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Chairman Towns, Ranking Member Bilbray, and members of the Subcommittee. Thank you for the opportunity to discuss presidential transitions and their importance to the effective start to a new administration, something in which we all have a stake. With the nation at war and a fragile economy, a smooth transfer of power is not an option; it is a necessity.

One of the points that distinguish our political system from many others is our history of peaceful transfers of power from one administration to another. While we have experienced orderly transfers of power, there is a difference in how well they have played out. A smooth and effective transition comes about only through the work and coordination of many people and institutions in our political system. Mr. Johnson said the administration has as a primary goal: "to do a better job than has ever been done before to help the next Administration prepare to govern." That means a great deal because the efforts of the President, White House staff, and department and agency staff contribute a great deal to a smooth transition. The work of others in the Washington community is important as well, including the contributions of the Congress. Accepting that as a goal for all of those involved in the 2008-2009 transition, the outcome depends on the coordination of people and institutions, the quality of information gathered and provided, and the timeliness of the preparations. At each of the periods from the campaign through the first months governing, there are actions the incumbent administration, the President-elect, and then the President, can take that will ease the strains of office.

Why spend the time and resources it takes to make a transition an effective one? Transitions provide a new administration with several governing opportunities as well as ones for the incumbent President too as "presidential transition" includes the process through which the incumbent chief executive leaves office as well as the way the new one enters the presidency. Among the opportunities are:

- **Fewer Mistakes.** Whether it is handling the appointment process, the legislative agenda, or budget planning, an incoming President and his team make fewer mistakes if they have set up a decision-making system compatible with the President-elect's needs and priorities, gathered information they need to govern, ordered their priorities, and have their people in place.

When President Clinton came into office, for example, he had to spend more time than he wished talking about subjects other than ones he wanted to bring up, such as gays in the military. A stronger transition operation could have provided a clearer direction to his presidency in those early months.

- **Taking Advantage of Good Will and Public Attention.** When a President comes into office, he has the most attention and good will from the public and the Washington community he will likely experience in his administration. Public opinion polls confirm public attention, something a President can lose quickly as his months in office wear on. If a President has his policy priorities ordered as he comes in, he can take advantage of the early attention of the public to explain them. President Bush was able to do that in his early weeks in office when he explained his education, faith-based, tax, and military buildup policies. Having a well-planned transition made that possible.
- **Direction of Government.** President Reagan was able to get public attention and that of the Washington community when he focused on his economic program early in his term highlighted by a widely watched address to Congress on February 18th. With high unemployment and inflation, the President and his staff wanted to use the early period to make people aware of his economic focus and talked about little else. Within his first six months in office, he achieved his early goals of tax cuts (July) and budget cuts (June). He used his speeches, his policy proposals, and his early appointments to focus solely on the economy as his first priority.
- **Presidential Reputation.** A President who comes in with an effective start develops a leadership reputation that helps him govern as his term wears on. President Reagan benefitted from his single policy focus. On the other hand, President Carter had a mixed list of agenda items (education, energy, executive reorganization, water project cuts) and had difficulty later in his term getting the public support he needed. His reputation as an uncertain leader was difficult to overcome even when he achieved a fairly well organized White House operation.

At the same time as the incoming President has a stake in how he comes into office, the quality of the transition out makes a difference to the legacy the incumbent President establishes for himself. The ragged quality of the end of the Clinton Administration with his controversial pardons, for example, detracted from the accomplishments of the later years of his administration when he got the budget deficit under control and achieved other administration policy priorities.

- **Effective Relationship of the President and Congress.** Establishing good relationships with the congressional leadership and members of Congress is an important aspect of a presidential transition. Members of Congress rightly anticipate the President-elect will make a priority of establishing a successful working personal relationship with the leadership and creating an

effective team of experienced members responsible for coordinating his relations with key members.

To take advantage of these opportunities and to start well, the incumbent administration and the incoming one need to begin working together well before the election. In the attached article, "Getting Ready for Day One: Taking Advantage of Opportunities While Minimizing the Hazards of a Presidential Transition," I go into detail on what an incumbent administration can do to lay the groundwork for an effective transition. In an academic-practitioner format, there are responses on how transitions should unfold by Clay Johnson and Harrison Wellford, who has worked on Democratic transitions since the transition into the Carter Administration. Let me summarize the basic points of my piece. Transitions benefit from having the following kinds of support and priorities.

- **A Climate of Support for Transition Work by the Two Candidates.** Successful transitions should begin early and be viewed as legitimate aspects of a presidential campaign. Internally in government there is and has been support throughout the year for the notion of early transition planning. Outside of government, however, there has not been the same supportive climate, particularly in the press. With a presidential campaign that created so much media interest and attention in early 2008, there was little interest on the part of news organizations in looking at the importance of preparation for holding office. News organizations may have published occasional op ed pieces calling for early transition planning by the candidates, but reporters talked otherwise. One *Washington Post* reporter wrote at the end of July about reports that presidential candidate Barack Obama was assigning transition planning to a team and suggested creating a "Hubris Watch". In reality, by the summer nominating conventions almost every President coming into office since President Carter has had a transition operation in place gathering information on appointments and past transitions.

In spring 1999, Clay Johnson began gathering information on past transitions, names of possible appointees, and spoke with people from the Reagan and George H. W. Bush years on behalf of Governor George Bush. Pendleton James began his work gathering information on appointments early in 1988 and coordinated with Edwin Meese, the campaign's chief of staff, well before the Republican convention. In both cases, early planning paid off in their establishing policy priorities and making critical appointment decisions well before the election.

- **Provide Funding Support a Transition Requires and Do So in Time for the Transition Teams to Gauge How Much Private Funding They Will Require.** Whoever comes in as President next January faces a difficult situation where the budget is concerned. Living as we are on continuing resolutions rather than a fiscal year 2009 budget, it will be difficult for a President-elect to prepare for a budget of his own when there is none in place. The incoming President will need to introduce his budget within approximately three weeks of coming into office. That will mean he will need to have his budget officials in place and ready to go shortly after

the election, as they will need to go over the continuing resolutions as well as the FY 2009 budget the administration submitted.

For the transition, the two teams cannot plan at this point on government funding when the 8.52 million transition funding request contained in the President's FY 2009 budget proposal Congress has not passed. At this point with no funds committed to the transition, both candidates must anticipate creating a fund raising operation capable of raising substantial sums. With no money forthcoming until he was declared President-elect, George W. Bush had to raise private money and staff up an operation without any funds from the General Services Administration. Having a seasoned transition team in place made a significant difference for their ability to quickly raise funds, establish an office in the Washington area, and get their operation up and running, all before the formal 37 day truncated transition began.

- **White House Staff Come First.** There are key senior staff who need to be in place before the President-elect sets up his Cabinet selection process. The chief of staff, personnel director, and White House counsel need to be in position to set up an orderly decision making process that brings together all of the factors they want to consider in choosing departmental secretaries and set down the ground rules of their relationship with the President and White House, including their ethics guidelines. The chief is important to setting up a system reflecting the President's interests and priorities while the personnel director gathers information on personnel vacancies and possible appointees. The counsel coordinates the vetting process and ethics orders.

With 1,200 administrative positions requiring Senate confirmation, a White House team needs to be in place to establish which of the positions to focus on. Recent experience calls for a new President to focus on approximately 100 key positions as the vetting and confirmation process has not proved able to handle many more than that in the first 100 days. With their emphasis on economic issues, the Reagan transition team isolated 87 positions related to the economy and gave priority to filling those.

Congress and the administration have made efforts to speed up the national security clearance process for the 2009 transition by allowing the clearance of officials to begin after the conventions and by working on the efficiency of the clearance process itself.

- **Campaign Commitments Have Positive and Negative Consequences for the Ability of a President to Get Off to a Smooth Start.** In both the Reagan and George W. Bush administrations, the governing agenda flowed easily from the handful of priority the two candidates emphasized during their campaigns. President Bush focused his early weeks on the agenda he articulated during the campaign – education reform, faith-based initiatives, military buildup, and tax cuts – rather than rehashing the election.

On the other hand, commitments made during the campaign can limit the flexibility a new President has in structuring his White House and his administration. Several presidential

candidates promised to cut the White House staff and then had to carry through on their commitment once they became President even though they later regretted having done so. Early promises to establish strong ethics rules have proven limiting on who a President-elect can bring into his administration.

- **Identify Government Resources, including the Funding and Programs of the General Services Administration, the Office of Government Ethics, and the National Archives, and Work through Ethics and Records Requirements.** Familiarity with the rules governing such matters as financial disclosure before coming into office makes the appointments process easier. Even before the election, a transition team can establish how it is going to capture and maintain its records. Both the Clinton and George W. Bush administrations experienced difficulties with records issues, which are something an incoming administration can avoid by working through with the Archives the capacities of possible records systems, particularly email ones.

The current administration could provide a smooth records process by reaching agreement on the status of the records of the Office of Administration as well as those of the Vice President. Otherwise, a new administration will begin with unsettled rules for retaining records in both offices.

- **Executive Actions Limiting and Aiding a New Administration.** Many Presidents leave office in a blizzard of executive orders, proclamations, and regulations responding to the requests of those in their administration as well as key constituents who wish to seal in certain rules and practices. On May 9th, White House Chief of Staff Joshua Bolten sought to slow down this trend by issuing a memorandum to executive branch personnel calling for 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.” Though diminished, there remain pressures for executive branch action through such instruments.

At the same time, an incumbent administration can aid a new President by clearing out political appointees in order for the incoming chief executive to get his team in place early in his term. An incoming President and his department secretaries are able to get off to a more effective start if the incumbent fires all of the political appointees so that the new chief executive can place his own people in office and not spend precious early days clearing out offices, as some Presidents have had to do.

A successful transition depends on the actions of those inside and outside of government gathering information from the past and about current programs and bringing together knowledgeable people. A smooth transfer also requires the willingness of those in the White House and executive branch departments and agencies to gather and provide information to those preparing for the transition on behalf of the two major party candidates. So far, people are in place inside and outside of government ready to assist in the transfer and have taken many positive actions to bring about a smooth transfer of power.