



2009-27

THE WHITE HOUSE
OFFICE OF PRESIDENTIAL PERSONNEL

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REPORT 2009-27

THE WHITE HOUSE OFFICE OF PRESIDENTIAL PERSONNEL

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EXECUTIVE SUMMARY

An effective Office of Presidential Personnel is essential to the success of any new president. This function is so important that the planning for it must begin well before the election, even though there is a danger that setting up the operation may appear presumptuous if news of it gets into the press. Clay Johnson, who ran President George W. Bush's OPP, maintained that "It is irresponsible for anybody who could be president not to prepare to govern effectively from day one."¹ Pendleton James, President Reagan's personnel recruiter in 1980-81 recalled, "The guys in the campaign were only worried about one thing: the election night. I was only worrying about one thing: election morning."² "Presidential personnel cannot wait for the election because presidential personnel has to be functional on the first day, the first minute of the first hour." But "it has to be behind-the-scenes, not part of the campaign and certainly not known to the public."³

LESSONS LEARNED

- A. Follow the Reagan/Pen James example: start personnel planning early, keeping it confidential, and separate from the campaign.
- B. Put this planning in the hands of a person (a) who has the complete confidence of the candidate and (b) who is to be the Director of the Office of Presidential Personnel.
- C. Select and Announce senior White House staff first, then the cabinet.
- D. Keep in the White House the right of approval for all cabinet and agency non-career appointments.
- E. Designate the Office of Presidential Personnel as the exclusive controller of that process; tolerate no end-runs to the president-elect/the president.
- F. Have an advance walk-through system which informs approved candidates what is ahead for them along the path through clearance and nomination.
- G. Provide a brief White House-sponsored orientation program for newly confirmed senior political appointees (Begin one even during the transition, for designees).
- H. Talk with your predecessors.

¹ Clay Johnson, "Recommendations for an Effective 2008 Transition," *Public Administration Review* 68 (July/August), 2008, p. 624.

² White House Interview Program, Interview with E. Pendleton James, Martha Joynt Kumar, November 8, 1999, New York, New York, p. 6.

³ James interview, White House Interview Program, p. 21

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This report will present an overview of the Office of Presidential Personnel and how it functions during the transition and early months of a new presidential administration. We will first set out the scope of the job by specifying the number and types of political appointments for which OPP is responsible. Next, some background on how the office has developed in recent years will be presented along with the responsibilities of its director. Each administration's OPP faces predictable challenges in the form of pressures for appointments from the Hill, the campaign, and cabinet secretaries; these typical areas of concern will be examined. Finally, obligations of the OPP after initial recruitment has been accomplished will be examined. Our conclusion is that the responsibilities of the OPP are crucial to the success of each president and that the better prepared the new director is, the better he or she will serve the president.⁷

I. SCOPE OF THE OFFICE OF PRESIDENTIAL PERSONNEL

Hopefully the person who will serve as Director of this office will have been designated early: even (perhaps secretly) as soon as the nominating convention concludes, or, at the latest -- publicly -- immediately after election day. Whenever chosen, the same question faces the OPP designee: what are the precise tasks he or she must undertake before January 21, 2008 -- and afterwards? There are several such tasks -- and the first two of them can be begun well before inauguration.

⁴ Clay Johnson, "Recommendations for an Effective 2008 Transition," *Public Administration Review* 68 (July/August), 2008, p. 624.

⁵ White House Interview Program, Interview with E. Pendleton James, Martha Joynt Kumar, November 8, 1999, New York, New York, p. 6.

⁶ James interview, White House Interview Program, p. 21

⁷ Three analyses written specifically for the 2009 transition appeared in the July/August 2008 issue of *Public Administration Review*: Martha Joynt Kumar, "Getting Ready for Day One;" Harrison Wellford, "Preparing to be President on Day One," and Clay Johnson, "Recommendations for an Effective 2008 Transition."

THE NON-CAREER UNIVERSE

Bradley Patterson, White House veteran and author of three books on White House operations, interviewed the executive clerk to the president and got from him the total number of appointments a president can make as of 2008. The following table is based on Patterson's compilations. There are four categories of non-career positions – and the White House controls all selections to all of them.⁸

1. Full-time positions, almost all established by statute, that are filled by personal presidential appointment:	
a. "PAS": Presidential appointees requiring Senate confirmation.	1,177
b. "PA": presidential appointees not requiring Senate confirmation	21
c. Federal judges to be appointed	400
2. Full-time, non-presidential, non-career positions	
a. Non-career positions in the Senior Executive Service ⁹	796
b. Schedule C positions ¹⁰	1,428
3. Part-time presidential appointee positions, established in statute	
a. "PAS": Requiring Senate confirmation	579
b. "PA": Not requiring Senate confirmation	2,509
	<u>Subtotal: Categories 1, 2 and 3 6,510</u>
4. White House Staff Positions:	
a. Receiving formal, signed commissions from the president	154
b. Appointed with presidential approval	790
	<u>Subtotal: Category 4..... 944</u>

The total of non-career positions filled by the White House in a typical term¹¹: ... 7,454

⁸ These numbers are from Bradley Patterson's book, *To Serve the President: Continuity and Innovation in the White House Staff* (Washington: Brookings, 2008), pp. 94-5. Note Chapter 8, and also Chapter 15 of the 2000 book by Patterson entitled *The White House Staff: Inside the West Wing and Beyond* (Washington: Brookings).

⁹ The Office of Personnel Management (OPM) determines a fixed number of SES allocations for each agency on a two year cycle. Agencies decide which of their jobs will be filled by these SES allocations. These jobs can then be filled by career members of the SES or non-career (appointed) members of the SES up to a limit of 10% appointed. If a position is vacant when the president takes office, an appointee can be put into that job without delay, provided there are no mandates on the position being filled by a careerist (i.e., career-reserved). If the position is occupied by an SES careerist when the president assumes office, a reassignment of the careerist cannot occur involuntarily until 120 days after inauguration of the new president or 120 days after a new agency head's appointment.

¹⁰ Schedule C positions are created through agency requests to OPM. These requests include an explanation of the policy and confidential nature of the position and a justification for the requested salary. Once a Schedule C appointee has left the job, the position no longer exists. If the administration wants to have an appointee fill a role similar to that of a departing appointee, they must go through the process of creating a new Schedule C position.

¹¹ This number is the total that existed in 2008. Most are filled multiple times during an administration, due to turnover.

Notes:

1. **a. PAS:** This sub-category includes 189 ambassadors, 94 district attorneys, 94 U.S. marshals, 15 in international organizations and 4 in the legislative branch.
1. **c. Federal Judges:** The typical number of vacancies that need to be filled in a presidential term, out of a total of 871 Article III and 112 non-Article III federal judges. All require Senate confirmation and most have lifetime tenure. The actual number since 2001 is 402.¹²
2. **Full-Time Career:** All of these appointments are approved by the White House Presidential Personnel Office.
3. **Part-time Presidential Appointee:** Members of advisory boards and commissions.
4. **White House Staff:** All serve at the pleasure of the president, and without Senate confirmation. The Office of Presidential Personnel does not handle White House staff appointments.
4. **a. Signed Commissions:** Assistants, deputy assistants and special assistants to the president.
4. **b. Appointed:** Their appointments handled by the deputy chief of staff for operations on recommendations from the several assistants to the president who head the respective White House elements.¹³

On the subject of numbers, not one but two National Commissions on the Public Service, one in 1989 and the second in 2003, (both chaired by Paul Volcker) recommended that the total of PAS, PA, non-career SES and Schedule C positions be reduced from what was then approximately 3,000 to 2,000. Said the 1989 Commission:

The operative question is not whether the current number of appointees is large or small, in absolute terms or compared to the total number of civilian employees. The real question is whether the proliferation has in fact made government more effective and responsive to presidential leadership. The Commission concludes that the answer is “no.”¹⁴

Neither of the two Commissions’ recommendations on this matter was accepted by the administration in office, nor did Congress ever enact any implementing legislation.

Some Facts about Non-career Positions

The “PAS” and “PA” positions in Category I, including most federal judgeships (*also* Category I), and the memberships on part-time advisory boards and commissions (Category III) are created in statute (or in a few cases positions are authorized by the Constitution). The number of statutory posts can be increased or decreased only by congressional action.¹⁵ The president personally approves each of these appointments.

¹² There were 557 nominations sent to the Senate since 2001, but 255 of these were nominees submitted two or more times.

¹³ This subcategory includes the White House Office plus the staffs of the vice president, the National Security, Homeland Security, National Economic and Domestic Policy Councils, the Office of National AIDS Policy, the USA Freedom Corps Office, The Office of Faith-Based and Community Initiatives, the White House Fellows Office, the Office of Management and Administration, the leadership of the White House Military Office and the staff of the Residence. It excludes employees with tenure, civilian and military detailees, the Secret Service, and the support staffs of the Office of Administration, the General Services Administration, The National Park Service, and unpaid interns and volunteers.

¹⁴ National Commission on the Public Service, *Leadership for America: Rebuilding the Public Service* (Washington, DC, 1989).

¹⁵ Some statutes authorize a fixed number of Senate-confirmed positions but do not specify which positions are to be filled in this manner. The statute creating the Department of Homeland Security provides for “not more than 12” assistant secretaries but does not specify where those assistant secretaries are to be placed. See Henry Hogue, *Filling Presidentially Appointed, Senate-Confirmed Positions in the Department of Homeland Security*, CRS Report for Congress, RL 31677 (Washington, DC: Congressional Research Service, 2004).

The Senior Executive Service (SES) is the corps of professional federal managers just below the level of assistant secretary. Some examples of past appointed SES positions include Chief of Staff at the U.S. Agency for International Development, Director of Intergovernmental Affairs for the Department of Defense, Deputy Assistant Secretary for Special Education and Rehabilitative Services, and Deputy General Counsel in the Department of Health and Human Services. By law, up to but not more than 10 percent of the positions in the SES may be filled on a non-career basis. A department or agency head may propose a political candidate to be appointed to such a position, but it is standard practice that each non-career SES appointment is to be cleared with the director of the *Office of Presidential Personnel*. Once White House approval has been signaled, the Office of Personnel Management grants “non-career appointing authority” to the agency for the placement.

Schedule C positions are established by departments and agencies, but each such post must first be certified by the director of the Office of Personnel Management (OPM) as being “policymaking” or “confidential.” Once a Schedule C job is thus authorized, the department or agency head may appoint a person to the post. It has *also* been standard White House practice since 1981 that the Director of the Office of Presidential Personnel approves each Schedule C appointment. Some examples of Schedule C positions include the White House liaison in the Department of Interior, the confidential assistant to the Assistant Secretary of Education for Vocational and Adult Education, and the Director of Media Affairs in the Department of Labor.

While both Schedule C and non-career SES appointees are employees of the agencies in which they work, with their service being at the pleasure of the respective agency heads, the White House cannot be oblivious to the quality, and the commitment, of these non-career people.

II. DEVELOPMENT OF THE OFFICE OF PRESIDENTIAL PERSONNEL

Presidents have made political appointments of the officers of the executive branch of government ever since the administration of George Washington. Throughout most of the nineteenth century, the “spoils system” dominated the executive branch, with much of the whole federal workforce changing upon the election of a new president from the other political party. After the Pendleton Act of 1883 created the merit system, the executive branch was gradually changed so that civil servants were hired under standards established by the Civil Service Commission, and only the top levels of the government would be politically appointed.

For most of the century after the Pendleton Act, the White House had no institutional capacity to recruit political appointees. The cabinet and top levels were of course determined by the president, but lower non-career levels were often influenced heavily by patronage demands originating in the political parties and Congress. As the scope of government expanded and the technical complexity of the functions of the government increased, the qualifications for *even* non-career appointees began to change to include technical and policy expertise as well as political loyalty. But the ability of the White House to recruit actively slowly developed over time.

After World War II, the White House capacity to control appointments for the president was gradually created. President Truman was the first president to assign to one person the duty to take care of all president appointments; President Eisenhower also had a special assistant for patronage. John Kennedy designated three people to conduct his “talent hunt” for the “best and brightest” to serve in his administration. Kennedy did not expect political appointments to be much of a challenge, but his perspective changed after he assumed office. “I thought I knew everybody and it turned out that I only knew a few politicians.”¹⁶

The presidential capacity to recruit political appointees took a jump in professionalism when Fred Malek became director of the White House Personnel Office in 1970 and established an

¹⁶ Quoted in Calvin Mackenzie, *The Politics of Presidential Appointments*, (N.Y.: The Free Press, 1981), p. 83

executive search capacity with about 30 people working for him.¹⁷ The Malek operation handled all presidential appointments, but not Schedule Cs. The emphasis was on the quality of the nominee. Jerry Jones, who worked with Malek in the operation, recalled:

[Nixon said,] "I want excellent people. We are not going to put dumb-o's in these jobs. I don't care what they did for us in the campaign." So I had the mandate to have somebody come up to me and say 'I gave one million dollars, and I want my son-in-law in some place or other.' And I could say 'I'm sorry, sir, your son-in-law can't have that job. And I could count on prevailing. The only guys that could beat me were Senators who were chairmen of committees, and I didn't even fight them.'¹⁸

Jimmy Carter was the first president to begin planning for personnel recruitment before the election, but conflict between the campaign operation (headed by Hamilton Jordan) and the transition preparation (headed by Jack Watson) resulted in an uncoordinated personnel recruitment process during the transition. In addition, Carter initially decided to delegate to his cabinet secretaries broad authority to recruit their own non-career departmental teams, as Nixon had initially intended. According to Arnie Miller who was brought in to assert more White House control of presidential appointments, "they had given away the store and they wanted me to take it back."¹⁹

Pendleton James was put in charge of the incoming Reagan administration's personnel recruitment operation and undertook systematic preparations as early as the summer of 1980. James was emphatic: "Presidential personnel cannot wait for the election because presidential personnel has to be functional on the first day, the first minute of the first hour... Presidential personnel has to be behind-the-scenes, not part of the campaign and certainly not known to the public."²⁰

The Reagan administration concluded that Nixon and Carter had delegated too much recruitment authority to their cabinet secretaries and had abdicated White House control. They thus mandated, immediately after the election, that the Office of Presidential Personnel would control all presidential appointments (PAS and PA). But in addition, they decided to establish White House control over non-career Senior Executive (SES) appointments and Schedule C appointments, even though these appointments are technically made by cabinet secretaries and agency heads. Pen James was also given the title of Assistant to the President (the highest designation of White House staffers) and an office in the prestigious West Wing. The OPP under Reagan used ideological agreement with the president as a major criterion for selection of appointees. At the beginning, James had more than 100 people working with him, including volunteers.

President Bush continued to control in the White House the process for deciding on PAS and PA appointments. He chose Chase Untermeyer to head his OPP. The main criterion for a Bush administration appointment was a personal loyalty to George Bush and two special groups were set up to assure that demonstrated loyalty was rewarded. The president's nephew, Scott Bush, was put in charge of drawing up lists of those who had worked in the Bush campaign whose names would be sent to departments to be appointed to Schedule C positions. The president's son, George W. Bush, was put in charge of a group called the "Silent Committee" which drew up lists of those who had been loyal to George Bush over his career -- to make sure that they were "taken care of" in the appointments process.²¹

...the lists of the deserving was determined and we were able to figure out...the allocations per cabinet department. I briefed the cabinet in a memorable moment telling them the number of Schedule C positions they had and that we would send over names for people to

¹⁷ White House Interview Program, Interview with Fred Malek, Martha Joynt Kumar, November 23, 1999, Washington, D.C., p. 3.

¹⁸ White House Interview Program, Interview with Jerry Jones, Martha Joynt Kumar, April 11, 2000, Arlington, Virginia, p. 26.

¹⁹ White House Interview Program, Interview with Arnie Miller, Martha Joynt Kumar, December 16, 1999, Washington, D.C., p. 13.

²⁰ James interview, White House Interview Program, p. 22

²¹ White House Interview Program, Interview with Chase Untermeyer, Martha Joynt Kumar, July 6, 1999, Houston, Texas, p. 10.

fill those positions....the whole purpose of this was to reward the people who had worked in the Bush campaign.²²

President Clinton continued White House control of the presidential appointments process, but his Office of Presidential Personnel got off to a slow start when its initial director, Richard Riley, after only a few weeks on the job, was named by Clinton to be Secretary of Education. OPP was then headed by Bruce Lindsey, but he was responsible for many other duties and could not devote the full time necessary to handle this task. Veronica Biggins then took over until the middle of the administration. The office was finally headed by Robert Nash who continued in the position throughout the administration. The hallmark of the Clinton personnel recruitment effort was “diversity,” and the Clinton White House was successful in appointing greater numbers of women and ethnic minorities than had been recruited by any other administration.

President George W. Bush asked Clay Johnson to begin planning for the transition in the Spring of 1999. An important part of the transition planning was personnel. In the next year and a half Johnson worked on the mechanics of a transition. One aspect of the mechanics was to put in place a system for handling the influx of resumes. In Texas Governor Bush had inherited a system called Tele-magic which was a sales call administration system that Governor Richards had used to handle personnel. The personnel operation adapted it for use during the transition. One of the great advantages of the system in OPP was that they required applicants to put in their job and resume information on-line rather than have OPP staff do this. This significantly decreased the burden on the staff. The personnel team began thinking about people for the cabinet slots in the Spring of 2000. Before the election the personnel operation had begun to put together a list of names and job requirements for each slot in consultation with others. He said the lists for each position comprised 10-20 names. Subsequent appointments were collaborative efforts between the OPP and the departments, with each side having a veto. Cabinet secretaries knew, however, that appointees were the president’s and not the secretary’s. Johnson explained that, “they (appointees) need to know that the president selected them” otherwise when things get tough their loyalties will be to the secretary and not the president.²³ Each incoming secretary got a one page document that explained how the process worked.

Over time several trends have emerged in PPO operations. First, not only have OPP staffs grown but operations have become more professionalized. The most important personnel task for the start of each administration is identifying candidates for key administration positions. Starting with President Nixon, presidents have employed professional recruiters to help identify qualified persons for top executive posts. Second, OPP operations have become increasingly systematized with the use of IT systems to track and sort the applicants and their resumes. Recent administrations have received tens of thousands of resumes and even more recommendations and communications dealing with specific candidates or jobs. The effective organization and tracking of applicants and communications is essential to an effective PPO operation. Finally, operations have increasingly institutionalized. Modern personnel operations have increasingly separated policy and patronage efforts with one staff primarily assigned and filling open positions and another staff primarily focused on responding to requests for jobs in the new administration. There is a disjuncture between the needs of those recruiting for executive positions and those handling requests from office seekers. What is demanded for the top executive slots is often not supplied through the priority placement operation. OPP is also increasingly working with the departments and agencies through a team of White House liaisons placed in each agency. These liaisons are OPP’s representatives in the department and ensure that OPP’s applicants are presented to the department but also report back the agency’s needs to OPP.

²² Untermeyer interview, White House Interview Program, p. 26.

²³ Interview with Clay Johnson, David E. Lewis, October 25, 2006, Washington, DC.

WHAT POSITIONS SHOULD BE FILLED FIRST?

As the nominating convention closes, it will seem obvious that the most pressing personnel task for whoever is the newly elected president would be choosing his cabinet. Not so. It is an argument of this paper that an even higher priority for a president-elect is to decide who will be his White House staff associates. He should be prepared, at the very outset of the transition period, immediately to announce his decisions about the senior-most positions in Subcategory IV-A, and especially name his White House chief of staff and the top assistants who will head up the national security, domestic policy and economic policy teams at the White House. It is these senior White House policy officers who should be chosen and be on hand first -- to advise the president as he subsequently makes the decisions on his cabinet. Experience has shown that this sequencing will help ensure the White House/cabinet teamwork that will be so vital in the administration to come. The Director of the Presidential Personnel Office should be among those who are designated early, but at the beginning he or she may not be -- and later will not be -- involved in picking White House staff members.

IDENTIFY DEPARTMENTAL POSITIONS AND QUALIFICATIONS

The principal focus for the advance work of the personnel director-to-be will be the Category I-A. Although the total number of positions in the I-A category is 1,125, the actual number requiring earliest placement is much smaller: the 14 cabinet and 17 agency heads. Three months before election day is not too early for both the personnel director and the presidential nominee to begin thinking about possible cabinet names.

Choosing -- even thinking in advance about -- potential cabinet secretaries and agency heads calls forth a special judgmental art. As they reflect on who should belong on which list, the personnel director and the presidential candidate must aim to strike the right balance among seven desiderata:

1. loyalty to the candidate and to the policies he espouses;
2. competence in the field;
3. being of political benefit to the future administration;
4. diversity;
5. ability to manage large organizations;
6. familiarity with the processes of government in the nation's capital; and
7. acceptability to the Senate

No potential nominee will shine on all these respects but the candidates must meet each of these criteria to some extent. An eighth desideratum -- in fact a *sine qua non* for any candidate -- will be having security, financial and tax records (one remembers the cases of Zoe Baird and Kimba Wood and the "nanny tax"), and a personal behavioral history (one remembers the case of John Tower) -- which will be beyond reproach in the eyes of White House lawyers and of the Senate. (Whether or not this eighth set of standards will be met can, of course, be determined only after post-election investigations.)

Even aside from the volume, the job of OPP is complex, and coming to an agreement about a final nominee is difficult. As Robert Nash puts it:

All the things you have to consider -- geography, race, sex, senatorial, congressional, outside groups, White House offices. All these things. You just have to sort of make sense out of and you've got to make what you think is the best recommendation for the President and the country and the department. That's what you've got to do. And it's tough. It's really, really, really tough.²⁴

Close behind the responsibility of compiling lists of possible candidates for cabinet and agency heads is the follow-on task of identifying a further group in Category I-A: potential deputy and

²⁴ White House Interview Program, Interview with Bob Nash, Martha Joynt Kumar and Terry Sullivan, September 1, 2000, Washington, D.C., pp. 31-32.

under-secretaries and assistant secretaries. The focus here may be influenced by the candidate's or the president-elect's own priorities -- coming from the campaign or from his perception of the highest needs of the nation, e.g. staffing soonest the departments handling education or health care, or national security (Reagan and James identified what they called "the key eighty-seven").²⁵ Clay Johnson advised that in 2009, national and homeland security positions should be among the first filled by a new administration.²⁶ The same sevenfold balancing calculation must be made for each, but since many of these positions will bear specialized policy responsibilities, the identification of substantive competence becomes of greater importance. For these positions, the personnel director will need to probe: what specific skills will be required?

Even if the personnel chief has been put to work early, he or she will find that some useful resources exist which can aid in assembling ideas for the kinds of persons that will be needed. These resources include the five "Prune Books" published by the Council for Excellence in Government, in total covering 250 under secretary and assistant secretary positions. Each book covers a different set of senior appointive posts, and includes four- to eight-page descriptions (gleaned from people who actually held the job) of the duties and responsibilities of each position, and a list of the previous incumbents.

Every four years, the Senate Governmental Affairs Committee and the House Government Reform and Oversight Committee take turns to publish the "Policy and Supporting Positions" catalogue, colloquially known as the "Plum Book."²⁷ This publication lists, for every agency in government, all policy positions, both career and non-career, by job-title and type of appointment. For every non-career position (at any grade), it lists the name and salary level of the incumbent. The "Plum Book," however, has only limited usefulness to a future White House personnel director. While it identifies which positions are in which category, it is of almost no help in matching high-level candidates with job specifications because it provides no information at all about the duties of any of the listed jobs or about the skills required. It also appears only at election-time, too late for the kind of advance staff research recommended in this paper, and its appearance on the scene promptly generates tens of thousands of eager inquiries.

Ideas for potential candidates can come from many sources: the presidential and vice-presidential nominees will of course have immediate prospects of their own. Other favorites will emerge from the campaign staff, from major contributors, key members of Congress, supportive lobbyists and friendly interest groups. Thus, even well before election, not only can a core group of perhaps two hundred positions be described but actually a preliminary list can be compiled of those who would possess the above-described seven elements. Reagan personnel director Pendleton James had been tapped for the job of personnel chief a year before the election, and by the time the nominating convention ended, had very quietly established an office in Alexandria and, working with Reagan and his principal associates, had started to develop lists of possible candidates. This would be an excellent model to follow.

IMMEDIATELY FOLLOWING THE ELECTION:

The transition begins. Transition Headquarters opens. By this time the personnel director *must* have been designated --- not some associate in a temporary holding position, but the one who is actually to become the director of the White House Office of Presidential Personnel. Resumes, e-mails and phone-calls will flood into transition headquarters by the tens of thousands; applicants-in-person by the hundreds. The director must assemble a large transition personnel staff, perhaps a hundred, including a corps of volunteers, and must develop systems for handling the sheer volume of applications. Clay Johnson estimates that OPP can expect 40,000 applications in the first few

²⁵ James interview, White House Interview Program, pp. 21, 24.

²⁶ Johnson, "Recommendations for an Effective 2008 Transition," p. 625.

²⁷ This source can be found electronically at <http://www.gpoaccess.gov/plumbook/index.html>.

weeks and 75,000 in the first several months.²⁸ If a cabinet secretary-designate expresses annoyance at the heft of the OPP's transition shop, one former OPP director suggests that the president-elect make a succinct speech:

I'd like to introduce you to my assistant for presidential personnel. This individual has my complete confidence. This individual has been with me many years and knows the people who helped me get elected here. PS: While you were in your condos in Palm Beach during the New Hampshire primary, these people helped me get elected so you could become a cabinet secretary. Therefore I will depend upon the assistant for presidential personnel to help me see that those people who helped us all get here are properly rewarded. Now, cabinet secretary-designate, you may very well have people who are important to you and whom you want to bring in to the administration. I say by all means; we want to see those people. But in the event of a tie, my view as president is to help those people who helped me get here.²⁹

The outgoing president will typically have made a public announcement: assuring the president-elect and the new administration team that he is offering full cooperation to ensure that the transition goes smoothly. Assuming that this injunction is taken seriously, the outgoing director and staff of the Office of Presidential Personnel can be expected to offer professional assistance to the new director and his associates. The White House has a computerized data file; the names in it will obviously be subject to erasure, but the new director can expect to be briefed on how that system works. Hopefully there will be much more comprehensive interchange between the two directors.

The outgoing president will also make it clear, to his own cabinet (as Ike did in 1960) and if necessary to the president-elect, that he remains president until noon on January 20th, and that until that moment, no federal government decision-making is going to take place in other than his own chain of command.

Another transition phenomenon, pertinent to the personnel business, is likely to take place: task forces may be invited by the president-elect (with the consent of the president) to visit each of the cabinet departments and to make recommendations to the president-elect concerning both policy and organizational matters. Typically, the members of those task forces see themselves as potential future political appointees in the very departments they are visiting, and as having a "leg up" in the appointment process. The new personnel director will be under pressure on this score -- but he or she must remember to (1) accord the incoming cabinet secretary full participation in such decisions, and (2) not ignore that seven-segment measuring-rod.

IDENTIFY THE VACANT POSITIONS

If the election has brought a switch in party, the changeover in the non-career ranks will of course be widespread; resignations of the outgoing political officials are often requested by the president so that the new president can begin with a clean slate. Except for those with term appointments, almost all of the PAS and PA positions will be vacated. It is possible that outgoing cabinet members may bring to the new personnel director's attention special cases where it would be in the nation's best interest to arrange temporary continuity in a few non-career posts; in other instances compassionate regard might allow an appointee to remain on the payroll "another month before reaching retirement age" or if "the spouse has just been diagnosed with cancer." The normal situation is the reverse: dozens of important jobs are being vacated — they can't be left unfilled very long after January 20 without adversely affecting the government's own work.

If there is no change of party, the non-career personnel environment is murkier -- as it was when Mr. Bush and his associates took over from the Reagan administration. The great majority of key political office-holders in the outgoing team will gladly leave -- many just worn out, and eager for a different scene. A few "true-blue" party loyalists, however, may want to stay on. They love what

²⁸ Johnson, "Recommendations for an Effective 2008 Transition," p. 625.

²⁹ James interview, White House Interview Program, p 10.

they are doing, have spouses with jobs in the area, children in local schools, mortgages to pay. To them, resignation may seem a less than necessary option: they believe that the incoming president should in fact turn to their expertise and experience. The incoming personnel director is likely to be under much pressure — perhaps under some specific instructions -- to give those arguments short shrift. The result can be — it was in 1988-89 — a painful period. President Bush's personnel director Chase Untermeyer recalled:

...in lots of the departments... the truest believers of Ronald Reagan...were abused. They were not treated in a dignified and polite and politically sensitive way...That one area was dreadfully handled.³⁰

A special word about members of regulatory commissions (such as the Board of Governors of the Federal Reserve System, or the Federal Communications Commission). These PAS positions are, by statute, term appointments -- each for a specified number of years. A post of this type becomes vacant only when the term expires (or if the incumbent retires or dies prematurely). The statutes of such commissions typically require not bipartisanship, but only that members from one political party not constitute more than a simple majority. This means that a president is free to fill a vacancy with a political independent -- a fact which may come as a surprise to some partisans in Congress who would pressure the president to name certain "picks" of their own choosing.

A special word about ambassadors: they are all in the "PAS" category, but the Secretary of State can be expected to insist that a large proportion of the appointees be from the top cohort of the career foreign service. Typically the White House and the Secretary work out a compromise that no greater than about thirty to forty percent of the ambassadorial contingent *will* be nominated from outside of the career ranks. A special word about Schedule C vacancies: when a Schedule C jobholder resigns, the position itself disappears. The agency must re-justify to the Office of Personnel Management the re-creation of the position before it can again be filled.

SELECT AND CLEAR NEW POLITICAL APPOINTEES

Inauguration day arrives. Lucky is the personnel director who will even have time to witness the Inaugural Parade, because of the other parade — of supplicants — into the director's White House reception room. Typically the director's 100-person team of assistants during the transition moves over to the White House too. What have heretofore been plans now become actions. The months-ago calculations must now be transformed into decisions.

In the new White House itself, the Director of the Office of Presidential Personnel will want to make sure that several traditional rules are reaffirmed:

- (1) No other person or office in the White House is to make personnel *commitments*. The presidential personnel specialists will likely turn to the principal domestic or economic or national security officers for advice about the selection of candidates. The political and legislative liaison staffs will funnel in streams of additional resumes from their own respective constituencies. Other members of the new White House staff, fresh from the campaign, will feel obligated to help their erstwhile buddies find jobs in the new administration. The first lady will refer to the director the mail from office-seekers who are writing to her. But when it comes to decision making, there can be only one point from which the final recommendation goes to the president: the Director of the Office of Presidential Personnel. Even the president must pledge that he will not allow himself to be importuned to promise a job to anyone -- bypassing the OPP review process. Such end runs will undercut the process and make OPP less useful to the president.
- (2) Cabinet heads are to be informed: the White House is to govern the selection of the political appointees in the departments -- "all the way down." Some new cabinet and agency heads likely will want to boast: "The president has given me free hand to pick 'my' departmental subordinates," but that will simply not be the case -- and it is clearly in the interest of the

³⁰ Interview with Chase Untermeyer, Bradley Patterson, September 4, 1997, Washington, DC.

Director of the Office of Presidential Personnel to make sure of this. What is meant by “all the way down”? It means that not only does the White House make the final decision on presidential appointments within each department, but that the Director of the Office of Presidential Personnel signs off on *all* the political appointments that a department or agency head wishes to make -- i.e. on Schedule C and non-career SES positions as well. Every one? President Bush’s second presidential personnel director, Constance Horner, warns:

Absolutely -- every single one. I was quite fierce about this, because I saw it as a process of building future leadership. So it mattered to me what the quality of the appointee was, and it mattered to me what their decisional level was, and what their loyalty was, and their intellectual capability.³¹

In practice, this rule means that the director will of course engage in negotiations with the cabinet or agency head. Usually this will result in an (almost always) amicable agreement as to the person to be chosen, but on occasion a determined cabinet secretary will appeal an OPP decision to the president. A president who yields on too many such appeals immediately weakens the credibility of his OPP director.

From the above recitation, and from the earlier pages of this report, it will be obvious that the first weeks and months of a new Presidential Personnel director’s tenure will be a period of constant, supercharged pressures, sticky, tangled bargaining, of making as many folks disappointed/mad as one makes appreciated/pleased -- and overall a smattering of chaos. The OPP staff must be competent enough and energetic enough to push its way through the intricate negotiations and preparations which are needed to put the director in a position to make final recommendations to the president. In each case, all eight of the above-described sets of criteria must be applied. The White House Political Affairs Office will help in ascertaining from party headquarters how active candidates were in the campaign and how much reward is appropriate. The Legislative Affairs Office will assist with informal checks on the Hill. Outside interest groups may need to be consulted, but one former OPP director warns: you may only be giving a hostile advocacy group the opportunity to organize a campaign against the candidate.³² (If federal judges are being proposed, it is the Counsel, rather than the director of the Office of Presidential Personnel, that will carry the prime responsibility for the necessary vetting of judicial candidates.)

In many instances, the OPP Director will insist on interviewing some candidates personally -- to satisfy himself or herself that the men and women being recommended to the president are of top quality. In the Clinton White House, OPP Director Robert Nash was careful to interview every PAS recommendation he made to the President.

I always interview PAS’s. I will interview every full-time PAS....one time the President...had approved this full-time PAS. He said “that was a great recommendation you made” on whoever. ‘Didn’t you like him?’ I said, “Mr. President, I didn’t meet him.” He said, “don’t recommend to me anybody that you don’t meet.” From that day forward...I interviewed every full-time PAS. It takes a lot of time.³³

The director will ask the final question:

Are there ANY skeletons in your closet? I want to know. And if you DON’T reveal them now, and leave me to make a judgment call not knowing about them, finding some way to handle them, I will STILL find out about them, and then you are out, REALLY OUT.³⁴

The personnel director must ascertain from the president the answers to three procedural questions:

1. whether the president wants a single name proposed for each position, or a group of alternative candidates (with one of them recommended by the director)?

³¹ Interview with Constance Horner, Bradley Patterson, September 29, 1997, Washington, DC.

³² White House Interview Program, Interview with Constance Horner, Martha Joynt Kumar, March 23, 1999, Washington, D.C., p. 11.

³³ Nash interview, White House Interview Program, p. 11.

³⁴ Jay Matthews, quoting Frederick W. Wackerle, an executive recruiter with thirty-one years experience, in “*Are There ANY Skeletons in Your Closet*”, *The Washington Post*, May 2, 1995, p. D-1.

2. to what extent does the president want the vice president consulted about personnel recommendations? And
3. what is to be the role of the White House Chief of Staff on personnel matters?

With respect to the third point, Untermeyer's memoranda to the president would begin "The Chief of Staff and I recommend..."

The president's approval (initials) on a personnel memorandum is only the intermediate step in the process. Now come the formal clearance procedures: it is at this point that the FBI starts its security and suitability investigation (which could take weeks), and the candidate produces his or her financial and tax records in minute detail. It is the Counsel, not the personnel director, who will scrutinize the resulting reports and who will notify the OPP director if there is anything negative in those findings which would affect the candidate's suitability. If a candidate's financial holdings, for instance, reveal a possible conflict of interest with the job for which he or she is destined, the Counsel or the independent Office of Government Ethics will require the candidate to work out a divestiture or similar "insulating" arrangement with the Ethics Officer of the department involved.

During this investigative period, the position will appear to be still unfilled -- and thus may continue to attract new supplicants (and their supporters). It is difficult to tell them that the job is, in fact, no longer available. A final memorandum is sent to the president recommending his signature on the nomination papers. When that happens, the papers are dispatched to the Senate, and a White House press announcement is released. These actions mark the conclusion of the recruitment phase for a Category I appointee.

IV. THE CHALLENGES AND PRESSURES FACING THE DIRECTOR OF OPP

AN EARLY CHALLENGE: ORGANIZING THE OFFICE ITSELF

The breakdown of specific internal duties within the OPP has tended to become standardized in recent administrations -- and their respective organizational structures have reflected that breakdown:

1. The director (who has the title of Assistant to the President) currently has two deputy directors (Deputy Assistants to the President) and a chief of staff.
2. There are typically three or four associate directors (with titles as Special Assistants to the President) each of whom handles a related cluster of departments and full-time regulatory bodies, i.e. economic/financial, national security, human resources, natural resources and the environment, etc.
3. There is an associate director specializing in part-time boards and commissions.
4. There is an officer specializing in clearing Schedule C appointments
5. There may be a congressional liaison officer and a political clearance officer
6. There is an information systems officer.

As mentioned earlier, the OPP staff, during and in the months immediately following the transition, may number 100 people, some being volunteers. Later on, the staff tends to total between 25 and 35. The patronage-placement network is in fact larger: early in the administration White House OPP directors often arrange to locate in the top office of each of the cabinet departments a White House liaison who works with the OPP on non-career appointments in the respective departments.³⁵ "Our Gauleiters" on OPP director called them; the whole group of them may be convened in the White House for coordination sessions with their OPP comrades.

³⁵ Patterson, *To Serve the President* (Washington: Brookings, 2008), pp. 167-8.

OPP Director for President Clinton, Robert Nash, felt that he could have used some additional help in his office. Because of President Clinton's promise to cut the White House staff by 25 percent, the OPP was down to 25 staffers late in the administration, so Nash had to depend on volunteers and interns.

I have about three volunteers who work back in the computer section because there is so much paper back there....They're wonderful. We couldn't operate back there [without them]....Then we have these interns...I used to get about ten, eleven, Now I only get about six or seven....So that's how I supplement my staff....Now if I didn't have the interns and the volunteers I would be in trouble."³⁶

Life for OPP staffers is hectic, especially in the early months of an administration. Interviews with former members of the OPP staff indicated that in the beginning they are often in seven days a week and that after several months things may slow down to "only" five and a half or six days a week. Work days are often 12 to 14 hours at the beginning of an administration and 10 to 12 after it is established. Bonnie Newman, associate director of OPP in the Bush administration recalled running into a friend in the White House.

...he looked just awful. I asked what was the matter and he said, "I just had a call from my son on my cell phone. He was crying because he hasn't seen me in ten days. He had gotten up early but I had left earlier." It was six thirty in the morning, so I don't know what time this poor kid got up to see his father.³⁷

Newman also remembered the pressures of the job, "The entire time I worked in Presidential Personnel, everything you hear about having a gazillion new best friends the day you get into the job like Presidential Personnel is true." She had an average of 150 incoming telephone calls a day.³⁸ Jan Naylor Cope, deputy director of OPP for President Bush, said she worked "seven to seven" on weekdays and "pretty much worked every Saturday."³⁹ Her first day in office she got 300 phone calls from people asking specifically for her.⁴⁰ Douglas Bennett, director of OPP in the Ford administration, recalled receiving 200 phone calls on a typical day and sending out 400 to 500 pieces of mail a day under his signature.⁴¹

Chase Untermeyer recalled the pressure at the beginning of the Bush administration:

I couldn't estimate [the number of phone calls]. At the start of the administration it truly is ridiculously high, hundreds. And I remember in the early days of the administration looking at my call sheets. It would be quarter of eight which I'm sorry to say it is now but at least the storm is ending — it would be that hour of the night and I would look at my call sheets Here would be page after page of some of the most important people in the country, people who are used to having their calls taken immediately, let alone the same day, and here are people whose phone calls I simply could not and would not return. I was about ready to drop or I needed to eat and go home and get some sleep. There was no guarantee that I would be able to return their phone calls the next day.⁴²

Some former OPP directors interviewed recommended that the office have its own congressional liaison officer to help "shepherd" nominations through the Senate. "I think that having someone in presidential personnel whose sole job is to try and help shepherd people through that process would be helpful."⁴³ Others recommend that a press office would be helpful to handle

³⁶ Nash Interview, White House Interview Program, p. 18.

³⁷ White House Interview Program, Interview with Bonnie Newman, Martha Joynt Kumar, January 26, 2000, Washington, D.C., p. 1.

³⁸ Newman interview, White House Interview Program, p. 6.

³⁹ White House Interview Program, Interview with Jan Naylor Cope, Martha Joynt Kumar, June 8, 2000, Washington, D.C., p. 27.

⁴⁰ Cope interview, White House Interview Program, p. 13.

⁴¹ White House Interview Program, Interview with Douglas Bennett, Martha Joynt Kumar, November 15, 1999, Washington, D.C., pp. 8, 27.

⁴² Untermeyer interview, White House Interview Program, p. 40.

⁴³ Cope interview, White House Interview Program, p. 16

the constant flood of press inquiries specifically about candidates and appointments. Another officer could focus on “tracking” the progress of candidates through the entire process from recruitment to presidential nomination. In the Clinton administration, the entire Office of Presidential Personnel was located on the first floor of the Eisenhower Executive Office Building.

PRESSURES FOR PATRONAGE FROM THE CAMPAIGN AND THE HILL

One of the first challenges for the Office of Presidential Personnel is to deal with the volume of resumes and requests for appointments that flood into the White House immediately after the election. In recent administrations this flood has reached 1500 per day.⁴⁴ The Bush administration had received 16,000 before the inauguration and by the end of May 1989, it had received more than 70,000 applications and recommendations (though 25,000 may have been duplicates).⁴⁵ Robert Nash said that the Clinton Administration had 190,000 resumes in their computer files toward the end of the administration.⁴⁶

According to Pendleton James, the pressures on the OPP director are tremendous.

There's not enough time in the day to get it done....my job was like drinking water from a fire hydrant. There is so much volume coming at you. There is so much volume coming at you, your mouth is only that big and the rest just sputters and spills on the floor. There just isn't enough time.⁴⁷

...being the head of presidential personnel is like being a traffic cop on a four-lane freeway. You have these Mac trucks bearing down on you at sixty miles an hour. They might be influential congressmen, senators, state committee chairman, head of special interest groups and lobbyists, friends of the president's, all saying 'I want Billy Smith to get that job.' Here you are knowing you can't give them all and you have to make sure that the President receives your best advice. So presidential personnel is buffeted daily and sometimes savagely because they want to kill that gun...because I'm standing in the way....⁴⁸

Handling the demands for jobs for the party faithful is stressful for the president's personnel recruiter, and people representing the party and campaign workers often complain that their loyal supporters are not getting enough jobs. Presidents Nixon, Carter, Reagan, and Bush got attacked publicly for not appointing enough of the party faithful shortly after their elections.⁴⁹ As Pen James said, “...presidential personnel is a mine field. Every appointment will create controversy somewhere along the line....”⁵⁰ Clay Johnson put it this way: “A significant challenge in assembling any new administration's team is balancing the need to select the best people to do the work ahead with the natural desire to reward key people who helped get the new president elected.”⁵¹

According to Constance Horner, director of OPP in the Bush Administration, the transition period is a particularly tension-filled time.

Anything that can reduce procedural chaos helps a lot because people are so paranoid and so atavistic during this period. It's like there's one lifeboat left and the city's in flames and everyone's trying to get on it or some metaphor like that. And the degree of fear of shame that people experience — they're afraid of rejection in front of their friends and families —

⁴⁴ James P. Pfiffner, *The Strategic Presidency*, 2nd ed. (Lawrence, KS: University Press of Kansas, 1996), p. 57.

⁴⁵ See Pfiffner, *The Strategic Presidency*, p. 138.

⁴⁶ Nash interview, White House Interview Program, p. 13.

⁴⁷ James interview, White House Interview Program, p. 38.

⁴⁸ James interview, White House Interview Program, p. 7.

⁴⁹ Pfiffner, *The Strategic Presidency*, p. 69-72, 139.

⁵⁰ James interview, White House Interview Program, p. 17.

⁵¹ Johnson, “Recommendations for an Effective 2008 Transition,” p. 625.

they are thought to be among those who might enter an administration and then time passes and they don't. People begin to ask.....people just go crazy.⁵²

Pen James tells this story about pressure from the campaign:

Regional political directors, none of them were getting jobs. These were advance people who worked in the campaign. They were very important people in the campaign, very important people....They didn't know who Pen James was....So they really rebelled against Pendleton James; [they were] very angry that none of them were being appointed to any post, mostly SES's and Schedule C's. I tried to explain that...we've got to get the cabinet and sub-cabinet in place before we go down....you'll just have to be patient. They weren't patient. They were angry and their anger was coming at me.⁵³

Finally Lee Atwater, who had credibility with the campaigners calmed them down and assured them that they would be considered for positions with the Reagan administration. The point is that the pressure for immediate action on jobs for campaigners is great, and the Director of OPP will be the focal point for that pressure.

Pressure from Congress is considerable. Pen James said that he got some advice from the legendary Bryce Harlow, who had run congressional relations for President Eisenhower during the Reagan transition. Harlow told him, "The secret to good government is never, ever appoint a Hill staffer to a regulatory job. That Hill staffer will never be the President's appointee. He or she will always be the appointee of that congressman or that senator who lobbied you for that job. And they will be beholden to that senator or to that congressman." After James's talk with Harlow a senator came to talk with James, and after mentioning that 64 of the Reagan nominations had to go through his committee, demanded that several of his staffers be appointed to regulatory positions. Remembering Harlow's advice, James went back to the White House and asked chief of staff James Baker how to handle the situation. Baker said, "Give it to him." Some pressures from Congress cannot be ignored.⁵⁴

Some friends of the President may have strong claims based on their political support but may not be qualified for high level managerial positions. This is a predictable challenge for the OPP Director. But there is an art to dealing with the people who must be turned down for positions with the new administration. According to Constance Horner, one possibility is to appoint people to part time and honorary positions. ". . . for every person you choose you're turning down ten, fifteen, twenty people who want the job." "[T]here is no way to do this and make everybody happy."

There are numerous part-time boards and commissions that offer advice on environmental matters where people come to Washington four times a year and they discuss the issues and make recommendations. Sometimes those recommendations matter in policy outcomes, sometimes they are just a way of getting conversation going but people will frequently be delighted to be chosen for one of those often honorary positions because what they're looking for is not really a full-time job; they're looking for service in the administration, a feeling of being part of it all, the honorable before their names.⁵⁵

So if a person is not qualified for a position of great authority, Chase Untermeyer advises: "That person can also be rewarded in other ways with advisory commissions or invitations to State dinners or other things that are within a gift of the President to do short of putting that person in charge of a chunk of the federal government."⁵⁶ Clay Johnson puts the task into perspective: "The president-elect's natural desire is to reward key people who helped get him or her elected, but the focus really needs to be on selecting the best people to do the governing work ahead."

⁵² Horner interview, White House Interview Program, p. 27.

⁵³ James interview, White House Interview Program, p. 19-20.

⁵⁴ James interview, White House Interview Program p. 12.

⁵⁵ Horner interview, White House Interview Program, p. 12-13.

⁵⁶ Untermeyer interview, White House Interview Program, p. 12.

CONFLICT BETWEEN WHITE HOUSE & CABINET SECRETARIES

While all PAS appointments are constitutionally the president's decision, the practical and prudential approach to sub-cabinet appointments (deputy, under, and assistant secretaries) is not quite so clear cut. In the 1950s and 1960s, when the White House did not have the recruitment capacity it has now, it was most often the cabinet secretary who suggested to the president the preferred nominee, and most often the president went along. In battles between the White House staff and the cabinet secretary, most often the cabinet secretary won.⁵⁷

From the perspective of the cabinet secretary, the issue is one of building a management team for the department. Each person has to be chosen carefully, with full consideration for how that person fits into the structure and how they will get along with the others on the team. Those in the cabinet are suspicious that the White House Office of Presidential Personnel will weigh very heavily the political service of the appointee and will neglect the expertise, managerial ability, and compatibility of the nominee with the other executives in the department.

The White House staff tends to suspect that cabinet secretaries are likely to recruit people who are loyal to the cabinet secretary but not necessarily to the president. Douglas Bennett described the process in the Ford Administration:

You start at the top and then you present the cabinet officer with a list of candidates for deputy and then for the subcabinet posts within his department or her department. You don't say, "Okay, you're a cabinet officer; you pick the rest." That won't happen because these are all appointees of the President. They're not appointees of Secretary Jones; they're appointees of President Ford. And they understand that. Now they'll weigh in on those which they appropriately should. So you have that at the start and it's really the dignity of the process and efficiency and logistical, operational ability.⁵⁸

At the very beginning the Reagan administration decided to control political appointments tightly in the White House. Pen James explained that some earlier presidents had failed to make sure that sub-cabinet appointments were controlled by the White House. "Nixon, like Carter, lost the appointments process."⁵⁹ One danger is that a newly selected cabinet nominee will ask the president for the authority to appoint their own team. But agreeing to that is a big mistake. So, according to James,

We didn't make that mistake. When we appointed the cabinet member - he wasn't confirmed yet. We took him in the Oval Office; we sat down with the President....And we said, "All right...we want you to be a member of the cabinet but one thing you need to know before you accept is we, the White House, are going to control the appointments. You need to know that."⁶⁰

Of course, if a member of the cabinet is a close friend of the president, that person will have more leeway in selecting his or her subordinates. So, even the Reagan administration OPP did not have absolute control. But Chase Untermeyer maintains that White House control is important for political as well as constitutional reasons. When considering Schedule C appointments, one cabinet secretary asked him: "You mean I have to hire somebody just because they worked in the campaign?" Untermeyer replied, "Yes."⁶¹

On the other hand, some kind of cooperative arrangement has to be worked out so that both the cabinet secretary and the White House staff can agree on most nominees. Untermeyer points out that if the White House jams somebody down the throat of a cabinet secretary, that person can be frozen out of the action at the department level and thus not be an effective appointee.

⁵⁷ Pfiffner, *The Strategic Presidency*, p. 66.

⁵⁸ Douglas Bennett interview, White House Interview Program, p. 27.

⁵⁹ Pfiffner, *The Strategic Presidency*, p. 67.

⁶⁰ James interview, White House Interview Program, p. 6.

⁶¹ Untermeyer interview, White House Interview Program, p. 26.

...if truly the White House does dictate appointees without any cooperation, give and take, with the cabinet secretary then the appointee may well arrive in that department and walk in to his or her beautiful office but never be told about the staff meeting or never get the key piece of paper or not be invited to the retreat or all the other kinds of things the cabinet secretary can do to freeze out somebody whom the cabinet secretary doesn't truly believe is on of them.⁶²

Untermeyer's formula for balance between the White House and cabinet secretaries is: "No department or agency chief will have an appointee forced down his or her throat, that is, imposed by the White House. Conversely, every decision is a presidential decision."⁶³

The Clinton administration handled subcabinet appointments by developing a list of potential nominees in the Office of Presidential Personnel and giving cabinet secretaries an opportunity to choose from among those on the list. According to Robert Nash, who worked in the transition personnel operation and later became Director of the Office of Presidential Personnel,

...we came up with a list of about ten names per PAS that were shared after going through a long arduous process. We worked seven days a week, fourteen and sixteen hours a day. Those lists would go to the President. He'd look at them and say all these are good people, share them with the Secretary. The Secretary would look at them and the Secretary would say 'that's the one right there I'd like to have.' That's the process.⁶⁴

Each new administration must reach a balance between the OPP and cabinet secretaries about recommending nominations to the president. What is important is that this accommodation be made explicitly and at the direction of the president rather than through drift. Clay Johnson eased the friction by sending a personnel staffer to each newly designated cabinet secretary to tell them that "We were going to do it *with* them, not *to* them."⁶⁵

DIFFERING DEFINITIONS OF LOYALTY

In recruiting political appointees, the primary criterion is loyalty, but the definition of loyalty is not a fixed target. Some interpret loyalty as service to the political party over the years, others see it as ideological compatibility with the president, others see it as personal service to the candidate in the past or in the most recent campaign. Others argue that competence, professionalism, and the ability to manage ought to be primary criteria for appointment.

According to Chase Untermeyer, "...the primary responsibility of the personnel office is to get those who are loyal to the president," rather than appointing a person who is loyal "to the person who hired you such as a cabinet secretary or such as an important senator who insisted on your getting a job."⁶⁶ This may mean turning away loyal partisans from previous administrations. Untermeyer was sympathetic to the "baleful looking veterans of the Nixon and Ford administrations, and even in one case the Eisenhower Administration, who felt that because they had been wonderful civil servants and devotees of George Bush that they, of course, would be prime candidates to be in our administration." But the political reality was that "our job was to find places for people who had worked in the 1988 campaign."⁶⁷ This calls attention to the strains created during a transition to a new administration of the same party. The new president may want his own people and thus have to "throw out" of office loyal incumbents of the same party.

Chase Untermeyer warns that some newly appointed cabinet secretaries who are politically sophisticated and come to talk with the director of OPP "pre-armed with lists of those whom they

⁶² Untermeyer interview, White House Interview Program, pp. 10-11.

⁶³ Quoted in Pfiffner, *The Strategic Presidency*, p. 140.

⁶⁴ Nash interview, White House Interview Program, p. 16.

⁶⁵ Interview with Clay Johnson, Bradley Patterson, February 21, 2007, Washington, DC, quoted in *To Serve the President*, p. 100.

⁶⁶ Untermeyer interview, White House Interview Program, p. 11.

⁶⁷ Untermeyer interview, White House Interview Program, p. 37.

want in various positions” and will refer to them as “my appointments.”⁶⁸ So it is important for OPP to have an “inventory of names” of those who helped in the campaign when the cabinet secretary comes to talk about appointments.

Fred Malek, the head of the White House Personnel Office for President Nixon, has a slightly different perspective on loyalty. He argues that loyalty is certainly central in making political appointments, but construing that loyalty too narrowly might prematurely narrow the pool of talented candidates. “...Don’t assume that somebody who hadn’t worked for you in the past isn’t loyal to you. Maybe they didn’t know they could work for you. Maybe they haven’t been involved in politics but there can be developed loyalty; it doesn’t have to be proven loyalty.”⁶⁹

Too many administrations, *too many* administrations get staffed by the campaign. The qualities that make for excellence in a campaign are not necessarily the same as make for excellence in governing....To govern you need, I think, people who are of a somewhat more strategic and substantive bent than you necessarily need in a campaign. Campaigns are more tactical....In governing I think you need a better sense of strategy and a better sense of management.⁷⁰

Constance Horner agrees about the pressures to appoint many lower level (Schedule C) campaign workers in the government.

There are too many low-level political appointees. This really clogs up the process....the number of lower level political appointees requires too much overhead and maintenance for the value to the President substantively or politically....those special assistants interject themselves into the decision making process beyond their substantive capacity because of the weight of their political influence. What that means is the other layers are created between the presidential appointee and the senior career civil service and that weakens the utility that a president can get out of the civil service....There’s just too much overhead....⁷¹

Thus many tough personnel choices will have to be made by the director of OPP, and many of them will hinge upon which kind of loyalty to weigh more heavily. But it should be kept in mind that the long term success of the president’s administration will depend heavily upon the substantive competence of the people appointed to manage the departments and agencies of the executive branch.

V. FOLLOW THROUGH

ORIENTING NEW APPOINTEES

The nominees next are going to wonder: will the White House help shepherd their way through the confirmation process? Coach them about handling confirmation hearings? Lobby wavering Senators? Unless the nominees are for cabinet level positions, or are Supreme Court candidates, the answer -- based on past experience -- is no. There are hundreds of nominations, only dozens of OPP staff -- and the latter are, in any case, preoccupied with the crush of moving ahead with still further recruitments. Unless an OPP Director can break some staff loose, or hire specialists who will concentrate on being “shepherds,” the new nominees will probably be left to sink or swim on Capitol Hill with little or no White House assistance. Prior to confirmation hearings, departmental “murder boards” may help grill a candidate, and departmental legislative liaison officers may assist in smoothing the candidate’s path not only for the Senate but on both sides of the Capitol.

⁶⁸ Untermeyer interview, White House Interview Program, p. 9.

⁶⁹ Malek interview, White House Interview Program, p. 14.

⁷⁰ Malek interview, White House Interview Program, p. 13.

⁷¹ Horner interview, White House Interview Program, p. 34.

Fortunately, in 2001, an endeavor organized by a number of presidential scholars and funded by the Pew Charitable Trusts and others, prepared a “walk-through” of the presidential appointments process-- a description which will be provided for all new candidates. The “walk-through” included information about the ten forms which a nominee will be required to fill out -- those needed by the White House for the investigative phase, and those mandated by the Senate committees which will hold the confirmation hearings. A software package was developed which the nominee could download as well as an online manual and a narrative. Even so equipped, the nominee is likely to have to go through the confirmation crucible pretty much alone.

Once a nominee is confirmed, a new need arises. Mirror of our contentious society, Washington is not really a friendly environment for federal executives, especially for a just-arrived, untutored senior political appointee. As one distinguished, veteran officer put it:

Little in their experience has equipped newcomers to comprehend the complexity of government, the power of myriad special interest groups, and the level of increasingly intense scrutiny to which they will be subjected in both their public and private lives. The contemporary public policy and operational processes in government present to newcomers limitless chances for missteps and embarrassment.

Many incoming appointees also have been immersed only weeks before in campaigns which have been exceedingly negative about Washington, its people and its processes. They arrive, therefore, loathe to listen to advice from either Washington career “bureaucrats” or former political appointees whom they either distrust as representing the other party, or believe have become captured by those entrenched denizens “inside the beltway.”

Burdened by these perceptions, these new political executives, however capable and well-intentioned, are in danger of stumbling during the first crucial months of an administration -- causing grief to themselves and to the president who called them here, thereby injuring the chief executive’s hard-won political capital.⁷²

New appointees need orientation: how to be successful in Washington. This kind of orientation must come earlier and be of much wider scope than the substantive briefings which a new appointee will of course receive when starting on the job in his or her employing department.

This paper argues that it is responsibility of the Office of Presidential Personnel to supply this earlier and broader orientation -- ideally in small “classes” at the White House. In 2000 Congress approved legislation authorizing orientation programs for the highest level White House and cabinet designees during the transition period. The legislation provides that:

Payment of expenses during the transition for briefings, workshops, or other activities to acquaint key prospective Presidential appointees with the types of problems and challenges that most typically confront new political appointees when they make the transition from campaign and other prior activities to assuming the responsibility for governance after inauguration.

Activities under this paragraph may include interchange between such appointees and individuals who—

- (I) held similar leadership roles in prior administrations;
- (II) are departmental or agency experts from the Office of Management and Budget or an Office of Inspector General Of a department or agency; or
- (III) are relevant staff from the General Accounting Office...

Activities under this paragraph shall be conducted primarily for individuals the President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President.”⁷³

⁷² Memorandum by Dwight Ink and other members of the National Academy of Public Administration, supporting an amendment to the Presidential Transition Act of 1963. The full memorandum is in the files of Bradley Patterson.

⁷³ Patterson, *To Serve the President* (Washington: Brookings, 2008), p. 103.

But new appointees at the deputy, under and assistant secretary level deserve White House orientation of this sort too, since it is in the president's own interest to have all his policy-level appointees learn to become effective federal executives. The Ford White House conducted an orientation program for these new appointees, repeating it several times, during 1975, for different groups of them.⁷⁴

EVALUATING PERFORMANCE

Except for members of regulatory commissions, and for department and agency heads personally, political executives in the executive branch report to -- and presumably are evaluated by -- their cabinet superiors. In the case of "PAS" or "PA" appointees below cabinet level, their performance reflects, for good or for ill, on the person who appointed them: the president. Recognizing this, the director of the White House Office of Presidential Personnel will look for ways to judge the effectiveness of the administration's political officials while they are on the job. A couple of examples from the recent past are pertinent:

At a cabinet meeting in 1979, Carter Chief of Staff Hamilton Jordan handed out a two-page form. Cabinet officers were told to fill out one for each of their assistant secretaries and deputy assistant secretaries. The form contained thirty questions -- for example "How confident is this person?" "How mature?" "How stable?" "How bright?" "List 3 things about this person that have disappointed you." Needless to say, the "White House Report Card" appeared on the front page of the *Washington Post* two days later. A month later, the form was reproduced on T-shirts. The personnel chief later commented: "It was very primitive."

Then it was the Reagan staff's turn to be indelicate. During a White House meeting in 1984 of some two hundred mid-level appointees, the deputy director of the Office of Presidential Personnel gave a forceful talk. "You know, we are here to drain the swamp," she reminded them. "You have to keep that objective in mind. If it is not happening in the agencies where you are working, if there is foot-dragging, we need to know about it. It's getting to be report-card time!"

Ford White House personnel chief Douglas Bennett remembered that cabinet officers themselves would come to the White House and ask for help in moving out non-career nonperformers. "We tried to find a soft landing for them somewhere," Bennett recalled, "Maybe in Samoa."⁷⁵

President Bush's first personnel director Chase Untermeyer made periodic personal visits to cabinet secretaries' offices, to discuss how the PAS subordinates were performing, "just to keep the dialogue going." On rare occasions, a resignation was arranged. His successor, Connie Horner, emphasized:

The OPP staff...depending on the interest and energy level of the staffers, rode tight herd on what was going on in the departments and agencies. And I was acutely aware of cases where failure was occurring anywhere in the [non-career] SES level and up. I was especially aware of failure occurring at the agency head level -- and, in a couple of cases, made people move.⁷⁶

The Clinton staff was equally informal and equally sensitive. Said Personnel Office Director Robert Nash:

I got a call from an office that said "This person is not performing..." I knew about it before; I talked to the person once before. Now, the next call is going to be "You've got about

⁷⁴ For an analysis of orientation programs see James P. Pfiffner, "Strangers in a Strange Land: Orienting New Presidential Appointees," in G. Calvin Mackenzie, *The In-and-Outers: Presidential Appointees and Transient Government in Washington* (Baltimore, MD: Johns Hopkins University Press, 1987), pp. 141-155.

⁷⁵ The above paragraphs are taken from Bradley Patterson's 1988 book *Ring of Power: The White House Staff and Its Expanding Role in Government* (New York: Basic Books), p. 256.

⁷⁶ Patterson interview with Constance Horner.

thirty days to look for something else.” No formal system...We don’t go through the system and say “Let’s figure out... let’s grade them all.” Don’t do it.⁷⁷

The examples from the Bush and Clinton experience add up to an important lesson: the White House Office of Presidential Personnel cannot avoid getting involved when it comes to taking action regarding senior political appointees who are found to be poor performers, but the actions they take must temper firmness with sensitivity.

SUPPORT TO SPOUSES AND FAMILIES

“We had a special program for families,” said Bush OPP Director Chase Untermeyer, who recalled a Navy practice which supports families of men at sea. The OPP found a cabinet wife who was enthusiastic to help, helped her form a “presidential spouses group,” provided lists of names and addresses of candidates being selected. “They would be able to find out about schools and houses and doctors and auto registration and which state has an income tax and who has to pay it — all those kinds of very practical matters for any prospective appointee.” Spouses and families were invited to White House functions, South Lawn receptions. “It was a tremendous success,” Untermeyer recalled, “critical for any administration.”

CONCLUSION

These several tasks in the area of managing the White House political personnel operation will ineluctably impend -- for each presidential candidate. This report is written in the belief that as they plan to discharge these responsibilities, presidential candidates will benefit from the experiences of presidencies of the recent past and will be aided in setting their own standards for a successful start.

VI. LESSONS LEARNED

- A. Follow the Reagan/Pen James example: start personnel planning early, keeping it confidential, and separate from the campaign.
- B. Put this planning in the hands of a person (a) who has the complete confidence of the candidate and (b) who is to be the Director of the Office of Presidential Personnel.
- C. Select and Announce senior White House staff first, then the cabinet.
- D. Keep in the White House the right of approval for all cabinet and agency non-career appointments.
- E. Designate the Office of Presidential Personnel as the exclusive controller of that process; tolerate no end-runs to the president-elect/the president.
- F. Have an advance walk-through system which informs approved candidates what is ahead for them along the path through clearance and nomination.
- G. Provide a brief White House-sponsored orientation program for newly confirmed senior political appointees (Begin one even during the transition, for designees).
- H. Talk with your predecessors.

According to Landon Butler who worked on presidential personnel in the Carter Administration:

⁷⁷ Interview with Robert Nash, Bradley Patterson, March 17, 1999, Washington, DC.

There's just no substitute for the person who had your office before you telling you what it's like to be there, just what the nuts and bolts are, who to watch out for, who not to watch out for, what you can do and what you can't do, what her learned. That's the most immediate thing you can do.⁷⁸

A presidential candidate (and his director-to-be of presidential personnel) have to reflect: they face a daunting responsibility! Within a few short months after taking office, the winner must select, persuade, thoroughly evaluate and install some two thousand extraordinarily capable men and women who will suddenly have to take on the management of the most complicated and demanding enterprise on earth: governing the United States. A few of that cohort may be experienced in this endeavor; most, though, will be untutored. Many will accept financial sacrifice and leave quiet, comfortable lives only to be swallowed up in what they will rapidly discover is a roiling tempest of competition, cacophony and contention: the environment of public life.

They will be scrutinized and criticized from all sides; pressures and demands on them will be merciless, praise and recognition meager. A few will stumble; some will become world-famous. All of them, laggards and unsung heroes alike, will see themselves collectively vilified as "power-hungry Washington bureaucrats," but they must soldier on, helping faithfully to execute the laws, and to "promote the general welfare" unto the least of their fellow citizens. They will need -- and almost all of them will earn -- the president's loyalty and support. In the end, they will have had the opportunity -- and the honor -- of adding to the promise and to the goodness of their country, and of the world itself. Can there be a more ennobling challenge?

⁷⁸ White House Interview Program, Interview with Landon Butler, Martha Joynt Kumar, October 14, 1999, Washington, D.C., p. 36.

THE WHITE HOUSE TRANSITION PROJECT



WHERE TO GET HELP

At this time, few in the public and private policy apparatus have anything like the substantial information resources necessary to understand the appointments process, to balance the tension between nominees, those charged with governing, and those charged with protecting them. While many have opinions about reforming the process, few have taken into account all of the forces involved and few have the information resources at their command to find useful, finely tuned reforms.

In the academic community, some research has focused on the confirmation side of the appointments process but its data resources suffer from having only a partial view of the process and, hence, cannot easily assign the right weights to the various forces involved (see McCarty and Razaghian).

Those interested in reform can avail themselves of three useful resources, however. First, the White House Transition Project maintains an analytic capacity associated with its *Nomination Forms Online* software program. Intended to further the development of useful software to assist nominees, WHTP archives hold a detailed assessment of nominee inquiries. Its website, whitehousetransitionproject.org, contains many of these reports.

Second, the Department of Agriculture maintains a substantial resource in its programming unit, capable of bringing considerable expertise to bear on any project to assist nominees in filing out forms.

Finally, the collective experiences of White House Counsels and White House Directors of Presidential Personnel provide a useful compendium of observations on the demands of the personnel system. Many of these observations appear in the briefing books on these two office developed in 2000 by the White House Transition Project and available through its website, whitehousetransitionproject.org and its publication *The White House World*.

THE WHITE HOUSE TRANSITION PROJECT



WHAT WHTP DOES

The White House Transition Project unites the efforts of academic institutions with those of the policy community and private philanthropy into a consortium dedicated to smoothing the transfer of governing essential to a functioning American republic. It manages two related programs, one on institutional memory and best practices and one on presidential appointments. In both programs, the White House Transition Project brings to bear the considerable analytic resources of the world-wide academic community interested in the viability of democratic institutions on those problems identified as critical by those experienced hands who have held the unique responsibilities for governing. As such, the White House Transition Project brings ideas to bear on action.

The White House Interview Program

A common problem of the democratic transfer of power, the White House has no mechanism for maintaining an “institutional memory” of best practices, of common mistakes, and needed background information. Partisanship and growing complexity of the selection process exacerbate the natural tendency to avoid passing from one administration to the next the vital experiences necessary to carry on governing from one administration to the next. The lack of an institutional memory, then, literally turns the hallmark of the American constitutional system, its peaceful transfer of power, into a breathe-taking gamble. The White House Interview Program bridges the gaps between partisanship and experience by providing a conduit for those who have borne the extraordinary responsibilities to pass on their judgments to those who will enter the American nerve center. Its briefing materials compile these lessons from the practitioners with the long-view of academics familiar with executive organizations and operational dynamics. Provided to the transition planners for the national presidential campaigns and then to the president-elect’s newly appointed management team, these materials provide a range of useful perspectives from those who have held the same positions and faced the same problems that they cannot get on their own or from government resources.

Nomination Forms Online Program

Detailing the complex problems involved in nominating and then confirming presidential appointments, the WHTP’s Nomination Forms Online program provides the best available expertise on the nomination and confirmation process. Its software, *NFO*, constitutes the only fully-functional, open-architecture, completely reusable software for making sense of the morass of government questions that assail presidential nominees. In one place, this software presents nominees with all of the some 6,000 questions they may confront. Provided free as a public service by WHTP, *NFO* prompts nominees for needed information and then distributes and customizes answers to all of the forms and into all the questions that the nominee must answer on a subject.

HOW TO HELP SMOOTH THE NEXT PRESIDENTIAL TRANSITION

Originally funded by grants from the Pew Charitable Trusts, WHTP manages its operations with the help of private philanthropy. To assist in that effort, please contact WHTP at WHTP@unc.edu.