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REPORT TO THE CONGRESS

Federal Assistance For Presidential Transitions

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BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

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COMPTROLLER GENERAL OF THE UNITED STATES
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To the President of the Senate and the
Speaker of the House of Representatives

This is our report regarding Federal assistance for presidential transitions under the Presidential Transition Act of 1963. The review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the President of the United States; the Director, Office of Management and Budget, and the Administrator, General Services Administration.

A handwritten signature in cursive script, reading "James B. Stacks".

Comptroller General
of the United States

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D I G E S T

WHY THE REVIEW WAS MADE

Under modern conditions, a change of administration is a complex and difficult process, requiring forethought and cooperation by the principal participants--the incoming and outgoing Presidents and their leading associates--if the transition is to be carried through successfully.

The Presidential Transition Act of 1963 was an important recognition of the public interest in orderly transitions; it sought to make that interest effective by establishing objectives and guidelines for the behavior of those involved and by authorizing the use of public facilities and funds.

The full application of the Presidential Transition Act was first demonstrated in the 1968-69 transition. Therefore, GAO believed it appropriate to review the operation of the Presidential Transition Act and other related legislation.

The basic purpose of this report is to provide information on the transitional process, which may be of interest to the Congress and the executive branch.

FINDINGS AND CONCLUSIONS

The transition of 1968-69 from President Lyndon B. Johnson to President Richard M. Nixon continued the trend, begun in the last several transitions, toward more careful advance preparations and greater continuity. In broad outline, the 1968-69 transition fulfilled the objectives of the act of 1963.

There are, however, several matters which GAO believes warrant further attention by the Congress.

Adequacy of transition funds
for incoming administrations

A question arises as to whether the transition funds made available to the incoming President and Vice President are adequate. Certainly, the question is encouraged by the manner in which the amounts were determined.

The starting point was an estimate presented to the Congress by the Bureau of the Budget (now the Office of Management and Budget) in its testimony on legislation leading to the Presidential Transition Act. The Bureau estimated that \$1,225,000 would be a conservative amount to authorize for transition expenses. The bill passed by the House authorized an amount of \$1,300,000 (apparently the Bureau's estimate rounded). This amount was compromised to \$900,000 in conference with the Senate. Although the act is silent on the matter of the division of the funds between the incoming and outgoing administrations, the legislative history reflects an expectation that they be divided equally. This was done in the case of the 1968-69 transition. (See pp. 24 and 25.)

Although the \$450,000 in assistance made available to incoming administrations might well have been based on a more accurate determination of the actual expenses, it can also be argued that Presidents-elect and Vice-Presidents-elect have both quasi-official and political responsibilities in uncertain proportion and that there is no objective means of determining in what proportion their total expenses should be borne by public and private funds. GAO believes, however, that, if the Presidential Transition Act is to function as intended, the Federal assistance must cover a substantial part of the transition expenses.

GAO believes also that the \$450,000 in Federal funds made available to the incoming Nixon administration was clearly inadequate in light of the \$1.5 million estimated to have been spent during the 1968-69 transition. (See p. 34.)

Period of availability
of transition funds to
outgoing administrations

In the normal course of events, the monies authorized for the former President and the former Vice President under the Presidential Transition Act are available for only 6 months after they have left office. At the end of this period, funds for the former President would be made available at a much-reduced level for staff and other expenses under the Former Presidents Act while the former Vice President would receive no further funds. (See pp. 22 and 38.)

On the basis of experience gained from the last transition, GAO believes that the extension of the period of availability of transition funds beyond the 6 months set by the Presidential Transition Act is desirable. It is GAO's view that, although existing legislation correctly assumes that the burdens of former Presidents and Vice Presidents are greatest in the months immediately after leaving office, the actual burdens do not decline as rapidly as the 6-month limitation in the Presidential Transition Act implies; therefore, a strict adherence to the 6-month limitation makes the timing of fund availability out of phase with the workload pattern.

The Presidential Transition Act authorizes appropriated funds for the former President and Vice President at an average rate of \$75,000 a month for 6 months or, under the ratio used in the 1968-69 transition, \$62,500 a month for the former President and \$12,500 a month for the former Vice President. At the end of 6 months, the appropriated funds available for the former President's staff are reduced sharply to \$8,000 a month, and the former Vice President gets nothing (see p. 38).

The burdens of a former President in winding up his affairs apparently do not drop off so sharply. Certainly, the screening of Mr. Johnson's papers preparatory to releasing them to the presidential library had scarcely begun by July 21, 1969, the date that Presidential Transition Act funds would normally have terminated.

Limitation on salaries of
former President's staff

The Former Presidents Act, as amended, provides that the compensation which may be paid to any member of the former President's staff be no higher than the base pay for positions at Level II on the Executive Schedule (presently \$42,500 a year). It further provides that the compensation of persons employed by a former President under the act not exceed \$96,000 a year, in the aggregate (See p. 38). Originally, the limitation was \$50,000 and it was raised by amendments to \$65,000 and \$80,000 before reaching the current amount in April 1970.

The maximum individual salary, then, is tied to legislation establishing Executive Schedule pay scales, whereas the overall compensation of a former President's staff is limited by the Former Presidents Act itself.

It seems reasonable that an increase in individual salaries would warrant, at the same time, a corresponding increase in the overall limitation. But, in practice, the Former Presidents Act is not likely to be amended at the time Executive Schedule pay rates or classified pay rates in general are raised. Also, general pay increases for classified employees have occurred with greater frequency in recent years than have increases in the limitation in the Former Presidents Act.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Office of Management and Budget supports the conclusions of the report. (See p. 46.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Congress may wish to consider

- the desirability of increasing the amount of funds authorized under the Presidential Transition Act for the incoming President and Vice President (see p. 47),
- the need for an extension of the time during which Presidential Transition Act funds are available to the former President and Vice President (see p. 48), and,
- the need to amend the Former Presidents Act to provide for adjustment of the overall limit on compensation of the former President's staff, in line with pay raises in general. Or, perhaps, in view of the uncertain purpose for the limitation on total salaries within the total appropriations available, the limitation could be safely eliminated (see p. 49).

INTRODUCTION

A change of Presidents is a crucial event in American Government regardless of the personalities or parties of the individuals involved. So much depends on the Presidency that a change of men in that office profoundly affects the entire governmental system. A presidential transition can bring great reinvigoration of national leadership--a blessing of free elections. It can also mean a period of disruption of governmental activities and diminished capacity for prompt, rational decisions, with consequent risk to the national security and welfare. Therefore, the public and the Congress have a vital interest in measures which will achieve an orderly change of administrations and enhance the possibilities of effective presidential leadership throughout the transition period.

To the average citizen, a change of Presidents may seem an unusual event; but, to the Federal Government as a continuing institution, presidential transition is a problem that recurs with considerable frequency and regularity. The possibility of a transition arises, and to some extent must be prepared for, with each presidential election; and the 22nd amendment makes a change almost certain at least every 8 years.¹ Deaths in office and Presidents who retire or are defeated after one election reduce the average tenure in this century to 6 years.

Relatively frequently, then, we have the national problem of terminating the business of an administration that is coming to an end, preparing the President-elect and his associates for the duties to be assumed on Inauguration Day, making sure that the vital functions of command are preserved without an interregnum, and moving the former President and his papers into honorable retirement and history. A recurring phenomenon of this frequency, importance,

¹The only exception would occur when a former Vice President succeeded to less than half of his predecessor's term and then was elected twice in his own right, thus serving up to 10 years.

and degree of predictability should be subject to forethought and control. Successions following deaths in office are of course irregular in occurrence, but even for these cases a certain amount of contingency planning can be done.

For most of the history of this country, it was assumed that an outgoing President and his Cabinet could pick up their papers and leave on Inauguration Day and that the new President could begin to exercise executive functions from that point with little specific preparation or advance communication between the outgoing and incoming administrations. Since about 1932, outgoing Presidents and Presidents-elect have recognized that the problem is far more complicated under modern conditions and have taken steps to avoid a leadership gap. Until the 1960's they dealt with it by voluntary advance planning and mutual cooperation. More recently, the Congress has specifically recognized the public interest in future and former Presidents.

The Congress dealt first with former Presidents. In 1955 the Presidential Libraries Act provided for accepting libraries built by private subscription, together with the papers of former Presidents to be deposited in them, and maintaining the libraries and papers as part of the national archives system at Government expense. In 1958 the Former Presidents Act provided an income allowance, staff, and office facilities for former Presidents. Finally, the Presidential Transition Act of 1963 recognized the importance to the public of both Presidents-elect and outgoing Presidents. The act provides guidelines and authorizes appropriation of Federal funds for the accomplishment of orderly transitions.

This report covers the efforts to facilitate and protect the public interest in changes of administration since World War II, drawing particularly upon the experiences of the recent transfer of power from President Lyndon B. Johnson to President Richard M. Nixon. The report also emphasizes the aspects of transition involving the need for and use of public funds under the Former Presidents and the Presidential Transition Acts.

TRANSITION PROBLEMS AND EXPERIENCE BEFORE 1968-69

The purpose of this section, drawn from literature on the subject, is two-fold: First, it outlines the key problems of presidential transition in modern times, emphasizing the pressures and burdens that fall on the President-elect. Second, it describes the formal and informal steps taken to smooth transitions prior to the recent Johnson-Nixon transfer. The point to be stressed is that, in response to the problems of transition under modern conditions, an important development of measures for dealing with these problems has occurred. These measures include statutes, administrative procedures, and many practices sanctioned only by precedent and custom. This growth of measures, or institutionalization, was greatly advanced by the experience of the presidential transition of 1968-69.

Modern Recognition of Need for Leadership and Effective Government

Acknowledgement of the existence of a "presidential transition problem" is a fairly recent matter. Until well into the 20th century, recognition of the transfer was largely restricted to the inaugural ceremony itself, at which the outgoing President customarily appeared to symbolize the handing over of the powers of Office. Other arrangements for the change of administration were more or less casual. Prior to inauguration the outgoing President and his successor, the President-elect, had very little to do with each other, even if they were supposedly on good political terms; if they were of different political parties, their relations would be largely limited to an exchange of civilities and a tour of the White House shortly before inauguration.

In those days, the period from election day to inauguration was slow paced. The President-elect rested from campaigning, remained aloof from events in Washington, and engaged in confidential negotiations leading to the formation of his Cabinet, which was usually announced and assembled in the Capital on the eve of inauguration. Meanwhile, the outgoing President and his associates suffered the frustrations of "lame ducks"--often rendered almost

helpless by lack of political support and their own reluctance to make important decisions that would be left to the next administration to execute. They could do little but clear out their offices and prepare to depart no later than Inauguration Day. In many cases the Cabinet and sub-cabinet officers left without meeting or even knowing the names of their successors.

The new President, with at best limited preparation, took command of a Government with a leadership vacuum at the department head level. Everything would be at a standstill except routine operating functions, and there was usually a scarcity of authoritative information about previous decisions and pending policy problems. After inauguration the new President and his Cabinet began to draw together the threads of policy, but they had to do so amidst the tensions of filling the vacant offices and replacing the incumbents of positions at the disposal of the administration. It was usually several months before the administration was really organized and its policy lines established. Meanwhile there was confusion, delay, waste motion, and frequently inability to make informed responses to arising events.

Except for the calamitous events of 1860-61, this leisurely system served well enough, if not completely satisfactorily, until 1932-33. In that transition year the depression crisis stimulated some efforts at communication and cooperation between President Herbert Hoover and President-elect Franklin D. Roosevelt, but these attempts largely failed, and matters drifted until inauguration. The record since World War II has been one of steady, and generally successful, effort to avoid a similar situation.

Under modern conditions, a continuously effective Executive is required. The Federal Government's responsibilities are enormous, highly complex, spread all over the globe, and tuned to the split-second necessities of the missile age. The present-day career services of the executive branch have become increasingly competent to manage these activities within the framework of existing policy, but changes in conditions and problems with which the Government must cope occur so rapidly that a constant exertion of politically responsible leadership and top-level managerial control is needed. A period of slackness at the top brings a quick pileup of problems, mounting conflict,

missed deadlines and opportunities, and costly delay in achieving program goals.

When a change of Presidents is impending, there is a clear national interest in keeping the old administration as effective as possible to the end of its term and in bringing the new administration as quickly as possible to a state of readiness to fulfill its responsibilities. The needs for executive stability and orderly change of policy are, of course, greatest in the areas of foreign affairs and national security. Confusion and uncertainty of American policy can do great damage in international relations and, in a serious crisis, nuclear disaster could result from fumbling between the President and President-elect or a miscalculation by an ill-informed or disorganized new administration. Under crisis conditions or not, the people expect prompt response in governmental performance to the political decisions implicit in the election results.

The Outgoing Administration

The outgoing President customarily takes the lead in preparing for the change of administrations. The most important modern precedents in this respect were set in 1952 by President Harry S. Truman, who deliberately set out to correct what he called the "omission in our political tradition that a retiring President did not make it his business to facilitate the transfer of the government to his successor." Subsequent retiring Presidents have followed his example.

Precisely when the process starts depends on the circumstances. A President who is not running for reelection himself has no difficulty in beginning, as Mr. Truman did, well before the election to make preparations for the turnover that is coming. A President campaigning in his own behalf, as President Dwight D. Eisenhower was in 1956 and President Johnson in 1964, has less motivation to prepare for an eventuality he hopes will not occur and may be reluctant to do anything that can be interpreted as evidence of weakness or pessimism about the outcome. Nevertheless, practices and customs have developed in recent elections that make it easier for Presidents to fulfill their responsibilities without risk of being misunderstood.

Although usually explained in other terms, preparations for transition really begin early in the presidential campaign when the President offers confidential briefings on the nation's foreign policy and military situation to the opposition candidate--or to all candidates if he is not running himself. This practice began quietly and somewhat irregularly in the era of foreign policy bipartisanship during and after World War II, came into the open in the presidential campaign of 1952, and was well established by 1956. Since then, Presidents have offered these national security briefings almost as a matter of course. President Johnson began even earlier in 1964 by offering briefings to the leading Republican candidates prior to the nominating convention--a practice he repeated for the prospects of the major parties, including George Wallace, in 1968. The candidates may or may not learn things they do not already know, but the offer of these briefings signifies American unity before the outside world and tends to assure the people that the administration is not unfairly advantaged by information the opposition does not have. From the viewpoint of the transition problem, the briefings serve to establish communication and perhaps a modicum of trust between the White House and the candidates and thus lay the groundwork for more effective relationships if or when one of the candidates becomes the President-elect.

If he is not running for reelection, arranging briefings for the candidates usually leads the President by mid-summer of the campaign year into the more general problem of how he will wind up his administration and deal with his successor. Ordinarily he discusses the problem in the Cabinet and designates one of the principal members of the White House staff to coordinate transition preparations. In 1952 Presidential Assistant John Steelman performed this function for President Truman, with the assistance of the Director of the Budget. Major General Wilton B. Persons, the Assistant to the President, had this responsibility for President Eisenhower in 1960.

Instructions given to the department and agency heads through the transition coordinator may include general instructions for handling pending and new problems during the last months and will ordinarily cover the kinds of special studies or memorandums on the organization, personnel, current programs, and emerging problems of the several departments to be prepared for delivery to the successor administration. In the larger departments where transition preparation becomes a fairly elaborate affair, the agency head designates a subcabinet officer, or someone on his own staff, to oversee the preparation of the transition memorandums, keep in touch with the White House, and to serve as liaison with the appointees of the new administration when they appear. The Office of Management and Budget and other Executive Office agencies also prepare memorandums on problems in their spheres of responsibility. At the White House itself, arrangements for cleanup and removal of most of the files--following the tradition that the President's papers are his personal property and are to be taken away with him--assume major importance.

The administration's preparations culminate, as soon as the election results are known, in a message from the President to the successful candidate. The President customarily offers congratulations, suggests that the President-elect designate someone to work with his staff on transition arrangements, and invites the President-elect to confer with him on current national problems and plans for the turnover of responsibility.

The President-Elect's Problems

On the morning after election, the President-elect wakes to an enormous new set of problems. In about 10 weeks he must assume full presidential responsibility. But the task is far broader and more immediate than preparing himself to take over an office on January 20. Before then he must create an administration.

At this point the successful candidate is certain to be fatigued from the pace of modern campaigning. His mental processes are still deeply engaged with the campaign struggle. He needs time to rest and to shift his thinking to

the tasks ahead. But he cannot just withdraw to some remote place and recuperate undisturbed. The President wishes to see him about arrangements for the transition, and this will involve plans and potential commitments he needs to think out. Leaders of his party, of the nation's major interests, and of foreign nations are clamoring to see him. There is an expensive campaign organization to be dismantled without delay but with some care, saving the most useful people for the nucleus of a staff in the White House. He must choose and put his trust in a few people who can start the process of recruiting others and thus building the administration. So, the President-elect must somehow rest, study, plan, and organize simultaneously.

He is greatly advantaged if he has taken steps during the campaign period to prepare a transition plan--a set of priorities. It is, of course, asking a great deal to say that a presidential candidate ought to invest some of his own time and staff resources in planning what to do when the victory is won. Candidates and their key staff members have more immediate demands on their time, and the political tradition discourages overt moves that suggest overconfidence. Nevertheless, the experiences of the last few transitions provide strong evidence of the possibilities and definite advantages of a modest investment in transition planning by and on behalf of a candidate.

Historically, friends of candidates have always engaged in postelection planning of a sort, but such efforts usually have suffered from being too narrow in scope and viewpoint and from no clear authorization by the candidate himself. A project that overcame some of these limitations occurred in 1952, when a group of supporters of General Eisenhower commissioned a study of personnel needs, which apparently was quite useful and influential after election.

An important breakthrough occurred in the Nixon-Kennedy campaign of 1960. At that time the Brookings Institution, a nonpartisan and nonprofit research organization in Washington, had been studying the transitions of the past and

was about to release a book on the subject. Brookings suggested to both candidates, and to the White House, the desirability of a study on its neutral ground of the problems of organizing for the transition and taking over the Government, which either candidate would face in the event of victory. All parties encouraged the project and named representatives to consult with Brookings as the study progressed during the summer and fall of 1960. John F. Kennedy named Washington lawyer Clark Clifford to deal with Brookings and also to be prepared with a report on transition problems oriented to his particular needs. About the same time he also asked Richard E. Neustadt, a professor who was not otherwise involved in the campaign, to make some studies of postelection problems, particularly relating to organization of a White House staff. Thus, on the morning after election, President-elect Kennedy had at his disposal three separate studies and two well-prepared advisers who had been giving specific thought to the tasks, priorities, and pitfalls of the next few weeks.

Relationships Between the President and the President-Elect

The President's customary postelection message inviting the President-elect to meet with him at the White House opens the next phase of the transition. The President-elect has little choice but to respond, for the sake of appearances if not by his own preference. The President-elect is on unsteady ground, and already his need for new kinds of assistance becomes apparent. First of all, he needs someone to help in handling arrangements with the White House for his visit and generally to serve as a communication link with the outgoing administration. John F. Kennedy first formalized this role in 1960 when he designated Clark Clifford as his transition representative to deal with the Eisenhower White House--a logical extension of Mr. Clifford's earlier planning assignment.

But the President-elect's need for assistance in dealing with the President and administration still in office goes beyond the level of administrative arrangements. In going to the White House to discuss transition arrangements with the President, he needs to have some sort of plan as to how his administration-in-embryo will develop in the

next few weeks; hopefully his preelection transition planning will have provided this. But he also needs to be prepared substantively with information and at least some provisional ideas for handling the major current policy problems the President is likely to want to discuss. This requires a set of assistants to assemble and sift information and recommendations from experts and party advisers.

For the country, one of the most significant questions of this period is what kind of relationship will be established between President and President-elect. There are two levels of importance to this relationship. The first includes such matters as arranging for communication between the White House and the President-elect's staff; providing briefing books, memorandums, other advance information to the President-elect and his designated appointees, and cooperation in FBI investigation of men the President-elect decides to appoint; arranging for holdover political officers in the departments and agencies until the new administration's appointees are confirmed; and settling the details of the evacuation and occupation of the White House--all important for ensuring a smooth transition. The second and higher level of relationship involves the understanding between President and President-elect about the handling of major policy issues during the election-to-inaugural interval. There are likely to be matters pending where the national interest requires some sort of decision, and there is always the possibility of a serious emergency, international or domestic. How is the traditional helplessness of the "lame duck" administration to be avoided? Will the President still in office provide information and invite the President-elect to make his views known on questions that must be decided in the interval? And, if so asked, how will the President-elect respond?

The traditionally prevalent view is based on strict adherence to the constitutional calendar which holds the President fully responsible until the end of his term. In this view, the President-elect has neither authority nor responsibility until Inauguration Day; therefore it is inappropriate for the outgoing President to ask him and unwise for him to express his views privately or take public positions on pending matters.

This position, however, ignores the realities of modern government--such nagging problems as the Korean and Vietnam wars, the need for delicately timed decisions on economic policy, and the ever-present chance of a national security emergency such as the Cuban missile crisis. Such matters can give rise to situations, sometimes on very short notice, in which it is essential for the President to keep negotiations moving or to make some decisions or commitments, and it is almost impossible for him to make them wisely or effectively without some expression of the President-elect's attitude. The President-elect, indeed, may find in his own interest that he cannot afford to remain noncommittal because he will have to cope after January 20 with the consequences of what the President does or does not do.

Thus in recent transitions, some kind of arrangements for at least keeping the President-elect informed and giving him an opportunity to express his preferences on pending matters have been agreed upon. These arrangements have never been tested by an extreme emergency although President-elect Nixon and President Johnson went a great deal further than any of their predecessors in their publicly standing together on the Paris negotiations on the Vietnam war. At any rate, the necessity of being prepared to deal with major matters of domestic or international policy, in consultation with the President, requires a high order of staff support and expert advice at the service of the President-elect.

Staffing Arrangements

A most obvious but difficult task faced by the President-elect, for which very substantial amounts of assistance and resources are required, is to locate, screen, and make decisions about prospective executive appointees for the new administration.

First, the President-elect needs a personal staff to serve him in the interim and subsequently in the White House. The nucleus ordinarily is found in the staff which has served him during the campaign, but not all campaigners can be taken to the White House, and modern developments in the kind of work done at the White House have created requirements for some people of eminence and expertise not usually found in a campaign staff. Thus, a considerable amount of

discussion, sorting, and sifting must go on as the President-elect chooses from those previously serving him and recruits others who will become close associates in the White House.

Second, the President-elect needs to make quick decisions about the appointment of about 20 men who will be appointed to head the departments and principal executive offices and independent agencies. Beginning with President-elect Eisenhower, decisions about the Cabinet posts have been made and announced by mid-December. Delaying these decisions any longer means that the individuals chosen do not have enough time to make their personal arrangements, consult with their predecessors, and recruit their own key subordinates before having to take over.

Third, it is necessary to set in motion a broader personnel search and evaluation to staff the leading positions below Cabinet level. Altogether, there are several hundred key appointments in the executive branch to which the President eventually needs to give attention; but he obviously cannot make decisions about all of them unaided and before taking office. How many of these appointments need to be settled prior to inauguration is debatable, but it probably is in the neighborhood of a hundred.

These three classes of personnel needs create a requirement for a very substantial effort, beginning right after election, to recruit personnel. The first step, of course, is an analysis to identify the key positions in some order of priority and establish criteria to be used in filling them. The President-elect is greatly advantaged if this job has been completed for him during the campaign period. Then begins the process of consulting the numerous national and party leaders who must be invited to suggest names, checking the philosophies and credentials of those considered, and weighing the prospects individually and collectively for quality, party acceptability, compatibility, and various kinds of balance.

Recent Presidents-elect have taken different approaches to this problem. In 1952-53, as already mentioned, General Eisenhower's associates hired a private firm to identify the key positions and their requirements and suggest names for consideration. In contrast, the "talent

scout" operation conducted under the supervision of President-elect Kennedy in 1960-61 combined the activity of several close family and personal associates and a dozen recruiters, mostly young lawyers, who were familiar with national problems and the most likely sources of talent, both inside and outside regular political circles. A massive effort was made to solicit suggestions from business, universities, and private organizations, as well as the usual party sponsors.

Personnel searches of this kind require a very substantial investment in high-quality staff, office space, clerical support, telephone service, and travel expenses for representatives of the President-elect to visit people to be consulted and for those invited to come to headquarters for interviews.

Policy and Program Preparations

Another major area in which large-scale preparations are required includes policy and program planning. The President-elect must become informed in detail about many aspects of Government policy and operations of which he previously may have had only superficial knowledge, because even before inauguration he must begin making substantive decisions on policy. He needs to be prepared for any consultations on pending problems with the outgoing President that may be necessary between election and inauguration. He needs to think about policy priorities to be outlined in the inaugural address and followed up by specific proposals presented to the Congress in a legislative program. He must become informed about what is going into the budget, which his predecessor will submit just before leaving office, in order that the new administration can make prompt requests for budget changes reflecting its own policy goals. The President-elect also needs to plan for executive announcements and decisions in his first few days in office which will have the effect of demonstrating his presence and leadership.

Potential sources of assistance and advice are numerous. Many people want to help or influence the new administration, and documents and ideas of all kinds come pouring in. The President-elect, of course, has at his disposal the transition memorandums prepared under the auspices of the

outgoing President in the Executive Office of the President and in the departments and agencies. He also has the legacy of his party's platform and his own previous commitments and campaign statements.

The President-elect needs help in coping with this material at several levels. He needs personal aides to sift from the mass of data those things he must immediately be aware of because they might affect his public statements, his relations with the outgoing President, or his decisions about personnel choices.

He also needs more basic program help. Even in the crisis of 1932-33, incoming President Franklin D. Roosevelt managed to lay plans with the help of the several policy assistants comprising the so-called Brain Trust. President-elect Dwight D. Eisenhower in 1952-53 relied for policy planning on a somewhat larger number of trusted advisers who sorted out policy recommendations from the mass of incoming data.

The next step in development of the President-elect's policymaking was taken in 1960-61, when the task force idea was transplanted from the realm of general policy advisory methods and given specific application to the needs of President-elect Kennedy. Under the leadership of several trusted individuals, special policy study groups were set up in a number of fields, about 30 in all, to assemble ideas and produce recommendations for the new administration's program. These task forces performed their duties under pressure of short deadlines and in most instances turned in reports to Mr. Kennedy before or shortly after inauguration. Their recommendations, although not adopted in all cases, provided at least a start on a set of initial policy positions. In any event, publication of the reports provided public demonstration of the new administration's concern and activity in many fields.

Since 1960 the utility of the task force device has commended itself to all major party presidential candidates.

Costs and Finances

It should be apparent from the foregoing that the President-elect has large requirements for facilities, staff, and services of various kinds. He must be able to travel with suitable safety, convenience, and dignity to various locations--his home, his recent campaign headquarters, and Washington, D.C. At each of these sites, arrangements must be made for his physical comfort and work space for himself and at least a small staff, for convenient and secure communication facilities, and for accommodations for the Secret Service and the press. At his principal working headquarters--usually at or adjacent to his former campaign headquarters--he requires a large number of offices for himself and staff. He also requires additional facilities and some staff in Washington if his headquarters are in another city.

As the President-elect's preparations gain momentum, more and more people are drawn into his service, directly or indirectly. These include personnel recruiters, task force members, and future appointees engaged in briefings, consultations with their predecessors, and the recruiting of their own subordinates. Such people must be transported, housed, and provided with clerical support--although not necessarily all under the same roof or at the President-elect's expense. Except for a few volunteers of independent means, however, most of them must be paid by someone. If they cannot be paid out of funds available to the President-elect, they tend to be carried by previous employers or subsidized by special contributors.

The scale of such activities in modern times makes the President-elect's preparation a costly process. Until recent transitions, there was little realization of how costly it actually was. The expenses were scattered among various political and Government organizations and were borne by numerous individual contributors and volunteers, including the private purse of the President-elect himself.

Information gathered by the President's Commission on Campaign Costs in 1962 indicated that a special Republican committee raised and spent over \$200,000 to finance the

preparations of President-elect Eisenhower in 1952-53 and that the cost to the Democratic National Committee of President-elect Kennedy's preparations in 1960-61 totaled at least \$360,000. These figures, however, included only direct expenditures from the most central sources. They did not include the value of Government facilities and services informally provided the President-elect, or the salaries and expenses of numerous individuals who worked as volunteers on personnel recruiting and task force operations, or the time and expenses of individuals chosen for office and working for the new administration, but not yet on the payroll.

Secret Service protection for the President-elect and his family, of course, has long been considered a Federal responsibility. To a limited degree in 1952-53, and a somewhat greater degree in 1960-61, the outgoing administration made arrangements for other kinds of assistance to the President-elect to be provided at Government expense. In 1952 President Truman made available a military airplane for President-elect Eisenhower's trip to Korea. Some department heads of the Truman administration also provided offices prior to Inauguration Day to those who had been designated as their successors and a few staff aides of the latter.

Although there was some concern about the legality of providing services to people who were still formally private individuals, assistance of this sort to the prospective members of the new administration was made available on a somewhat larger scale in 1960-61. Prior to inauguration, President Eisenhower's department and agency heads offered office space and secretarial services to the future Cabinet and subcabinet officers as they appeared to be briefed about their new responsibilities. In a few cases also staff assistants and secretaries of the future high appointees were put on the Government payroll before Inauguration Day by the outgoing administration. However, most of the Kennedy task force members, future assistant secretaries, and others who had not been on the campaign staff payroll, were left to their own financial resources. Many of them were effectively in the service of the new administration, frequently uprooted from their homes and living

in hotels in New York and Washington at their own expense, for several weeks before and after Inauguration Day until they could be officially appointed and put on the payroll.

The Transition Act

The difficulties of providing adequate funds for the activities of the President-elect and those working on his staff give rise to concerns of several kinds. The first question is whether lack of funds to support staff and other activities seriously hampers the President-elect and his assistants in their preparations. It would be unfortunate for the Nation if this were so. Another set of questions concerns the alternative sources of funds. In the transitions prior to 1968-69, the primary source of financing for the President-elect was the party organization; but it seemed of doubtful public interest to have a party likely to be already deeply in debt running further into debt after election day. Special money, no doubt, could be raised for the President-elect's expenses, but this created the danger, or at least the suspicion, of obligating the President-elect to private individuals who might have special axes to grind (the difference between a campaign contribution and a post-election contribution to the winner may be narrow in time, but it can be of great political significance). If the President-elect has no funds to provide for those he needs to work for him, he becomes dependent on those who can make themselves available, which also may not be in the highest public interest.

The problem of financing the expenses of the President-elect was publicly discussed in Brookings Institution studies in 1960 and 1961. It was suggested in these studies that such expenses might well be considered a public responsibility. The idea was examined later by a bipartisan commission appointed by President Kennedy to study the broader question of the public interest in presidential campaign financing. Summarizing the costs to the respective party organizations of the transitions of 1952-53 and 1960-61, the Commission said:

"*** These costs have increased the financial pressures on the parties. They are not partisan costs, however, and they should not be a charge

on the parties. The persons primarily involved are no longer candidates for office; they are the President-elect and Vice President-elect of the United States.

"We endorse proposals to 'institutionalize' the transition from one administration to another when the party in power changes. Important reasons for doing so exist wholly aside from the costs to the parties. The new President must select and assemble the staff to man his administration, and they in return must prepare themselves for their new responsibilities.

"We recommend that the outgoing President be authorized to extend needed facilities and services of the Government to the President-elect and his associates. We also recommend that funds be appropriated, to be spent through normal governmental channels, for that purpose."

In 1962 President Kennedy recommended legislation to carry out the Commission's recommendation. In addition to providing for authorization of public funds to assist the President-elect, the bill also provided for assistance to the outgoing President in the 6-month period following the end of his term. In the supporting testimony, it was pointed out that the Former Presidents Act of 1958 authorized limited amounts of staff and office space for former Presidents at Government expense. However, this legislation made no provision for the extra expenses incurred by a retiring President just after Inauguration Day in setting up his own office, sorting out his papers, and handling the lingering burdens of correspondence and other business following him from the White House.

The recommendation of the administration received bipartisan support in the Congress. The statute which emerged was identified as the Presidential Transition Act of 1963, although it was not actually passed by both Houses and signed by the President until early 1964.

The act opens with an important declaration of purpose:

"Sec. 2. The Congress declares it to be the purpose of this Act to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. The national interest requires that such transitions in the office of President be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people. Accordingly, it is the intent of the Congress that appropriate actions be authorized and taken to avoid or minimize any disruption. In addition to the specific provisions contained in this Act directed toward that purpose, it is the intent of the Congress that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as (1) to be mindful of problems occasioned by transitions in the office of President, (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of President."

The act vests in the Administrator of General Services the authority to provide, upon request, to each President-elect and each Vice-President-elect during the transition period between election and inauguration, necessary services and facilities--including suitably equipped office space, payment of staff salaries, travel expenses, communications services, printing and binding, and postage--subject to appropriations provided therefor.

The act also authorizes the Administrator to provide, upon request, similar services and facilities to each former President and each former Vice President, for a period not to exceed 6 months from the date of expiration of his term of office as President or Vice President, for use in winding up the affairs of his office.

The act authorizes for each transition an appropriation of not more than \$900,000 to carry out the purposes of the act. The amount appears to have been based on an estimate of transition costs made by the Bureau of the Budget (now the Office of Management and Budget), as modified in the legislative process. The Deputy Director of the Budget testified before a House subcommittee that a conservative estimate of the need would be about \$1,225,000. No fixed amount had been provided in the bill when it was originally introduced in the House. However, when it passed the House, the bill provided for an authorization of \$1,300,000; when the bill passed the Senate, the authorization was reduced to \$500,000. When the bill went to conference, the difference was compromised, resulting in an authorization of \$900,000.

The act does not indicate how the fund is to be divided between the incoming and outgoing administrations. The only relevant legislative history is a comment by Senator Warren G. Magnuson who stated that "it is assumed that the funds made available by this appropriation will be utilized on an equal basis by the outgoing and incoming administrations" (Cong. Rec., July 18, 1968, p. S 8913).

The bill received an extremely limited application following the Presidential election of 1964. There was, of course, no retiring President in that year and no special funds were authorized for Presidents and Vice Presidents already in office and reelected. Therefore the only individual eligible for transitional assistance was Vice-President-elect Hubert H. Humphrey who expended approximately \$72,000 in the period between election and Inauguration Day.

The full application of the act was not demonstrated until 1968-69, when the transition funds were divided equally between the incoming and the outgoing administrations.

ACTIVITIES OF PRESIDENT-ELECT NIXON

As in other recent transitions, President-elect Nixon and his assistants had a short 10 weeks before inauguration to plan the organization of the White House and select principal members of the White House staff, select members of the Cabinet, make substantial progress on the other major nominations required, study the budget to be submitted by the outgoing administration, begin development of a legislative program for consideration by the Congress, and familiarize themselves with the machinery of Government and the situations they were to inherit.

Some idea of the fast pace set by President-elect Nixon himself during the period between his election and his inauguration can be had from the public announcements regarding his more important activities. On November 8, 3 days after the 1968 election, President-elect Nixon met informally with his close advisers to discuss the transition. Thereafter, he:

Met with Vice-President-elect Agnew. Responsibilities of the Vice President were discussed. November 9.

Met with Henry Cabot Lodge (later to become Chief U.S. Negotiator in the Paris peace talks) and discussed Vietnam and the peace talks. November 10.

Met with President Johnson and others on Vietnam peace prospects. November 11.

Appointed Bryce Harlow as Assistant to the President for Legislation and Congressional Affairs. November 12.

Announced plans to reconstruct the White House staff. Named H.R. Haldeman as Assistant to the President. November 13.

Appointed John Ehrlichman as Counsel to the President. November 14.

Appointed Herbert Klein as Director of Communications for the Executive Branch of the Government. November 25.

Sent William Scranton on a fact-finding mission to the Middle East. November 29.

Appointed Henry Kissinger as his Assistant for National Security Affairs and to oversee a complete reorganization of White House security-planning machinery. December 2.

Appointed Lee DuBridge as his Science Adviser December 3.

Picked Paul McCracken to be Chairman of his Council of Economic Advisers. Conferred with Representative Wilbur Mills. December 4.

Met with Averill Harriman, Chief U.S. Negotiator at the peace talks. December 5.

Announced on nationwide television his new Cabinet members. Met with President Johnson and discussed the Middle East situation. December 12.

Met with William Scranton, who had just returned from his trip to the Middle East. December 13.

Conferred with Israeli Defense Minister Moshe Dayan. December 14.

Met with Republican congressional leaders on the legislative outlook for the coming year. December 15.

Announced that J. Edgar Hoover and Richard Helms would be retained as Directors of the FBI and CIA, respectively. December 16.

Visited the Secretary General of the United Nations and other UN officials. December 17.

Appointed Daniel Moynihan as Liaison for District of Columbia Affairs. December 19.

Named Charles Yost as U.S. Representative to the United Nations. December 20.

Named David Packard as Deputy Secretary of Defense.
December 30.

Named Elliott Richardson as Undersecretary of State.
January 4.

Named Henry Cabot Lodge to replace Averill Harriman as
Chief U.S. Negotiator at the peace talks. January 6.

Named James Hodgson as Undersecretary of Labor. Jan-
uary 10.

Named Frank Shakespeare as Director of the U.S. Infor-
mation Agency. January 13.

Met with his staff and future department heads for a
"pre-Cabinet meeting" just before the inauguration.

Public announcements, however, give little indication
of the massive behind-the-scenes efforts made by the incom-
ing administration, by the departments and agencies, and by
interested citizens and institutions to carry off the tran-
sition.

The Search for Talent

Shortly after the election, Mr. Nixon and his staff
turned to the job of selecting people to man the new admin-
istration. The President-elect and his closest advisers
concentrated on choices for the Cabinet and key Executive
Office and White House positions. Meanwhile staff assis-
tants began to seek and screen persons for the approximately
2,000 lesser positions that are normally opened up when
there is a party overturn.

An effort was made by the incoming Nixon administra-
tion to draw rather widely upon a cross section of U.S.
talent and to avoid the closed groups that might result if
selection and hiring were left completely to officials down
the line. Recommendations for administration positions were
solicited from such traditional sources as members of the
Congress, Republican political organizations, and the Chamber
of Commerce. In addition, a major effort was made to develop
a reservoir of candidates who were not limited to association

with these groups. Consequently, arrangements were made to obtain the computer listing of persons in "Who's Who" and, with the assistance of automatic data processing equipment, to solicit from these people recommendations of established leaders in various fields.

The result was a flood of recommendations and applications, solicited and unsolicited, which reached as high as several thousand a day. The process of screening these recommendations and applications was as follows:

1. Background information was requested from the individuals.
2. This information was reviewed and about 50 percent of the candidates were eliminated from consideration. Certain minimum requirements, such as U.S. citizenship, had to be met. In addition, an "age achievement" judgment was made which considered educational attainments and development in profession or business in relation to age.
3. The remaining candidates were turned over to so-called "department specialists" who were familiar with requirements and with job openings in the departments assigned to them. It is estimated that an additional 30 percent were eliminated at this stage.
4. A review committee consisting of some of the President-elect's top assistants made further eliminations.
5. Candidates who survived the foregoing steps were run through the 48-hour or National Agency check.
6. A check was then made of personal references.
7. Final candidates were then referred to the appropriate Presidential appointees for consideration.

The personnel information gathered during the transition period became the nucleus of the "talent bank" for continuing use in filling new and vacant positions within the Nixon administration.

The Nixon staff involved in the search for talent numbered about 125 to 150 people at the peak.

The Search for New Insights
and Fresh Ideas

Continuing the practice followed in recent times, Mr. Nixon employed the task force approach to generate new insights and fresh ideas for use in shaping the programs and policies of the incoming administration.

The Nixon task forces were set in motion soon after Mr. Nixon received the Republican nomination. Paul McCracken was designated Chairman of the task force effort, and ultimately 21 subjects were selected for study by individual task forces. They were:

Urban affairs	Federal lending and loan guaranty programs
Voluntary action	Education
Health	Manpower-labor/management relations
Housing and urban renewal	Fiscal policy
International trade	Science
International economic policy	Productivity and competition
Government organization	Space
Inflation	Resources and environment
Transportation	Tax legislation
Intergovernmental fiscal relations	Crime and law enforcement
Public welfare	

There were three major characteristics of the task forces, all apparently intended to enhance the usefulness of the results to the new President.

1st--Members were selected who were thought to have something to offer, without regard to party. As a matter of interest, one task force member served also on a task force for the Democratic nominee Hubert Humphrey.

2d--Task forces were not highly publicized or used as adjuncts to the campaign effort.

3d--Task force reports were to be for "the next President." That is, if candidate Nixon lost, they were to be offered to the successful candidate.

Task force reports were required to be not more than about 20 pages long, setting forth the main issues, the pros and cons, and the principal conclusions about the direction the new administration should move. In the interest of time, there were usually no efforts to work out recommendations in detail. Some task forces completed their work before December and all finished before the inauguration.

On January 10 and 11 the task forces met with the appropriate future Cabinet members at the Hotel Pierre in 2-hour sessions. Later, Arthur Burns and his staff prepared a consolidated book of the task force reports for the President--a coordinating role that he later continued as Counselor to the President.

Ten days after the inauguration the President issued to Cabinet officers and agency heads a number of directives calling for actions, some of which grew out of reports by the task forces working with these departments. In some cases, the directives indicated the President's intentions; in others, further study was called for and a report was required by a specific date. Additional directives were issued over the next several weeks.

It has been suggested that a useful by-product of the task force approach is the opportunity it affords to observe various people in action with a view to their selection for posts in the administration. Whether this is so or not, it is interesting to note that Herbert Stein, Richard Nathan, Russell Train, George Shultz, Robert Seamans, David Packard, Henry Loomis, and Paul McCracken--all associated with the task force effort--were later appointed to important posts in the administration.

Other voluntary efforts were made to provide new ideas for the incoming administration. The Brookings Institution, continuing its interest in presidential transitions begun in the 1950's, prepared an analysis of the substantive problems with which the new President and the new Congress would have to grapple. The result was the publication of Agenda for the Nation, a series of 18 essays on a wide range of subjects, edited by Kermit Gordon. Henry Kissinger, author of the essay on "Central Issues of American Foreign Policy," was to become Assistant to the President for National Security Affairs and Herbert Stein, author of the essay on "Unemployment, Inflation, and Economic Stability," was to become a member of the Council of Economic Advisers.

Establishing Continuity

Whatever its plans for the future may be, a new administration must begin where the outgoing administration leaves off. Therefore, to ensure continuity in the conduct of the affairs of the Government, it is vital that the outgoing administration take steps to familiarize the new administration with ongoing activities, as well as matters requiring immediate attention.

Preparations began in the spring of 1968 when the Bureau of the Budget (now the Office of Management and Budget) instructed its division heads to gather material that might be useful in advising the President-elect during the transition. The Bureau's transition papers dealing with national issues were designed to identify and describe current issues facing the President-elect. The Bureau also prepared papers on individual departments and agencies which served as a basis for Bureau discussions with incoming department and agency heads and supplemented the papers prepared by the departments and agencies themselves.

In September 1968 President Johnson named a member of his staff, Charles Murphy, to be his representative on transition matters. He invited the candidates to do the same. Candidate Nixon appointed Franklin B. Lincoln, Jr., a member of his law firm and a former Department of Defense official, to be his personal representative on transition matters. The President also sent a memorandum to department and agency heads directing them to designate a senior

official to develop transition plans adapted to the needs of the agency. The memorandum charged each agency with the major responsibility of briefing its own incoming management and called for the preparation of briefing books with information which would be useful to incoming officials. As appointees were named, the briefing materials prepared by the departments and agencies were given to them by their counterparts within the administration at their first meetings.

Meanwhile there were special arrangements for continuity at the highest level. At their first meeting, President Johnson and President-elect Nixon agreed on a plan of consultations which would permit the Johnson administration to continue its efforts toward peace negotiations at Paris with public assurance that it had the backing of the incoming administration. Former Ambassador Robert Murphy was designated by the President-elect as his liaison to the Department of State, and through him arrangements were made for the outgoing administration to make commitments on a number of matters in the international sphere. The President and President-elect communicated by telephone on Vietnam and other matters. In the last week of his administration, President Johnson could announce that procedural obstacles had been surmounted and serious negotiations seemed to be starting at Paris. He was also able to recommend, with the concurrence of his successor, an extension of the controversial special income surtax.

These arrangements between President Johnson and President-elect Nixon were not tested by the necessity of a serious emergency decision. Nevertheless, the 1968-69 experience marked a new high in cooperation between a President and a President-elect in safeguarding the national interest during the transition period.

Financial and Other Support

President-elect Nixon's representative on transition matters estimated that "approximately \$1.5 million was required to defray the expenses of the incoming administration for such items as the rental of temporary office space, telephone and other communications, travel, expenses of task forces, disbursements in connection with interviewing applicants and a myriad of other expenses necessarily incurred during the interregnum." Included were expenditures from funds appropriated under the Presidential Transition Act for the incoming Nixon administration, as follows:

<u>Type of expense</u>	<u>Amount</u>
Salaries and related expenses	\$422,644
Rental of office space and utility services	17,880
Printing and reproduction	5,760
Other	<u>3,716</u>
 Total	 <u>\$450,000</u>

As indicated by the estimate of President-elect Nixon's representative, funds made available under the Presidential Transition Act are not the sole measure of efforts expended on behalf of the incoming administration. For example, of the 125 to 150 people involved in the search for talent, only about 35 were paid out of the Presidential Transition Act funds, about 20 were Government clerical employees on rotating detail, about 20 were furnished by Kelly Services and paid for with special Republican transition committee funds, and the remainder were volunteers who donated their services. On the other hand all of the task force members donated their services. Travel and other expenses associated with the task force activities amounted to about \$52,000 and were paid from non-Government funds.

Various agencies of the Federal Government provided direct support to the incoming administration. The Secret Service, of course furnished protection to the President-elect and the Vice-President-elect as required by law and

the FBI, CIA, and IRS furnished security checks on prospective appointees. The Civil Service Commission supplied a list of positions which were filled by Presidential appointment and furnished counseling on conflict of interest problems of top level appointees; the U.S. Army Signal Corps provided communications support; and in most cases new department heads used offices set aside for them in their future departments.

The Administrator of General Services provided approximately 25,600 square feet of space for the personal use of the President-elect and his immediate staff in Federal Office Building 7, a structure near the White House which houses parts of the Executive Office of the President. It turned out that President-elect Nixon himself made only limited use of these facilities, since he chose to do most of his work in New York City. However, some of his staff members who were stationed in or had to visit Washington during the transition period did use them. President-elect Nixon occupied them briefly on some of his trips to Washington, and the symbolic importance of the President-elect's having an "official" headquarters adjacent to the White House in space identified with the Executive Office should not be overlooked.

FORMER PRESIDENTS

For most of this country's history, former Presidents might well have reflected on the ingratitude of the Nation. Many of them were not only personally neglected, with scant attention to their potential for further contributions to our national life, but also were left without financial resources to keep them in appropriate dignity in compensation for the burden they had borne. Fortunately, recent years have brought appropriate attention to former Presidents. Arrangements have been made to sustain them financially, to preserve their records and papers, and to keep them in touch with their successors in the White House.

A most graphic statement on the problems and burdens of a former President in modern times was presented in an April 1955 article by David Lloyd, Executive Director of the Harry S. Truman Library.

"Let us take the position of a President as he is about to leave office. He is told that he is the proud possessor of what are virtually the White House files--in President Truman's case some 1,600 file drawers or 3,500,000 items--that he may take home with him. In addition he has recordings of most of his public speeches, films of his acts and appearances, and an apparently limitless quantity of books, gifts, relics, and mementos lavished on him by foreign governments, friends, organizations, and the general public--some of it of great value and some of it mere sentimental junk.

"If the outgoing President is a man with an historical conscience, his state of mind will be doubly vexed. He will know that it is not possible for him, or indeed for any of his contemporaries, to decide which parts of his vast collection have permanent historical value and which parts can be safely destroyed. He will know, too, that embedded in this mass are many confidences which he is in duty bound to protect if he can. He will know that certain parts of

the collection--but no one knows exactly which-- will be vital to him for the defense of his conduct against political or personal enemies. And he will know, if he is a man of moderate means, that the cost of preserving all this stuff, at his personal expense, will be almost prohibitive, and that its assessed value as unique historical material may well gobble up his estate in taxes after he dies.

"The plight of an ex-President is aggravated by the fact that a grateful Nation, when he retires, cuts him off without so much as a thin dime. Retired generals of highest rank get pensions, personal aids, cars, and office space, all at public expense, but retired Presidents do not even have the privilege of the frank. People write to an ex-President almost as copiously as when he was in office, but if he wishes to return the compliment, he has to pay for office space, secretarial help, and supplies--and buy a 3-cent stamp for every letter. Such is the traditional callousness of republics, and perhaps we should not complain about it, but it does emphasize the difficulty of handling Presidential papers and other memorabilia."

Shortly after this assessment of the situation, the Congress moved to remedy some of the historic indifference toward former Presidents. The Presidential Libraries Act of 1955 authorized the Administrator of General Services to accept as a gift or to agree to use land, buildings, and equipment for the purposes of creating a presidential archival depository and to maintain, operate, and protect them as part of the national archives system; and to accept for deposit the papers and other historical materials of any President or former President and other specified papers and documents.

Several years later the Former Presidents Act of 1958 was passed. This act entitles a former President to a monetary allowance of \$25,000 a year; suitable office space, appropriately furnished and equipped; an office staff selected by and responsible to the former President; and free

mailing privileges within the United States, its territories, and possessions. The Supplemental Appropriation Act, 1969, provides that funds appropriated for Allowances and Office Facilities for Former Presidents be available for travel and related expenses of former Presidents and not to exceed two members of their staffs; travel expenses had not previously been authorized in the basic legislation.

The 1958 act placed limitations on the salaries of the office staff. These limitations were revised by subsequent legislation and now provide that salaries of individuals not be higher than the base pay for positions at Level II on the Executive Schedule (presently \$42,500 a year) and that salaries in the aggregate not exceed \$96,000 a year.

Finally, the Congress passed the Presidential Transition Act of 1963, which has been discussed more extensively on pages 21 to 25. This act authorizes the furnishing of office space and equipment to a former President and authorizes appropriations for the payment of staff salaries, postage, experts' and consultants' fees, travel expenses, communications services, and printing and binding.

The relationship between the Former Presidents Act and the Presidential Transition Act is spelled out in the latter. Briefly, it provides that the services and monies appropriated for a former President under the Presidential Transition Act be available for a period of 6 months from the date of the expiration of his term of office and that the provisions of the Former Presidents Act relating to office services and facilities will only become effective after that time.¹

¹Notwithstanding the fact that section 4 of the Presidential Transition Act limited the period for which the Administrator of General Services is authorized to furnish office space and staff to a former President to not more than 6 months from the date of expiration of his term of office (see p 24) funds appropriated to GSA in the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, to carry out the Presidential Transition Act were made available until June 30, 1970. The General Accounting Office held that, since the language of the appropriation act was the latest expression of Congress in the matter, the funds contained in that appropriation act to carry out the Presidential Transition Act were available for obligation for the purposes of the act until June 30, 1970, notwithstanding the provisions of section 4 of that act.

Since funds appropriated for fiscal year 1970 to carry out the provisions of the Former Presidents Act and funds appropriated by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, to carry out the provisions of the Presidential Transition Act of 1963 were available until June 30, 1970, both could have been used after July 20, 1969, to provide office space and staff for former President Johnson, subject to the other requirements of both acts.

It appears that insofar as the former Presidents are concerned the purposes of the Presidential Transition Act and the Former Presidents Act are similar--the Transition Act giving recognition to the special burdens that former Presidents face in the period immediately after leaving office.

The report of the Senate Committee on Post Office and Civil Service accompanying the bill which eventually became the Former Presidents Act of 1958 gives some insight into the general concern of Congress regarding the former Presidents.

"The interest of the American people in the President does not cease when his term of office has ended. Neither does his obligation to maintain the dignity of that great office, nor his opportunity to be of service to the public good. There has been wide recognition of the fact that a man who serves as President gains a unique and invaluable experience thereby, and that somehow the benefit of this experience should be made available for public service.

"There have been a number of proposals as to how this might best be done. We do not at this time propose any definitive solution of this matter. We agree that the way should be open to utilize the services of former Presidents when that is appropriate. We are inclined to the view that no attempt should be made to establish a fixed pattern for doing this, but rather that it should be left to be determined in the circumstances of each particular case.

"However, this is perfectly clear to us the matter ought not to be determined on the basis of financial stringency in any case. In other words, when and if any former President can be called upon for public service, there ought to be no financial bars standing in the way "

Acting in accord with this reasoning, President Nixon created on February 14, 1969, the position of Special

Assistant to the President for Liaison with Former Presidents. The stated purpose of this office is to maintain channels of communications, keeping former Presidents abreast of such developments as the President may desire, and to provide a mechanism by which the President may avail himself of the counsel and advice of the former President on major matters, particularly those of a national security nature.

Former Presidents Hoover and Truman

Mr. Hoover and Mr. Truman were the first former Presidents to receive assistance under the Former Presidents Act and Mr. Truman continues to do so. Mr. Truman receives the monetary allowance of \$25,000 a year authorized by the act, is currently furnished a staff of five persons, and maintains offices occupying about 3,500 square feet in the Truman presidential library. The library is operated as part of the national archives system under the Presidential Libraries Act, which provides, among other things, for the furnishing of office space to the former President.

The Presidential Transition Act of 1963 had not, of course, been enacted when Mr. Hoover and Mr. Truman left office and they received no assistance thereunder.

Former President Eisenhower

Mr. Eisenhower was the third former President to receive assistance under the Former Presidents Act. Mr. Eisenhower received the monetary allowance of \$25,000 a year and was provided with about 4,800 square feet of office space on the campus of Gettysburg College at Gettysburg, Pennsylvania. His staff varied from four to seven persons.

Some of the burdens of a former President are illustrated by the experiences of former President Eisenhower. Five days after he left office, the accumulated mail amounted to 10,000 pieces--2,000 to 3,000 pieces had been received at the White House and forwarded to him. Mail statistics were not accumulated by his staff for all of the first year out of office, but figures accumulated in subsequent years showed that the annual mail averaged in excess

of 50,000 pieces. A day's incoming mail might typically have included a request for a meeting with Mr. Eisenhower, a letter from a citizen who was having some problems with a Government agency, a letter from a schoolboy asking "what does a President do," an invitation, a letter from a researcher asking for Mr. Eisenhower's recollections of some major event during his administration, a request for Mr. Eisenhower's endorsement of some cause, an expression of regard, and so forth.

Also Mr. Eisenhower's activities on behalf of various organizations and committees, such as Freedoms Foundation, People-to-People, United Cerebral Palsy Associations, Eisenhower Exchange Fellowships, and Eisenhower College, generated considerable mail. The organizations and committees whose interests were served by Mr. Eisenhower would lend administrative support when such mail became substantial.

The Eisenhower presidential library is operated as part of the national archives system under the Presidential Libraries Act. The Presidential Transition Act of 1963, however, had not been enacted when Mr. Eisenhower left office and he received no assistance under it.

Former President Johnson

Mr. Johnson is the fourth former President to receive assistance under the Former Presidents Act and the first under the Presidential Transition Act of 1963.

Mr. Johnson receives the monetary allowance of \$25,000 a year authorized by the Former Presidents Act. Furnished office space is provided by the General Services Administration in the Federal Office Building in Austin, Texas. These are the same offices which were furnished for Mr. Johnson and frequently occupied by him during his trips to Texas while he was President.

There were 11 full-time employees on Mr. Johnson's staff as of March 31, 1970.

During the period January 21, 1969, to June 30, 1970, the General Services Administration incurred obligations of \$370,276 against the \$375,000 allocated to former President

Johnson under the Presidential Transition Act. During this period Mr. Johnson did not request that his employees be paid from funds authorized by the Former Presidents Act. After June 30, 1970, Government funds available to pay Mr. Johnson's employees are limited to the \$96,000 a year authorized by the Former Presidents Act.

Statistics compiled by the office staff of former President Johnson show that he continues to carry on a substantial correspondence with the public, just as former President Eisenhower did up until the time of his death. The staff reports that he receives an average of 310 letters a day from every part of the Nation and that during peak periods as many as 3,200 letters have been received on a single day.

Some of the letters are from citizens seeking information about particular Federal programs for which they might be eligible; some are from retired workers whose social security checks have been lost or missent; some are from students or teachers, requesting the former President's views on current issues; and some are from historians, seeking clarification of a particular aspect of the Johnson Administration. Many letters come in from parents or wives of American servicemen serving in Vietnam. In addition to these routine letters, hundreds more are generated each time Mr. Johnson appears on television or makes a public statement.

In all, the statistics show that from January 21, 1969, to June 30, 1970, the mail workload totaled approximately 238,000 pieces. The figure breaks down to 114,943 incoming letters and 123,285 outgoing letters. In addition approximately 4,400 telegrams were handled in the first year and a half that Mr. Johnson was out of office. It is significant to note, too, that the office of former President Johnson handled 179,623 telephone calls during this same 18-month period.

Since the Presidency is a constitutional office and the U.S. Constitution does not specifically provide for the disposition of the President's papers, such files have historically been considered to be his private property.

Mr. Johnson, while still in office, donated his papers and other materials to the United States for ultimate deposit in the Johnson presidential library in order that his files and records may be available to the people of the United States.

The donation agreement stated that, since the President of the United States is the recipient of many confidences from others and since the inviolability of such confidences is essential to the functioning of the constitutional office of the Presidency, it would be necessary to withhold from public scrutiny certain papers and classes of papers for varying periods of time. Under the agreement, former President Johnson reserved the right to restrict the use and availability of the materials donated "which may have been or may be delivered to the United States."

The most recent estimate of papers in the Johnson presidential library is 31,000,000 pages. This compares with the total of papers in other presidential libraries as follows: Kennedy, 10,000,000; Eisenhower, 15,517,000; Truman, 8,888,000; Roosevelt, 21,615,000; and Hoover, 2,923,000. The volume of papers in a presidential library depends on the former President's term in office, his prior public service, the increasing complexity of Government, and the extent to which the papers of his associates and other contemporary figures are included.

Shortly before leaving office, President Johnson announced that he was going to make a concerted effort to screen and to declassify, within the limits of national security, as many documents as possible in the shortest time possible. The goal of this effort is to make documents available to scholars and historians earlier than in previous presidential libraries.

In the past year, three members of Mr. Johnson's transition staff have been reviewing and screening presidential papers under the terms of the donation on a full-time basis

and five others have been screening classified papers on a part-time basis.¹ After the initial review of these papers by Mr. Johnson's office staff is completed, the actual processing and cataloging will be handled by the staff of the Johnson presidential library.

The library itself is not being constructed with Federal funds. Public Law 89-169 authorized the Administrator of General Services to enter into an agreement--upon such terms and conditions as he determines proper--with the University of Texas to utilize as the Lyndon Baines Johnson Archival Depository, land, buildings, and equipment of the University to be made available by it without transfer of title to the United States. It also authorized the Administrator to maintain, operate, and protect such depository as part of the national archives system.

The library includes plans for a replica of Mr. Johnson's White House office. This office is designed primarily as an educational exhibit for visitors to the Johnson library. During the active years of the former President, it will also serve as his office when he is at the library. Office space in a presidential library for a former President is authorized by the Presidential Libraries Act.

Funds for the operation of the Johnson library are provided by the General Services Administration's annual appropriation acts under the heading "Operating Expenses, National Archives and Records Service."

¹Also the State and Defense Departments have detailed some of their employees to declassify Mr. Johnson's papers. The authority to declassify documents bearing a security classification rests with the agency which was responsible initially for the security classification (sections 2 and 4, Executive Order 10501, November 5, 1953, as amended). Since the declassification of security documents is a continuing responsibility of the State and Defense Departments, the salaries of their employees detailed to declassify Mr. Johnson's papers are not appropriate charges against the funds appropriated for carrying out either the Presidential Transition Act or the Former Presidents Act.

Former Vice President Humphrey

Mr. Humphrey was the first former Vice President to receive assistance under the Presidential Transition Act of 1963 and also the first incoming Vice President, having received assistance in 1964-65.

Mr. Humphrey was allotted \$75,000 of the funds authorized under the act for the 1968-69 transition. These funds were used primarily to pay the salaries and fees of a staff which varied from 8 to 17 employees and consultants.

Office space was furnished to Mr. Humphrey and his staff in Federal Office Building 7.

Correspondence was the primary workload borne by the staff. Work was also done on the screening of papers accumulated by Mr. Humphrey. Most of these papers were sent to the Minnesota Historical Society.

CONCLUSIONS AND RECOMMENDATIONS

The transition of 1968-69 from President Johnson to President Nixon continued the trend, begun in the last several transitions, toward more careful advance preparations and greater continuity. In broad outline, the 1968-69 transition fulfilled the objectives of the act of 1963.

There are several matters discussed below which we believe warrant further attention by the Congress. We requested the comments of the Office of Management and Budget on these matters and were advised that it supported our conclusions.

Adequacy of Transition Funds for Incoming Administrations

A question arises as to whether the transition funds made available to the incoming President and Vice President are adequate. Certainly, the question is encouraged by the manner in which the amounts were determined.

The starting point was an estimate presented to the Congress by the Bureau of the Budget in its testimony on legislation leading to the Presidential Transition Act. The Bureau estimated that \$1,225,000 would be a conservative amount to authorize for transition expenses. The bill passed by the House authorized an amount of \$1,300,000 (apparently the Bureau's estimate rounded). This amount was compromised to \$900,000 in conference with the Senate. Although the act is silent on the matter of the division of the funds between the incoming and outgoing administrations, the legislative history reflects an expectation that they be divided equally. This was done in the case of the 1968-69 transition. (See pp. 24 and 25.)

Although the \$450,000 in assistance made available to incoming administrations might well have been based on a more accurate determination of the actual expenses, it can also be argued that Presidents-elect and Vice-Presidents-elect have both quasi-official and political responsibilities in uncertain proportion and that there is no objective

means of determining in what proportion their total expenses should be borne by public and private funds. It is our belief, however, that, if the Presidential Transition Act is to function as intended, the Federal assistance must cover a substantial part of the transition expenses.

We believe that the \$450,000 in Federal funds made available to the incoming Nixon administration was clearly inadequate in light of the \$1.5 million estimated to have been spent during the 1968-69 transition. (See p. 34 .)

Inasmuch as the 1968-69 transition was the first full-scale transition since the passage of the Presidential Transition Act, the Congress may wish to review the adequacy of the assistance given the incoming administration.

Period of Availability of Transition Funds to Outgoing Administrations

In the normal course of events, the monies authorized for the former President and the former Vice President under the Presidential Transition Act are available for only 6 months after they have left office. At the end of this period, funds for the former President would be made available at a much-reduced level for staff and other expenses under the Former Presidents Act while the former Vice President would receive no further funds. (See pp. 22 and 38.)

On the basis of experience gained from the last transition, we believe that the extension of the period of availability of transition funds beyond the 6 months set by the Presidential Transition Act is desirable. It is our view that, although existing legislation correctly assumes that the burdens of former Presidents and Vice Presidents are greatest in the months immediately after leaving office, the actual burdens do not decline as rapidly as the 6-month limitation in the Presidential Transition Act implies, therefore, a strict adherence to the 6-month limitation makes the timing of fund availability out of phase with the workload pattern.

The Presidential Transition Act authorizes appropriated funds for the former President and Vice President at an average rate of \$75,000 a month for 6 months or, under the ratio used in the 1968-69 transition, \$62,500 a month for the former President and \$12,500 a month for the former Vice President. At the end of 6 months, the appropriated funds available for the former President's staff are reduced sharply to \$8,000 a month, and the former Vice President gets nothing (see p. 38).

The burdens of a former President in winding up his affairs apparently do not drop off so sharply. Certainly, the screening of Mr. Johnson's papers preparatory to releasing them to the presidential library had scarcely begun by July 21, 1969, the date that Presidential Transition Act funds would normally have terminated.

Therefore, we believe that the Congress may wish to consider the need for an extension of the time during which Presidential Transition Act funds are available to the former President and Vice President.

Limitation on Salaries of Former President's Staff

The Former Presidents Act, as amended, provides that the compensation which may be paid to any member of the former President's staff be no higher than the base pay for positions at Level II on the Executive Schedule (presently \$42,500 a year). It further provides that the compensation of persons employed by a former President under the act not exceed \$96,000 a year, in the aggregate. (See p. 38.) Originally, the limitation was \$50,000 and it was raised by amendments to \$65,000 and \$80,000 before reaching the current amount in April 1970.

The maximum individual salary, then, is tied to legislation establishing Executive Schedule pay scales, whereas the overall compensation of a former President's staff is limited by the Former Presidents Act itself.

It seems reasonable that an increase in individual salaries would warrant, at the same time, a corresponding increase in the overall limitation. But, in practice the

Former Presidents Act is not likely to be amended at the time Executive Schedule pay rates or classified pay rates in general are raised. Also, general pay increases for classified employees have occurred with greater frequency in recent years than have increases in the limitation in the Former Presidents Act.

Therefore we believe that the Congress may wish to consider the need to amend the Former Presidents Act to provide for adjustment of the overall limit on compensation of the former President's staff, in line with pay raises in general. Or, perhaps, in view of the uncertain purpose for the limitation on total salaries within the total appropriations available, the limitation could be safely eliminated.

SCOPE OF REVIEW

Our work consisted of reviewing the legislative histories of the Presidential Transition Act of 1963 and the Former Presidents Act of 1958 and articles and treatises on transitions. We also reviewed relevant files and financial reports of the General Services Administration in Washington, D.C., and Fort Worth, Texas.

We also interviewed various individuals who were directly involved with the incoming and outgoing administrations during the 1968-69 transition.

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APPENDIX

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