FEATURES

The Contemporary Presidency

The Obama Presidential Transition: An Early Assessment

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Transitions to the presidency bear wide-ranging consequences for the successes—and failures—of the administrations that follow. Barack Obama's effort in 2008 and early 2009 is no exception. In many ways, it was a successful transition to office. Despite severe economic constraints, the transition paved the way for an ambitious post-inaugural agenda and the first steps toward fleshing out Obama's campaign themes of "hope" and "change." But all was not perfect. It was a transition that also offers cautionary lessons about how early mistakes, errors, and omissions potentially can hinder that success.

The seventy-six days between election day, November 4, 2008, and inauguration day, January 20, 2009, once again demonstrated the significance of the transition period to an ensuing presidency. For the Obama presidency, the transition was especially important given the uncertain environment in which he entered office: the first president-elect since Richard M. Nixon to take office in wartime, as well as the first incoming president since Franklin D. Roosevelt to face the gravest of economic difficulties. Economic conditions were particularly notable in the cloud they ominously cast on his presidency: banking and auto industries on the verge of collapse, a stock market in its most significant retreat since the 1930s, skyrocketing federal deficits, and an economy in the midst of what is likely to be the deepest recession in the post–World War II era.

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At the same time, Obama's political position was reasonably favorable. He garnered a healthy majority of the popular (52.9%) and electoral vote (365). The popular vote was a more propitious result than the pluralities of John F. Kennedy in 1960 (49.7%), Nixon in 1968 (43.4%), Bill Clinton in 1992 (43%), and, of course, the popular vote loss of George W. Bush in 2000 (47.9%). It was above the bare majority that Jimmy Carter won in 1976 (50.1%) and only slightly behind George H. W. Bush in 1988 (53.4%). The electoral vote was also significant: above Kennedy (303), Nixon (301), Carter (297), and G. W. Bush (271), and only slightly less than Clinton (370). Yet Obama's victory was hardly of record-making proportions. He was well below the margins of FDR in 1932, Dwight D. Eisenhower in 1952, and Ronald Reagan in 1980.[1] However, like all of the last three, his accession to office followed that of an unpopular incumbent. His campaign themes of "hope" and "change" resonated with an uncertain public. But would the difficult context of his transition and early presidency yield an effective policy response?

A Successful—and Ambitious—Pre-Election Effort

Since Jimmy Carter's transition in 1976, presidential candidates have made significant efforts before election day in planning for a possible presidency. For Carter, work began shortly after it was clear that he would be the Democratic Party's nominee following the Pennsylvania primary in April. For Reagan, tentative steps were taken late in 1979 and a formal effort began in the spring of 1980, once Reagan's nomination was secured. For G. H. W. Bush, discussions began in late 1987, and, like his two predecessors, serious work commenced once his nomination was clear. For Clinton, planning began right after the July 1992 Democratic National Convention. G. W. Bush chose to start much earlier: the spring of 1999, the earliest effort to date.

Obama and his associates, especially former Senator Tom Daschle (D-SD) and former Clinton chief of staff John Podesta, followed the 1992 pattern and waited until the summer of 2008 to begin the major part of their work. Some reports even indicated that they were well under way by that point. As Paul Light (2009) notes, "The Obama team . . . started writing briefing memos long before Obama announced his planning effort last July. Indeed, the outline of the transition's soon-to-be-published book of transition essays was set last April." More generally, according to another account, "Obama got an early jump on his transition planning last spring, turning discreetly to Washington veterans and survivors of the Clinton years for advice on how best to launch his administration" should he win (Simendinger 2008, 71; also see Sweet 2008). According to Podesta, Obama "understood that in order to be successful he had to be ready. And he had to be ready fast" (Tumulty 2008, 27).

1. In 1980, Reagan won 489 electoral votes and 50.7% of the popular vote in a three-way race. His margin over Carter, however, was a healthy 9.7%. Also like the three, the 2008 election brought additional members of the president-elect's party to Congress: 21 House seats and 7 Senate seats (8 if Al Franken wins the contested Minnesota seat). By contrast in 1992, the Democrats lost 10 House seats and there was no numerical change in the Senate. In addition, a Franken victory, coupled with Senator Arlen Specter's (D-PA) surprise defection from the GOP on April 28, will give the Democrats the 60 seats in the Senate needed to break a Republican filibuster.

Podesta was tapped to direct the operation, and by all accounts, he proved to be an effective choice.[2] He was knowledgeable about White House and personnel matters, had directed the outgoing Clinton transition in 2000, and understood Congress and the ways of Washington. His status as a Clinton White House and Democratic Party insider brought him familiarity with many who might serve in a new administration. As head of the Center for American Progress think tank, he could draw on a wealth of policy-related studies and an organized cadre of policy-informed associates.

Podesta and his group followed one game plan from their more successful predecessors: They largely operated out of the limelight. Some press reports and pundits did catch wind of their efforts over the summer, which led to some ill-advised and historically naive criticism that the Obama camp was "measuring the White House drapes" too early. However, it was a brief dustup, and further media attention was largely absent until shortly before election day.

Most notably, there were no reports of tension between the transition group and the Obama campaign staff. Key staff member such as David Axelrod, David Plouffe, and others had developed a reputation for internal order during the campaign, as well as strong interpersonal harmony and a rather cautious, "tight-lipped" relation with the media. So, too, on the transition side: Podesta "runs a tight ship," and he has calmed "rancor," "by ensuring that people aren't free-lancing in the newspapers by anonymous quotes" (Crowley 2008, 27). That discipline carried over once transition planning was under way. No leaks to the media suggested any friction between the two groups. Nor would any likely have sat well with the candidate, who during the campaign had earned the nickname "No drama, Obama," as well as a reputation for low tolerance of interpersonal competition, back-biting, and self-serving press leaks.

A Robust Effort

The lack of conflict is all the more remarkable given the rather robust pre-election effort that Podesta and his team were undertaking. In the Reagan, G. H. W. Bush, and G. W. Bush efforts—which are generally regarded as among the more successful of recent transitions—the pre-election period was largely devoted to preparing for the post-election transition. Work was largely confined to planning the transition's budget, staff organization, personnel needs, ethics requirements, and other legal issues. The three respective heads of the pre-election phase—Pendleton James for Reagan, Chase Untermeyer for G. H. W. Bush, and Clay Johnson for G. W. Bush—did not bring attention to future policy to the task, but rather were focused on transition organization and process. Each also played key roles in the post-election phase, largely in the area of personnel, and all three then served as White House director of personnel. Before election day, discussion

2. There was some speculation in late spring 2008 that Obama would tap James A. Johnson to lead the effort. Johnson, the former chairman of Fannie Mae (1991-98), headed John Kerry's vice presidential search and then his transition planning in 2004. In May 2008, Johnson was named to lead Obama's vice presidential search, along with Caroline Kennedy Schlossberg and Eric Holder. However, in June, Johnson withdrew from the position when it was revealed that he had received loans from the chief executive officer of Countrywide Financial, one of the firms implicated in the subprime mortgage crisis.

of potential appointments was limited. Among the very few exceptions were James A. Baker's selection as secretary of state in 1988 and Andrew Card, Jr., as chief of staff for G. W. Bush in 2000. Neither appointment was made public.

Over the fall of 2008, the Podesta operation was more ambitious in scope. It was closer to the more expansive operations run for Carter in 1976 and for Clinton in 1992. But there was one crucial difference: It did not generate the friction and infighting with the campaign war rooms that negatively affected those earlier transitions, both before and after election day. Both Carter and Clinton experienced considerable delay in getting their post-election efforts up and running as a result.

While a full account of what transpired remains elusive, reports indicate a range of activity along a number of fronts. Potential nominees for key positions began to be considered, albeit discretely. According to one account,

> Obama is conducting the vetting process much the way he managed his campaign: methodically, thoroughly and on a prodigious scale. He did not wait until he won the election to vet his favored picks. Soon after he clinched the Democratic nomination, lawyers quietly prepared dossiers of about 150 contenders for senior positions—often without the candidates themselves knowing—said a senior Obama transition adviser who spoke on the condition of anonymity. (Rucker 2008)

This effort was aided by an unprecedented agreement with the White House to permit Federal Bureau of Investigation (FBI) background checks on potential nominees.

The pre-election group also took a look at their predecessors' early successes and mistakes. According to one account, Obama's "transition advisers studied how past presidents used their first months" (Connolly and Smith 2008). Preliminary planning for the Obama administration's first 100 days was also undertaken. Here, Podesta's ready access to his own think tank proved important: "much of its staff has been swept into planning for Obama's first 100 days in office," including a 26-page report detailing the day-to-day activities of an early Obama presidency (Connolly and Smith 2008). No pre-election effort in the past has had a director who could so easily and directly tap into such a policy and planning resource.

The need to move from a more expansive list of campaign promises to a leaner presidential agenda especially was explored. In particular, the pressing call for an economic recovery program and its relation to other agenda items was raised, both as to substance and timing. These debates, one account noted shortly after election day, have "flavored the discussion among Mr. Obama's transition advisers *for months, even before his election*. The tension between these strategies has been a recurring theme in the memorandums prepared for him on various issues, advisers said" (Baker 2008a; emphasis added).

Review of President Bush's executive orders, as well as other rules and regulations, was also undertaken: "the Obama transition team has identified executive orders he can sign in the first hours and days of his presidency to demonstrate action, even as the more ambitious promises take more time. Among other things, he can reverse a variety of Bush policies, like restrictions on abortion counseling and stem-cell research" (Baker 2008a). According to another account, "A team of four dozen advisers, working for months in virtual solitude, set out to identify regulatory and policy changes Obama could implement soon after his inauguration." Comprising mainly lawyers, this pre-election team reportedly compiled a list of about 200 regulatory actions and executive orders that could be rescinded, positioning "the incoming president to move fast on high-priority items without waiting for Congress" (Connolly and Smith 2008).

One interesting—and unprecedented—pre-election effort was a series of letters sent to federal employees at seven agencies outlining Obama's differences from the practices of the Bush presidency with respect to the bureaucracy. The letters described an "intention to scale back on contracts to private firms doing government work, to remove censorship from scientific research, and to champion tougher industry regulation to protect workers and the environment." The letters, most written on October 20, according to the report, "reveal a candidate adeptly tailoring his message to a federal audience and tapping into many workers' dismay at funding cuts and workforce downsizing in the Bush years" (Leonnig 2008).

Early Appointment of a Chief of Staff

One important development was the early selection of a White House chief of staff. Scholarly analyses of transitions have especially noted the importance of the position and the early selection of someone to fill it: the chief of staff–designate generally plays a central role in organizing the White House staff and in selecting people to fill key positions. According to one account, Obama was thinking about Representative Rahm Emanuel (D-IL) as his chief of staff as early as August. As David Axelrod later recalled, "It was months before the election when Barack said to me, 'You know, Rahm would make a great chief of staff.' " Emanuel had "spent six years in the White House, knows this place inside and out, spent four or five years in Congress, and became a leader in a short period of time. He really understands the legislative process, he's a friend who the President has known for a long time from Chicago, and whose loyalty is beyond question, and who thinks like a Chicagoan" (Lizza 2009, 28).

News of his possible appointment leaked to the press several days before election day. To no surprise, two days after the election, the announcement was made. By contrast, in the 1992 transition, it was not until December 12 that Clinton got around to naming his chief of staff. The delay proved costly in putting in place the rest of the Clinton White House, and it set back his early presidency.

The early selection of Emanuel was a direct product of Podesta's study of other presidential transitions shortly after he was appointed. "The one basic take-away that a lot of people commented on, including the president [Bill Clinton], is that Clinton really concentrated on building his Cabinet early on, to the neglect of building his White House structure," Podesta observed. "The early pick of Rahm [Emanuel] reflects the lesson of that experience, which is that you need to begin to build a structure for the White House" (Romano 2008).

Early efforts were also made to name another major White House official, the National Security Council (NSC) advisor. According to one account, transition members contacted General James L. Jones—the former commandant of the Marine Corps and NATO commander—early on, asking him to meet with candidate Obama on the campaign trail:

> General Jones, who had spoken with Mr. Obama only twice before, rode by car one day from Washington to Richmond, Va., for the meeting. No promises were made that morning, but it touched off a series of telephone calls about possible jobs and issues like the wars in Afghanistan and Iraq. "We did a walk around the world a couple of times," General Jones said in an interview. Shortly after the election, he was asked to come to Chicago, where he met again with Mr. Obama and talked about becoming secretary of state or national security advisor, people close to the transition said. (Baker and Cooper 2008)

Post-Election: Hitting the Ground Running

Preparations made before election day enabled the transition to be up and running quickly. The day after the election, the transition team was announced. Podesta was kept on, with Obama's Senate chief of staff, Peter Rouse, and longtime confidante, Valerie Jarrett, serving as co-directors. Christopher Lu—a former member of Obama's Senate staff and that of Representative Henry Waxman (D-CA) and eventually White House secretary to the cabinet—was named as executive director. It was a shrewd and swift melding of the pre-election team with the campaign war room and the Obama inner circle; it was good preventative medicine against the delays and the tensions that had beset Carter and Clinton. It was also the only time in recent transitions where the head of the pre-election operation retained control of the post-election effort. The only hitch was that the transition's Web site—http://www.change.gov—was up but still "under construction"; a few days were needed to sort out the technical glitches. On November 5, the day after the election, the General Services Administration turned over the keys to a 120,000 square foot building in Washington, D.C., which would serve as transition headquarters. As per custom, however, Obama and his inner circle largely operated out of his home base in Chicago. He and his family would move to Washington on January 4, just in time for the start of his daughters' new school term.

Within days of the election, Podesta announced that the transition expected to employ some 450 people, with a budget of $12 million, of which $5.2 million was paid for by public funds. In raising the remainder, contributions were limited to $5,000, political action committees were barred from contributing, and donors were publicly identified.

Organization of the transition was also in place early. By November 12, teams were announced to continue work on the early policy initiatives of the Obama presidency.[3] Groups were also assigned to bore into departments and agencies, with oversight provided by an 11-person review group. The latter was headed by Melody Barnes of Podesta's think tank (who would become head of the White House's Domestic Policy Council), Lisa Brown (former counsel to Vice President Al Gore, who would become White House staff secretary), and Don Gips (a former Gore domestic policy advisor, who would become

3. On November 19, seven additional groups were announced (Baker and Cooper 2008).

director of the White House personnel office).[4] The transition, moreover, was aware of possible problems between transition planning and governing. As one account noted, "Policy teams met separately from those working on Cabinet nominations and other appointments, and sources said a virtual firewall was being erected between the two" (Zeleny and Calmes 2008). The implication was that departmental and policy team members would not have favored access to executive branch positions.

"One President at a Time"

By most accounts, relations with the Bush White House were relatively smooth, election rhetoric notwithstanding. Bush created a formal transition coordinating council on October 9, well before the date Clinton had done so in 2000—he waited until November 27 of that year (Myers 2008). But administration efforts to ensure an effective transition had been well under way before that date. Contact had been made with the pre-election teams of both presidential candidates over the summer. Briefing materials were ordered prepared in each agency and department. A new, cutting-edge software system for handling personnel applications was put in place, with input from both camps (Simendinger 2008, 71)

Steps had especially been taken to streamline the process for obtaining security clearances for post-election transition personnel. As well, expedited background checks for potential nominees to key national security positions were available under a 2004 intelligence reform statute (Barnes, Eggen, and Kornblut 2008). Further efforts were undertaken to make sure that matters dealing with homeland security were handled effectively—a new area of concern for the first post-9/11 presidential transition. In a similar vein, secretary of state Condoleezza Rice named three career diplomats, six weeks before the election, to coordinate the transition in the area of national security; two dozen more staff members were assigned to work full time starting on November 5. At the Defense Department, Secretary Robert Gates "ordered hundreds of political appointees at the Pentagon canvassed to see whether they wish to stay on in the new administration, has streamlined policy briefings and has set up suites for [the transition team] just down the hall from his own E-ring office" (Tyson 2008). A two-day, special secret briefing on the deteriorating situation in Afghanistan was also organized in mid-October for representatives from both the McCain and Obama foreign policy teams (Mazzetti and Schmitt 2008).

After election day, according to one account, Podesta had been "quietly working" with Bush chief of staff Josh Bolten and his deputy Blake Gottesman, "to make sure the transition is as smooth as possible." Both White House aides "have been offering advice on which posts need to be filled quickest and making their personnel available to Obama advisers" (Tumulty 2008, 28). Another Bush aide, Clay Johnson—who was executive director of the 2000 transition, had served as White House personnel director, and then as deputy director of the Office of Management and Budget (OMB)—also was an important figure. Johnson drafted memos, as early as July, on what steps needed to be taken to ensure an effective transition and later worked closely with Gail Lovelace, the head of the General Services Administration's transition team. After the election, the Bush team met regularly with members of the Obama transition.

More than 100 interim security clearances for transition personnel were issued. According to Bolten, "If a crisis hits Jan. 21, they're the ones who are going to have to deal with it" (Tumulty 2008, 28). Bolten also prepared a "tabletop" exercise for Obama officials that simulated a terrorist attack and potential administration response. "We need to make sure they're as well-prepared as possible," he said in a C-SPAN interview (Barnes, Eggen, and Kornblut 2008). On the economic front, space was provided in the Treasury Department for Obama aides to remain in close contact with department officials in dealing with the banking crisis and the economic downturn.

Yet there were some problems. According to one account, security clearances for transition officials "were slow in coming—or those that came were not at a high enough level—for a majority of transition-team members when they arrived at the State Department and the Department of Homeland Security. The intelligence side seems less affected, probably because most transition staffers in that arena already have heavy-duty clearances" (Kamen 2008). Transition officials assigned to the Justice Department sought to gain access to legal memos from its Office of Legal Counsel dealing with the treatment of detainees and electronic surveillance. In early December, however, Attorney General Michael Mukasey told reporters that while the "level of cooperation and communication is very high" between his team and the transition group, some materials would not be provided. In his view, "Without getting into particular things that they've requested, they are getting as much as they can, as quickly as they can" from the Office of Legal Counsel (Johnson 2008). The Obama Justice Department released many of the memos in early March (Savage and Lewis 2009). They generated a firestorm of criticism and calls for further investigation of key officials in the Bush White House and Justice Department.

Two days after the election, Bush assembled the White House staff on the South Lawn and promised to make an "unprecedented effort" to make sure that a smooth transition occurred. "We face economic challenges that will not pause to let a new president settle in," Bush told the crowd. "This will also be America's first wartime transition in four decades" (Zeleny and Calmes 2008). On November 10, just a bit less than a week after the election, the president and the president-elect met in the White House. It was the earliest meeting of an outgoing and incoming president in the modern presidency, if not before. Bush was also prepared to make some presidential efforts to make it easier for his successor, such as requesting that Congress release the second half of the $700 billion in bank bailout funds and agreeing to emergency funds of $17.4 billion to avert the bankruptcy of General Motors and Chrysler.

Reports also indicated that Obama and his economic advisors were working "closely with President Bush to inject confidence into the trembling financial markets . . . The coordination between Mr. Obama and Mr. Bush was taking place among aides, as well as in direct talks about the rescue plan for Citigroup and unresolved details of the overall

4. Don Gips's appointment to head the personnel office broke something of a pattern. Each of the three individuals in charge of the Reagan (Pendleton James), G. H. W. Bush (Chase Untermeyer), and G. W. Bush (Clay Johnson) pre-election efforts played key roles in personnel matters during the post-election transition, and then went on to serve as director of the White House personnel office. In Obama's case, the personnel director during the transition, James Messina, was appointed deputy chief of staff.

Treasury bailout plan." President Bush also told reporters that Obama would be informed of every "big decision" made, and that "It's important for the American people to know that there is close cooperation" (Zeleny 2008c). But when all was said and done, Obama rather than Bush was center stage.

Obama walked a fine line given the increasing magnitude of economic difficulties. Analysis by his advisors of FDR's 1932 transition—which the president-elect reportedly did extensive reading on (Wilson 2009)—suggested that he should not distance himself too much from the ongoing crisis, as FDR had done. At the same time, they realized that he needed freedom to change Bush administration policies. Throughout the post-election period, the president-elect repeatedly emphasized that we have "only one president at a time," a posture that led him to decline to attend President Bush's global economic summit meeting on November 15 (Balz and Murray 2008; Zeleny and Calmes 2008). Yet he did not shy away from discussion of his own coming initiatives dealing with a stimulus package, aid to the automobile industry, and energy and health care policies, among others. On December 7, for example, he warned that "things are going to get worse before they get better" with the economy. And he chided the response of the Bush administration to the mortgage crisis: "We have not seen the kind of aggressive steps in the housing market to stem foreclosures that I would like to see" (Kornblut 2008b).

Indeed, some of the economic issues were matters he pressed in his meeting with Bush. That the economy was suffering was becoming increasingly clear: Data released only a few days after the election indicated that the unemployment rate had increased to 6.5% in October from 6.1% in September; it was but an early sign of increasing economic decline. (By the end of April 2009, the unemployment rate had risen to 9.4%).

A Seemingly Swift Appointment Process

Over the ensuing weeks, appointees to key White House positions were announced. Podesta's pre-election work and Emanuel's early appointment as chief of staff paid off. The announcement events that Obama presided at served not only as occasions for the nominees to make brief remarks, but as points at which the president-elect took advantage of the occasion to emphasize his policy agenda and seize the "bully pulpit," one president at a time notwithstanding:

- November 15: Longtime Obama advisor and friend Valerie Jarrett as "senior advisor" to the president; Philip Schiliro, the transition's liaison to Congress and former congressional and committee staff member, as White House head of legislative affairs.
- November 16: Peter Rouse, Obama's Senate chief of staff, as another "senior advisor" to the president; James Messina, chief of staff to Senator Max Baucus (D-MT) and head of the transition's personnel operation, and Mona Sutphen, former Clinton NSC official, as deputy chiefs of staff.
- November 20: Campaign strategist David Axelrod as now a third "senior advisor" to the president; Gregory Craig, an early Obama supporter and former head of the Clinton impeachment defense team, as legal counsel; Christopher Lu, another Obama Senate aide and then executive director of the transition, as cabinet secretary; and Lisa Brown, executive director of the American Constitution Society and then co-chair of the transition's agency review effort, as staff secretary.

- November 22: Robert Gibbs, an Obama Senate aide and then communication strategist in the campaign, as White House press secretary; Ellen Moran, director of Emily's List and a Clinton supporter in the primaries, as communications director.[5]

The following week, attenuated by the Thanksgiving holiday, key cabinet and White House positions were announced that were central to the Obama economic agenda:

- November 24: Economic team of Timothy F. Geithner, president of the Federal Reserve Bank of New York, as treasury secretary; Lawrence Summers, former Clinton treasury secretary and former president of Harvard, as director of the White House National Economic Council (NEC); and Berkeley economist Christina D. Romer as chair of the White House Council of Economic Advisers.

The group—which also included Melody Barnes, the new director of the White House's Domestic Policy Council—was unveiled at Obama's second news conference since the election. The president-elect also used the occasion to announce that he and his economic team would begin work immediately to put together a stimulus package to "jolt" the economy out of a "vicious cycle" affecting both Wall Street and Main Street; reports indicated the proposed package would be in the $700 billion range. In announcing Barnes's appointment, Obama sought to link economic issues with domestic policy: "We know that rebuilding our economy will require action on a wide array of policy matters—from education and health care to energy and Social Security. Without sound policies in these areas, we can neither enjoy sustained economic growth nor realize our full potential as a people" (Fletcher 2008). Those domestic areas foreshadowed items that would appear in his first budget proposal presented in late February. They also indicated that he would pursue an ambitious policy agenda, not simply a focus on economic issues. But the economic situation remained dominant, and the rollout continued:

- November 25: Additional members of the economic team were named; Peter R. Orszag, director of the Congressional Budget Office, was tapped as director of the Office of Management and Budget, with Rob Nabors as his deputy.
- November 26: A third day of emphasis on the economy with the announcement of the appointment of a new President's Economic Recovery Advisory Board (which was modeled after the President's Foreign Intelligence Advisory Board created by Eisenhower in 1956), to be chaired by former Federal Reserve chairman Paul Volcker.[6]

According to the president-elect, the board would enable him to break out of the "insularity" of official decision-making channels: "The walls of the echo chamber can sometimes keep out fresh voices and new ways of thinking—and those who serve in

5. The appointment of Moran proved to be a poor fit for the position; she left in late April 2009 to become chief of staff to Commerce Secretary Gary Locke. Anita Dunn, a media consultant and senior advisor during the campaign, replaced her. Dunn had been Obama's first choice for the job but had declined for family reasons.

6. The group evolved out of the Transition Economic Advisory Board created on November 7. On February 6, 2009, President Obama issued an executive order formally constituting the President's Economic Recovery Advisory Board.

Washington don't always have a ground-level sense of which programs and policies are working" (Memmott 2008). In addition, longtime Obama economic advisor, Austan Goolsbee, a professor at the University of Chicago, was named to the Council of Economic Advisers (he had been passed over as its chair in favor of Christina Romer) and as staff director of the new advisory board.

The next week, announcements moved to other positions. On December 1, Obama presented his foreign policy team: Senator Hillary Clinton (D-NY) at State; the continuation of Defense Secretary Robert Gates at the Pentagon; General James L. Jones as NSC advisor; Governor Janet Napolitano at Homeland Security; Eric Holder as attorney general; and Susan Rice as ambassador to the United Nations. The group included three women and two African Americans. Other cabinet appointments quickly followed:

- December 3: New Mexico governor and former presidential candidate Bill Richardson at Commerce
- December 7: General Eric Shinseki, former U.S. Army chief of staff, at Veterans Affairs
- December 11: Former senator Tom Daschle at Health and Human Services
- December 13: Shaun Donovan, New York City's housing commissioner, at the Department of Housing and Urban Development
- December 15: Steven Chu, a physicist at the University of California and a Nobel prize winner, at Energy, and Lisa Jackson, former New Jersey commissioner of environmental protection, at the Environmental Protection Agency (EPA)
- December 16: Arne Duncan, chief executive of Chicago public schools, at Education
- December 17: Senator Ken Salazar (D-CO) at Interior, and former Iowa governor Tom Vilsack at Agriculture
- December 19: Representative Ray LaHood (R-IL) at Transportation, Representative Hilda Solis (D-CA) at Labor, and former Dallas mayor Ron Kirk as U.S. Trade Representative.

By December 19, selection of the cabinet at least *appeared* to be complete. No recent transition, since Nixon's in 1968, had made swifter progress in filling out the cabinet. According to data compiled by Professor Terry Sullivan—a member of the White House Transition Project (a nonpartisan group of presidency scholars)—5 of the 15 cabinet appointments were the earliest on record starting with the Carter transition in 1976 (White House Transition Project 2009a).[7] The only two key positions that experienced some delay were Dennis Blair's selection as director of national intelligence and Leon Panetta's as director of the Central Intelligence Agency (CIA); both were announced on January 9.

Diversity also played a part. Of the 15 regular cabinet members under Obama (as of April 2009, following some failed nominations), six were white males, one was an African American male, three were Asian American, one was a Hispanic American male, one was a Hispanic American female, three were white females. Of the 14 initial cabinet

7. These numbers do not include officials designated as bearing "cabinet rank." For the Obama cabinet, the latter included the chair of the Council of Economic Advisers, the administrator of the EPA, the director of the OMB, the U.S. Trade Representative, the UN ambassador, and the White House chief of staff. The White House "drug czar"—Seattle police chief R. Gil Kerlikowske—was not given cabinet rank; it was also an appointment that took until March 11, 2009, to finalize.

members under G. W. Bush (before the Department of Homeland Security was created), seven were white males, two were African American males, one was an Asian American male, one was a Hispanic American male, two were white females, and one was an Asian American female. For Clinton, six were white males, three were African American males, two were Hispanic American males, two were white females, and one was an African American male. By contrast, for Kennedy and Nixon, cabinet nominees were all white males.

Personal chemistry with the president-elect was important. According to one report, Obama "personally interviewed all of his senior appointees and has sometimes met with more than one candidate before deciding, aides said. At one point, he was set to make Peter R. Orszag, the congressional budget director, his White House budget director without a meeting because they had worked together. But Mr. Orszag was brought to Chicago anyway." According to the same account, Obama selected Geithner over Summers as treasury secretary because, after meeting with him,

> [He felt] in sync with Mr. Geithner, who is the same age as Mr. Obama, 47, and shares a certain low-key wonkish quality. But Mr. Obama saw Mr. Summers as a brilliant economist adept at distilling complex issues, despite past controversial statements that might have caused confirmation problems. So Mr. Obama persuaded him to head the White House National Economic Council, an appointment that does not require Senate approval.
>
> "I think he fell in love with Tim," said someone familiar with the meeting. 'But he also felt he needed to have Larry.' " (Baker and Cooper 2008)

White House staff appointments also set records. The White House Transition Project found that of 13 top staff positions, seven appointments were announced at an earlier point than in any transition going back to Carter in 1976 (White House Transition Project 2009a). In the view of Clay Johnson, the Obama selection process was "well organized and staffed" and "on the field faster than any incoming president in recent history" (Baker and Cooper 2008).

The importance of having a White House staff quickly in place cannot be underestimated. Only a handful of positions require Senate confirmation (some 26 slots in various Executive Office of the Presidents units created statutorily—but not jobs in what we normally think of as the "West Wing," such as NSC advisor, chief of staff, or other members of the White House Office). Given the delay in filling subcabinet positions, the White House staff usually serves as the incubator of early policy initiatives and is the primary agent in making sure a new administration "hits the ground running."

Congress and the Obama Transition: Building Bridges?

The transition also served as a time to meet with members of Congress, with the aim of building support for the new administration's political agenda. Obama and his close political advisors recognized that, as part of this effort, campaign themes needed to be adapted to differing governing priorities, especially the development of a stimulus plan to deal with an increasingly troubled economy and financial system. By the end of the first week after the election, the transition Web site had been scrubbed of the ambitious campaign agenda previously laid out (Falcone 2008). Although the Obama agenda would prove to be ambitious, it was not the lengthy laundry list that Jimmy Carter had unwisely pushed on Congress in 1977.

Two days after the election, reports indicated that Obama and chief of staff–designate Emanuel were working with Democratic congressional leaders on a stimulus package. According to one account, they were working "behind the scenes" on a plan that included "more jobless benefits, food stamps, aid to financially strapped states and cities, and spending for infrastructure projects that keep people at work" (Zeleny and Calmes 2008). Within the transition, key economic aides such as Romer, Summers, Goolsbee, and Geithner were fast at work developing a plan—more ambitious in scope than had been initially anticipated—which they discussed with Obama at several meetings in mid-December. A presentation on the economic decline by Romer on December 16 was particularly sobering. According to one senior advisor, although these were economic data "we'd all been looking at our whole lives," we "had never seen anything like it before" (Wilson 2009). Elements of the plan largely matched the stimulus package that would pass Congress on February 13. Other policy areas of prime discussion were the bailout of the auto industry and expansion of the children's health insurance program, which President Bush vetoed twice (Hulse and Herszenhorn 2008).

Emanuel and Daschle especially developed close ties between the transition and Democratic members of Congress. As former chair of the Democrat's congressional campaign committee, Emanuel had a central role in helping many recent members win their seats. Daschle also had played a major role in raising funds for members when he was Senate leader. The outreach effort to Congress was also facilitated by the fact that a significant number of top transition aides had congressional experience in addition to Emanuel and Daschle. (As noted below, that also would be the case for the Obama White House staff.)

Outreach was not confined to Democrats. On November 17, Obama met with rival Senator John McCain (R-AZ). It was a meeting that culminated in a joint statement promising to "change the bad habits of Washington" (Kornblut 2008a). Following the meeting, Obama began to make calls to Republican leaders, and he instructed Emanuel to meet with them on Capitol Hill. In making his rounds on the Hill, Emanuel reportedly handed out his personal cell phone number and asked for any proposals for an economic recovery plan. "We're not lip-synching bipartisanship here," he told reporters (Zeleny 2008b). According to another report, "Obama has consulted with Republican lawmakers about his economic plans. Members of Congress and their staffs say that the Obama team has been engaged in fact-gathering on the Hill as much as seeking support for its own agenda. That stands in marked contrast to the approach of Obama's Democratic predecessors" (Hook and Parsons 2008). In January, Emanuel and Summers met privately with Senate Republicans on a number of occasions to discuss economic recovery and freeing the remaining $350 billion in the bank bailout fund (Hulse 2009).

The response by Republican congressional leaders seemed propitious at the time. According to Senator Lamar Alexander (R-TN), "I'd say so far so good" (Zeleny 2008b). According to Representative John Boehner (R-OH), the House minority leader, "[Obama] and his transition have reached out to the Hill more than any transition team I've seen. So far, so good." Yet, as Boehner cautioned on the eve of the inauguration, "running a campaign and running a transition are going to be different than governing, because governing is about making choices" (Baker 2009a). Still another account observed, "Some Republicans say they hear more than they ever did from the Bush administration" (Hulse 2009). Would this courtship yield sufficient votes for passage of the Obama agenda?

Public Outreach

The transition was also a time to broaden public support and build links to groups that were a part of the campaign effort and which would likely be important in the administration's early policy efforts. In early December, according to one report, "Obama is inviting Americans to spend part of the holiday season talking about health care—and report back to him. As he gears up for major health reform legislation next year, Obama is encouraging average Americans to host informal gatherings to brainstorm about how to improve the U.S. system" (Connolly 2008). On December 3, retired military officers met with members of the Obama transition team to discuss interrogation procedures of detainees (Finn 2008). Meetings with other constituency groups were convened on other parts of the new administration's agenda.

The Obama Transition: Implications

Although the transition appeared exceedingly well organized and timely, some of the steps taken and decisions made bore implications for the Obama presidency. Most portended a path to success, but some raised future concerns.

The Obama White House: Centralization and Internal Dynamics

Despite his sharp policy differences with Bush, President Obama appears to have centralized policy making in the White House, much as his predecessor did. Three longtime associates—David Axelrod, Peter Rouse, and Valerie Jarrett—were given the title of "senior advisor" to the president, signaling their importance as sources of direct personal counsel to him. As well, new White House offices were created to coordinate energy, health care reform, and urban policy initiatives; a White House–based "performance evaluation" office was also added (a White House Council on Women and Girls was also formed in March 2009, as were the new positions of federal information officer and chief technology officer, the latter in February). In March, the White House's Web site also listed a new "Office of Social Innovation," although no further links were provided. Several White House aides had impressive backgrounds: former Treasury Secretary Larry Summers as director of the NEC and former EPA administrator Carole Browner now as the chief White House aide on environmental issues. According to one account, Summers not only "has daily access to the president . . . he is widely viewed as a more substantive . . . Big Picture economic adviser than Treasury Secretary Tim Geithner" (Hirsh and Thomas 2009, 27). The collapse of Daschle's nomination also furthered centralization. He was slated to lead the health care reform effort. Yet when Kansas governor Kathleen Sebelius replaced him at Health and Human Services, Nancy-Ann DeParle was appointed the White House point person as director of the new White House Office of Health Reform, with the prestigious title "counselor to the president." Other accounts noted that Emanuel and OMB director Orszag may likely be key players on health care reform (Serafini 2009, 54).

All of this indicates a White House staff that will not only drive but likely define the early Obama policy agenda. As one account noted during the transition, although Obama built "a cabinet of prominent and strong willed players . . . he is putting together a governing structure that will concentrate more decision making over his top domestic priorities in the White House." These changes "shift the political center of gravity farther away from the cabinet, a trend that has accelerated under presidents of both parties in recent years" (Baker 2008b). Even Podesta noted, in an interview shortly after the election, that Obama intended to make the White House the center for policy formulation: "I think there's a central function of policy development and coordination that takes place at the White House" (Simendinger and Lee 2008, 29; Tumulty 2008, 29).

The key challenge for the Obama presidency will be whether the policy-making process is largely set within the confines of the White House staff, or whether it can more inclusively shepherd policy and foster a degree of interagency input, while maintaining some measure of White House direction and control. Here, the White House directors of the Domestic Policy Council and NEC, as well as the other new policy "czars," bear watching. Will they serve as honest brokers of the process as well as policy advocates? The NEC was strongest under Clinton, for example, when Robert Rubin was able to blend both roles. Will Summers do that? As one prominent Democratic veteran noted, "Larry's natural tendency is to be the smartest person in the room, and not an honest broker" (Simendinger and Lee 2008, 27). Another dimension is how the White House handles the legislative process. Early initiatives such as the economic stimulus package and budget legislation for fiscal years 2009 and 2010 indicated a comparatively greater degree of deference to congressional Democrats to work out the details than had been the case for Reagan, Clinton, and G. W. Bush.

A second implication for decision making is the role of Rahm Emanuel as chief of staff. His selection brought on board someone with impressive credentials for the job, but also someone who was likely to hew to the strong chief of staff model. Emanuel had been Clinton's chief White House political advisor, he had strong political credentials as the fourth-ranking Democrat in the House of Representatives, he understood the legislative process, and he had a reputation as a tough and demanding manager and a fierce partisan—but not necessarily ideological—infighter. A tough traffic cop is sometimes needed, but will he be too demanding and overbearing? Given his policy and political background, will he be too inclined to put his thumb on the policy scale? If all works out well, he might serve as a policy advisor and a tough but effective manager, along the lines of a Leon Panetta or a James Baker. Yet, chiefs

of staff who are too strong and self-serving managers, and who are policy advocates in their own right, often get into trouble: John Sununu and Donald Regan are the examples here. In addition, overly powerful chiefs of staff also can fail to serve as honest brokers of the deliberative process, ensuring that all viewpoints are adequately explored and fairly considered.

Emanuel appears to be aware of some of the dangers. In December 2008, then Bush chief of staff Josh Bolten hosted a breakfast meeting for Emanuel and 11 former chiefs of staff. According to Emanuel,

> One of the interesting bits of advice that emerged from the breakfast was that you probably shouldn't be a political principal yourself. You need to put aside your own personality and profile and adopt one that serves your boss. I'm not saying you necessarily have to have a low profile, but it can't really be your own independent profile. It's got to be the profile your boss wants reflected, and it has to be a profile that does not compete with the rest of the Cabinet. (Lizza 2009, 27)

The three new Obama senior advisors—Axelrod, Jarrett, and Rouse—raise another dynamic. How these senior officials work together—and with Emanuel—will have a major impact on the Obama presidency. Ties among other staff members also bear watching. One is the long relationship between Emanuel and Axelrod. EPA administrator Lisa Brown once worked for Carol Browner when she was head of the EPA. The Summers-Geithner relationship is interesting: Geithner once worked for Summers. According to one account, the two are "good friends and tennis partners, and if there is any friction between them, it hasn't surfaced yet" (Hirsh and Thomas 2009, 27).

An unusually large number of top White House staff members also have had some prior congressional staff experience: legal counsel Greg Craig, director of the Domestic Policy Council Melody Barnes (both for Senator Edward Kennedy), secretary of the cabinet Chris Lu, assistant for legislative affairs Philip Schiliro (these two for Representative Henry Waxman), deputy communications director Dan Pfeiffer, senior advisor Peter Rouse (these two for Senator Daschle), environmental chief Carol Browner, press secretary Robert Gibbs, deputy chief of staff Jim Messina, and deputy legal counsel Cassandra Butts. Rouse and Lu also worked together on the Obama Senate staff. Familiarity with Congress has obvious advantages, yet there may be some risks. As one report notes, "everyone in Congress will know someone personally in the White House, which could make it difficult for the Obama team to maintain discipline" (Englund 2008, 34).

How these various interpersonal clusters—if not "power centers"—work out will have significant bearing on the internal effectiveness of the administration's deliberative processes. So, too, will the role of President Obama as a decision maker and manager. According to one account, he "gets annoyed a little more than his staff would like to admit, especially when his sense of control is threatened by self-promoters or people talking out of school" (Alter 2009, 22). Obama appears quite aware of the dangers of presidential isolation and overdependence on those in his proximity in the White House. Volcker's President's Economic Recovery Advisory Board, for example, may serve as a check on Summers's potential domination in economic policy.

In picking General Jones as NSC advisor, Obama appears to have someone who will hew more closely to the "honest broker" conception of that job rather than as a strong policy advocate in the mold of Henry Kissinger or Zbigniew Brzezinski. Jones, moreover, appears, well equipped to serve as a "reality tester" to President Obama and his foreign policy principals. The "Scowcroft model" of interagency coordination was retained (as it had occurred under Clinton and G. W. Bush), albeit with a somewhat expanded NSC membership and some modifications at lower levels. Central to the Scowcroft model: Jones chairs the principals in the president's absence, and his deputy NSC advisor chairs the deputies' committee that reports to the principals. (The organization of the Obama national security system was specified in Presidential Policy Directive 1, issued on February 13.)

Nomination Problems and Ethical Difficulties

During the transition, the strictest ethical guidelines of any incoming presidency were put in place (for a thorough analysis of strengths and weaknesses, see Thompson 2009). Lobbyists involved in the transition were barred from working in policy areas in which they had been active over the previous year; as well, they were banned from any future lobbying activity in areas of their transition responsibilities for a period of one year. As for political appointees, on his first day in office, President Obama issued executive orders and presidential directives barring "every appointee in every executive agency," once they have left government, from lobbying *any* executive branch official for the entire time of an Obama presidency (Eggen and Smith 2009). The new rules went beyond the five-year ban that Clinton had issued at the start of his presidency, and they were broader in scope than the Clinton-era restrictions on lobbying just former associates (restrictions that Clinton rescinded shortly before leaving office when aides complained they posed problems in securing new positions). In addition, the rules banned lobbyists from taking jobs at any agency they had lobbied in the past two years, and they barred them from involvement in matters in which they had lobbied during that period (Kirkpatrick 2008b; Kosterlitz 2009, 36).

Despite the new rules, difficulties immediately cropped up. Media scrutiny of the some 150 transition officials assigned to departments and agencies found "dozens of former lobbyists and some who were registered as recently as last year." Others had ties to firms employing lobbyists or were "consultants" to lobbying firms but not technically registered lobbyists themselves—Senator Daschle most notably (Kirkpatrick 2008a; Mosk 2008); so, too, for many of the new appointees (Kosterlitz 2009, 38-39).

Once appointments and nominations were announced, the transition found itself in the position of having to grant waivers to former lobbyists. Almost immediately after instituting the new rules, for example, a waiver was granted for William J. Lynn III, a former lobbyist for defense contractor Raytheon, who had been nominated as deputy secretary of defense. Waivers were also granted to other White House and executive branch officials (Baker 2009b; Kosterlitz 2009, 37).

Scrutiny of potential nominees, especially their financial records, was touted as the most detailed and aggressive of any transition to date. According to one report, the Obama transition lawyers "required candidates to complete a 63-item questionnaire, a detailed probe of the person's writings, relationships, finances, tax filings, legal proceedings, domestic help and personal profiles on social networking Web sites" (Shear and Rucker 2009; also see Rucker 2008). Prospective nominees were queried about any financial ties of themselves or family members to financial firms receiving government bailout funds; they were asked about gun ownership, traffic fines over $50, copies of any e-mail that might embarrass the incoming administration, and any blog posts on the Internet (Calmes 2008). Nominees were also sent other forms: an FBI questionnaire, financial disclosure Form 278 from the Office of Government Ethics, and materials from Senate committees for those positions requiring confirmation.

Cabinet Nomination Problems

Despite this unprecedented scrutiny, the nomination process—especially of cabinet members—ran into difficulties. Ultimately, they proved early speed bumps rather than signs of deeper problems affecting the early Obama presidency. They garnered a significant amount of media attention, however, and they potentially served as distractions to other efforts of the transition and, then, the new administration to herald their policy agenda and build support.

All recent transitions have at least one problematic nomination where negative information about the candidate is revealed after the appointment is announced. The challenge for the transition is to move quickly, ascertain the facts, and remove the person from further consideration if the charges prove true or if severe political damage is likely (e.g., Linda Chavez's 48 hours as the labor secretary nominee for G. W. Bush). Difficulties arise when the nomination lingers (e.g., Senator John Tower as defense secretary for G. H. W. Bush or the two attorney general nominations for Clinton).

For Obama, however, the sheer number of problematic nominations must raise an eyebrow. Some problems transition vetters knew about but apparently calculated that the nominee would survive. In the vetting of Geithner for treasury secretary, the Obama lawyers even uncovered additional income tax liabilities that the Internal Revenue Service had missed in its 2006 audit of him. Geithner might have been slotted for a position not requiring Senate confirmation, such as director of the White House's NEC, but the decision was apparently made to go through with the nomination, and he was confirmed (albeit it with some delay on January 26) by a vote of 60-34.

The nomination of Richardson for commerce secretary is more perplexing. Here, difficulties developed concerning his possible entanglement in a "pay for play" scheme. A number of state officials in New Mexico had been under FBI investigation for some time, and news of that had been revealed in the Albuquerque newspapers. Given that the FBI was also undertaking the background checks for nominees, it is highly unlikely that the Obama vetters were unaware of what was unfolding. Perhaps they again calculated that the nomination would ultimately prevail, given that it seemed Richardson was not directly involved. However, after the "pay for play" scandal involving the appointment of a successor to Obama in the Senate emerged and the subsequent arrest of Illinois governor Rod Blagojevich on December 9, the possibility of a lengthy and contested nomination hearing for Richardson might have changed the political calculus. On January 4, 2009, Richardson removed his name from consideration.

The most damaging failed nomination was that of former Senator Daschle. In the ensuing weeks after the December 11 announcement of his nomination as secretary of health and human services, a number of tax-related problems came to light that were apparently unknown to the Obama transition. Daschle had failed to pay $128,000 in income and payroll taxes on a limousine and driver that had been provided by a consulting firm he worked for. Daschle claimed the error was inadvertent and that, on January 2, he had informed the transition staff and the Senate Finance Committee of the problem once it was clear taxes were owed (Connolly, Stephens, and Smith 2009; Pear 2009). However, Daschle later acknowledged that, as early as June 2008, he had some suspicion that the car service might be taxable (Pear 2009). In addition, he failed to report income of $83,333 from the firm. It also came to light that he had taken $14,963 in questionable charitable deductions between 2005 and 2007. Questions were also raised about his use of corporate jets on trips abroad, a possible effort to get the head of the consulting firm that employed him a job in the Obama administration, and whether his various activities as a consultant might pose problems given the new ethics rules, even though he was not technically a registered lobbyist (McCormack 2009; Pear 2009).

On February 3, 2009, Daschle withdrew his nomination, saying he did not want to become a "distraction" to the Obama presidency (he was replaced by Kansas governor Kathleen Sebelius on March 2). The same day Daschle withdrew, Obama held interviews with five media outlets, acknowledging that he had "made a mistake" and "screwed up" (Kornblut and Shear 2009; Zeleny 2009). The interviews had been originally scheduled to tout the stimulus package; an important agenda message was lost.

The loss of Daschle to the Obama team was especially costly in terms of its health care initiatives. Daschle had been selected to head up a special White House unit in that policy area, and reports indicated he would have an office in the White House as well as attend morning staff meetings. Moreover, the weeks of continuing revelations about his tax problems surely proved to be a "distraction," as he later acknowledged. As President Obama publicly conceded, "it's important for this administration to send a message that there aren't two sets of rules. . . . one for prominent folks and one for ordinary folks who have to pay their taxes" (Zeleny 2009). Obama's hope for transformational leadership had become bogged down—at least temporarily—in the transactional politics of partisan charge and parry.

The episode also indicated problems in the vetting process and raised questions about Daschle's veracity: 9 of the 63 items in the questionnaire for nominees dealt with tax matters. According to Clay Johnson, George W. Bush's personnel director during his transition and later at the White House, "It's huge. Did you pay your taxes? . . . It's something that is checked religiously" (Kornblut and Shear 2009). The same day that Daschle bowed out, another nominee, Nancy Killefer, also withdrew from consideration because of unpaid unemployment taxes for household help, which the Obama vetters had apparently missed. Killefer had been tapped as a deputy director of the OMB and—ironically—as the White House's "chief performance officer," a new position.

Yet Daschle's withdrawal was not the end of Obama's nomination problems. On February 3, nearly a month after Richardson's withdrawal, Senator Judd Gregg (R-NH) was named to fill the still vacant post of secretary of commerce. Gregg, a deficit hawk and ranking Republican on the Senate Budget Committee, would have joined Secretary of Defense Gates and Secretary of Transportation LaHood as the third Republican in the Obama cabinet, a record number in recent Democratic presidencies. However, on February 12, only days after the Daschle announcement, Gregg withdrew from consideration, citing "irresolvable conflicts" with the administration's $787 billion stimulus package, which was up for a vote the next day (and which Gregg ultimately voted against). According to Gregg, it "was my mistake, not his." Yet some accounts also cited Gregg's growing concerns that the 2010 census would be run from the White House and not the Commerce Department, of which the U.S. Census Bureau is a part. According to William Kristol, "The story circulating among Hill Republicans is that Gregg wasn't notified about the census matter before the announcement [of his nomination], and that he demanded of Chief of Staff Rahm Emanuel a few days ago that the decision be reversed. I'm told that Emanuel said he would get back to him, but Gregg heard nothing. So he requested a meeting with the president and said he couldn't be part of the Obama administration" (Kristol 2009). Political "cold feet" may have been Gregg's fault; still, it is unusual for these policy differences not to have come up as Gregg was under initial consideration.

Other difficulties developed. Senators Dianne Feinstein (D-CA) and John D. Rockefeller IV (D-WV) raised concerns—temporarily—about Leon Panetta's nomination as director of the CIA. Neither apparently had been contacted before the appointment was announced—a major omission, given that Rockefeller was the outgoing chair and Feinstein the incoming chair of the Senate Intelligence Committee. The nomination of Representative Hilda Solis (D-CA) as labor secretary was temporarily delayed when it was revealed that there were tax liens on her husband's auto repair business; she was finally confirmed on February 24. Difficulties also emerged in the nomination of former Dallas mayor Ron Kirk as U.S. Trade Representative. Again, tax mistakes came up—concerning the reporting of honoraria and charitable donations—and he eventually agreed to pay $9,975 in back taxes. Tax errors also cropped up in Sebelius's nomination to replace Daschle at Health and Human Services, but they were apparently caught by, now, White House vetters and corrected; $7,000 in back taxes were quickly paid. She was eventually confirmed on April 28 by a 65-31 vote.

Subcabinet Appointments

All of these cases—but especially Daschle's—may have had further repercussions on the administration's ability to hit the ground running, as the White House scrutinized subcabinet nominees more carefully and nominations were delayed as a result. According to data compiled by Paul Light and the *Washington Post*, by the end of the president's first week in office, 47 appointments had been announced and 37 of them had been formally nominated. In the month following Daschle's withdrawal, only 10 additional announcements for confirmed positions and six formal nominations were made (Kamen 2009b).

Early efforts to put a new administration's own mark on policy are expected. That task is complicated not just by difficulty in its own right but by the increasing length of time it now takes to fill subcabinet appointments. For the Obama presidency, difficulties in some departments were striking. Not one of 17 key Treasury Department officials had been confirmed by the end of March, except Secretary Geithner. As Paul Volcker noted at the time, "The secretary of the Treasury is sitting there without a deputy, without any undersecretaries, without any, as far as I know, assistant secretaries responsible in substantive areas at a time of very severe crisis. He shouldn't be sitting there alone" (Shear and Rucker 2009). According to Sir Gus O'Donnell, secretary of the British cabinet, it was difficult to get even phone calls returned: "There is nobody there. You can't believe how difficult it is" (Thomas and Barry 2009, 32).[8]

Delay in subcabinet appointments in other key departments and agencies, such as the Department of Homeland Security and the Federal Emergency Management Agency, also occurred. Some two dozen Bush administration officials in Homeland Security were asked to stay in their positions for a period—this despite extensive efforts and coordination between the Obama camp and the White House, before election day, to make sure such key positions were filled quickly (Hsu 2009). Delays in the appointment of a replacement to Daschle at Health and Human Services also meant that there were no early subcabinet nominations in that department, one with a potentially great impact on the administration's goal of a major health care initiative.

Vetting continued to be a problem. In late March, the day before confirmation hearings were to begin, the number two pick at the EPA withdrew from consideration, when it came to light that he had been on the board of nonprofit group that had mismanaged $25 million in EPA grants. On March 10, Charles W. Freeman, Jr., the nominee for chairman of the National Intelligence Council, withdrew from consideration. Freeman, a former ambassador to Saudi Arabia and deputy chief of mission to China, had been criticized for statements he had made about Israel and links to Saudi and Chinese interests. Freeman did not go quietly, and he publicly chastised his critics.

Sometimes politics intruded. The nominations of Harvard physicist John Holdren to head up the White House Office of Science and Technology Policy and Oregon State University biologist Jane Lubchenco to direct the National Oceanic and Atmospheric Administration had their confirmations held up by Senator Robert Menendez (D-NJ) over a matter completely unrelated to their jobs. Menendez blocked them in committee in protest against the administration's new policies toward Cuba. On March 13, the two were finally voted out of committee.

Sometimes the White House simply failed to get back to nominees. This occurred for Dr. Sanjay Gupta after he had agreed to serve—and thought his appointment was secured—as surgeon general in early January. He stepped aside on March 5. One top Treasury Department prospect had not heard back from the White House for more than a month after submitting all of his documentation (Wagner 2009). General Anthony Zinni, former commander in chief of CENTCOM and a critic of the Iraq War, told reporters he was offered—and accepted—the job of ambassador to Iraq, following conversations with Secretary of State Clinton and NSC advisor General Jones (followed by a congratulatory phone call from Vice President Joe Biden), only to learn that the post was going to someone else the day before the latter was announced. According to one report, "days passed and nothing happened. Zinni, getting his gear together, finally called Jones . . . and learned that [Christopher] Hill, whose expertise includes Poland, the Balkans and Asia, was the pick" (Kamen 2009a).

More generally, according to one report, "Across the government, important posts remain unfilled, leaving those who have already been confirmed to struggle as they attempt to meet the demands of a far-reaching presidential agenda without the staff the agencies normally have." Some delay is normal, yet the difficulties experienced with some of the cabinet-level positions may have made the subcabinet appointment process even slower, and with greater scrutiny of prospective nominees. As for those in still in the nomination pipeline, "An intensified vetting process has left dozens of President Obama's picks . . . mired in a seemingly endless confirmation limbo, frustrated and cut off from the departments they are waiting to serve and unable to perform their new duties" (Shear and Rucker 2009).

The pace quickened, however, beginning in mid-March. By the 100-day mark on April 29—according to data compiled by Terry Sullivan—a total of 221 nominations to Senate-confirmed positions had been announced (compared to 201 for G. W. Bush), 183 had been sent to the Senate (compared to 87 for Bush), and 67 had been confirmed (compared to 33 for Bush). To put these numbers in further context: Out of some 540 key positions, Obama was ahead of G. H. W. Bush and Clinton (both with 45 confirmations) but behind Reagan's record of 83 (White House Transition Project 2009b).[9] Also noteworthy: As of early April, 42% of those nominated had served in some capacity during the Clinton administration (Kamen 2009c).

The Transition and the Early Obama Presidency

What impact did the transition have on the early Obama presidency? In several areas, preparation during the transition paid off, especially in putting in place the pieces of what might be termed a "regular presidency"—decision-making processes, staff organization, appointments, executive orders, and a policy agenda. But these were not regular

8. In early March, four possible appointees to top positions asked that their names be withdrawn, for reasons that were not revealed. On March 8, three nominees for senior jobs at the Treasury Department were finally announced. However, the number two deputy position and two important undersecretary-level positions remained unannounced until March 23 (Andrews and Labaton 2009; Cho 2009a, 2009b; Irwin 2009), and the top candidate to head the department's bank bailout withdrew from consideration in late March (Solomon 2009).

9. Sullivan includes in his data cabinet-level nominees. Moreover, although Obama was ahead of three out of four of his immediate predecessors, he was not out of the woods quite yet. Even if his numbers were favorable at the 100-day mark, a lengthy appointment process remained. For example, according to a Brookings Institution (2001) study, by the end of August 2001 for Bush—with September 11 looming—227 nominees had been confirmed, 41 were announced but the paperwork had not reached the Senate yet, 55 were in the process of Senate confirmation, and 144 positions remained unfilled. When the Brookings study was complete, it concluded that it took, *on average*, 8.7 months for the Bush administration to move its nominees through Senate confirmation, compared to 8.3 months in the Clinton presidency and 5.2 under Reagan (Lee 2003).

times. In other areas, the unique constraints of this transition—recession, unstable stock markets, and crisis in the financial industry (but, interestingly, not war)—proved especially challenging.

Utilizing Presidential Prerogatives

The transition's early work served the new administration well in enabling them to quickly rescind Bush-era regulatory and executive orders, sometimes putting new ones in place. By the end of his first week in office, the new president had

- ordered steps taken to close the detainee camp at Guantánamo Bay, Cuba
- banned questionable interrogation methods of terrorist detainees
- rescinded a ban (the so-called Mexico City policy) on the use of U.S. funds abroad for programs that perform abortions, provide counsel about abortions, or lobby for their legalization (the order was delayed for a day until after the anniversary of the *Roe v. Wade* decision)
- issued orders permitting states to impose more stringent automobile emissions standards, which had been opposed by Bush, and instructed the Transportation Department to set new targets on gas-use mileage standards
- instituted new ethics rules for appointees, more stringent than any of his predecessors
- rescinded a stringent Bush executive order limiting public availability of archival documents from past administrations
- put on hold last-minute Bush administration regulatory orders
- froze pay in White House on some 100 aides with salaries greater than $100,000 (largely symbolic, given White House control of internal pay grades within broad statutory budgets for White House units).

On January 30, 2009, these orders were followed by three others: one reversing a Bush administration order requiring federal contractors to post notice that workers can limit their financial support of unions, another preventing reimbursement to contractors for expenses in blocking union organization, and a third allowing employees to retain their jobs when a federal contract changes hands to another firm. These orders were made public on the same day that the president announced a "White House Task Force on Middle Class Working Families," to be chaired by Vice President Biden.

In the weeks that followed, further executive action was undertaken. The president ordered the Energy Department to draft new efficiency standards on a variety of household appliances. On February 5, Obama issued an executive order revamping his predecessor's White House Office of Faith-Based Initiatives, now renamed the Office of Faith-Based *and Neighborhood Partnerships*. In early March, the administration suspended executive orders that lessened scrutiny of the effects of government projects on threatened and endangered species. In April, policies restricting trade and travel to Cuba were eased a bit.

Most importantly, on March 9, the president rescinded the Bush ban on federal funding of most types of stem cell research save those from existing stem cell lines. In fact, the executive order opened the door to research on stem cells obtained beyond those from discarded embryos, and Obama asked the National Institutes of Health to make recommendations concerning cell lines from other sources (see Munro 2009). The order was accompanied by another presidential directive to the president's science advisors to draft recommendations seeking to separate scientific appointments and advice from politics.

Foreign Policy

Efforts to distance itself from the policies of its predecessor also figured in the early Obama presidency. Two days after his inauguration, the president appointed former Senator George Mitchell and former Ambassador Richard Holbrooke as his special envoys to the Middle East (Mitchell) and Afghanistan and Pakistan (Holbrooke). On January 26, less than a week after Obama's inauguration, Mitchell was dispatched to the region for what was described as a "listening tour." Secretary of State Clinton also had a busy first few months, including trips to the Far East, to the Middle East, and then, in late March, to Mexico, and, in April, to Iraq and Lebanon. Early on, Obama met with military leaders to begin the process of removing U.S. troops in Iraq. By the end of February, a plan was in place. It was not the more ambitious and speedier withdrawal that Obama had campaigned on, but it was a considered plan that had been developed in consultation with his military commanders. The president set a deadline of August 2010 for the removal of about two-thirds of U.S. troops, with the remainder set to leave by December 2011. As for Afghanistan, here the administration was prepared for a greater effort: On February 17, the president proposed increasing American forces by 50%—some additional 17,000 troops.

Obama also benefited from an early April trip abroad to the G-20 Leaders Summit in London, a meeting of NATO leaders in France, and visits to Germany, the Czech Republic, Turkey, and Iraq. Groundwork was laid and personal contacts made, but a request for more Allied troops in Afghanistan and greater efforts at economic stimulus by European Union nations were not met with a wholly positive response. April also saw trips to Mexico and to Trinidad to attend the Summit of the Americas. In June he traveled to Israel, Saudi Arabia, and Egypt—where he made a major address on Middle East affairs—then to Germany and France.

Congress and the Early Obama Presidency: Elusive Bipartisanship

Obama's relationship with Republicans in Congress was not noticeably different from that of his predecessors' dealings with members of the opposite party on the Hill: normal—if at times divisive—partisanship. His early executive orders closing the Guantánamo detainee camp, permitting states to toughen auto emissions standards, and allowing federal funding for abortion providers abroad drew Republican fire. Bipartisanship proved elusive.

There were some early successes. Two were leftovers from the Bush presidency. On January 29, President Obama signed legislation—the Lilly Ledbetter Act—expanding the time during which employees can sue for various types of work-based discrimination. The bill had been blocked by Senate Republicans the previous spring, but the increased Democratic majority led to passage in the new 111th Congress (the vote was 250-177 in the House and 61-36 in the Senate). On February 4, the president signed legislation renewing and expanding the State Children's Health Insurance Program, which had been vetoed twice by President Bush; the legislation added an additional 4 million children to the program. Forty House Republicans voted in favor, and the margin in the Senate was 66-32.

Given the dire economic context and projections of rising budget deficits, Obama's advisors held different views about how aggressively to move their policy agenda in the early presidency. Some favored emulating FDR's expansive approach in 1933, while others were more cautious and drew lessons from the Clinton failed health care initiative. But over time, there were signs that, while not fully following the FDR model and putting everything immediately on the front burner, the new administration was planning steps for major policy initiatives during the first year. The price, however, was bipartisanship, and Republicans quickly and vociferously distanced themselves from the administration's proposals.

The economic stimulus package was the earliest major effort. Both the Obama team and congressional Democrats had hoped to have a bill on the new president's desk by inauguration day. That hope proved a bit elusive. Still, in the early days of his presidency, Obama actively lobbied Congress for bipartisan support—including visits to Capitol Hill, meetings with both Democrats and Republicans, and Wednesday night cocktail parties with key lawmakers (Wilson 2009). The administration won, but without the broad support hoped for. On January 28, the House initially approved an $819 stimulus package by a vote of 244-188, with all Republicans in opposition (as well as 11 Democrats). In the Senate, the bill narrowly passed with the support of only three Republicans. A reconciled $787 bill finally passed both chambers on February 13, in a highly partisan vote (again, no Republicans in the House supported it, and only three Republicans in Senate voted in favor). The lack of GOP support, despite the president's lobbying efforts, may have provided an important lesson to the White House. As one account noted, "Drawing conclusions from a post-mortem analysis that Emanuel conducted of the stimulus battle, senior White House advisers returned to the successful tactics of the presidential campaign, taking the president and his message beyond the Beltway and scaling back his appeals to congressional Republicans. The approach has defined the way he has governed since" (Wilson 2009). Republican lawmakers, however, felt that their suggestions for paring back the bill were ignored. According to House minority leader John Boehner, after the House bill passed, "it became clear to us that they didn't want to work with us" (Wilson 2009).

Components of the stimulus plan raised controversy. It aimed to create millions of jobs through spending on transportation and other infrastructure projects, and energy, health care, and education spending. But was it an effort best designed to stimulate the economy? Critics maintained that its job-creating effects would not be largely in place until 2010.[10] Was it a Trojan horse for some pent-up Democratic political agenda, especially as the White House had essentially turned over the details to the Democratic

10. According to the Congressional Budget Office, $185 billion will be used in fiscal year 2009 and $399 billion in fiscal year 2010. However, if tax cuts (including $70 billion to fix the alternative minimum tax) are excluded, *spending* in fiscal year 2009 will be 21% of the total stimulus and 38% in fiscal year 2010 (Crook 2009, 15).

leadership?[11] Was it just another opportunity for pork barrel politics, but now on a major scale? One of the projects earmarked was a high-speed rail line from Disneyland to Las Vegas favored by Democratic leader Senator Harry Reid (D-NV); another was $1.4 billion for rural waste disposal.

The second major initiative was Treasury Secretary Geithner's unveiling of the administration's bank bailout plan on February 10. But Geithner's plan was vague in its details, and the Dow Jones Industrial Average dropped 4.6% and the S&P 500 declined 4.9% the day it was announced. According to one investment banker, "What they did is over-promise and under-deliver. They said there was going to be a plan, so everybody expected a plan. And then there was nothing" (Cho and Montgomery 2009). Here the transition may have proven problematic: Was Geithner too understaffed in the Treasury Department to deliver a more fleshed-out program? Also of note: It was not until March 23 that Geithner finally unveiled a fleshed-out plan. Now the market response was positive: The Dow rose 6.8% and the S&P 500 rose 7%.

The third major initiative was the funding bill for the remainder of fiscal year 2009. Continuing resolutions had been in place since October; no agreement could be reached between the Bush White House and the Democratic-controlled Congress. The bill drew criticism, as it contained more than 8,500 "earmarked" projects. Although the president had urged restraint on pet bills, he signed what he called "imperfect" legislation on March 11. Also notable was that, as a candidate, he had criticized President Bush's use of "signing statements" attached to bills, but Obama now chose to attach his own statement to the bill, questioning the constitutionality of some of its provisions. The bill's effects—plus those of the bank bailout—on federal deficits are staggering. In fiscal year 2007, the deficit was $162 billion; in fiscal year 2008, $458 billion; and in fiscal year 2009, $1.75 trillion, if not more. Still, economic circumstances were severe, and increases in federal spending may prove wise in the end.

Finally, a fourth major initiative was the president's own budget proposal for fiscal year 2010, presented in a televised address to a joint session of Congress on February 26. The plan included $150 billion in new energy projects; new environmental policies directed at global warming, especially a "cap-and-trade" system on carbon emissions; expansion of grants for college students; and a major 10-year, $634 billion initiative to extend health care coverage. On the revenue side, the plan proposed a variety of tax increases and changes in itemized deduction rules for the top 5% of taxpayers, as well as letting the Bush tax cuts lapse. The White House resisted, however, even more expansive

11. According to one Republican House member who had been heavily lobbied by the White House, including an invitation to watch the Super Bowl with the Obamas, "the White House lost control of the process when the bill was outsourced to Pelosi." According to a senior White House official, "dealing with Democrats has been tougher than dealing with Republicans." Furthermore, according to that *Newsweek* report, "In ways that have not always pleased the White House, the Speaker has made it clear to the president that when it comes to House business, he has to go through her." Although denied by the Speaker's office, the *Newsweek* report claimed that if the White House contacted Democratic House members, the Speaker expected to be informed, not just about the contact, but also about what was discussed (Bailey 2009, 35, 36). Other accounts, however, stressed the role that chief of staff Emanuel played in negotiations, particularly in gaining the assent of five moderate Democratic and Republican senators to the stimulus package (Lizza 2009, 29), as well as his efforts to gain the support of congressional moderates for the fiscal year 2010 budget package (Fineman 2009, 34; Murray 2009); others noted Pelosi's diminished role (Simon and Barabak 2009).

steps, such as Speaker Pelosi's hope for immediately rescinding the Bush tax cuts on the wealthy rather than waiting for them to lapse. Still, it was an ambitious policy agenda, wrapped in an omnibus budget and tax plan, and with a projected deficit of $1.2 trillion, if not more. Preliminary House and Senate versions—close to the administration's request but divided along party lines—passed both houses of Congress in early April. A final $3.4 trillion reconciliation bill passed in both the House and the Senate on April 29—the 100-day mark—but without a single Republican vote in either chamber.[12]

The ambitious plan may also mark the "end of the honeymoon" for Obama. As David Broder noted in mid-March, "For the first time the extent of his ambitions became clear—not just stopping and reversing the steep slide in the economy but launching highly controversial efforts in health care, energy and education." Congressional Democrats "worry that he has bitten off more than he can chew" (Broder 2009). Some of its provisions even raised concerns among prominent Democrats: Senator Max Baucus, chair of the Finance Committee, worried about a decline in tax-deductible donations to charities; Senator Kent Conrad (D-ND), chair of the Budget Committee, was troubled by proposed cuts in subsidies to large agribusiness; and moderate Senator Ben Nelson (D-NE) was concerned with changes in the student loan program (Calmes and Hulse 2009; Chait 2009, 15). The administration's political situation was also hurt in late March by revelations that AIG, one of the recipients of bailout funds, had recently distributed $165 million in bonuses to top executives; for some observers, it defined a "Katrina moment" for the new president (Rich 2009). Punitive measures against AIG and other firms, however, were blocked in the Senate. Still, the use of the bailout funds may prove problematic: they may bring future trouble for the administration if not carefully monitored.

Another interpretation, however, suggests that an ambitious agenda might have been a wise course. Unfocused laundry lists can get new presidents in trouble, as occurred for Carter. Yet more targeted, major efforts may be smart politics, taking advantage of a president's initial popularity and honeymoon with Congress to press important initiatives that may be more difficult to achieve later on (even as early as 2010, when the midterm congressional elections loom). Time is rarely on a president's side.[13] The current economic crisis might also work to the administration's advantage: Demands for a response are pressing, in ways they might not be later on. Moreover, as Rahm Emanuel observed shortly after the election, "Never allow a crisis to go to waste. They are opportunities to do big things" (Zeleny 2008a). The final legislative outcome of the

12. As part of the budget reconciliation process, the bill only establishes the broad parameters for the final fiscal year 2010 budget in the fall. Also, it did not include some administration proposals such as $318 billion in revenues from limits on tax deductions for wealthier taxpayers, extension of the president's middle-class tax cut beyond 2010, and an additional $250 billion for the bank bailout. The bill included the White House's health care reform and college loan proposals within the reconciliation process—thus preventing any filibuster in the Senate—but it did not include its "cap-and-trade" proposal for carbon emissions.

13. It is interesting to note, however, that some of FDR's most important initiatives were enacted later in his first term—after his initial focus on the economic crisis—especially key components of the "Second New Deal" such as the Social Security Act, the National Labor Relations (Wagner) Act, and bills creating the Works Progress Administration and the National Youth Administration. FDR also benefited from increased Democratic majorities in Congress following the 1934 midterm elections.

Obama budget plan will be an important test for his presidency as it makes its way through Congress in the summer and fall; so, too, for the effects of the stimulus package and the bank bailout plan.

Conclusion

While not perfect, the Obama transition to office did reasonably well in laying the groundwork for the his presidency. The pre-election effort is especially notable. It not only put in place the necessary steps for organizing the post-election transition effectively, but also it undertook a robust effort to plan for his presidency. Both before and after election day, discipline prevailed; the infighting and media leaks that had plagued earlier transitions were absent. The post-election transition moved quickly in appointing and organizing the White House staff; how its internal dynamics work out, however, bears watching. Vetting of some cabinet nominees was clearly problematic, and it contributed to delay in subcabinet appointments. However, by April, the administration appeared to have made up for lost time. It will be interesting to see how the numbers eventually come out in comparison to those of previous presidencies.

Obama scored well with the public during the transition and in the immediate aftermath of his inauguration. He garnered an 83% approval rating for his handling of the transition. In the first post-inauguration poll by Gallup, his approval rating stood at 68%, short of Kennedy's 72%, matching Eisenhower's 68%, and ahead of Carter (66%), Nixon (59%), Clinton (58%), G. W. Bush (57%), G. H. W. Bush (51%), and Reagan (51%) (Jones 2009). By the 100-day mark, his approval rating stood at 65%—exactly the average at that point since the Eisenhower administration. However, his disapproval rating had risen to 29%, up from an initial 12% and a potential sign of growing partisan division. According to Gallup, these numbers are "solidly positive, although not extraordinary in historical terms" (Saad 2009). Also notable: A late March *Washington Post*/ABC News poll found that the number of respondents agreeing that the country was generally going in the "right direction" jumped from 15% in December to 42%. Still, while "findings suggest that the public continued to give Obama considerable latitude as he attempts to jump-start the economy," the *Washington Post* cautioned, "public patience may be limited" (Cohen and Balz 2009).

President Obama signaled his intention to make a clean break from the unpopular Bush presidency with his executive orders and early policy and budget proposals. At the same time, he also sought to tamp down public expectations for quick results on the economy. Early—and ambitious—actions were taken, but as he cautioned in his inaugural address, "the challenges we face are real" and they "will not be met easily or in a short span of time." His initial political capital seemed high.

But was the right course of action chosen? The decision was made to embrace a broad range of policy reforms, not just to focus on the economy. Moreover, it was a controversial agenda. His early efforts to gain bipartisan support in Congress—much like those of his predecessors—seem largely for naught and forced the administration to rely on narrow partisan majorities. The question that remains is whether his political capital, both in

Congress and with the public, will bring him legislative—and ultimately policy—success. Good transition planning is propitious, but it offers no guarantees. Still, without it, political and policy disaster likely awaits. So far, President Obama seems to reside largely on the positive side of the equation. But what the future might portend remains another matter.

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The Law

Presidential Proclamation 6920: Using Executive Power to Set a New Direction for the Management of National Monuments

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Scholars in recent years have been interested in the use of presidential proclamations, but the scope and implications of their use have yet to be fully examined. Specifically, the Antiquities Act of 1906 granted the president broad discretionary authority to proclaim national monuments. Presidents have used this power, often despite the consternation of Congress, to implement changes in public policy. In this context, when President Clinton issued Proclamation 6920 to establish the Grand Staircase-Escalante National Monument, his use of executive power initiated a significant congressional reaction, even though his delegation of the managing agency, which will have a lasting effect on public lands policy, received little attention. In this article, the authors argue first that, despite congressional efforts to limit the president's discretion to proclaim national monuments under the Antiquities Act, executive power was not curtailed, and second, that by delegating management authority to the Bureau of Land Management, President Clinton laid the groundwork for a new direction for both national monuments and the bureau.

The creation of law involves the representation and participation of many actors with varied interests and resources. Unilateral lawmaking, however, is unique in its independence from the traditional legislative process because it does not require input from a variety of actors, most notably Congress (Howell 2003; Moe and Howell 1999). Instead, this tactic gives presidents an avenue to act when an issue is high on their agenda but Congress is not inclined to proceed because of gridlock or other concerns (Howell and

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