

## Getting Ready for Day One: Taking Advantage of the Opportunities and Minimizing the Hazards of a Presidential Transition

### Academic–Practitioner Exchange: Planning an Effective Presidential Transition in 2008–2009

*Presidential transitions make a difference to the quality of the start a chief executive has coming into office. With formal presidential transitions a reality since 1952, we have sufficient experience to identify some of the elements of an effective transition. This article focuses on how a president-elect can minimize the hazards and take advantage of the opportunities transitions offer. Opportunities and hazards can be found in the actions and commitments candidates take during their presidential campaigns, the information they gather on past transitions and on the actions of the incumbent president, the coordination they do with those in the Washington community, and their capacity to identify and take advantage of the early goodwill that exists when a new president comes into office.*

An effective transition buys a new presidential administration the chance to take advantage of the opportunities that exist at the beginning of an administration and reduce the hazards that inevitably lie in wait. Although there is flexibility in how the transition takes shape, there are ways of handling transitions that have proved more effective than others. Political scientists and others studying transitions have focused on management, personnel, policy, coordination, and timing issues that make a difference to the ways in which a president prepares for office. Even though there is a demonstrated difference that some things work and others do not, it is still difficult for administrations to do the kind of preelection and preinauguration work that pays off in the early months (see Burke 2000, 377–414; Burke 2003; Burke 2004, 209–26; Kumar et al. 2003; Pfiffner 1996).

“We weren’t stumbling around the first couple of months of the administration,” commented Deputy Chief of Staff Joe Hagin (2008) about the transition

of George W. Bush. “We were able to get right down to business.” Because those handling the White House transition—Andy Card, Josh Bolten, and Hagin—had served in previous White Houses, they knew the traps. “We knew all the basics that allowed us to at least walk from the first day rather than crawl,” Hagin said. “That is important.” From that beginning, the president and his administration focused on their priority issues and did so at their tempo without being sidetracked by the agendas of others. By doing so, they were able to take advantage of the goodwill and interest the public extends to a president in the early weeks of an administration.

In the period since the first formal presidential transition from the Harry Truman to the Dwight D. Eisenhower administration, when the incumbent and the president-elect worked to prepare information for the incoming chief executive, transitions have varied greatly in the types of preparation presidents and their staffs have made and the success they have had in setting the direction of their tenure in office in the days after the election through their first three months in office.

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Since President Truman first reached out to his successor to provide him with information on administration programs and activities, presidential transitions have become more formal and complex, as have the office of the presidency and the scope of what the chief executive is responsible for handling. Beginning in 1963, there is a formal government structure to provide assistance to

the president-elect and funds to support such an operation. Yet there is a great deal of flexibility on the part of the incumbent president, and the incoming one as well, as to how and when the transition of power from one chief executive to the next is structured. Incumbent presidents can choose how much

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information they want to provide the president-elect, and the incoming chief executive can decide how interested she or he is in what the sitting president has to offer.

Whatever they do, early planning is a must for both sides. No matter their level of preparation, at one time presidents and their staffs were reluctant to admit advance planning even while they did it. They feared a public perception of arrogance on their part. By 2000, the perception of the wisdom of early planning had begun to take hold. In early June 2000, David Broder, *Washington Post* columnist and reporter, discussed the good judgment of early planning and quoted officials from all recent administrations in calling for preparation for governing: "In fact, such advance planning has been done in many past campaigns but covertly, to avoid conveying a sense of smug overconfidence to the voters . . . The reality is that when a new president moves in, his top aides find bare desks, empty filing cabinets and disconnected computers. They need help." No longer are candidates criticized for planning for governing; they are lauded for it. In 2008, such planning is even more important than it was in 2000, when the nation was not at war.

Chief executives come into the White House with no institutional memory waiting for them as an informational support system. Other than the Counsel's office and the National Security Council, White House offices do not have files from the previous administration waiting for the president and the incoming White House team to learn from. The Presidential Records Act of 1978 requires that presidential records leave the White House with the outgoing president. How much information is available to the incoming team about the operations of the White House and the 15 cabinet departments depends on the preparations provided for by the incumbent White House and the cooperation of the department secretaries and their deputies.

This article focuses on what we know about presidential transitions and how a new presidential team can minimize the hazards and take advantage of the opportunities transitions represent. Because the institution of the presidency retains its contours and relationships from one administration to the next, the rhythms of transitions do as well. That means presidential candidates can learn from their predecessors what opportunities lay ahead during the transition period and how they can make the most of them. They can also view some of the pitfalls their predecessors experienced. At each stage of the period from the campaign to the first few months of governing, there are actions that presidential candidates, the president-elect, and the new president can take that will ease the strains of office later on in their presidency. Their preparation for office begins with the campaign.

## **Campaign Commitments Affect the Ease or Difficulty with Which the President-Elect Establishes the Direction of the Administration and Staffs the Offices**

Campaigns affect a president-elect's transition into office through promises that have an impact on how he or she shapes the administration. Some management and policy commitments limit what a president will be able to do when in office, whereas a clearly articulated policy agenda during the campaign makes it easier for a chief executive to establish the direction of the administration.

### ***Commitments limiting the staffing of an administration.***

Many candidates make statements during their presidential campaigns that prove limiting when they become president. The 2008 campaign is no exception. Both Barack Obama and John McCain have taken positions that will influence what they are able to do if one of them takes office. Obama promised in a campaign debate that he would not have anyone on his White House staff who has been involved in lobbying: "When I am President, I will make it absolutely clear that working in an Obama administration is not about serving your former employer, your future employer, or your bank account—it's about serving your country, and that's what comes first. When you walk into my administration, you will not be able to work on regulations or contracts directly related to your former employer for two years. And when you leave, you will not be able to lobby the administration through the remainder of my term in office" (Obama 2007). Prohibiting people from working on issues related to their White House portfolio for the remainder of an Obama administration could also make potential staff members reluctant to come in. By excluding people for staff consideration, Obama could lose a potentially important pool of expertise for his administration.

Believing they needed to demonstrate their willingness to make cuts in the government workforce, Presidents Bill Clinton and Jimmy Carter got into difficulty by promising to make White House staff cuts of 25 percent. Cuts, such as those in the career staff responsible for phones and correspondence, turned out to be unpopular (Burke 2000, 305, 309, 339–40). President Clinton got into additional difficulties over staff promises. One of his early actions was to issue an executive order calling for stiff postemployment regulations requiring appointees to promise, "I will not, within five years after the termination of my employment as a senior appointee in any executive agency in which I am appointed to serve, lobby any officer or employee of that agency" (Clinton 1993a). Additionally, appointees would not be allowed to work for a foreign government for life. A lifetime ban on certain kinds of lobbying and a five-year limitation on all kinds of

lobbying relating to the agency the person served in was viewed as too stiff by groups studying public administration. "It's generally believed this executive order was much too burdensome and that a five-year ban went much too far," said New York University Professor Paul Light, who studied the ethics rules (Minz 2000). Stephen Potts, head of the Office of Government Ethics (OGE), commented that the order "was more restrictive than need be and it was going to have an inevitable chilling impact on their ability to recruit" (Babington 2000). At the end of his administration, President Clinton revoked the order (Clinton 2000).

***Campaign promises as limiting policy and procedural actions.***

Presidential candidate John McCain limited himself in a way that could influence his presidency, as it did that of President George H. W. Bush with a similar promise. In an interview with ABC *This Week*, Senator McCain said emphatically that he advocated "no new taxes" (Curl 2008). When President George H. W. Bush broke a similar pledge that he gave at the convention nominating him, he lost conservative support within the Republican Party in 1992 when he ran for reelection.

Another promise that could cost a President McCain some flexibility is one he made pledging that if he becomes president, he will not issue signing statements. When asked by Glenn Kessler of the *Washington Post* whether he would ever consider issuing signing statements when he disagrees with a bill presented to him by Congress, McCain stated, "Never, never, never, never. If I disagree with a law that passed, I'll veto it" (Abramowitz 2008). Not issuing signing statements would be a break with recent presidential practice.<sup>1</sup> President George W. Bush has regularly issued such statements to limit his interpretation of laws he did not like, including announcements of his refusal to enforce them. McCain would be closing off a practice that Democratic as well as Republican presidents and liberal as well as conservative chief executives have used to respond to legislation.

The Department of Justice in the Clinton administration prepared a memorandum on signing statements that found a president's refusal to enforce a law to be constitutional. The memorandum stated, "In each of the last three Administrations, the Department of Justice has advised the President that the Constitution provides him with the authority to decline to enforce a clearly unconstitutional law. This advice is, we believe, consistent with the views of the Framers. . . . a signing statement that chal-

lenges what the President determines to be an unconstitutional encroachment on his power, or that announces the President's unwillingness to enforce (or willingness to litigate) such a provision, can be a valid and reasonable exercise of Presidential authority" (Office of Legal Counsel 1993). By issuing such a definitive rejection of signing statements, McCain has limited his options when discussing legislation he might be signing.

***Campaign agenda as governing agenda.*** While campaign commitments can limit the options a president-elect has at the point when the incoming chief executive is organizing the administration,

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they can also serve as the center of the government agenda when he or she comes into office. The president-elect can organize policy priorities around campaign commitments. One of the reasons President Bush had an unexpectedly smooth start to his administration after the contested election is that the candidate and his team saw their campaign agenda as their governing one.

Clay Johnson said of Bush, "He said our priorities will be what we campaigned on. We want education, we want a strong national defense. . . . We said they were our priorities and they are" (Johnson 2002). Once he came into office, President Bush took the basic issues he had campaigned on and, in a series, laid out his plans for them. His first week in office was devoted to education, followed the next week by faith-based initiatives and the creation of that office, then his tax cuts program and strengthening defense through increased spending.

Sometimes the campaign agenda proves limiting because there are keepers of the promises book or individual items in it who focus on one or more narrow items. "You have often ended up with White House staff . . . who made it their purpose to see to it that this one narrow assignment was achieved," observed Jonathan Breul (2008), who watched several White House operations from his place in the Office of Management and Budget. "Once you get into office it is the bigger picture, but you get Johnny one-notes focusing narrowly. It leads to frustration for everyone." There needs to be a balance between adhering to an agenda and being sufficiently flexible to focus on the needs of the time. For the George W. Bush administration, Breul pointed to competitive sourcing between the public and private sector as a campaign issue that caused difficulty once in office. "They soon bumped into unions and set themselves up for a losing situation."

## **Establish an Information-Gathering Operation Prior to the Convention**

Transitions have a rhythm to them that involves a defined number of people, activities, and decisions to be made. In those presidential elections in which there is a presumptive nominee early in the election cycle, during the primary phase, presidential candidates can designate a person to gather information on personnel and decision timetables. The second period occurs after the party nominating conventions, when government institutions, such as the OGE, get involved in a limited way in the transition process. Following the election, when the winning candidate has been designated president-elect, the formal 75-day transition period into office begins.

### ***Appoint a transition aide tasked with information gathering.***

Candidates need a transition operation that begins early but is in regular contact with the political operation and with the candidate. Competition between the campaign and early transition operations can derail early transition work and build in a kind of competition the candidate will want to make certain to avoid. The one recent operation in which an early transition operation worked cooperatively with the campaign was that of President George W. Bush.<sup>2</sup>

One of the keys to the success of the Bush transition effort was that the work was under the wing of one person, Clay Johnson, an old friend of George W. Bush and a man who was well known to all of the campaign staff. No one viewed Johnson's operation as a competing one because campaign officials knew Bush had asked Johnson to gather transition information, and they also knew that politics had never been within his ken. Johnson met occasionally with the campaign leaders as well as with the candidate to give them a sense of what he was doing and finding. That way, there was no conflict among them. The same did not happen in most other transitions, during which competition developed between the political and transition operations, such as the Carter and Clinton ones (Burke 2000, 17–26, 283–85). The early Carter transition efforts led by Jack Watson ran into difficulties with the political operation, as did those of Mickey Kantor for Bill Clinton. The result was that early information gathering for personnel and White House staff was hampered.

The first part of a transition takes place during the primary season when the candidate designates a person to gather information. The person looks for information on personnel, past transitions, decisions ahead, and ones made by the incumbent administration, dealing with governing and noting their timing. With those transitions in which there was a change in party, the Ronald Reagan and George W. Bush administrations created an early operation with an

emphasis on personnel and gathering information from past transitions. Governor Bush told Clay Johnson in late 1999, "As we focus on this campaign, I want you to figure out what we do after November 7 or 8 when we win, what's involved in a transition, what are we trying to accomplish, how do we organize to get it done. I suggest you talk to the likes of George Schultz and Jim Baker and read what you need to, talk to who you need to and develop a plan. It ought to be separate from the effort required to get elected. Develop a plan for after the election" (Johnson 2001). In the period since John F. Kennedy won the presidency, seven presidents have come into office through election and had a normal transition. Of those, Presidents Carter, Reagan, George H. W. Bush, and George W. Bush designated people to work on transition issues substantially before the party nominating conventions. In all of their cases, gathering information on personnel issues was a shared concern.

Johnson gathered names that notable people sent in and also went out and talked to people they knew in policy areas. "Then I called a lot of people in the state of Texas, in the environmental area, and said who are the prominent people in the environmental area nationally and the HHS [Health and Human Services] world, who are the well known HHS people either from prior federal administrations or in other states who are the people of note. Or parks and wildlife, the interior people. So I started collecting names and knew who the well-regarded people were. There was a list of about 100 names" (Johnson 2001).

Johnson also coordinated with Dick Cheney shortly after he was selected by George W. Bush as his vice presidential nominee. Johnson "sat down with him to talk about the way we were structuring the transition, proposing the structure of the transition, and some of the names that were floating around that had been suggested to us for different positions and got his reaction to them and picked his brain about prospective people." Before the election, "there had been very few decisions made. But we had talked about the kind of person we were looking for, the kind of qualities we wanted. . . . We had more discussion about types of people by the time of the election than we had specific individuals" (Johnson 2001). No one from the Bush camp contacted any of the people or sought résumés. Once the formal transition came, they had lists with supporting information to begin their search. Johnson also had a software program ready to handle all of the people who would send in their résumés. It was a process and a program they had used when Bush as governor had considered appointees.

Transition operations are confronted with the decision of whether to create task forces dealing with government policies and programs. The Reagan administration had five groups comprising 48 task force

operations of 3–20 people each. In his study of presidential transitions, John Burke commented on the problems resulting from the work of the groups: “Some veterans of past administrations were particularly unhappy with the work of their assigned team, including Caspar Weinberger, Terrell Bell, and Alexander Haig. The relationship of transition teams to the independent regulatory agencies was especially rocky” (2000, 99). The George W. Bush transition team eschewed larger task forces composed of lobbyists or those seeking appointments in the administration. They opted instead for “small teams to prepare briefing books for, and interact with, each cabinet department,” said Clay Johnson. Once the transition was under way, they created “large advisory groups and let them advise the department policy teams as they saw fit but did not let them interface directly with the departments” (Johnson 2003, 314). They did not have the same difficulties directing the groups as the Reagan transition operation did with their larger operation.

**Identifying government transition resources and creating private ones.** President Truman was the first president to publicly invite his successor to meet with him to consider transition issues and then call on government departments and agencies to provide information on the status of programs. Formal government involvement came later. The Presidential Transitions Act of 1963, with updates in 1976, 1988, and 2000, provides funds for transitions when there is a new president coming into office. Reelection does not call for a government-funded transition. Once there is a president-elect, the transition takes on a formal shape with office space in Washington, funds available for staff, and funding for staff training, as well as monies for the outgoing president. In 2001, the General Services Administration (GSA) was authorized to provide \$7.1 million in funding for the presidential and vice presidential transitions, with \$1.83 million for President Clinton’s transition out of office, \$4.27 million for the transition of president-elect George W. Bush, and \$1.0 million for the GSA to “provide additional assistance as required by law” (Smith 2007, 1). The Bush transition operation estimated they needed \$8.5 million, which was approximately the amount had Clinton spent (Johnson 2003, 314). In 1992, Clinton received \$3.5 million from the federal government and privately raised \$4.8 million (Euchner and Maltese 1996, 323). Bush raised private funds before the election was decided, but he made public his transition contributions.

As a way to ease the president’s way into office, the Presidential Transition Act of 2000 (P.L. 106-293) calls for GSA-funded presentations for the incoming president’s senior-level aides in the cabinet and in executive branch positions (Smith 2007, 9). President Bush’s fiscal year 2009 budget calls for an appropriation of

\$8.52 million for the presidential transition, “to provide for the orderly transfer of Executive power” (GSA 2008). The funds are broken down into a request of \$5.3 million for the incoming administration and \$2.2 million for the Bush administration’s transition out of office. The budget request includes \$1.00 million for the personnel orientation called for in the 2000 act.

The appointment process is a maze and requires available institutions to serve as guides.<sup>3</sup> One of the important resources for a presidential transition is the Office of Government Ethics (OGE). When presidential appointees are working through the appointment process, there are ethics rules relating to conflicts of interest with which they will need to comply. Some of those rules will be important for prospective appointees because, for some, an appointment will prove too costly. The sooner the candidate’s transition operation has a good handle on what ethics rules executive branch employees need to comply with, the easier the appointment process will be. OGE works with individual appointees on how their investments can be handled while they are in government service, an area in which conflict of interest is a continuing and important issue.

The National Archives is an important resource because the way in which records are maintained and retained needs to be set before the president comes into office. Like OGE, the National Archives is an institution that can reduce an administration’s problems by heading off trouble before it settles in. Mistakes made early in an administration can surface later, particularly with matters that appear to be inconsequential. Records issues have been an important distraction in both of the last two administrations, though they took some while to surface in the Bush White House. In the Clinton White House, records became an issue with the mishandling of Federal Bureau of Investigation (FBI) records by the White House Office of Management and Administration. Later, the administration faced problems with Vice President Gore’s e-mail records when it turned out that computer tapes had been copied over. Congress required the e-mail records be reconstituted through backup files at what turned out to be a cost of \$12 million. The Clinton White House then adopted a practice of not copying over e-mail records so that none would be lost (Williamson and Eggen 2008). The Bush White House did not follow the practice adopted in the later Clinton years and currently faces a similar situation, with congressional committees demanding to know where the records are and how they can be reconstituted. Press Secretary Dana Perino said in 2007, “I wouldn’t rule out that there were a potential 5 million e-mails lost” (Williamson and Eggen 2008). A new administration can avoid the problem by focusing on the issue with the National Archives well before the inauguration, when the records process begins.

## Review the Actions of the Incumbent President and Administration

One of the differences between this transition and earlier ones is the vast amount of information now online that provides a portrait of what government departments and agencies are doing and why. Identifying regulations in earlier administrations was a more difficult task than it will be in the upcoming transition. Items left by the outgoing administration can be difficult to find in the early months and can cause problems when they are located. In the early months of the George W. Bush administration, for example, officials at the Environmental Protection Agency (EPA) spotted a regulation left behind three days before President Clinton left office. It was a regulation limiting the allowable amount of arsenic in drinking water (Clinton 2001).

The regulations on drinking water were part of an aggressive executive action strategy by President Clinton to leave in place environmental and workplace rules. In addition to the new standards for arsenic in water, in its last two months, the Clinton administration also issued regulations relating to ergonomic standards in the workplace, tighter standards for lead in paint and elsewhere, and rules relating to building roads and logging in 60 million acres of national forest land (Morgan and Goldstein 2001). New regulations and actions in the last months came from across the administration from such places as the Department of Agriculture, the Department of Interior, the Occupational Health and Safety Administration, and the EPA. The Bush administration made clear on the president's first day in office that it would review all of the regulations printed in the *Federal Register* and stop those that were too late to get printed (Pianin 2001).

What the Bush administration soon found was that they had been left an agenda that was going to cost time, energy, and political trouble. The arsenic regulation is an example. On March 20, the EPA announced that it would revoke the standards for arsenic in water. "When the federal government imposes costs on communities—especially small communities—we should be sure the facts support imposing the federal standard" (Pianin and Skrzycki 2001). That announcement brought a raft of continuing criticism upon the administration and the EPA.<sup>4</sup>

On October 31, EPA administrator Christie Todd Whitman announced the administration would adopt the Clinton administration arsenic water standard (Walsh 2001). When asked by the *National Journal* about how beat up the administration was over the arsenic regulation, Karl Rove had this response: "We walked in, and there were a whole bunch of those left around; I'm surprised we didn't get more beat up in the early months over all that." When asked why the

White House had not seen it coming, he pointed to the difficulty of campaigning and planning a transition: "But that assumes that at the same time you're running and trying to plan for a transition, that you're also carefully monitoring all the stuff they [the outgoing administration] are getting ready to plant. And frankly, no organization running for President has that kind of resources to be able to monitor" (*National Journal* 2002).

The environmental regulations the Clinton administration left for President Bush had been in the pipeline for some months. Close monitoring of agency rules and comment periods would have warned the incoming team of what they would find, which might have allowed them to develop more successful strategies to combat them. Today, the agency regulations process is easier to follow than it once was, as are the trails of executive orders, proclamations, and memoranda. "It used to be obscure," said Jonathan Breul of the rules and regulations process, as well as information on agency operations. "Now it is all public with documentation and comment. Whether it is regulations or anything else. It is true with EPA almost to the point of saturation. Everything from a blog by the deputy administrator, an agency Web site, budgets, strategic plans, annual plans, performance measures and targets. A 10-page Quarterly Manager's Report, including several dozen agency priorities such as the Rio Grande clean up. Through these you get an idea of what they want. You learn a lot from what they are paying attention to" (Breul 2008). In the coming transition, a robust transition operation can track agency regulations as well as other executive actions. Those include executive orders, memoranda, proclamations, as well as regulations.

President Clinton's executive actions drew a great deal of media attention as George W. Bush took office. Besides his executive policy actions in the final days of his administration, President Clinton granted pardons and commutations to 176 people (Goldstein and Schmidt 2001). With some of the pardons controversial ones, the outgoing president drew a great deal of news media attention. In his first 50 days in office, President Bush was the subject of 204 stories on the three major networks, while former President Clinton was the focus of 115 (Center for Media and Public Affairs 2001). Most of the Clinton stories were associated with actions taken late in his administration. The attention Clinton received meant, in part, that President Bush lost space for himself and his programs.

Two indicators of what President Bush might do at the end of his administration are his action in issuing an executive order on earmarks and the history of executive orders of recent presidents. Ed Gillespie, counselor to President George W. Bush, discussed during a briefing on the president's 2008 State of the

Union address an executive order that the president was about to announce to nullify certain types of congressional appropriations known as earmarks. From a practical perspective, the fact that the new order would not go into effect until a new president came in did not trouble Gillespie. “When the current administration came in 2001, there were a number of executive orders that had been issued very late in President Clinton’s second term that were on the books, and President Bush had to either repeal or live with,” he said. “This will be on the books, and will be an executive order that future Presidents will have to repeal or live with” (Gillespie 2008). In a large number of areas, presidents have to alter or live with actions taken by their predecessors. But first they have to learn about them.

Most recent presidents have issued executive orders at both the beginning and end of their administrations. Other than Ronald Reagan, recent presidents have issued more executive orders in the last two months of their terms than in the first two. In President Clinton’s case, for example, he issued 22 executive orders in his final two months in office. Nine were issued in the last week he was in office. That means presidential successors have to focus attention early in their terms on reviewing the executive orders of their predecessors to see whether they want to revoke them, particularly if there is a change in party with the new administration. A tit-for-tat game can result. On February 17, 2001, President George W. Bush issued an executive order on a signature issue, union membership and dues. Executive Order no. 13201 ordered that contractors post a notice that “employees cannot be required to join a union or maintain membership in a union in order to retain their jobs” (Bush 2001). Under the circumstance in which there is a “union-security agreement,” employees can be required to pay dues but may object to their dues monies being used for purposes other than collective bargaining activities. This order revoked Executive Order no. 12836, issued on February 1, 1993 by President Clinton. Clinton’s order, in turn, revoked one issued by President George H. W. Bush, Executive Order no. 12800 (April 13, 1992), in the last year of his administration. Switching parties in these three administrations meant clearing out orders sensitive to party positions. In order to respond to the party behind them, presidents need to be aware of how their signature issues are reflected in administrative orders of every stripe.

At the end of their term, presidents often issue proclamations that have an impact on policy. President Clinton used proclamations to set aside federal land to be included in the national park system. Proclamations are a combination of ceremonial items and actions furthering administrative policies. In his final year, President Clinton used proclamations to broaden the boundaries of national parks. Together with Inte-

rior Secretary Bruce Babbitt, President Clinton increased the acreage of the park system through proclamations. From January 2000 until he left office, he set aside land through 22 proclamations. He used executive orders in two additional cases for land expansion.

### **Focus on the White House Decision-Making Process, Key Positions, and Budget Officials**

Organizing the top tier of the White House is a central task of the transition, as is lining up the budget operation. How the White House is organized, the decisions the president makes selecting aides, and the process by which choices are made are matters of great importance to the direction of government.

President Bush was asked in December 2007 by ABC reporter John Cochran what it takes to be president: “You’ve been in office for seven years now. You must have some pretty strong opinions about what it takes to sit in the Oval Office. What is important to you?” (White House 2007). The president went on to discuss how important the White House is to what a chief executive does and how significant the structure of the decision-making system is: “How do you intend to get advice from people you surround yourself—who are you going to surround yourself with, and what process will you have in place to ensure that you get the unvarnished opinion of advisors? Because whoever sits in that Oval Office is going to find this is a complex world, with a lot of issues coming into the Oval Office—a lot—and a great expectation in the world that the United States take the lead. And so my question would be, how do you intend to set up your Oval Office so that people will come in and give their advice?” President Bush did not say whether he came in with that view or whether it was something he learned through his years in office.

***Switching from campaigning to governing.*** As they focus on personnel and decision making, the president and senior White House staff members have to make the switch from campaigning to governing. It is not easy for a president-elect nor for the staff to come into the White House ready to govern because governing involves staffing the administration with people who are appropriate for management responsibilities, not campaign ones; developing a decision-making process designed for the work of governing and working with power centers inside and outside of government; and approaching policy from a governing perspective and timeline. The rhythms of a campaign are based on a clear electoral goal with a defined timetable and a staff appropriate for the black-and-white nature of campaigning, in which your candidate is “right” and your opponent is “wrong.” Nicolle Devenish Wallace, communications director for the Bush reelection campaign, said that White House senior advisor Karl Rove called her “at the end of every day around eight

o'clock. . . . after the network news, and would say, 'Did we win today?'" (Kumar 2007, 111). The timetable and thus the tasks for governing are different, explained White House counselor Dan Bartlett: "You're trying to accomplish a goal, whether it be implementing a piece of legislation or affecting public opinion over a period of time, whether it be [over] the tenure of your presidency" (Kumar 2007, 111).

To make the transition from campaigning to governing, the president needs to recruit staff appropriate to working in shades of gray rather than in the black-and-white election world and must enter a world in which compromise is a necessity—not the weakness it is portrayed in presidential campaigns. Roger Porter, senior economic and domestic policy adviser in the Ford, Reagan, and George H. W. Bush administrations, described the needs of governing: "You have to build coalitions. You're not in an us-them, we've got to defeat them; we've got to destroy them. There's just a different mentality. But when you govern you've got to figure how to build a coalition and work with others because, in fact, in our system power is so widely distributed and fragmented that that's the only way you can effectively govern. Those are not necessarily the same set of skills that get illuminated during the course of a campaign" (Kumar 2003, 84–85). Nor is the decision-making process the same. During the months between the election and the inauguration, as well as the early months in office, the new president needs to become adept at reaching across the partisan divide to acknowledge the need to build coalitions in order to govern.

**White House staff and budget officials come first.** In order to pick cabinet secretaries, the president needs the White House chief of staff, personnel director, and counsel in place. Assessing potential administration appointees requires the work of several White House offices. Personnel staff sift through possible appointees and gather material on each, but presidents consult their relevant policy people, the chief of staff, and counsel before making a choice. That means the major White House staff members need to be in place. Not having them in place can be costly. When President Clinton chose Zoë Baird as his nominee for attorney general, he did not have his White House staff in place or a personnel operation coordinated with the incoming White House counsel. Having a legal opinion is important in weighing nominations—had Clinton had such an operation in place, he might have understood the cost of putting forward Baird's nomination in spite of her and her husband having employed undocumented workers. Her problems were front-page news for over a week, including the days of President Clinton's inauguration. When George W. Bush's staff was confronted with their nominee for

labor secretary, Linda Chavez, having an undocumented worker situation, she withdrew within two days. Those handling the personnel vetting process for George W. Bush were people with previous White House experience. Fred Fielding had served as White House counsel during the Richard M. Nixon and Reagan years, and Tim Flanigan had been in the Justice Department during the Reagan years; both were familiar with the Senate confirmation process.

Getting budget officials and White House policy staff in place early on is important, too. The budget prepared by the outgoing president will be submitted early in February. If the president-elect is to have an impact on the budget, the incoming chief executive will need to choose top budget officials and then ask the sitting president to have the outgoing budget team provide their figures to the new crew. That way, they can figure out how they want to handle the budget document. "The issue," commented Clay Johnson, executive director of the George W. Bush transition, "is how much will a new president's budget reflect his or her priorities" (Johnson 2008). The budget is the bottom line for presidential policy, but by the time the president submits one, there are few appointees below the departmental secretary level who have made it through the confirmation process at the 100-day mark (Mackenzie 2003, 330). With so few people in the departments in place, the policy people in the White House and those in the Office of Management and Budget took on a special importance. "Another reason it is important to start early [picking White

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"The issue . . . is how much will a new president's budget reflect his or her priorities."

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House staff and budget officials] is that at that point there are very few appointees," commented Jonathan Breul. "Even by June, very few got through [in Bush's first year]. So you don't have a government in place that can

function that well so you have OMB director and policy folks to decide how to move forward. It is a thin group. That is how Stockman pulled things together for Reagan, Panetta for Clinton, and Daniels for Bush" (Breul 2008).

**Handling the unanticipated.** Incoming presidents have to deal with late policy actions taken by the incumbent and policy still in the planning stage that they were not fully aware of. President Kennedy inherited the Bay of Pigs plan for an invasion of Cuba developed by the intelligence and military communities. Richard Neustadt commented that President Kennedy regarded it as a "distinctly transition story. . . . One of the things this episode taught Kennedy was his vulnerability when military or diplomatic advice, and foreign intelligence, came at him independent of domestic and political perspectives" (Jones 2000, 117). President Clinton had an early lesson as well. He was faced at the beginning of his administration

with troops sent in December to Somalia by President George H. W. Bush as part of a United Nations force. Initially viewed as a simple plan to alleviate starvation caused by environmental factors, the action led to a situation in which U.S. soldiers were attacked by the forces of local warlords early in the Clinton administration. It took the president more than a year into his administration to bring the U.S. troops home and by then 44 of them had died (Keen 1994).

One of the reasons a president needs a White House working effectively early in his or her term is that unanticipated situations will come along that will require the chief executive to know where resources are and what individuals and institutions can resolve problems. President George W. Bush found out early in his White House tenure that the presidential communications system had fatal flaws. On a weekend trip by limousine to Camp David during snowy conditions, the system through which he communicated with the outside world failed to operate during the 90-minute trip up to Camp David and on the way back to the White House as well. "Not even the cell phone worked in the President's car," said Joe Hagin (2008). The following day, President Bush called for a 120-day review of the system. The review reported "system no longer manufactured" for many of the individual parts of the system. While no one had anticipated such a situation, there was a great deal of work that had to be done by the operations people to manufacture a new system. The work they did to build a new presidential communications system led to the development of a new White House Situation Room with an enhanced presidential communications system.

### **Coordinate People and Policy around a Presidential Agenda**

Incoming presidents have an opportunity to establish their agenda early in their term, but this requires that the president integrate campaign policy priorities with a knowledge of the world he or she is about to enter. A combination of institutional tools and environmental factors make the early days a president is in office a time to effectively set out the administration's priorities and policies. The chief executive's tools include appointments, opportunities to speak to the public, access to the public through news organizations, and the attention of the public.

**Clearing out political appointees.** Before a president can appoint administration officials, those working for the previous chief executive need to be cleared out. One of the most helpful actions a president can take for the incoming chief executive is to take a strong hand in clearing out political appointees and using a restrained hand in making last-minute policy commitments. Clearing out executive branch offices is not easy because people often want to stay where they

are. If there is a change in parties, though, it is easier to get people out of their posts. On the other hand, when there is a same-party transition, people often feel they are due continued service. This has been one of the problems of transitions in which there is a vice president who wins the presidency. President George H. W. Bush followed a president who did not clear out the offices and had to do it himself. Shortly after Bush's victory, President Reagan requested resignations of all of his top political appointees (Boyd 1988). But he did not force people to resign, and Bush and his cabinet officers were left to clear out people who remained after Bush took office. Louis Sullivan, who was confirmed as Secretary of Health and Human Services in March 1989, is an example of what it took to get out the unwanted appointees. Three days after assuming office, "acting under standing orders to department from the White House, [Sullivan] has sent notice to HHS' approximately 100 Schedule C political appointees that their employment is terminated as of April 1. The White House has told secretaries to take such action on political appointees in order to make way for new political appointees selected by the Bush Administration" (Schwartz et al. 1989). It was difficult for President Bush to start fresh when he had to clear out President Reagan's appointees. President Clinton ordered his political appointees to leave before he left office and then on January 19 fired people who did not leave (Marquis 2001).

**Begin with the personnel process.** Appointments represent a substantial opportunity for a president to move government in a desired direction or directions, but it is unrealistic to expect that a chief executive can have a large number of appointees selected and in place in the administration's first few months in office. The universe of appointments is large. Bradley Patterson, in his forthcoming book *Inside the White House Staff: Continuity and Innovation*, lays out how broad the appointments list stretches. There are the following categories of presidential appointments that in 2008 add up to a total of 7,840, including approximately 400 judicial vacancies: There are 1,177 presidential appointees requiring Senate confirmation (PAS) including Cabinet secretaries, their deputies and assistants, ambassadors, district attorneys, and U. S. marshals. The White House personnel operation has control over the PAS positions, but it also has a role in approving noncareer positions for which agency heads make the selection. Patterson has 1,428 Schedule C positions and another 796 noncareer positions in the Senior Executive Service. Not all positions are full-time ones. There are 3,088 part-time members of boards and commissions that a president can name, 579 of whom require Senate confirmation. The president can also appoint another 790 White House staff members, Patterson calculates. Filling vacancies takes a considerable amount of time for

such a large number of people to appoint and a cumbersome nomination process requiring nominees to fill out a White House personal data statement, an FBI background check, the SF 86, as well as one for the Internal Revenue Service, and a financial review for conflicts of interest by the OGE, the SF 278. If the person requires Senate confirmation, there are committee forms as well.

Between the numbers and the steps in the confirmation process that an appointee must navigate, presidential candidates and their staffs focus first on those appointees who are most important to their agenda. For President Reagan, his agenda of appointments emphasized his interest in the economy, as there was a building recession when he came into office. Pendleton James, who handled the personnel operation during the transition and in the White House, detailed how they identified the positions they were interested in. “So I and my group went through and said what are the key economic policy-making jobs? Those are the ones we want to address first because, until that person is sworn in, confirmed or appointed, that desk is empty over at Treasury or over at Commerce. Economic policy goes from State Department, Commerce, Treasury; it goes through everybody. It’s not just Treasury Department. You want to make certain in the early days to work filling those appointments crucial to your initiatives of the first hundred days” (Kumar et al. 2003, 8).

As Ronald Reagan’s vice president, President George H. W. Bush did not have the same kind of urgency to fill vacancies as Reagan had following a chief executive of the opposing party. President-elect Clinton did not have a narrow range of issues he wanted to influence through appointments. Instead, he focused on the whole of the cabinet and agency heads. Following the Reagan example, however, Governor George W. Bush had Clay Johnson gather information about the positions he would be able to fill if he was elected. Once Andy Card became chief of staff, he knew from his experience in the Reagan and Bush administrations that they would benefit from sifting through possible appointments with an idea of what they wanted their early achievements to be. “Andy had suggested that we focus on, in addition to the deputies [of the department secretaries] the legislative affairs, the public affairs and the general counsels. Let’s get them a good lawyer, a good PR person and a good relationship person with the Congress” (Johnson 2001). That ended up being around 75 positions.

The White House reviewed other positions in the departments and agencies, but the five were among the first ones decided upon (Johnson 2007). The wisdom of focusing on a limited number of appointees first was borne out when, at the end of 100 days, there were only 29 confirmed nominees (Burke 2004,

87). The confirmation was a much slower one than in the Reagan administration, when 72 officials had been confirmed at the same point, and in the Clinton administration, when 42 had gotten through the confirmation gauntlet. In nine of the 14 departments, the only official confirmed by the Senate was the department secretary. The next president can expect a confirmation process equally as slow as the Bush administration experienced.

**Stating priorities.** President Reagan made his priorities clear very quickly. His first official act was to follow through on a campaign promise and set the stage for his economic priorities. It was a simple act of signing an administrative order to put a freeze on hiring in the federal government. He explained his action:

This—for the benefit of the oral press—this is an order that I am signing, an immediate freeze on the hiring of civilian employees in the executive branch. I pledged last July that this would be a first step toward controlling the growth and the size of Government and reducing the drain on the economy for the public sector. And beyond the symbolic value of this, which is my first official act, the freeze will eventually lead to a significant reduction in the size of the Federal work force. Only rare exemptions will be permitted in order to maintain vital services. (Reagan 1981a)

In the order itself, he said, “Imposing a freeze now can eventually lead to a significant reduction in the size of the federal workforce. This begins the process of restoring our economic strength and returning the Nation to prosperity” (Reagan 1981b). President Reagan followed his first memorandum with a second one two days later. That memorandum laid out in specific terms what additional cost-saving measures would be taken in the federal government (Reagan 1981c). President George W. Bush also issued a hiring freeze at the beginning of his administration. Presidents Clinton and George W. Bush signed memoranda dealing with standards of conduct. After issuing memoranda and executive orders related to their policy goals, presidents move to their legislative agendas, which will take longer to accomplish.

In addition to standards of conduct and government spending issues, recent presidents have used the early days of their administration to signal their social policy preferences. President Clinton, for example, issued government regulations two days after his inauguration rescinding federal regulations adopted by the Reagan and George H. W. Bush administrations dealing with several women’s health issues related to family planning services. In a series of presidential memoranda, President Clinton directed

government agencies to rescind the prohibition on importing the abortion pill RU-486; to reverse the ban on privately funded abortions at military hospitals; to remove the restrictions on the use of U.S. Agency for International Development funds for abortion services; to remove the rule disallowing family planning clinics from giving abortion information, counseling, or referrals to low-income patients; and to remove restrictions on using fetal tissue from induced abortions for federally funded research (Clinton 1993b).

### **Establish Effective Working Governmental and Nongovernmental Relationships**

An early need is establishing good working relationships with members of Congress and with the Washington community. Having staff members and others designated as part of the administration work with those whose support they will need depends on strong relationships. One of the early initiatives of the George W. Bush transition team was to work on their relations with Congress and with those chosen to be cabinet secretaries. “Everybody talks about the importance of reaching out to the Congress,” observed Clay Johnson, executive director of the Bush transition (Johnson 2001).

We use the phrase a lot “doing it with them not to them,” doing it with Congress, not to Congress and doing it with the subcabinet, with the cabinet secretary, doing it with them not to them. That general theme, I think, is an important one during a transition. I would suggest that nobody had more credibility with the Hill than Dick Cheney. So as the Congress is all concerned about who these new people are, no one was better suited to be the administration’s senior person on the ground in the Washington area than Dick Cheney. And then Dave Gribben came in and set up the legislative affairs operation very quickly. So getting connected with all the Republican leadership, the congressional leadership was overseen by Dick and he did it very, very well. So we didn’t have unnecessary fights to pick or unnecessary credibility problems to deal with because of who he was and how involved he was in the transition.

A president establishes good relationships early on or pays dearly later when there is no support from the Washington community when it is needed to ease the way for administration people and proposals. President Carter never had the Washington relations that are so important for developing support for a president among those in the governing community, and it meant he did not have a bench of supporters known to the Washington community who could attest to the worthiness of his actions and plans.

One of the reasons that putting a great deal of emphasis on Congress is so important during the transition is that presidents spend even more time than they anticipate dealing with members of Congress. The way needs to be prepared during the transition. Some recent transition operations have tracked where their president-elect will spend his time once in office. David Gergen prepared a study of past transitions for president-elect Reagan, as did Karl Rove for President George W. Bush. Both relied on public documents such as the *Weekly Compilation of Presidential Documents*. Political scientist Terry Sullivan found a different distribution of presidential time during the early days when studying presidents’ detailed daily diaries rather than the public record, as found in contemporary releases. Each president has a diarist employed by the National Archives who is responsible for keeping track of all the moves a president makes. Working with the public record, David Gergen’s study estimated that President Kennedy had three meetings with congressional leaders, yet the presidential diary showed he had 50 such meetings. With President Carter, the same was true. The public record showed 26 meetings with congressional leaders, whereas the presidential diarist recorded 74 (Sullivan 2004, 157). “That image of the presidency, as less engaged in legislative affairs, does a disservice to those who want to know the ‘normal’ demands on a president’s time” (160). The presidential diary for the two presidents for their first 100 days demonstrated as well that the public record understated the number of times the presidents met with people representing different interests and the amount of time he had for personal time (157).

### **Take Advantage of Goodwill and Capture Public Attention**

For a short while, the president has the goodwill of the public and the Washington community. Even in politics, people do not want to attack the newcomer until there is substantial reason to do so. In the early days, there is little advantage for a president’s opponents to go on the attack against the administration’s people and positions. Instead, they wait to do so.

The public pays attention at the start of a president’s term, but that willingness to listen does not last through the chief executive’s term. The inaugural address is important because not only is it a statement of the president’s priorities but it also draws strong public attention. At the same time the public is watching, the treatment of presidents by the press in the early days is fairly positive as well. The Center for Media and Public Affairs found in its charting of news coverage by ABC, CBS, and NBC that in the first 50 days of the George H. W. Bush, Bill Clinton, and George W. Bush administrations, presidents got positive coverage for particular aspects of their administrations. The center’s evaluation of

press coverage for President George H. W. Bush's first 50 days was 61 percent positive, while those numbers on the three major networks fell during President Clinton's first 50 days to 44 percent and rose in a similar period of George W. Bush's tenure to 48 percent (Center for Media and Public Affairs 2001, 4). Even if their overall coverage was under 50 percent in its favorability, the coverage of individual policy areas came out well in the George W. Bush administration: faith-based initiatives, 60 percent; defense, 50 percent; taxes, 49 percent, domestic policy, 48 percent; and other economic issues, 54 percent (Center for Media and Public Affairs 2001, 3). While President Clinton did not receive as many favorable as unfavorable stories in his first 50 days, he did come in with favorable television pieces about himself and about members of his administration, which is the medium recent administrations have aimed their publicity toward (Kumar 2007, 100–104). In the period between his election and inauguration, President Clinton had 64 percent favorable television pieces, and the coverage of his new team was even more favorable, except for controversial cabinet nominees Zoë Baird and Ron Brown for commerce secretary (Center for Media and Public Affairs 1993, 3).

Presidents need to come in expecting to speak regularly and respond to reporters' queries on a regular basis. In their first two months in office, presidents address Congress about their priorities and give other addresses and remarks of less importance. The last five presidents made national addresses in addition to their inaugural address. Of the last four presidents, President Reagan was the most successful in focusing on his economic agenda and not offering other issues for reporters to report on. President George W. Bush had a set of core issues he wanted to talk about each week for his first months in office, though, as we saw, he also had to deal with issues left behind by the Clinton administration. During his first two months, President Bush spoke approximately 100 times. To do that, he focused on speeches and markedly cut down the number of interchanges with reporters that Bill Clinton had in his first two months in office. President Bush met with reporters in short question-and-answer sessions 36 times during his first two months, whereas President Clinton had 56 such sessions in the same time period. President Bush had three press conferences (one solo, two joint), whereas President Clinton had six (one solo, five joint) (Kumar 2007, 8–27). With the attention of the media as intense as it is in the early days, presidents have a mixed record of what the attention produced. For Clinton, his gains in the military policy received attention in the early days in reporters'

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Individual speeches early in a president's term receive the attention of the public.

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queries, though he had not intended it to be a policy priority.

Individual speeches early in a president's term receive the attention of the public. President Reagan kept up the theme of getting the budget under control through a televised address less than a month after he came into office. In reviewing all of the televised addresses to the nation from his eight years in office, his February 18, 1981, budget speech had a larger audience than any other address he gave. In a poll of the audiences for 22 of President Reagan's major speeches conducted by Richard Wirthlin, the average number of people who heard "all" of a Reagan speech was 21 percent, "part" of a speech was 24 percent, "read about later" was 16 percent, and "heard/read nothing" was 39 percent (Edwards 2003, 193). For his budget speech, however, 39 percent heard all of it, 25 percent part of it, 18 percent read about it later, and only 18 percent heard or read nothing about it. Reagan knew this early period of his presidency would be important for getting the attention of the public, and he took advantage of it.

In part it was the subject, but it was also the time when Reagan delivered his budget speech was important, too. President Clinton delivered an economic speech on February 17, 1993, one day earlier in his presidency than Reagan delivered his. Clinton's result was similar to Reagan's experience in terms of the size of his television audience. To the question of whether a person watched all, some, a little, or none of the Clinton speech, 70 percent saw some part of the speech, while only 30 percent said they saw none (Edwards 2003, 194).

### Transition Challenges

Presidential transitions matter, and the one in 2009 matters more than most. "At a time of war, you don't want there to be any gaps, but particularly any extended gaps in having knowledgeable people [in office]," Joseph Hagin said. From a national security point of view, and even from a financial markets perspective, continuity in government is crucial, as transitions represent soft periods when government is changing hands. In June 2007, three days after Prime Minister Gordon Brown took office in the United Kingdom, there were terrorist attacks in Glasgow and London. The March 2004 Madrid train bombings that killed 191 people came three days before that country's general election. With wars in Afghanistan and Iraq under way, continuity in governing is essential.

The 2009 transition will be a time when we know the hands of the new government will be least

experienced. The last time there was a presidential election in which the incumbent chief executive was not running for reelection, nor was the sitting vice president, was 1952. The transition represents a special challenge to whomever wins because the preparations for office and early actions are going to be important, but the president-elect's knowledge of the presidency will come from a position in the Senate, not as an executive branch officeholder. In order to take advantage of opportunities a transition offers and avoid its hazards, the presumptive party candidates will need to prepare for the presidency before they come into office and, ideally, well before the party conventions.

By taking advantage of the opportunities a presidential candidate has to begin early gathering information on personnel, programs, and presidential actions, a president-elect can understand what it will take to establish the direction of the new administration. In addition to setting the course of presidential policy, an effective transition will help the incoming president staff up the White House and the administration.

While an effective transition provides a good start for an administration, the duration of its beneficial effects will last only as long as the president and White House as well as administration officials are responsive to their environment. Their operation must be flexible and able to detect changes in conditions and sense new issues rising. Without that capacity, the benefits of a good transition will prove transitory.

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## Notes

1. For a discussion of earlier and recent presidential signing statement practice, see the report on presidential signing statements by a task force of the American Bar Association, available at <http://www.abanet.org/media/docs/signstatereport.pdf>. See also the section on signing statements on the Web site of the American Presidency Project, <http://www.presidency.ucsb.edu/signingstatements.php>. The documents in notes 10, 11, and 12 can be accessed from this Web site.

2. For a detailed discussion of the George W. Bush transition, see Burke (2004).
3. For a discussion of the problems involved in the appointment process, see Light (2007).
4. An example of the problems that White House staff had with the arsenic and related issues can be seen in Tim Russert's questioning of Karl Rove on *Meet the Press* on April 29, 2001.

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The **PAR** editorial team is in the process of designing an interactive, web-based accessory to the journal to facilitate dialogue and exchange on the printed content.

In the meantime, we invite thoughtful comments in the form of letters.

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