's agenda significantly more difficult than might be expected if one considers each policy action as a separate and unrelated objective.

Given the time, cost, and sometimes unrewarding nature of compromise, it is not surprising that presidents may seek ways to bypass the negotiation of compromise in order to attempt to achieve their policy goals without modification.

Going Public

One of the most common ways presidents have avoided the need to compromise with Congress is by going public. The term "going public" is used to describe activities

that enable the president to take his issue/message directly to the people. The goal or intention here is to influence the public, who in turn put pressure on Congress. For example, when the president speaks to the nation in a televised address, when he makes a speech to a group of conventioners, or even when he attends the opening of a new technology center, he can draw attention to and make arguments for his legislative goals. Going public can be as explicit as the president using a national television address to ask the American public to contact their members of Congress to express their support for his proposals. Going public can also be more subtle. The White House can stimulate media coverage (and, with luck, public interest) on a topic or issue by giving press briefings and updates, having cabinet officers visit locations that highlight the issue, as well as by less direct means. If the message is well received by the public, Congress may also respond.

Presidents can go public in either a positive or negative manner. That means the president can spend his time expounding the benefits of some pending legislation or prospective policy change or he can be out front criticizing that initiative. The negative tone may not be received well by the public, so presidents are likely to not go public negatively unless they are faced with few other options. It is much more common for them to go public in a positive way. Presidents can also turn to the public on their own initiatives as well as those put forth by Congress or the bureaucracy. However, presidents are more likely to only invest their time, efforts, and resources going public on their own policy objectives.

The classic view of going public is as described above: presidents turn to the public as a means of influencing Congress. However, given the well-known apathy and lack of participation of the American citizenry, some authors have argued that going public is really more of a signal. In this scenario presidents make public speeches, travel, or take part in other such public activities in order to send cues to political elites. In this case those elites are Congress and the bureaucracy. The president sends signals or cues concerning presidential preferences and priorities. Members of Congress and the bureaucracy can then use these cues to make efficient and informed decisions. Knowing what the president wants and will accept in terms of policy changes can provide a framework for members of Congress in the development of their own positions. These presidential cues raise the saliency of the issue and may set the framework within which the discussion of the issue takes place.

No matter which view of going public one accepts (presidential activity is intended to stimulate public influence on Congress, or presidential activity is a signal

to political elites), one thing is clear: presidents have been taking their voice, policies, and concerns to the public more and more over time. In the post–World War II era the average number of public speeches given by the president has increased from 84 per year under Eisenhower to more than 300 per year under President Clinton.

The Ease of Going Public

Going public is an age-old strategy, discussed as early as Madison in *Federalist Paper #49*. While presidents have clearly known of this tool for quite some time, it appears to be more attractive than it once was. There are several developments to which this can be attributed. The ease of presidential travel that came about with the commercialization of air travel after World War II has made it easier for presidents to visit locations (and take the press corps with them) that highlight their agenda. Presidential travel and visits, whether foreign or domestic, draw significant media attention and may bring saliency to a policy or issue of concern to the president.

The advent of the modern media has also made going public more appealing. The proliferation of televisions in every home in America changed the nature of public appeals and stimulated a dramatic increase in the use of photo opportunities (aka photo ops). The development of the Internet and the 24-hour news cycle has dramatically increased the number of outlets for information and the volume of presidential coverage. The White House can easily post pictures, speeches, information, and policy objectives on the Web, giving the American public unprecedented access into the intentions and workings of the presidency. Perhaps more important, the White House can also respond at a moment's notice to news, events, and comments made by other political actors. Today the president can hop on Air Force One, fly across the country to give a speech to some group, have CNN cover it live, post the transcripts of the speech on the Web before he leaves, take the appropriate photos and make sure they are distributed to the news outlets, and be back in D.C. that same evening to discuss the public response with members of Congress. The amount of media coverage of presidential actions, speeches, goals, and behavior has never been greater. And as such, the access the president is given into the lives and living rooms of the American public is unprecedented. If the president wants to relay a message to us, it is not that difficult.

Issues and Going Public

So, if it is so easy, why don't presidents go public more often? Why are they not talking to us all the time? Before a president decides to take an issue to the public, there are some factors to consider. First of all, not all issues go public well. Some issues or topics are going to be more sympathetic, interesting, or understandable to the general public than others. The American public is not known for its attention span or its comprehension of policy making. Policy complexity may determine if a president decides to offer a policy solution, whether it gets discussed publicly, as well as its prospects for success. Some issues are so complicated, with so many interests at stake, that the president may decide it is not worth the political capital to tackle the problem at all. Or if the issue *is* addressed, he may prefer to do so quietly so that the risk of incurring a very public failure is reduced.

If an issue is particularly complicated or difficult, it is not a good candidate for the public's interest. For example, it is easier to go public on an education bill that provides money for college scholarships than for one that would modify the tax law on corporate foreign investments. The public "gets" education but they have little understanding (or interest) in corporate tax law. Now virtually all legislative proposals and issues are complex. The key, however, will be to summarize and simplify, or "package," the issue in some way that captures the American public's attention.

Going public is, in essence, a request. When the president goes public he is asking the American public to help him move or persuade Congress into action (or he is signaling political elites of his priorities). And with any favor or request, timing can be crucial. Gauging when the public will be ready to move on an issue and force congressional compliance can be tricky. The saliency of an issue can be critical. If the president has to make the public aware of, care about, *and* support his position on an issue, he has a much more difficult task (and perhaps a lower probability of success) than if the issue is already salient to the public. Issues that at one point did not resonate with the public will at some other point in time cause dramatic calls for action. For example, when President Johnson got passed into law a complicated package of domestic policy initiatives (which had gone nowhere just a few years earlier) known as the War on Poverty, it was about timing and packaging. Johnson was able to "sell" these initiatives to the public effectively in part by invoking the legacy of his fallen predecessor, John F. Kennedy.

Beyond saliency, the popularity of an issue may also determine if a president goes public on any policy objective. Where **saliency** provides a sense that the public is aware of something, popularity tells us the level of public support for resolving the

issue. It is one thing for the populace to recognize something as a problem in society; it is another thing for them to believe it is the appropriate role of government to address it. Presidents are more likely to go public and call for action on those issues for which the public already favors resolution.

Finally, presidents are significantly less likely to go public on easily winnable issues. If the policy objective/goal seems easily within reach of the president, he is not likely to waste his time and the goodwill of the American public by asking for their support. This also suggests presidents will not go public on issues that are foregone conclusions just to appear successful. When they go public on a topic it is because the president really believes he needs to in order to accomplish his goals.

The Political Environment

Presidents also have to consider their own standing or support in the public when considering going public. Popular presidents will enjoy a public that is open to their appeals and agenda, while presidents with low public approval ratings will find it more difficult to persuade their constituents into action. Even if the president is able to persuade the public, he will find Congress uncooperative when they know his approval ratings are not good. Low **public approval ratings** of the president free members of Congress who would not otherwise support him to pursue their own policy objectives and goals. When presidential approval declines, Congress may consider any public interest in a given topic as fleeting and not be as moved by it as when the president enjoys a great deal of public support. This is particularly true in light of the fact that all presidents see a steady decline in their approval ratings over time. There will be a decline; the only question is how soon and how far. Congress knows this and they will use this information in their determination of response. President George W. Bush's ratings for much of his second term were so low that he found a "going public strategy" difficult to utilize.

The modern presidency is one of constant polling and gauging of public opinion. Presidents have been collecting and attempting to use public opinion data for many years. However, with each passing administration we have seen presidents increase their efforts to measure public opinion both more frequently and on a greater variety of topics. This seemingly ever-growing use of public opinion polls as guidance for presidential action is known as the rise of the **permanent campaign**. Just as they do during their campaigns, presidents now take into consideration public opinion on issues as well as presidential approval in general when determining strategy and policy action.

The partisan and ideological makeup of Congress can also influence the decision to go public. Presidents who enjoy a Congress controlled by their own political party are less likely to need to go public than those facing a Congress of the opposing party. That said, party identification can be outweighed by ideology in the determination of presidential strategy. Presidents may choose to compromise/build coalitions with a Congress controlled by the other party if the ideological majority is similar to that of the president. President Clinton was often able to work successfully with conservatives from both parties in Congress to accomplish his legislative goals, as they shared a common ideological foundation that facilitated legislative action. The shared conservatism enabled the president to work across party lines. However, the congressional dynamics that are most likely to push the president to go public also reflect those instances when party and ideology are working against him. Presidents will be more inclined to go public when faced with congressional gridlock or divided government. President George W. Bush was criticized for failing to compromise with Congress even when the Democrats were in control, stubbornly preferring to “appeal to his conservative base” than to compromise with the majority in Congress (Jacobson 2008).

Presidential approval can work in conjunction with the ideological makeup of Congress to influence presidential strategy. The role of presidential popularity in Congress is not fixed. It will fluctuate in importance on congressional voting based on the partisan and ideological pressures faced by members of Congress. Members of Congress get voting cues from their constituency, their party, and their ideology. When these three sources are in harmony, the directions to the members are clear. When a member’s constituency, party, and ideology provide conflicting directives we refer to the member as **cross-pressured**. Cross-pressured members of Congress are more susceptible to the influence of a popular president. When it does not get clear signals from its political party, ideology, and constituency, Congress is more inclined to follow the lead of a president who enjoys the support of the American people.

The Risks of Going Public

Is avoiding compromise always such a good idea? Going public does entail some risks that should be considered. If a president chooses to go public but is not successful in achieving his legislative goals, the ramifications can be significant. If the president successfully raises awareness of his position but that does not translate into public support or congressional action, then the president fails in a very public light. He has just taken a public stand, made his opinion known, and been rejected by Congress.

Not only does the president look weak, ineffective, and distinctly nonpresidential, the situation also signals members of Congress that ignoring presidential preference has few significant ramifications.

Even if the president is successful in his efforts to go public, this is not a strategy that can be used too often. Asking the public for their support too frequently may make a president look weak, appearing as if he cannot get the job done on his own. The American public also has a fairly short attention span. If a president turns to them too frequently he will lose the novelty of the communication and they will cease to pay attention or respond.

Additionally, going public runs the risk of offending Congress. Members of Congress may feel the president has bypassed them or gone over their heads by appealing directly to the public. This resentment may not only affect the current policy discussion but it may also carry over into future dealings with Congress. Presidents have to be concerned about how their going public is perceived by Congress and the public. They also need to be aware that they should not do it too frequently.

Conclusion

If a president goes public and wins, he is able to achieve his legislative goals exactly as he wishes. And unlike traditional compromises, he will not have to settle or negotiate on his preferences. The policy initiatives will be exactly as the president planned. However, if the president goes public, he may be jeopardizing future dealings with both the public and Congress. The determination of strategy on any policy objective will have to include the consideration of the nature of the issue, timing, saliency, presidential popularity, congressional makeup, etc. With so many variables in the strategy equation we should not be surprised when presidents select poorly and end up not accomplishing their objectives.

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Study Information

Key terms:

1. **Cross-pressured members:** Members of Congress who receive conflicting directions from their constituencies on public policy. Cross-pressured members of Congress are more susceptible to the influence of a popular president than are members from strongly partisan districts.
2. **Going public:** The practice often used by presidents of taking their policy agendas directly to the public rather than to Congress.
3. **Permanent campaign:** The constant attention to public opinion polls that cause political leaders to respond constantly to changing political opinions. The ever-growing use of public opinion polls as guidance for presidential action might cause a president to choose to go public on an issue that is both salient and popular among the citizens of the nation.
4. **Photo ops:** The strategy used by presidents to keep their faces and images before the public constantly. The proliferation of televisions in every home in America changed the nature of public appeals and stimulated a dramatic increase in the use of photo ops. The development of the Internet and the 24-hour news cycle has dramatically increased the number of outlets for information and the volume of presidential coverage.

5. **Public approval rating:** The popularity of the president in public opinion polls. A high rating might make going public successful, but low ratings free members of Congress to pursue their own policy objectives and goals and not respond to a president's initiatives.
6. **Saliency:** A sense that the public is aware of a policy and that it is of importance to them. Going public will be more likely to succeed on a salient issue than on one that is not well known or of major importance.

Sample free-response question:

In the modern age, presidents often try to influence congressional decision-making by a process known as “going public.” In your essay, answer the following:

- (a) Define what is meant by “going public.”
- (b) Discuss one reason that presidents might go public and identify one risk associated with the strategy.
- (c) Define what is meant by “cross-pressured members” of Congress.
- (d) Explain how the president might use such techniques as “photo ops” and pressure on “cross-pressured members” of Congress to achieve his goals.