**EP 118 - PRESIDENTIAL TRANSITIONS**

**CPB:** [00:00:00] Civics 101 is supported in part by the Corporation for Public Broadcasting.

**OPEN:** [00:00:05] Who is the current speaker of the House? Don't even know. Will they rule in the president's favor or take it to the Supreme Court? You can't refer to a senator directly by their name. Congressional redistricting. Separation of church and state. Executive order. And the National Security Council... Civics... Civics... Civics... 101!

**Virginia Prescott:** [00:00:23] This is Civics 101. The podcast refresher course on the basics of how our democracy works. I'm Virginia Prescott. Our team here has been working on a transition for the past few weeks as our sitting host namely me prepares to hand the reins over to our newly elected Civics 101 guides, Nick Capodice and Hannah McCarthy. So for this, my last Civics 101 before I take up my new office at Georgia Public Broadcasting, we're going to find out how the mother of all handoffs takes place -- the presidential transition of power. And joining me is Max Stier he's president and CEO of Partnership for Public Service. Max welcome to Civics 101.

**Max Stier:** [00:01:03] Thank you very much.

**Virginia Prescott:** [00:01:04] OK so say it's election day in the United States a new president gets elected but the old one is still in office. So what's the first thing the incumbent meaning sitting president's team does when the new president is elected.

**Max Stier:** [00:01:17] Well you better hope that they've been doing a bunch of things before election day because if you wait until election day to get ready for the transition you've already missed the bus. There are about 70 plus days between the election and a negotiation. And that's not nearly enough to address as you just said a mother of all transitions.

**Virginia Prescott:** [00:01:37] So when would that team have started putting together a transition?

**Max Stier:** [00:01:41] Well so and you said something really important there which is that there are multiple teams that have to be focused on this so you have the incumbent president that now by law order then focusing on this easily a year pre-election and that includes identifying people in each of the agencies to serve as a transition coordinator and begin the planning process. But for the incoming president they also needed a transition operation and that operation really ought to have begun in earnest at the beginning of that year. So you're looking at you know eight nine months of work really to be ready for Election Day. And it is a huge undertaking you think again we'll all learn about the peaceful transfer of power as being one of the great qualities of our government. But no one tells you that it's peaceful but ugly. And you think about it. It's a 4 trillion dollar organization four million employees when you think about the military and the civilian employees and hundreds of different operating entities. It is just so large and so complicated and so consequential that you need to begin aggressively with a good plan and very early.

**Virginia Prescott:** [00:02:53] OK so you said by law -- what are the official laws or rules for the transfer of power?

**Max Stier:** [00:03:00] So there are a bunch of new ones which is a good thing because we had a system up until relatively recently that that essentially was Groundhog Day and you would have incoming administrations go through a transition process start from scratch really at best have access to some people who've done it before but really no consequential resource of tools and prior history.

[00:03:26] And part of what we've done at the Partnership for Public Service is to help get Congress to pass some laws that provide better structure so now it used to be historically that incoming transition teams would only get support for transition planning post the election. And we were able to get a law passed that now provide support immediately after the conventions. And the reason why this is really important is that historically campaigns have understandably viewed job number one as winning. And anything that just distracted from that or might undermine that they would ignore. And they saw transition is that they saw it as a political vulnerability if you started planning for a transition before the election you could be accused of measuring the drapes or celebrating early. And as a result the transition planning was done subscale and generally behind the curtain. And the law that I just described now changes that. So they have political protection. They now have a congressional mandate to begin pre-election. And we saw the results of that for the first time on both sides with the work that then candidate Clinton and then Candidate Trump did in this past election which was quite extensive and public prior to the election. So that is part of the legal framework that has changed that is very important. On the flip side there are now requirements for the incumbent administration to do work prior to the election to prepare for a good handoff to the new president coming in. So there is new law that really does some important things. I don't think we're entirely done yet with what needs to change but there are big improvements.

**Virginia Prescott:** [00:05:09] So who comprises this transition team are they people who will go on to be members of the president elect staff or you know campaign staffers that kind of thing?

**Max Stier:** [00:05:19] Well it's it's an excellent question. And the answer is you have different responsibilities when you are a campaign person versus doing the transition versus actually governing. And I think one of the real challenges we have in our system today is that there is this huge cohort of political appointments that are made by a new president that is unparalleled by any democracy so a new president typically puts in about 4000 political appointments and of those 1200 plus require Senate confirmation which is a very difficult obstacle course. What that means is that in fact new administrations often do staff government with a lot of people that were serving in the campaign and in the transition in not recognizing that and the skills that you need the capabilities you need are usually very different.

**Virginia Prescott:** [00:06:09] So what are those transition team members doing in these days between the election and inauguration their appointments to be made?People starting to prepare for new jobs how do they do it.

**Max Stier:** [00:06:20] Yeah the period between the election and inauguration becomes frenetic because you are taking over this phenomenally large organization. You put your finger on the in my view the most important element. You got to have highly qualified people ready to come into these positions and they need to be working well as a team. That's something that is often overlooked. So one big element is getting the right people and having them work effectively together.

[00:06:45] Another is in preparing to actually implement the promises that the president elect has made on the campaign trail as smart transition operation is really thinking through how they convert those promises to actual action. There's you know usually someone who's coordinating the relationship between Congress and certainly the party that that they come from on the Hill so and that is an area where a lot of transitions under invest they need to really make sure that Congress is on board with the changes that they want to see happening and creating that front and understanding a shared vision and how they're going to work well together is one of the most important investments that a transition team can make.

**Virginia Prescott:** [00:07:36] When can the incoming staffers get security clearance?

**Max Stier:** [00:07:39] For the very top people it can happen relatively quickly. But if you're thinking about you know general averages there I was just in the meeting today where you know folks were complaining about the fact it could take 700 days to get clearances for some people so I mean that's a very challenging process and a big problem. The law now permits campaigns to actually start the clearance process for key people even pre-election. And so once more smart transitions will have teed up a set of core people that they need cleared and ready for jobs both in the White House and in the agencies. Because if you don't start that early you won't have your team on the ground when the when the game starts.

**Virginia Prescott:** [00:08:23] So I'm hearing Max there's a lot of handoff of let's call it soft knowledge you know institutional knowledge about how jobs get done how agencies work projects that are in progress. Have there been examples of you know real antipathy and those kind of handoffs of current people in power in the White House or other agencies. Not necessarily handing off in a graceful way.

**Max Stier:** [00:08:48] So you will always find examples where someone didn't do it real well. And there are anecdotes about you know the handoff to you know the Bush team from President Clinton's team where there were allegations that you know W's were removed from keyboards and things like that. I will say that those are truly the exception. Almost everyone who serves in government understands that they are there in order to serve the people and they are remarkably committed to the success of the new team coming in. The challenge is is less antipathy than lack of understanding about how to make that handoff really effective and more often than not it's the team coming in that fails to take advantage of the opportunity to soak up the knowledge from the people leaving.

**Virginia Prescott:** [00:09:46] How about the current administration when that's holding power what are they actually required to share with the incoming administration?

**Max Stier:** [00:09:55] The incumbent president is required to organize even if they're just in their first term to organize as if a transition might happen. And that means on an annual basis they actually need to bring together representatives the lead transition person for every agency and they need to have somebody who is who has got that responsibility to talk about how they're they will prepare for the transition. And they are by law required to provide information to the incoming potentially incoming successor. So you know at the end of the day the law is important but how it is followed is even more so.

[00:10:39] And you know I will say that in sort of modern transition planning President Bush did a phenomenal job handing off the responsibility to President Obama and his team. And I think President Obama did a phenomenal job of preparing in and being ready to hand off to President Trump and I hope that that becomes you know the expectation for you know that the President Trumps team and everyone that comes thereafter. And I think you know there is as I say a broad sense even though the you know political appointees that that that they have a responsibility the country that our government is a core asset for the public and not for any party.

**Virginia Prescott:** [00:11:24] So nobody glued the doors shut or anything like that.

**Max Stier:** [00:11:27] You know and look with enough people you'll find somebody who didn't do it right. But the more important thing is what are the norms and are those norms being followed. And I think we're setting new norms and they are in large measure being followed. We are still at a pretty nascent stage. I would describe around transition planning and making it an effective operation. We're trying to create a learning system and that that's vital because it's such a big job.

**Virginia Prescott:** [00:11:56] We're talking about a lot of the practical steps a lot of the operational steps. But we do hear about these meetings between the incumbents and the president elect and about letters. You know George Bush's George H.W. Bush's letter to President Clinton circulated widely I guess was when the transition was going on for the Trump administration. Letters from the sitting president left for the incoming one. What besides the practical does the incumbent president try to share with the president elect.

**Max Stier:** [00:12:26] That's a very personal I think question. You know we all see the pictures of the president as they arrive and they leave. And you quite clearly see that it's truly dog years that they've lived and they got the gray hair and the lines. I mean the responsibility is phenomenal. You know no one you know really comes to the job having done it before. And I think that in many ways I think that the most important thing that can be offered is less one time advice than then than a relationship that would enable you know the new person coming in to come back to the incumbent. And I think that's true for the president. It's true for secretaries of agencies. It's true for assistant secretaries of agencies. There ought to be a you know again an understanding that there will be different policy priorities. We have a democratic process to help you know identify what the public wants to see as their vision for us going forward. But in these jobs are so challenging and hard and the opportunity for good and for ill are so large that you really want to make sure there is a community and there is a sense of responsibility for the incumbent to be there for the new person and that the new person knows they can rely on that incumbent for advice.

[00:13:51] I mean that to me would be the most helpful thing that could be communicated and the new person has to take advantage of it because I think by and large the willingness to be there as a resource is almost inevitably there.

**Virginia Prescott:** [00:14:02] There this may be a weird question but I always wondered does the first family sleep at the White House the night before the inauguration or is that night of?

**Max Stier:** [00:14:10] Yeah not not. Not the night before. I mean it really is an amazingly you know sort of quick transfer you've got you know 12 o'clock 12 01 the you know the day of the inauguration you've got a new president. And that's true in terms of ownership of the White House and there's a unbelievable operation to move the president out. The new president in to do new paint in the work that's done by the you know career people who are managing this process is really stellar. And it happens in every agency across the entire government as well. You got a new secretary coming in hopefully confirmed. In an ideal world in the world we should live in. You've got more than the secretary but you know a deputy secretary in the key leadership team also ready to walk in on day one. It's actually a flip of a switch. It's not a slow you know you can move in over the next few weeks. You know right away on the White House side the team is unbelievable and the other unusual aspect of the White House is that everyone turns over so and they and the agencies themselves the career workforce will inevitably be way larger and hard to be way larger than the political team. In fact the political team should understand that they can't get their job done without working collaboratively and effectively with the career folks in the White House. It's a different proposition. You don't have pretty much anyone around that can tell you how it was done before how to operate things.

[00:15:43] It's you're you're starting you're bringing your whole team with you.

**Virginia Prescott:** [00:15:46] Max Stier president and CEO of the Partnership for Public Service a nonprofit whose Center for Presidential Transition helps candidates and their transition teams navigate the process of becoming president. Max thank you so much for speaking with us.

**Max Stier:** [00:16:01] Hey thank you and congratulations on your contribution to civic education.

**Virginia Prescott:** [00:16:05] Thank you so much.

**Hannah McCarthy:** [00:16:09] That is it for Civics 101 today. But before we go we're doing a handoff of our own.

**Nick Capodice:** [00:16:14] As Virginia mentioned at the top of the show. This is her last episode of Civics 101. She's moving on to Georgia Public Broadcasting where she'll be the host of The Daily News show: On second thought.

**Hannah McCarthy:** [00:16:24] I'm Hannah McCarthy.

**Nick Capodice:** [00:16:25] And I'm Nick Capodice.

**Hannah McCarthy:** [00:16:26] From here on out, Nick and I will be hosting the podcast.

**Virginia Prescott:** [00:16:30] Both of you guys are theater. You have theater background you right.

**Hannah McCarthy:** [00:16:34] We do indeed.

**Virginia Prescott:** [00:16:35] Are you going to do a little song and dance thing.

**Nick Capodice:** [00:16:37] We're going to do a civic on one Christmas Carol for sure.

**Hannah McCarthy:** [00:16:40] Yes absolutely.

**Nick Capodice:** [00:16:41] You did the transitions episode you recorded the transition's interview. What did they say is usually done. I wasn't there you were there. What's usually done when one transitions to the other.

**Hannah McCarthy:** [00:16:53] There's a lot of preparation because I think he made a really great point. This is Max Stier. He said nobody's done this before. Nobody has been president before they're president. Unless of course you were elected and then you lost an election and then you won an election.

**Virginia Prescott:** [00:17:09] Has that ever happened, by the way?

**Hannah McCarthy:** [00:17:09] That's a good question.

**Virginia Prescott:** [00:17:13] We should know this.

**Nick Capodice:** [00:17:13] It's pretty embarrassing.

**Virginia Prescott:** [00:17:14] Well actually we shouldn't know this. That's the wonderful thing about this show that we are not civics scholars. What do you guys want to know anything else.

**Nick Capodice:** [00:17:21] Is there any part of the transition that we haven't done yet.

**Virginia Prescott:** [00:17:24] I haven't written you a letter on White House stationery letter.

**Nick Capodice:** W hat? No letter on White House stationary?

**Virginia Prescott:** [00:17:28] I don't have White House stationery.

**Nick Capodice:** [00:17:31] On NHPR stationery.

**Hannah McCarthy:** [00:17:31] Producers really dropped the ball on that one.

**Virginia Prescott:** [00:17:33] Yeah no kidding.

**Nick Capodice:** [00:17:35] Well if you can tell us that you would put in that letter you can tell us.

**Virginia Prescott:** [00:17:39] I would just say that as a friend of mine Jason Schlender who's a poet who's now passed away said humility will find you. So no matter what you do be humble because you're gonna make mistakes but that's OK. You know that's what makes you sound like a human being.

**Nick Capodice:** [00:17:58] Some of the best advice I've ever gotten.

**Hannah McCarthy:** [00:18:03] Yeah.

**Hannah McCarthy:** [00:18:03] This episode of Civics 101 was produced by me, Hannah McCarthy and Nick Capodice. Our executive producer is Erica Janik and her staff includes Taylor Quimby, Justine Paradis, Jimmy Gutierrez and Ben Henry. Our music is by Broke for Free.

**Nick Capodice:** [00:18:16] And if you've got questions about the government and we know you do you know who to call. Hannah and I are on top of it. You can e-mail us at Civic's 101 at NHPR dot org.

**Hannah McCarthy:** [00:18:26] Civics 101 is a production of New Hampshire Public Radio.