



NATIONAL ARCHIVES ORAL HISTORY PROJECT

Oral History Interview

with

Gordon B. Wheeler

March 14, 1985

at

Old Executive Office Building

Washington, D.C.

Interviewed by Rodney A. Ross (National Archives employee)

Basic summary abstract prepared by Donnie Eichhorst (National Archives volunteer)

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Gordon B. Wheeler. Washington, D.C. March 14, 1985. Interviewed by Rodney A. Ross.

Gordon Wheeler is a member of the Legislative Affairs Office within the Office of Management and Budget (OMB). He has primary responsibility for management legislation, although he works with the Deputy Director on various issues.

Wheeler told how David Stockman's interest in the Archives independence issue may have been prompted by discussions with Sen. Mark Hatfield. Wheeler then described how OMB's position had been spelled out in a letter sent by Joe Wright to Sen. Hatfield.

Wheeler explained the internal administration process of notifying agencies of prospective action. He described the usual workings of OMB's Legislative Reference Division and the services it provided. He noted how in following the A19 process there would be assurance that the administration spoke with one voice. On at least one occasion, however, he observed that the Justice Department, and possibly the Internal Revenue Service, bypassed OMB in dealing with Capitol Hill.

Also, Wheeler put in perspective the relative importance of the Archives issue to OMB. Finally he cited the steps leading to the enactment of the Archives measure as an example of the democratic process within the administration.

The interview, approximately twenty-three minutes in length, was conducted in Room 243 of the Old Executive Office Building.

Abstract of interview with Gordon B. Wheeler in Washington, D.C., on March 14, 1985.

Interviewer: Rodney A. Ross

Tape length: Only one side of a 60-minute cassette.

QUESTION: Biographical background?

ANSWER: Gordon B. Wheeler was born in Buffalo, New York, in 1950. He moved from there to Alexandria, Virginia, and then on to Munich, Germany, where his father was stationed with the CIA. In 1960 his family moved to Bethesda, Maryland. In 1963 they returned again to Europe, this time to Vienna, Austria. Wheeler went to high school in Connecticut after his parents again returned to Bethesda. He went to college for two years in New York and then finished his education at George Washington University.

In December 1973 Wheeler was hired by a member of Congress from Independence, Missouri, and worked for him until January 2, 1977, when his term ended and he retired. Wheeler was then hired by Rep. Frank Horton from New York and more or less worked for the next six years for him.

Wheeler then became a member of the Legislative Affairs Office at OMB. At OMB Wheeler's primary responsibility is for management legislation, although he works with the Deputy Director on other issues of which NARS was one.

QUESTION: What was the nature of your involvement with the National Archives independence issue?

ANSWER: For the purposes of a legislative program, both from the management side and because the deputy director of OMB in the Reagan administration, and certainly under Joe Wright, has been OMB's link to the senior staff in the West Wing of the White House. So as such, and because Wright works with Ed Meese on a lot of management issues under that overall heading, Wright became involved with the National Archives independence issue and as a result Wheeler became involved.

Wheeler works closely with the House Government Operations Committee and the Senate Governmental Affairs Committee so it was logical for Wheeler to work with Wright on the issue.

QUESTION: How was it that David Stockman became interested in the independence question?

ANSWER: To the best of Wheeler's knowledge Stockman's interest may have been prompted by discussion with Senators, in specific Sen. Mark Hatfield who was a sponsor of the bill. Sen. Hatfield was very interested in having the bill moved.

OMB had some objections at that time on things like the term of the Archivist, some records management issues, and perhaps the number of employees to move from GSA to the National Archives. These issues were outlined in a letter from Joe Wright to Sen. Hatfield. With those changes the bill was supportable and OMB urged the Senate Governmental Affairs Committee to act on the bill.

Prior to doing that the Executive Office of the President submitted through its data system a proposed letter that OMB would then send to the Hill stating OMB's support for the bill. That message generated quite a flurry of telephone calls to OMB because a number of people were confused as to what OMB's position was.

QUESTION: About how many calls were received?

ANSWER: About a dozen, maybe a total of twenty, which was a lot on an issue like that.

OMB is not overly involved in organizational matters of other agencies on a day-to-day basis unless the matter is specifically assigned to someone to keep track of it. By and large the director of OMB would not be following such a measure on a day-by-day basis. His concern would be to assure that all policy within the administration would be compatible with the President's program. The day-to-day focus would have been both within the Legislative Reference Division and in the Legislative Affairs Office through Wheeler and the Deputy Director.

QUESTION: Do you remember who some of the agencies were who called you?

ANSWER: Wheeler stressed he wasn't saying the agencies called, but outside groups. He didn't recall who the calls were from but he assumed that they would have included IRS, Treasury and Justice.

QUESTION: How does the electronic mail system work?

ANSWER: Wheeler's understanding of the system is that through dial tone there is a capability of creating a document and then designating which offices or which cabinet departments would receive the message over the telephone line. The message appears on a screen and from that a person is able to get a hard copy on a printer.

Wheeler didn't know specifically the number of messages sent. He suggested the message would have gone to the major cabinet departments, perhaps all of the cabinet departments since all would be affected by the Archives. These would have gone to the office of the secretary and not to all of the little offices in government.

QUESTION: What was the involvement of Richard G. Darman and Ed Meese?

ANSWER: Wheeler couldn't say what was Richard Darman's involvement.

Ed Meese was concerned because by definition this was a management issue. By being counselor to the President he would have an interest in any legislation that would reorganize or have a reorganizing effect. Also, since so many of the President's documents and other type of documents go into the Archives, he would also have an interest for that reason.

QUESTION: What would be the normal procedure for OMB to alert agencies about legislation in which they might be interested?

ANSWER: In this case the Archives bill was not a creature of GSA, but rather it was a bill drafted on the Hill. It was one of presumably 10,000 or more Hill bills. Normally OMB's Legislative Reference Division would not necessarily notify anyone about such a bill being introduced.

The way the system works is that OMB's Legislative Reference Division would be asked by a committee of Congress for executive comment on a bill that the committee was preparing to act on. OMB would routinely provide comment and perhaps analysis without taking a position.

Other agencies would be asked simultaneously for their views. You would not have one agency, in its official comments to the Hill, taking one position different from another agency. There may be internal discussions but this is one reason for the A19 process.

A19 refers to an OMB circular which essentially establishes a framework in which all agencies of the government operate a certain way when submitting legislation, testimony or any other kind of official act to the Congress. The process assures that every agency's proposals, comments or testimony are consistent with those of the President.

QUESTION: Does this practice begin with the Reagan administration?

ANSWER: No, this is a longstanding practice. It is a housekeeping function as much as anything else.

OMB also becomes a referee. OMB would resolve any differences before a final position is taken. Policy decisions are made in the West Wing of the White House. If a policy is reached there, OMB would reflect that policy.

Wheeler didn't know who in the West Wing would have shaped OMB's position on the Archives bill.

QUESTION: Why was it that only IRS and Justice, and not agencies like State and Defense, expressed themselves during the summer to the House and Senate committees?

ANSWER: In the case of IRS the agency maintains hundreds of thousands of documents. IRS interpreted the language in the bill that section 8 would allow the Archivist to identify any document he might come across as a document for the purposes of archival management. Therefore, there would be a wholesale raid on IRS documents, presumably including tax returns. IRS was gravely concerned that this would lead to invasion of privacy and interference by the Archivist into what were policy decisions of the IRS. IRS was concerned about endangering their almost contractual arrangement with the taxpayer.

Wheeler felt that the IRS's position was difficult to justify.

QUESTION: Is it OMB's responsibility to alert agencies that they should be expressing themselves?

ANSWER: No. Their own offices through the office of general counsel may have been aware of the legislation and may have been asked to comment. If they didn't comment, suggested Wheeler, that was their own business. Wheeler thought it strange if they were asked by the Hill to comment and didn't, but OMB did not require comment. OMB would not ask the Coast Guard to comment on the NARS bill.

QUESTION: Why did Bob McConnell of Justice send a letter to House-Senate conferees stating Justice's position after the conferees had already met?

ANSWER: The letter sent to the Hill by Justice, and possibly one sent by IRS, were not cleared by OMB. Procedurally these agencies chose to skip a key step. On a substantive basis the agencies ran the risk of presenting a position contrary to that adopted by the administration. Wheeler saw this action as a very deep rooted concern on the part of Justice and IRS to protect, at all costs, what they perceived to be an encroachment or potential abuse of any statute which protected their documents or the constitutional basis of their departments. Wheeler thought the action was an overreaction on their part.

QUESTION: In the spring of 1984 Joe Wright indicated that the administration could support S905. In September the Justice Department recommended that the president veto the Archives bill. How could this seeming inconsistency occur?

ANSWER: When Joe Wright wrote the letter sent to the Hill, it had been reviewed by key policy people within OMB and the basis of the content had been previously agreed on by other policy officials within the West Wing and OMB. Wheeler wondered if Justice felt its position had not been properly aired or that its views had been misrepresented, or that the department hoped it could ultimately win by going to the president and urging him to veto the bill. The Justice Department felt that until the President signed the bill, the department had the right to advocate its position.

QUESTION: Did any other agency besides Justice recommend a veto?

ANSWER: Wheeler didn't recall, but he imagined that IRS through the Treasury may have done so.

QUESTION: Could you describe the process whereby the president decides whether to sign or veto a bill passed by Congress?

ANSWER: When an enrolled bill comes from the Hill for the president's signature, it is first reviewed as passed by the Hill by the Legislative Reference Division of OMB. The Legislative Reference Division then prepares an analysis of the bill providing its key provisions in a memo, an enrolled bill memorandum. The Legislative Reference Division contacts the affected agencies and surveys them for their position on the bill as passed by the Hill. On the enrolled bill memorandum you could see that "Agency Y" recommends disapproval, or has no opposition, or no comment or whatever.

Then the memo, which ultimately goes from the Director of OMB to the President, lays out how various agencies feel and the Director makes a recommendation to the President, notwithstanding opposition from other agencies in that memo. Wheeler thought that Justice, and possibly Treasury, recommended disapproval.

QUESTION: How typical was the Archives bill of OMB's concerns?

ANSWER: Wheeler thought that activity on the Archives bill wasn't any different than for other bills. Many people think OMB is concerned with appropriation bills and the budget. Thus an issue like that of the Archives would not be of predominant concern for OMB. It would be, however, for a specific policy person, in this case Program Associate Director for Government and Economics, and Joe Wright because he works with Ed Meese.

QUESTION: Was Mary Ann Chaffee the person you had in mind?

ANSWER: She is an examiner in that division. It is Mrs. Horner (Constance J. Horner) who is Associate Director for Economics and Government. The Archives measure would be only one of many, many programs under Mrs. Horner's aegis. It would not be the dominant issue, except for certain specific moments throughout its history.

QUESTION: Anything to add?

ANSWER: Wheeler commented that on watching the process unfold from the perspective of a newcomer to the executive branch he found it interesting that there was a democratic process within the administration. Thus although the administration supported the Archives bill, there was opposition almost to the very end. He enjoyed seeing the bill move through Congress, the negotiations to modify language and make it acceptable, and the fact that it was not a "heavy handed" decision that made policy.

QUESTION: Did OMB have any contact with people outside of the government on the Archives bill?

ANSWER: Wheeler thought "yes". OMB would have been aware of which organizations supported the bill and those that wouldn't.

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE

Legal Agreement Pertaining to the Oral History Interview of

Gordon B. Wheeler

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I,

Gordon B. Wheeler of McLean, Virginia
(name) (city and state)

do hereby give, donate and convey to the United States of America all my rights, title and interest in the tape recording and transcript of a personal interview conducted on March 14, 1985 at Room 243 of the Old Executive Office Building in Washington, D.C. and prepared for deposit in the National Archives. This assignment is subject to the following terms and conditions:

- (1) The tape recording shall be available to all researchers upon its being accessioned by the National Archives.
- (2) The transcript shall be available to those researchers who have access to the tape recording, as soon as the National Archives' processing schedule allows sufficient time for transcript preparation.
- (3) I hereby assign to the United States Government all copyright I may have in the interview transcript and tape.
- (4) Copies of the transcript and the tape recording may be provided by the National Archives to researchers upon request.
- (5) Copies of the transcript and tape recording may be deposited in or loaned to institutions other than the National Archives.

Gordon B. Wheeler
Donor
March 14, 1985
Date

Robert M. Wynn
Archivist of the United States
March 14, 1985
Date