

Hubris or Wise Policy? Early Planning for a Presidential Transition

By Martha Joynt Kumar

Some may decry early presidential planning, but the reality is a president needs to take advantage of the opportunities the early months provide a chief executive. In order to get an administration up and running without delay, both candidates must be ready to do the following when one of them takes office January 20, 2009. The candidates need to be prepared to select and vet some 100 top administration officials, staff up their White House, be ready in the first week to issue a dozen executive orders reflecting their social priorities and withdraw ones issued by their predecessors, have ready a speech to Congress on a major policy issue, and decide their budget priorities. Early planning makes all of the difference to the quality of the start a president has once he takes office.

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"Maybe we should have a Hubris Watch," wrote Howard Kurtz, *Washington Post* media critic, about news that presidential candidate Barack Obama had tasked a group to begin working on presidential transition planning. "Yes, it is good to be prepared. It's also July," noted Kurtz during the last week in July, a month before the presidential nominating conventions. Rather than being a matter of hubris, transition planning is a necessity and usually begins months before the presidential nominating conventions. Two transitions acclaimed as effective by reporters, scholars, and officials are those of Ronald Reagan and George W. Bush, both of whom began their transition planning a year before they took office.

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]," said White House Deputy Chief of Staff Joe Hagin. 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.

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 lies ahead during the time between the campaign and the inauguration as well as what they can do to take advantage of transition opportunities while avoiding its hazards.

1. Consider How Campaign Commitments Affect Governing

Campaigns affect a president-elect's transition into office in negative and positive ways. Some management and policy commitments limit what a president will be able to do when in office while a clearly articulated policy agenda during the campaign makes it easier for a chief executive to establish the direction of his administration.

Avoid limiting future commitments. When he entered office, President Clinton issued an executive order that tightened the rules on contacts between lobbyists and the executive branch. At the end of his administration, President Clinton acceded to criticism and revoked the order. Such bans can make it difficult to recruit people who might want to work with government from the outside after they complete their service with an administration.



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Make the campaign agenda a 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, they can also serve as the center of his governing agenda. One of the reasons President Bush had a smooth start to his administration after the contested election and a shortened transition is because the candidate and his team saw their campaign agenda as their governing one. Clay Johnson, executive director of the Bush transition and subsequently White House personnel director, 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.”

2. Establish an Information-Gathering Operation Prior to the Convention

There are four periods to a presidential transition, and presidential candidates ought to begin gathering information in the first one. The stages are: (1) prior to the national party nominating conventions, (2) between the conventions and the November election, (3) from the presidential election to the inauguration, and (4) the first 100 days of the new administration.

Appoint a transition aide who maintains regular contact with campaign officials. Except for Presidents Kennedy, Nixon, and Clinton, four of the seven presidents elected to a full term from John Kennedy forward have designated a person or group to work on transition issues prior to the party nominating conventions. Presidential candidates need a person or a group that looks for information on personnel and past transitions. This person should identify decisions that will need to be made as well as those made by the incumbent administration dealing with governing, with attention to timing. Governor Bush told Clay Johnson in 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.” At the same time, Bush

directed that his information-gathering operation “ought to be separate from the effort required to get elected.” There was no competition between the two operations—a problem that plagued many earlier transition efforts—because they coordinated with each other.

Identify government transition resources and supporting agencies. The Presidential Transition Act of 1963, its updates, and the current budget establish government funding levels and resources for the 2008 presidential candidates. President Bush’s fiscal year 2009 budget calls for an appropriation of \$8.52 million for the General Services Administration, which administers the transition funds, with \$5.3 million reserved for the incoming administration and \$2.2 million for the Bush administration’s transition out of office. The budget request includes \$1 million for the personnel orientation called for in the 2000 update of the Presidential Transition Act. Though the government provides public funds, recent presidents-elect have raised almost equal amounts of private monies.

Once there is a president-elect, the transition takes on a formal shape with office space in Washington, funds available for staff, training, computers, telephone, and travel, as well as monies for the outgoing president. Even before the election, though, transition officials can informally talk with officials at the agencies to discover what resources will be available should their candidate win the presidency and what information requirements presidential appointees will have to meet. In addition to the support provided in transition legislation, the Intelligence Reform and Terrorism Prevention Act of 2004 provides that after the nominating conventions, the major party candidates can submit for security clearance the names of transition team members who will need access to classified information as part of their transition work.

Speak early with officials in agencies important to a good start. In addition to the General Services Administration, transition staff will benefit from informal talks with officials in the Office of Government Ethics and the National

Archives. When presidential appointees are working through the appointment process, they will need to comply with conflict of interest rules implemented by the Office of Government Ethics. Knowing what the rules are and where the areas of negotiation are is important before a candidate begins considering nominations to executive branch positions. Records-retention policies are best set before a president comes into office, and the National Archives can offer alternative ways of creating a full presidential record. Records issues, in particular lost e-mails, have been an important distraction for each of the last two administrations.

3. Review the Actions of the Incumbent Administration

One of the important areas for candidates to gather information on is existing executive orders, proclamations, and regulations issued by the incumbent chief executive, particularly in the final year of the administration.

Assess recent executive actions. At the end of their administrations, most recent presidents have issued a flurry of executive orders, proclamations, memoranda, and regulations. In President Clinton's case, for example, he issued 22 executive orders in his final two months in office, issuing nine in the last week.

In an effort to slow down the promulgation of regulations at the close of the current administration, on May 9 White House Chief of Staff Joshua Bolten sent departments and agencies a memorandum stating that any proposed rules should be made public by June 1, with final rules issued by November 1. The purpose, he said, is to have a "principled approach to regulation as we sprint to the finish, and resist the historical tendencies of administrations to increase regulatory activities in their final months." In July, however, in a move that appears to be in conflict with the deadlines set out in the Bolten memorandum, the Office of Management and Budget (OMB) posted a notice for a Labor Department regulation adding an additional risk assessment step before issuing rules that establish tighter controls on workplace chemicals. Labor groups and Democratic members of Congress reacted sharply to what they considered an administration offering to its business allies.

Clear out political appointees. President George H. W. Bush followed a president who did not clear out the political appointees from executive branch offices, which resulted in a major early distraction for the new president and his team. Three days after assuming office, Secretary of Health and Human Services Louis Sullivan sent notice to 100 political appointees that their tenure would end April 1. He could

not get President Bush's appointees in office until he got rid of the holdovers from the Reagan administration.

Handle the unanticipated. Incoming presidents have to deal with late policy actions taken by the incumbent chief executive. At the beginning of his administration, President Clinton considered how to handle 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 where U.S. soldiers were attacked by the forces of local warlords. 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.

4. 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.

Build coalitions. To make the transition from campaigning to governing, the president needs to recruit staff appropriate to working in shades of gray rather than the black and white familiar in the election world. Roger Porter, senior economic and domestic policy advisor 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 [mode]." During the months between the election and his 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.

Choose White House staff and budget officials first. In order to start up his administration, the president needs to select early his White House chief of staff, personnel director, and counsel. Personnel staffs sift through possible appointees and gather the material on each, but presidents consult their relevant policy people, chief of staff, and counsel before making a choice. That means the major White House staff members need to be in place shortly after the election. The Clinton senior staff members were selected five days before the inauguration, which meant no one had time to read about their new positions or ask questions of their predecessors, much less devote time to selecting officials other than cabinet secretaries.

Getting budget and policy officials into place early on in the White House and OMB is important. The budget prepared by the outgoing president goes to Congress 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 as early as possible. By the time the president submits one, and even well after the 100-day mark, few appointees below the departmental secretary level have made it through the confirmation process. With so few people in the departments in place, the policy people in the White House and those in OMB take on a special importance in the first year of an administration.

5. 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 his campaign policy priorities with his governing ones.

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 think a chief executive can have a large percentage of appointees selected and in place in the administration's first few months in office. The universe of appointments is large, with around 1,200 presidential appointees requiring Senate confirmation (PAS), 1,400 Schedule C positions, and another 800 noncareer Senior Executive Service posts, according to Bradley Patterson in his recent study of White House staff, *To Serve the President: Continuity and Innovation in the White House Staff*. A president can name another approximately 3,000 members of boards and commissions.

Focus on a central group of appointments related to a priority agenda item. Few administration nominees make it through the confirmation process within the first 100 days, forcing a president to focus on a few priority ones. President George W. Bush, for example, had 29 confirmed nominees in that time period. Knowing so few appointees would be in place in his first few months in office and that the administration faced a building recession, President Reagan and his staff placed priority on filling 87 positions relating to the economy, including ones in the Departments of State, Commerce, and Treasury.

State priorities. President Reagan made his priorities clear minutes after he finished his inaugural address. By signing an administrative order to put a freeze on hiring in the federal government, the new president emphasized how serious he was about realizing a smaller federal government. Reagan followed his first memorandum with a second one two days

later, with additional cost-saving measures for the federal government. In their first days in office, his successors issued memoranda and executive orders related to standards of conduct for their administration appointees as well as their policy goals.

6. 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 their administration work with those whose support they will need is important.

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

Avoid unwieldy task forces. One of the ways a president can avoid dissension with existing departments and agencies is to avoid mischief-making task forces regarded as intrusive by career staff and often by incoming cabinet secretaries as well. The Reagan administration had five groups involved in 48 task force operations, each task force composed of from three to 20 people. In his study of presidential transitions, John Burke commented on the problems resulting from the work of the groups. In the Reagan administration, cabinet secretaries Caspar Weinberger, Terrell Bell, and Alexander Haig all objected to the meddling task forces. The George W. Bush transition eschewed larger groups. Instead, the Bush group created smaller ones governed by rules that their members not enter the governmental units they were studying and the members did not meet as a group.

7. Take Advantage of the Public Attention and Goodwill

For a short while, the incoming chief executive has the attention and goodwill of the public and the Washington community.

Capture public attention. Speeches early in a president's term receive public attention. President Reagan focused on getting the budget under control in an early address to a joint

session of Congress. In reviewing all of his televised addresses to the nation during his eight years in office, his February 18, 1981, budget speech had a larger audience than any of his other policy addresses. A Richard Wirthlin poll of Reagan's major speeches found that only 18 percent of those polled had not heard or read anything about the budget speech. Reagan knew this early period of his presidency would be important for getting the attention of the public, and he took advantage of it to press for his budget cuts proposal.

Build on the atmosphere of goodwill. Most presidents come into office having made the transition from a candidate of the winning party to a president responsible for all of the country's citizens. If they establish a good start for their administration, presidents can build on the initial goodwill that accompanies them. President Clinton won 43 percent of the popular vote, yet he came into office with a much greater reserve of public goodwill. The Gallup poll taken shortly after he took office showed 58 percent of those sampled had a favorable view of how he was handling his job. With a slow and unorganized beginning to his administration, though, he was not able to build up those numbers until the end of the year when he had a smoother operation. In contrast, with a very strong start, President Reagan improved his Gallup favorable job approval numbers from 51 percent when he entered office to 67 percent at the 100-day mark.

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