

Avigail: Hi, I am Avigail Oren.

Lizzy: And I am Lizzy Ghedi-Ehrlich.

Avigail: And we are your hosts for Scholars Strategy Network's No Jargon. Every other week we will discuss an American policy problem with one of the nation's top researchers—without jargon.

Lizzy: And in some cases we don't focus on a specific discrete policy issue and hear from an expert about what that policy issue means for people, defining terms. Sometimes we take a bigger picture view. We go to someone who has expertise that can help us put our entire current political moment in better context.

Avigail: That's right. So this week we are looking at a historical precedent for the dismantlement of federal agencies. And one of the very cool things about looking back at the past is seeing what was historically contingent, meaning, what was really specific to that moment and what is more universal.

Lizzy: Yeah. People have so many questions right now about what they're seeing. The main one being is this normal, you know? And I think that question really speaks to how concerned I should be and how much change can I expect in my entire life? Right now, people are really struggling to answer that. There's a lot of different sources of information trying to guide people to how they should feel, and especially when you're talking about something that feels very abstract—like who has the power to dismantle an agency? What do these agencies even do?—it's really hard for people to pause and think about what impact this is going to have on me, like what does this even mean? And what does it mean if in fact the way it's happening is not the way that our constitution or our government allows for? And it's gonna have to be in piecemeal, reversed.

It's so hard to figure out how to live your life when you don't know if anything's normal and if you can expect it to be next week and the week after that, and so on.

Avigail: That's exactly right. So for this episode, I spoke to Dr. Ryan LaRochelle, a senior lecturer at the William S. Cohen Institute for Leadership and Public Service at the University of Maine, whose research focuses on American politics, specifically American political development and U.S. political history.

Here's our conversation.

Avigail: Hi, Dr. LaRochelle. Thank you for coming on No Jargon.

Ryan: Thank you so much for having me.

Avigail: So we wanted to talk to you today because you are a scholar of the social safety net, which we can safely say is very much under attack right now. And you are also a political historian, so you have this unique perspective on what's currently happening, but especially, on what history can tell us about this current moment.

I wanted to sort of start digging into that background by asking you about a commentary piece you wrote for *Time Magazine* recently in which you argue that there are a lot of parallels between what Trump is doing now in regards to sort of slashing spending, staff, programs and so on at many, many federal agencies and what President Nixon tried to do with the Office of Economic Opportunity. So to begin, can you tell me about the Office of Economic Opportunity, what it was, and how it came about?

Ryan: Yeah. We're seeing a lot of actions by President Trp that are unprecedented, but some of them also, I think, are emblematic of some long running patterns that we've seen for the last 50+ years. The Office of Economic Opportunity was established in 1964 when Congress passed the Economic Opportunity Act of 1964, which was then signed into law by President Lyndon Johnson. And this was the first piece of legislation in President Johnson's, "Great Society" Initiatives. And this was the program that launched the War on Poverty.

So the Economic Opportunity Act of 1964 included a number of new programs, namely the Community Action Program, Head Start. It also would eventually include things like legal services and the new volunteers in the Volunteers in Service for America (VISTA) program. And the legislation also created a new agency in the executive office of the presidency, the Office of Economic Opportunity. And that was supposed to be the element of the federal bureaucracy that would oversee all of these new programs. And again, this was all passed by Congress in 1964, in the runup to Johnson's massive reelection victory that year. So this is all happening in the summer after President Kennedy is assassinated and before Johnson himself wins the presidency outright.

And the first head of this new agency was Sargent Shriver who we all know was a relative of President Kennedy's. And what was unique about the Office of Economic Opportunity, and in particular the Community Action Program, which was one of the main elements of the Economic Opportunity Act, was that it gave the federal government the authority to deliver federal money for anti-poverty programs directly to new community action agencies. So there was a piece of language in the Economic Opportunity Act that called for the "maximum feasible participation of low-income individuals in the design and administration of these new community action agencies."

And this was pretty different from the way in which a lot of federal programs were run before that where federal money would often be delivered to the states who had significant control over how it was delivered. It's how a lot of New Deal programs under Franklin Roosevelt were designed. And this new program in 1964 gave the government the authority to deliver federal money directly to low-income individuals.

And there are a range of studies from economic historians which find that this funding structure allowed the Johnson administration to deliver assistance, federal assistance, to some of the most economically disadvantaged parts of the country, and in particular, parts of the country that were heavily African American, that had been basically blocked out of earlier, low-income or federal assistance programs. So

that's kind of the background of what happens in 1964. And I'm sure we can talk a little bit more about what happens after that.

Avigail: Yeah, but I actually wanna kind of go back a little bit more and unpack the flaws in these New Deal programs that kind of led to “maximum feasible participation.” Because I think in order to understand the backlash, you have to understand the motivation for putting them there in the first place.

What were some of the cornerstone New Deal programs that created the kinds of disadvantages that the Economic Opportunity Act was trying to correct.

Ryan: Yeah, so I think some of the classic examples of this are, during the New Deal, one of the main programs is aid to dependent children, which is basically cash assistance for low-income individuals. But there are also a number of federal work relief programs that were designed to provide state governments with significant control over how funding was delivered or gave local administrators of these programs significant authority to exclude certain groups.

Work by Suzanne Mettler and Robert Lieberman and others has shown that many African Americans and particularly African American women were excluded from these programs because they would apply for them and then local administrators would often find reasons for excluding them. There were things like “man in the house” rules, which would cause people to be disallowed from having access to these programs.

There were entire employment sectors, particularly agricultural workers who were often excluded from these programs. Again, largely as a way to prevent low-income African Americans from gaining access to these programs. So while in many ways the New Deal was a dramatic expansion of the safety net in the welfare state, it was what historian and political scientist Ira Katznelson called “affirmative action for whites” because in many ways these programs were designed to allow white Americans access to the safety net, while excluding African Americans and many African American women as well, as Suzanne Mettler shows in her research.

And so when the Johnson administration was launching this new Great Society Initiative, which included things like Medicare, Medicaid, and then also voting rights and civil rights, there was an attempt in the mid-sixties to really attack racial inequality in a way that was far more transformative than even Franklin Roosevelt had been trying to do. And this idea of “maximum feasible participation” and the ability to give federal money and bypass state and local governments was one of the ways that the administration tried to get around this. There's a sort of classic example where the state of Louisiana, for example, wanted to set up a statewide community action program under the Economic Opportunity Act and the governor, John McKeithen there, put together a plan for this new statewide agency that would administer poverty programs. And the board of that new anti-poverty agency included segregationists—some of McKeithen's sort of political cronies, white supremacists, and Shriver refused to disperse the money to Louisiana until the governor submitted a new plan that would explicitly allow for access to the anti-poverty programs for low-income Black Americans in particular.

So this really was a critical juncture in many ways. Very different from the New Deal in directly attacking racial inequality alongside economic inequality and poverty.

Avigail: So, what was objectionable about this from the perspective of the state and local political elites who would eventually come to really push back against community action programs?

Ryan: Yeah. So I mean one of the initial lines of challenge against community action was that these programs were, critics charged, that they were just poorly managed. Many of them were nonprofit agencies that were started by local members of the community. These people kind of just didn't know what they were doing when it came to program administration and so there were lots of critiques of financial mismanagement. And also, in some places, again, especially in parts of the South, community action agencies became closely linked with civil rights activism. It wasn't as if the community action agencies were directly funding protests or anything like that, but it wouldn't be surprising that, in the Mississippi Delta, for example, employees who were working at a Head Start program might also be members of local civil rights groups.

And so a lot of state and local authorities were basically arguing that the federal government is sending money down to these agencies which are then using it to fund protests and the like. And then when there is a great deal of urban unrest in 1965, 1966, 1967, critics of community action charged that it was community action agencies and other nonprofits that had spawned in response to the Economic Opportunity Act that were facilitating a lot of this violence or a lot of this unrest that was occurring. And, in my own research, when I dug into the archives and found there were a number of congressional reports, congressional investigations, which found that in many instances, community action agencies actually helped to quell the violence in many of these places. In many instances there were actually no anti-poverty employees involved in the unrest at all. But you could imagine how opponents of the broader war on poverty and the broader Great Society used this as a way of demonstrating or arguing that the Johnson administration was basically funneling money to places that were then trying to disrupt local power relations.

There were some changes made to the Community Action Program in 1967 which led to a more formalized role on the boards of local community action agencies for local political officials. So boards of community action agencies now, and many of these agencies still exist today, have to have a third of their board include members of the low-income community, a third of their board needs to include some representatives of the public sector, and a third of the board needs to be made up of members of the private sector.

I found in a lot of my earlier research that in many places, especially in parts of the Midwest and in very rural locations, community action agencies were already working very well with state and local governments in many places. Many of these changes simply institutionalized relationships that were already existing, but many saw this as kind of a way to limit the actual “maximum feasible participation” by reducing, to a certain extent, the authority that low-income individuals had over the programs.

Avigail: So, when Nixon is elected in 1968 and becomes president in 1969, he begins to dismantle the Office of Economic Opportunity from within, or he tries, but was that because he wanted to give power back to local politicians and the private

sector? Or did he have more ideological or maybe I should say a more high-level, federal, opposition to the Office of Economic Opportunity.

Ryan: I think it's a combination of both. So, Nixon, when he takes office in 1969, he first appoints Donald Rumsfeld—yes, the same Donald Rumsfeld who would later head the Pentagon—to become head of OEO, the Office of Economic Opportunity. And what they first start doing is they start transferring programs out of that agency to other existing parts of the federal bureaucracy and one of Nixon's objectives, especially in his first term, is to, not simply shrink the size of the federal government, but to restore power to the states. And so one of the objectives here was if we can start to move some of these programs into other elements of the federal bureaucracy, one of the things we can do is potentially limit the calls for “maximum feasible participation.” And his goal was, again, to really make the Office of Economic Opportunity look more like an administrative agency rather than a programmatic one. So it wouldn't be the Office of Economic Opportunity kind of off issuing directives directly to these low-income agencies. But, you know, basically just overseeing the distribution of funds and bringing the states back into that.

In his second term, after he wins reelection in 1972, I think he is in many ways more emboldened to take on elements of LBJ's Great Society. There's a really quite tragic quote where LBJ, Lyndon Johnson, is talking about what he considers the kind of gradual death of his Great Society programs and Johnson would often talk about the Great Society as this sort of beautiful woman that he imagined. It's very strange language that he uses, but he says in an interview with Doris Kearns Goodwin here comes Nixon, and he's basically undoing all of my Great Society programs. Johnson, in his typical colorful language, “I can see my beautiful Great Society withering away. I can see the bones showing through her skin.” And at one point Johnson says, you know, gradually he's going to kill her and when she dies, I too will die. That's a direct quote from Johnson.

And then Nixon wins the presidency, wins reelection in 1972 in two days after Lyndon Johnson passes away from a heart attack, Nixon announces in his inauguration address that we are going to basically end the War on Poverty and

end the Great Society and put to death the Office of Economic Opportunity. So there's this very strange, tragic, nature to this as well.

And one of the things that I argue in my ongoing research on the Great Society is that the Great Society in so many ways came to demonstrate for conservatives the real problems of liberalism. It was, in so many ways, a much more dramatic expansion of the central government's capacity to do things. If you think about programs like Medicare and Medicaid, which included elements in them that forced southern hospitals to desegregate, there obviously was the Voting Rights Act and Civil Rights Act, which would send federal investigators to parts of the country that were still withholding access to the ballot. Johnson also passes the Elementary and Secondary Education Act, which requires states to desegregate their schools even more forcefully than they had after the *Brown v. Board* decision 10 years earlier in order to receive federal funding.

And in many ways this use of federal authority to override the power of the states to really segregate based on race, and other elements becomes in many ways, something for the conservative movement to rebel against. And I think you see that a lot in Nixon's rhetoric in his second term. And then later on, in 1981, Ronald Reagan is quoted as saying "Well, I'm trying to scale back the government. I'm not trying to undo the New Deal. I'm undoing the Great Society. That's what got us into this mess." It really does represent this growth of federal power using the federal government to force states to do things that they didn't want to do like desegregate, deliver federal funds to low-income individuals. And that is what becomes so problematic for the conservative movement. And that's why Nixon announces in his second term that he wants to abolish the Office of Economic Opportunity and in his budget blueprint to Congress, he zeroes out funding for community action. The head of the Office of Economic opportunity at the time, Philip Sanchez, who had taken over in 1972, he quickly resigns because he sees what Nixon is doing. Nixon then appoints, as acting director, Howard Phillips—who is a conservative ideologue in many ways, he called the entire idea of community action a "Marxist notion." Phillips starts issuing directives to community action agencies to see cease operations and telling them that they're not going to get any funding as of June 30th of 1973. And this again, is I think is one of the parallels we

see with some of Trump's actions, which is basically trying to unilaterally undo something that Congress had created.

And unsurprisingly, this leads to challenges against their authority. Employees of both the Office of Economic Opportunity and employees of the local community action agencies sued the Nixon administration, arguing that Phillips and Nixon's actions had violated the Economic Opportunity Act of 1964 because he had not actually passed any laws terminating this. There were also violations of the Administrative Procedure Act and other federal laws because you were supposed to provide notice to employees if they were going to be terminated. The Nixon administration did none of that. And again, several community action agencies created what was called the Coalition for the War on Poverty, which was one of the first groups to file a suit against Howard Phillips as acting director. These suits are eventually consolidated by DC Circuit Court Judge William Jones, who found, in fact, that Nixon and Phillips' efforts were unconstitutional. I think the direct language was, "the actions were unauthorized by law, illegal, and in excess of statutory authority" because Congress had created this, Nixon had only proposed his budget, Congress never acted on that proposal and, in addition, Phillips was only the acting director of the agency. His appointment had never been confirmed and so he had no legal authority to engage in any of the actions that he was doing.

Nixon eventually agrees. I don't know if he agreed in private, but at least publicly he decides to stop moving forward with this. Phillips, however, is so incensed by Nixon's decision to give up that he resigns. Phillips would go on to have a fairly interesting political career of his own, arguing, at one point, that it was worth dying in order to see the death of various federal agencies, including the Department of Education, which was one of his least favorite agencies, I think is one way of putting it there.

It was just so clear that if you followed the letter of the law that when Congress creates an agency as had been done in 1964, only Congress has the authority to dismantle that agency through legislation. The president does not have the authority to decide that this agency no longer exists. And the decision that was

ruled in April 1973 was quite clear on that front—that the administration lacked any statutory authority to do what it was trying to do.

Avigail: So then how did the Reagan administration thread this needle and actually manage to dismantle the Office of Economic Opportunity?

Ryan: I think in an alternative world, Nixon could have done this. Well, before Watergate, I suppose, but when Reagan wins office in 1980, he has the famous line of “government is not the solution, it is the problem” and he seeks to scale back various elements of the safety net and one of the things he does early on in his presidency is work with Congress to pass a new budget, the Omnibus Budget and Reconciliation Act of 1981, which eliminates funding for, was at that time called the Community Services Administration—the Office of Economic Opportunity gets renamed under President Ford.

Reagan's 1981 budget eliminates funding for that and converts the Community Action Program from functionally what's called a categorical grant program to what's known as a block grant, which delivers funding first to the states, who then, based on a formula that is shared across every state, which then deliver their money directly to the community action agencies. And what's also important is, Reagan, appoints as director and, eventually has this individual confirmed, a guy by the name of Dwight Ink who is well known as a classic Washington bureaucrat in the best way—I say that as a compliment to Dwight Ink. I think there's one quote in the *New York Times* that said he was “as steady and unshakeable as a filing cabinet.” Ink had actually worked in almost every presidential administration, I think, since Kennedy, up until Reagan. He was in charge of overseeing disaster relief when a huge earthquake struck Alaska. He is well known in Washington as somebody who knows how to make government work, and he's charged with shutting down this agency. He liaisons with Congress. He actually sets up regular meetings with members of Congress throughout the process of getting this piece of legislation passed to the budget bill in 1981 to make sure that the language of the plan is constitutional and statutorily legal.

Then when Congress does pass that he actually works directly with members of the agency to oversee, basically, their termination. So when I was at the National Archives where all this material is held, I mean, there's quite literally just reams of documents of Dwight Inks talking about and holding meetings with employees trying to figure out like, "oh, so and so from the Office for Community Services is gonna lose their job. Do we have any other placements in Washington where we can move this person?" And in fact, many of the employees of the agency go on record and say "we don't want this agency to be shut down, but Dwight Inks is doing it in the right way." And so, in many ways, it's a problem of public management and bureaucracy.

You can't just come in and say, this agency doesn't exist anymore, which is what Nixon tried to do. If you actually want to shut something down, you've got to go through the process of winning over members of Congress and then going through the challenging administrative process of figuring out what to do with, tens of thousands of employees who work at that agency.

And again, I think Inks did that in as respectable a way as possibly could have been done. So there's a mechanism for doing this. And again, I think what we saw under Nixon and what we've seen so far under President Trump is that they're not following the letter of the law. There are legal mechanisms, legal strategies to reduce the size and scope of government, but executive orders and simply issuing a budget that says, you know, X agency doesn't exist is not the legal, bureaucratically appropriate way to do that.

Avigail: I feel like this conversation has implicitly spoken to the present moment, but what exactly are the parallels you see between Nixon and Reagan's experiences dismantling an agency and what the Trump administration is trying to do today?

Ryan: One of the strategies that Nixon tried was just not spending money that Congress had appropriated. In 1972, Nixon decides he doesn't want to spend, money that Congress had appropriated for some environmental programs in New York and he decides to what's called "impound" those funds. And again, this is another instance where the Constitution is clear that Congress has the power of the

purse and the Supreme Court strikes down Nixon's efforts at that point and also Congress acts and passes the Impoundment Control Act in 1974, which says that, if the president doesn't want to spend specific funds, they need to let Congress know about that, and that has to then be approved by Congress, I think within 45 days. And so again, we're seeing this with President Trump who tried to basically turn off the faucet of funding to something like USAID and you know, I think two days ago, we're recording this on March 6th, the Supreme Court said "you can't do that," in a five to four ruling, even under a very conservative court. And there were some elements of the dissenting opinion written by Justice Alito that suggested maybe the President can do some of this, but Justice Barrett and Roberts joined with the three more liberal justices on the court to say, "the president's actions with trying to shut down and limit foreign aid are unconstitutional." So again, it's just another one of those parallels where this has been tried before, it was illegal then, and it's still illegal now. If you want to accomplish this, it needs to be done by Congress. And I think one of the real challenges now is that the Republicans have such a slim majority in the House that it's very difficult to agree even within the Republican Party on what can be cut and be sold to your constituents as a reasonable cut to government? Because there's this ongoing dilemma in American public opinion and scholars of public opinion have written about this where, American citizens say they don't like government, but then when you ask them about specific programs, they do like them.

And so it's this real challenge of trying to scale back. There was coverage today that president is at least crafting another executive order that's going to shut down the Department of Education. This is another instance where there's great historical parallels. The Department of Education has been targeted by Republican presidents going back to President Reagan. One of the reasons that it has persisted since 1979 when it was created is because you need Congress to pass a law if you want to abolish the Department of Education. In public opinion polls, think I saw one today, the Department of Education has a 65 or 70% approval rating amongst the mass public so it's pretty unpopular to do some of these things.

I think in Reagan's time it was more politically feasible given the potential mandate that Reagan had received in the 1980 and certainly more so in the 1984 election,

that there was this kind of sea change occurring. And so when he passes the Budget Act of 1981, which leads to the reduction of some social welfare programs, he's still unable to do the size of cuts that he wanted to do to Social Security and other elements of the safety net. It's just politically tricky. Rhetorically easy to say you don't like government and you want to shrink the size of government, but to do it legally and constitutionally, requires political management, political skill, building a coalition to do that and at least in the present moment, I haven't seen any efforts by the Trump administration or Republicans in Congress to try to build that coalition and sell that vision to the American people I think because they know it's unpopular and so they're seeking some of these other strategies like just firing employees and hoping that by the time the courts decide that these actions are illegal, that the public is kind of demoralized or that the harm is already done.

Avigail: So given your research, what lessons can we learn from this history we've just covered today? And also, let's pull in Trump's first administration as well.

Ryan: I think one of the things we've seen over time is that it's easy to attack the safety net in the abstract because of myths and stories that have been told about welfare queens or people who are taking advantage of programs like Social Security or welfare and you're seeing Elon Musk talking a lot about this at the present moment. But when it comes down to reality, given how many people rely on programs that are central to the safety net, it's very challenging to cut back programs that constituents in every district across the country, red and blue, rely on.

And so in the first Trump administration, for example, many of President Trump's budgets included large cuts to Medicaid or Supplemental Nutrition Assistance (SNAP). And what ended up happening was some moderate Republicans or Republicans in districts where there were large numbers of people on Medicaid or Supplemental Nutrition Assistance or Head Start, decided not to vote for those elements of his budget.

I think what's different about his second term is the fact that Trump has exercised much more control over congressional Republicans. And even with a slimmer

majority, there seems to be much less willingness to push back against some of these initiatives under President Trump. And this is, again, this is something that's quite different from earlier periods in time.

As I mentioned before, when President Nixon tried to withhold federal funding for environmental activities, Congress responded, including Republicans in Congress, bypassing the Impoundment Control Act in 1974, and there were actually many, a small number of Republicans, who eventually signed on with Democrats to advance impeachment articles against Nixon for his involvement in Watergate.

And what we see today, I think, is much less willingness, especially amongst congressional Republicans to resist Trump's worst impulses when it comes to scaling back the size of government, cutting programs that people rely on. And I think that's something that is different both historically and something that we saw again in Trump's first term, which we're not seeing really at all up to this point.

Avigail: Dr. LaRochelle, thank you for coming on No Jargon.

Ryan: Thank you so much for having me. It was a real pleasure to talk about some of these historical parallels and what lessons we can learn and what is perhaps quite different about the current moment.

Avigail: And thanks for listening. For more on Professor LaRochelle's work, check out our show notes at scholars.org/nojargon. No Jargon is the podcast of the Scholar Strategy Network, a nationwide organization that connects journalists, policymakers, and civic leaders with America's top researchers to improve policy and strengthen democracy.

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