

18532

225
(10)

Address by
Secretary of Transportation
William T. Coleman, Jr.
at the
University of Pennsylvania

On the occasion
of the

200th

Anniversary

of the

PHI BETA KAPPA

Society

and the

DELTA Chapter

December 5, 1976

United States
Department of Transportation

Office of the Secretary
Washington, D.C. 20590



*The First Steps on the Road
to Recovery from Watergate:
Bringing Fairness, Openness
and Integrity to
Government Decision Making*

As I look out tonight at this group of learned scholars on your 200th Anniversary, my conviction is reaffirmed that the intellectual and scholarly resources of this nation are its most vital asset. As political leadership changes, and customs and ideologies evolve, the commitment to excellence, exemplified by your organization, remains the foundation of our strength, and the continuity of our progress towards a better society.

Thus, it is with some optimism that I face the future as this political transition moves rapidly along, and the first chapter of the post-Watergate era draws to a close. The memories of Watergate are fading into dim recollections, and so much is taken for granted. We take for granted the remarkable resilience and efficacy of our institutions. We demonstrated that our system does in fact work. We have witnessed the opening up of government, the humanizing of the Presidency, and the first steady steps toward restoring the basic bond of trust that cements a government to its people, reversing the simmering cynicism, frustration and disillusionment with which an increasing number of people have been viewing their government throughout several administrations.

In an effort to explain Watergate it is all too tempting to accept the easy answer—that it was a direct result of the arrogance of a few people in positions of high trust who decided that they could subvert the system for political motives—that they could be a law unto themselves. To accept such a simplistic explanation is not only naive, but also loses sight of what Watergate really was—it was not the illness itself, but merely a symptom of a disease which festered for over a decade before erupting in the events unfolding after the break-in of the Democratic National Headquarters by a band of burglars.

The symptoms of Watergate have been treated, and the process of reform begun. But there remain the more pervasive and long-standing flaws that have badly shaken public confidence in government and created a situation in which a Watergate became possible, even predictable.

My emphasis on Watergate and its manifestations may be inevitable because it was the cause of my recent excursion and first full time exposure to government service. But for Watergate, President Ford could not have offered me a cabinet post, and but for the general state of the nation during those bleak days, I would not have felt compelled to accept.

In deciding to accept, however, I had to face the prospect of participating in the development of a pattern for the future that would either continue or reverse the course that made possible the Watergate experience. It is not my intention to create a false nexus between Watergate and general frustration with government. The sins of a few miscreants should not be visited upon the entire federal structure. On the other hand, many of these foibles—the arrogance of power and remoteness from the people—are rather pervasive in the federal government.

My almost two years in government have confirmed intuitions held previously that there were four major contributing factors to the failure of the Presidential leadership in 1974. At the risk of over-simplification I call these factors:

- The assumed divinity of the Presidency,
- The isolation of the Presidency and federal leadership,
- The lack of intuitive integrity, and
- The absence of a continuing struggle to define and advance that elusive "public interest" that should be the foundation of federal leadership.

As a post-Watergate public official, my task, as I saw it, was to do my part to insure that these flaws did not become endemic to the system of federal leadership. It was and is, quite candidly, my conviction that, by a stroke of luck, the American people had inherited a President who would and did provide a strong antidote. This, in large measure, is why I accepted the job.

Let's be more specific. We have a tendency to expect more from a President than we do from ourselves. Many Presidents in this century have responded by assuming, sometimes all too willingly, the robes of royalty—seeking to create a veneer of infallibility that enables them to rule by edict rather than by consensus. The Presidency of the United States should be the humblest office on earth because the power that accompanies it is so much greater than the ability of any human being to exercise it alone. In our pluralistic system—consisting of a strong private sector, three branches of government and a healthy federalism—the Presidency is not, and cannot be, the citadel of strength or the pinnacle of ultimate responsibility we sometimes believe.

As T. S. Eliot said: "Between the idea and the reality falls the shadow." The President is ever operating within that

shadow: educating, persuading, negotiating, compromising, transforming the idea into the reality. From an historical perspective, his greatness will be a function of the times in which he serves and the style with which he responds to crisis.

But his day-to-day effectiveness will depend on how well he listens to and leads those who make government work and those who are affected by what government does. His effectiveness will be measured not by what he says but by increments of progress in bringing about a more rational, better managed, more clearly attainable set of federal responsibilities. His courage will be expressed not by the ringing rhetoric so often quoted in the history books, but rather by the firmness with which he pursues a rational course toward more responsible government—despite persistent pressures to deviate in favor of a particular interest group or constituent.

Much of his work must be behind the scenes, approaching problems with tough analytical standards, seeking cost-effective solutions in a fiscally responsible manner, knowing how to get the information he needs, and who will tell him what he needs to know, not what he would like to hear. He cannot solve problems by proclamation, by preaching slogans or by promising what he cannot perform. He cannot marshal efficiently the tremendous expertise of the federal bureaucracy in the pursuit of attainable objectives if he caters to the media that may seem more interested in his private life as head of "the regal family" or in his political faux pas—which he will inevitably make. Nor can he ignore his obligation to communicate his policy and programs clearly and candidly, without raising expectations beyond that which can be achieved. His steady commitment to open government must be tempered by the recognition that there are stages in the analysis of an issue when premature exposure and politicaliza-

son will destroy his ability to design and negotiate an artful solution. Faced with the pressures of highly competitive media exposure, persons earnestly seeking a solution in private may resort to public posturing and grandstanding. Candor and compromise may fade as the risk of ridicule and peer pressure increase. In seeking real solutions, the qualities needed by a President are neither divine nor royal. They are very human.

My second fundamental concern was with the remoteness of federal leadership. In the last 30 years we had witnessed a growing isolation of the President from the people, and even from those in his cabinet who must deal more directly with the many forces that make things work in our society. Given the almost infinite access of the President to the human resources of the nation, Presidential isolation either must be *self*-imposed or it must be a function of the institution of the Presidency. Its cause in pre-August 1974 politics was a lack of trust in the people—an attitude that probably evolves from the tortured way in which we select our national leadership. The charge and counter-charge, the back-room dealing, and the caustic personal commentary that accompany the road to political office do not cultivate confidence in people, and tend to reduce, rather than enlarge the circumference of personal trust. Thus, it is important to have in national leaders qualities of personal security and stability that can ward off the inevitable pressures to seek solace from unceasing public scrutiny and criticism.

The third disturbing trend had been what I call lack of intuitive integrity—what my long time colleague Elliot Richardson, in reference to the former President's men, has called "an amoral alacrity to do the President's bidding . . . traceable less to flaws in (their) own character than to the political and cultural evolution of twentieth-century

America." Richardson suggested, and I think correctly, that a lack of experience and sophistication led to a view that "it's smart to be smart." As one relatively new to Washington, let me admit that it does not take long to be caught up in the swirl of busy schedules and the panoply of self-importance. There is always the army of civil servants and political appointees, ready to tell us what they think we want to hear, playing high stakes poker with mass media and mesmerized by the beguiling entrapment of executive power. Because the press of business does not always provide the luxury of thoughtful contemplation and careful analysis, we need men and women whose sense of intuitive integrity enable them to react quickly and decisively, applying without hesitation the highest standards of integrity in public office. We need people whose instincts are rooted in experience with our political process, whose "piety" has withstood what John Milton called "the test of fire."

Finally, we have seen all too often a lack of demonstrated commitment to define and advance that elusive concept called the public interest. There are always a lot of self-serving statements tossed about, but a wary public often perceives this verbiage as after-the-fact rationalization of decisions that are made for political or other, sometimes sinister, reasons. A commitment to advance the public interest is not necessarily best expressed in an eloquent vision for America's future, or through personal charisma and charm. Today's generation—reared on television—are sophisticated listeners. They respond more readily to a low key pragmatism that does not allow promises to overtake performance nor rhetoric to substitute for reason.

These problems are not unique to the Presidency. They have pervaded, in varying degrees, the entire Federal structure—the Congress and the bureaucracy.

The question before me when I came to Washington, and the question with which I have struggled during the past two years, is what could I do about these problems as a political public servant and as an active participant in the President's cabinet. It was already quite clear that President Ford intended to involve his cabinet—perhaps to an unprecedented degree—in the Administration's decision-making.

The way a President uses his cabinet is as good an insight as any into both the style of his Presidency and his effectiveness. The Nixon and Ford Presidencies offer remarkable contrasts. President Nixon's generally homogeneous cabinet appointments, his token use of cabinet meetings, his short-lived proposals for massive executive reorganization and a super-cabinet composed of Counselors to the President, and his scheme to infiltrate federal departments with loyal White House staffers, all reflect a total disregard for the unique role a cabinet officer may play. Moreover, the Nixon style was a clear attempt to assert maximum control and direction over the bureaucracy and ensure unity of policy emanating from the White House.

President Ford's approach was entirely different. He selected a heterogeneous group of people, encouraged them to develop or retain their constituencies, and welcomed a substantial degree of open give and take and decision-making autonomy. Yet he retained firm control over those cross-cutting issues that do not fall within the province of any single cabinet officer.

Strong cabinet officers, with ties to various constituencies, can serve as essential links between the President and major groups within our society, providing him valuable information and perspectives, and helping to reaffirm, on a continuing basis, his plebiscite with the people. As cabinet officers are brought into the President's inner circle

—as frequently happened in this Administration— they are able to help bridge the gap between their Department's interests and those of the nation.

My appreciation for the President's responsibilities to battle inflation, promote a strong job-producing economy, and maintain effective relations with other nations has increased measurably from my participation in cabinet and other meetings with the President. I believe also that the President's understanding of transportation problems has been enhanced by his easy accessibility to me.

Perhaps I have an inevitable bias when I say that the cabinet must be the cornerstone of an open, and effectively managed, Presidency. This does not mean that a strong White House staff is not also essential. Almost any important issue today involves several federal agencies and authorities. Fair, timely and intelligent reconciliation of different agency positions is absolutely essential to effective government. The White House staff must play this role, with an appreciation for the expert resources that lie within the Departments, and the dedicated civil servants who provide the continuity, the understanding and the stability that make implementation of Presidential policy possible.

Some think that massive reorganization proposals can rationalize sufficiently the great bureaucracies so as to obviate the continuing need for White House mediation. I challenge those who believe this to identify a major issue that could be housed in a single Department without creating substantial new coordination requirements. A seemingly self-contained issue like drug abuse, for example, involves HEW, Justice, State, Treasury and Transportation.

Although some government reorganization may be necessary, it is my view that moving around blocks on an organization

chart is often as disruptive as it is helpful. It does not necessarily address the basic issues of providing services more efficiently and meeting federal responsibilities more effectively.

A Roman senator expressed this same skepticism in the year 210 B.C. "We trained hard," he said, "but it seemed every time we were beginning to form we would be reorganized. I was to learn that we tend to meet any new situation by reorganizing and a wonderful method it can be for creating the illusion of progress while producing confusion, uncertainty and demoralization."

Given my assumption that cabinet officers play an integral role in an open, human, responsive and honest Presidency, I hope you will bear with me, as I share some of my education as a cabinet officer.

Some might argue that my experience as a life long practicing lawyer matched me for a job as Secretary of Transportation about as well as the product of a malfunctioning computer at an automatic dating service. But, I am constantly reminded of the advice that Felix Frankfurter wrote to President Roosevelt: "Government is essentially an educational process between the governed and those fortunate enough to hold, for a short time, the power of government."

Having spent my life in the practice of law, it was inevitable that I would search for better government through the reform of process. My experiences of the past year and a half led me to the belief that there are seven basic areas in which government processes must be reformed in order to bring about greater responsiveness to the American people.

First, government decision-making must be firmly rooted in a continuing commitment to advance the public interest.

Second, the policy that underlies the decisions should be set forth comprehensively and clearly so that all may judge the consistency, fairness, and relevance of each specific decision against the broader standards and principles that guide our nation.

Third, the process of decision-making must be presented—and perceived—as one of reconciling or choosing among conflicting objectives and priorities, rather than in terms of right or wrong—good or bad.

Fourth, public servants must assume personal responsibility to make decisions, and be held accountable for the decisions they make.

Fifth, public servants should make available to the public a clear statement of the issues under consideration, provide for genuine public participation in the decision-making process, and explain in writing the reasons for their decisions.

Sixth, we must simplify, consolidate, and decentralize the procedural framework in which Federal decisions are made.

Seventh, the process of allocating resources and spending public money should be firmly founded on the overall national interest in a sound fiscal policy and the wise and efficient expenditure of limited federal resources.

These reforms are neither new nor all-inclusive. But they do represent some highly personal conclusions based upon my experimentation with decision-making on issues such as Concorde flights into the United States, the air bags controversy, the construction of a new super-highway in metropolitan Washington, railroad reorganization and rehabilitation, an airport controversy in the St. Louis metropolitan area, a National Transportation Policy Statement, an International Air Transportation Policy and an Aviation Noise Abatement Policy.

Justice Frankfurter once said, "The history of liberty has largely been the observance of procedural safeguards." So I believe the responsiveness of government to the people must largely be a result of the fair and open process by which government decision-making is conducted.

Having just gone through a Presidential campaign, it is easy to recognize how inadequate and episodic an election is as a permanent bond between government and its people. The issues are too complex and numerous. They tend to change over a four year period, and the channels of communication are too limited and general, which results in a quadrennial confrontation of generalities. Moreover, the media's short-spanned attention is often diverted to search for errors or human foibles that can be magnified into headline grabbing stories or to chase the shadows of issues in a competitive charade that disguises the real choices that are available.

Yet a government that derives its power from the consent of the governed requires a continuous reaffirmation of its responsiveness to the people it serves. The continuing responsiveness of government depends upon fine-tuning the decision-making process to bring about the fair and equitable participation of people in the decisions by public servants that will affect their lives. Let me elaborate further on the seven elements of process reforms that I believe will bring us closer to a truly responsive government.

By public interest I mean those substantive policies and priorities the advancement of which will improve the security or the quality of life of our people. The continuing struggle and search for this elusive concept should motivate all public servants. Success in attaining it should be the reason for his or her selection or promotion. It should be not only the basis for decision-making, but it should be perceived as such

by the public. The point seems so obvious that there is some risk in stating it. Cynics will argue that this is one of those healthy illusions to which politicians will give lip service, while decisions in fact are made to promote some special interest, or for reasons of personal or political advancement at best, or financial gain, at worst.

And there are many obstacles to achieve this objective. Issues may be traded off for reasons of political or bureaucratic compromise. The incentive structure in government may reward those who reinforce the bias of their superior rather than speak out for the public interest as they see it. Moreover, special interests are increasingly viewing the government as their domain, seeking subtle and sometimes not so subtle ways of promoting that interest at the expense of others.

Public officials, whether they be political or career, must work hard to assure that the public's interest will prevail as the dominant consideration. This does not guarantee a correct answer. But in my judgment, the probability of success will be improved substantially if each decision is made on the merits, after full consideration of all the relevant facts and after reconciliation of the diverse and often conflicting public interest priorities.

My recent decision to approve a grant for a new airport in Southern Illinois to serve the entire St. Louis metropolitan area illustrates both the difficulty and the often meager rewards that come with an effort to apply public interest tests to decision-making. There were many opportunities to decide against the proposed new airport. It is unpopular among many Missouri residents. Certainly local opposition was an important public interest consideration, of which I took substantial account, traveling to St. Louis and spending a full day listening to the people there.

But there were other public interest concerns as well—perhaps more important to future than present generations, including the right of the people to a decision that anticipates the future aviation needs of the area, that reduces the adverse environmental effects of aircraft noise, and that ensures a continuing vital role for St. Louis in interstate commerce.

Recognizing that many people would feel that the result would adversely influence the economics of the city of St. Louis, which I doubt, I went to St. Louis to announce my conclusions and deliver an 88-page decision setting forth an analysis of traffic projections, capacity, safety and other relevant considerations. I said at that time:

“My greatest concern is that people who disagree with my decision may think that the democratic process has failed; their views were not heard. Only the future will determine whether my decision today is right, I sincerely hope that those present will confirm that it was made openly, fairly and rationally, that it is consistent with my statutory mandate and the broader public interest to the extent that the analytical tools at hand provide me with the wisdom to define that elusive goal. That is . . . why I have . . . explained in such detail my reasons, for the people have a right to know and judge the integrity of the analysis and rationale, and the soundness of the legal and public policy foundation.”

Judging from reading the editorials in two leading St. Louis newspapers, my success in achieving even the modest objective was at best mixed. The St. Louis Post-Dispatch called the decision “a thorough and impartial study” that is “a fair proposition for both sides of the St. Louis area” and a “thoughtful blueprint for balanced airport progress as far as can be seen from the vantage of 1976.” The St. Louis Globe-Democrat called it “an act of

unparalleled arrogance by a Washington bureaucrat" and "the biggest skyjacking ever attempted."

Thus, even when we made a special effort to define the issues, listen to the people, garner the information, undertake an objective analysis, and explain in detail the reasons for our decisions, we may fail not only in convincing the people of the correctness of the result but also in the genuineness of the foundation of public interest upon which we reached that result.

Reasonable public officials can and should disagree on the substance of policy. This is why it is so important that we agree on a process which is open and fair. We must keep struggling to restore public confidence in the integrity of the decision-making process. In doing so, we must remain faithful to the facts as we find them, remembering that public trust is a fragile and delicate thing which must be nurtured with patient care, and which shatters easily if violated. False promises and phony rationalizations have bombarded the public for too long. We political public servants must expect that when we lower our voices and try to level with the people, we may not at first be heard.

As a second suggestion for process reform, I have encouraged the publication of explicit and comprehensive statements of government policy by the executive branch. Although the Congress establishes basic policy through legislation, statutes tend to be categorical, incremental and general at best, and inconsistent, ambiguous and overlapping at worst. Policy starts with basic information about where we are and where we intend to go, building on the statutory framework and lending cohesion to government programs. Good policy makes clear how federal agencies, different levels of government, and the private sector must work together to serve objectives that are broader

than the particular interests of each. The making of policy tends to point out and resolve bureaucratic differences in the context of a broader statement of the public interest.

Making policy has its pitfalls, however. Each special interest group usually concludes that policy tilts to favor some other group—like the man who outlived two wives—Tilly and Milly—and wished to be buried between them, with a slight tilt toward Milly. Moreover, a public official frequently has to listen to his policy statement quoted back to him in support of the most outrageous recommendations.

My third process reform would be to emphasize how diverse policies and priorities must be analyzed and compared in reaching a decision that probably will not satisfy completely any particular interest group, but will—in a cost-effective way—result in the greatest overall benefit to the public—now, and in the future.

We must stop reducing government decision-making to terms of moral imperatives and help to clarify the complex technological, economic, social and political considerations that must be reconciled. We do a serious disservice to the American public when we try to frame issues in terms of moralistic platitudes, or as Justice Frankfurter put it, "The subjects in which I am most deeply interested are not subjects to which there is a fixed right or wrong but involve conflicting considerations of policy on which men are bound to differ." Justice Frankfurter was sufficiently *au courant* that I am sure today he would have said: "on which men and women are bound to differ."

In the Concorde decision I was faced with some extremely sensitive issues of international law and fairness, the need to assess the benefits of a new technology, and some complex adverse environmental consequences. Since there was no common

denominator by which I could readily compare these considerations, the best I could do was to analyze and quantify each of them, where possible, and then attempt to weigh their relative import in making my decision. The task was further complicated by the fact that some of the values could be described with precision while others—equally important—were more speculative and subjective. It would have been plain error to ignore or discount a value simply because it could not be reduced to numbers, and it would have been error still plainer to ignore certain consequences because they were only reasonably probable rather than certain.

My decision to allow a limited 16-month demonstration of the Concorde reflected the agonizing process of reconciling such diverse considerations, and my acute awareness of the limitations of our knowledge about the ozone and the effect of aircraft noise on people. I also considered history, which teaches us that the benefits of new technologies are not always readily apparent at the time they are introduced. The advent of the jets was accompanied by substantial debate and public apprehension. Any new technology brings with it a certain degree of environmental and economic risk and a substantial amount of public concern. But the technological innovation that requires tolerance at its inception also enables control of its environmental consequences.

I had enough confidence in this nation's environmental commitment and in the objective judgment of the marketplace to be sure that if the SST does in fact become the aircraft of the future, it will only be because man will have developed the technology to meet environmental standards and to enable the SST to compete in the marketplace effectively. But if I were to bar the Concorde completely, I might well have been condemning for all time or delaying

for decades what might be a very significant technological advance. Thus, I concluded that the adverse consequences of a limited and controlled demonstration were worth the benefit that would accrue to the American people from observing first hand the commercial application of this technology.

I realized that further development of this technology might not be economically sensible in the energy and environmentally conscious period in which we live. If so, then the Concorde will fail because it is an anachronism, and its failure would be recognized as such rather than attributed to an arbitrary and protectionist attitude of the United States out of fear that our dominance of the world aeronautical manufacturing market is threatened.

I tried not to present my Concorde decision in terms of right and wrong, although some of my Concorde critics tried to characterize foreign policy considerations as inherently sinister or wrong. By holding hearings and deciding the issue entirely on the public record, I tried to raise the discussion of its foreign policy implications to a legitimate concern that could be addressed openly.

Maintaining the posture of objectivity to balance relevant values properly was a new experience for a lifelong lawyer. That is why I could sympathize with Ralph Nader, who charged at my public hearing on passive restraints that I was not as strong an advocate for air bags as I had been for civil rights. What Mr. Nader apparently could not understand is that a public official should not be an advocate for a particular point of view until after he or she has studied the facts and heard all the argument.

A fourth consideration of government reform is the clear delegation of responsibility and accountability. My short term experience as a political public servant has confirmed my lifelong experience as an observer

of government: there are an infinite number of ways for officials to avoid responsibility, by passing the buck up or down or across bureaucratic boundaries. Although we are a government of laws and not men, there is a point at which people must assume responsibility for action and act accordingly. That is why I undertook to decide the Concorde issue personally.

Fortunately, President Ford has encouraged his cabinet officers to assume responsibility and exercise it aggressively. The President has supported me fully on several key decisions, even though, in his heart, he may disagree with some of my conclusions. He recognizes the importance of accountability in the diffusive and pluralistic system in which we work.

My fifth suggestion for reform may not be applicable to every decision a public servant makes. It has worked well for me, but this may be as much a function of style as it is of process. Different officials will approach their decisions with different styles, much as different artists will approach their subject with different styles.

Several artists can sit down in the same room, each with his own canvas. They can use the same paint and the same brushes, and they can be asked to paint a portrait of the same woman. But when they finish, they will have painted completely different pictures.

A public servant deals in a different medium, of course. But in many ways, asking a public servant to make a decision is like asking an artist to paint a picture, and like artists, no two will do the job the same way. In my case, I have started with the premise that full and informed public participation leads to good decisions. Undoubtedly I have drawn heavily on my experiences with the judicial branch. Recalling that Justice Frankfurter once said, "The right answer usually depends on the

right question," my starting point is a clear statement of the issues, published with a notice of public hearing.

As important as public participation is to the confidence that people have in their government, this is not the sole reason why I have chosen to conduct personally a half a dozen day long public hearings on some of the most controversial decisions I have had to make. The primary reason is that the prospect of making a decision that will substantially affect the economy and may change the lives of many people is an awesome task. Until you have sat behind a cabinet officer's desk, it may be hard to appreciate how easy it would be to make major decisions on the basis of two- and three-page summary memos, carefully drafted to filter out the controversy and advance the program's interest, which may be as vested as any other special interest. I want to know how people—private citizens, local officials, and concerned organizations really feel about the consequence of various alternatives.

This may require that the government pay certain costs of participation for consumer groups, which do not operate with the well-heeled expense accounts of the more established interest groups. However tedious a day-long hearing may be, I know of no substitute for soliciting what I consider to be the most relevant of all information. Moreover, if I personally conduct the public hearing, it means that I have to read all the documents and understand the technical and economic issues lest the public questions I ask will embarrassingly reveal my utter ignorance.

Genuine public participation also requires open government where all parties have equal access to the information upon which decisions are based. It compels a public official to express important decisions in writing and to explain in detail the reasons

for those decisions. This will enable the people to judge the fairness and objectivity of action taken, and to determine how their views have been considered. A decision that cannot be explained is very likely to be an arbitrary decision. I have found the process of writing a decision to be among the most educational of the processes I have described. Its intent is to educate the public on the facts, the policy and the law that underlie a decision. Its effect, more often, is to educate the decisionmaker, forcing him to address tough analytical and philosophical questions, making him weigh and explain clearly and candidly his priorities, and causing him to articulate his perception of the past and his prophecy for the future.

Each of my major decisions has been modified because of the discipline of writing it. My conviction about the importance of writing a decision comes from my experience as law clerk for Justice Frankfurter. I recall a case involving labor unions where Frankfurter, at a conference vote taken the Saturday after the argument, was joined by only one of his colleagues in dissent. Justice Black, who had been assigned to write the majority opinion in favor of the union position, struggled for four months and finally conceded that the majority view could not be logically written or defended. Soon he was joined by other colleagues, and Justice Black eventually delivered the majority opinion the other way by a unanimous vote.

Another by-product of this process reform is the discipline of simply setting deadlines publicly. Surprisingly, most of the cabinet officer's deadlines are set by external action forcing events. The Congress calls hearings. The Washington Post exposes a program failure. The Office of Management and Budget requests our budget submission. A court orders action to implement a statute. We need to do a better job of setting our own deadlines. By setting our deadlines publicly, we create our own incentive to get

the job done with adequate time for thoughtful planning and analysis.

For me, the process I have outlined has worked well for certain kinds of issues. It clearly cannot be applied to every issue and would be inappropriate for certain national security concerns. But in the spirit of process-tinkering, or painting a canvas, it is a style that I hope others will enjoy and perhaps adapt to their own purposes.

The sixth and seventh reforms of process possibly overwhelm the others by the urgency of need and complexity of the task. We need to simplify, consolidate and decentralize the procedural framework in which decisions are made. Statutory authorizations for over 500 separate federal grant programs to state and local governments result in a fragmented, overlapping, inconsistent maze of federal regulations and requirements. We cannot continue to tolerate a situation where one large company is required to file about 1,000 reports annually with 35 different federal agencies, employing 100 full time employees at an annual cost of \$3 million to meet these requirements. Or where a small neighborhood health service center must contact eighteen separate federal, state and local agencies for financial support and permit authority. Federal statutes often require different federal agencies to hold duplicative hearings, issue overlapping permits, and, in some instances, take inconsistent actions.

We must continue with diligence to simplify the process of federal decision-making by eliminating unnecessary regulations, consolidating programs and program requirements, and demanding that federal guidance be written in clear and concise language.

We need to rethink our definition of federalism. True federalism balances genuine respect for local priorities with the diligent pursuit of truly national interests. We must remember that most of the problems facing

our society will be solved primarily through the efforts of an innovative, competitive, and forward looking private sector. The federal government must support this evolution, reinforcing the strengths of our system, and shoring up its weakness.

At a time when there is an erosion of public confidence in the capacity of government to respond to public needs efficiently, it becomes imperative to define clearly and realistically the responsibility and the limits of the federal government.

Only when we cease to seek narrow solutions to problems by the proliferation of categorical programs and begin to plan and act comprehensively, will we achieve a government that is truly responsive to the needs of families and communities.

Only when we realize that practices of the past do not necessarily provide the answers for today, will we have the courage to terminate programs that have either fulfilled or failed to attain their original purposes, and then be able to seek new solutions to the needs of tomorrow.

Only when the level of government closest to the problems has the necessary financial resources, program flexibility and management authority, will people be fully involved in designing the most cost-efficient solutions to the problems of their communities.

Although there are old habits and ways of thinking, and strong forces of politics, precedent and program inertia at work, we must seek new, more efficient ways of responding to the nation's needs. But the termination of outmoded and unnecessary federal programs and regulation should be a condition precedent to the introduction of new initiatives and innovations.

My seventh and final reform is perhaps the most important immediate step we can take toward more responsible government. The incredible growth of the federal budget

makes one thing very clear—the people who manage our government must be conscious of the responsibility they bear. Let's just look at the rate of growth of federal spending. In FY 1962—172 years after the first Congress met here in Philadelphia, the federal budget hit \$100 billion for the first time. This was a major milestone. Then, in just nine years, the budget doubled and in FY 1971 was \$200 billion. And, for all practical purposes it has doubled again: the FY 1977 budget—the budget for the current year—is \$395 billion.

We have reached a point in which federal managers cannot just assume that they will receive the funding they need to meet the legitimate requirements of their programs. The process of resource allocation and federal spending must meet a rigorous test of fiscal responsibility and cost effectiveness. Each federal official should treat the taxpayer's dollar with the same tender care that he supposedly treats his own, as a vigilant, hard-nosed advocate for financial responsibility. We need to create new incentives for program managers—and members of Congress as well—that put as high a premium on not spending inefficiently as we have on spending effectively.

And there is a concurrent obligation on the part of the American people as well—one which I feel they are not only ready but very willing to accept. The American people should participate actively in determining where we can best spend the scarce federal dollars—which programs ought to be curtailed and which are to be funded to effective levels. This may even require the kind of patriotic selflessness that characterized the effort during World War II, when special interests must yield to the overall interest of fiscally responsible government. Only when the reality of limited federal resources is fully recognized and expectations accordingly brought into balance with that

reality, will the gap between the promise of legislation and the performance of the government be narrowed.

Working together federal administrators and private citizens can make sure that federal funds are managed wisely and waste is eliminated. If this does not happen then we will approach rapidly a point in which the taxes an American must pay at the federal state and local levels will combine to become confiscatory in nature and a burden which our people cannot and should not be willing to pay.

As I prepare to turn over the reigns of responsibility to an incoming Secretary of Transportation, I will be giving plenty of advice about what needs to be done to improve the nation's transportation system. I will be sharing my ideas about how to revitalize the nation's city centers, to pursue the goal of equal opportunity for all our citizens in the nation's third century, and to advance the cause of world peace. But I will also be making suggestions about the process of government and the role of a cabinet officer in an open and honest Presidency. For although this is not the sort of topic that captures the imagination, it is, in my judgment, the starting point of our long road to recovery from the Watergate phenomena. I cannot see the end of that road, and I am leary of those who try to describe it to me. We must take one step at a time, testing the firmness of the ground under our feet, seeking to rebuild that delicate structure of "due process" that underlies open, fair, rational and responsible decision-making.

The shrill pronouncement of moral imperatives should yield to general consent about what constitutes a fair and efficient way of doing the government's business. As my friend, the late Alex Bickel, has said, "The highest morality is almost always the morality of process."

So, let us move forward together, disagreeing—if we must—about what constitutes the public interest and the substantive means by which we are to achieve it, but united by our confidence in the processes by which we will resolve our differences. Learning from each other, listening to each other, seeking solutions rather than slogans, I believe we will restore that elusive trust upon which a free, open and vibrant society must depend.