

November 21, 2016; How Presidential Transition Works

As an avowed political junkie, I've watched the unfolding melodrama of the presidential transition with a combination of amusement and concern. My hopes for a smooth transition are rapidly evaporating as both parties trade barbs and jabs. Our modern-day 24/7 news coverage adds fuel to the fires of dislike and distrust that seemingly pervades our political system.

All this rancor makes me a bit nervous. After all, the world doesn't stand still waiting for the U.S. to transfer power from one presidential team to another. And, as a major player in the global economy and international policing, the U.S. doesn't have the leisure of simply pushing the pause button for the next two months while the Trump team gets their act together.

Presidential transitions certainly don't fall within my reservoir of legal knowledge. And, until recently, I hadn't given it much thought. But the level of discord displayed by both sides during this contentious election got me wondering if there were any legal guidelines and safeguards to the presidential transition process. I decided to research the topic and here's what I learned.

Concerns over presidential transitions are nothing new. One that festered for decades, but went unaddressed until 1933, was the length of the transition period itself. Until 1933, with the passage of the 22<sup>nd</sup> Amendment, there was a four-month delay between the election and the beginning of the new presidential term. Elections were held in early November and Inaugural Day was March 4<sup>th</sup>. This made some sense in the era of horse and buggies, but with the invention of trains, planes, and weapons of mass destruction, this lengthy lame-duck session threatened American security. The delay caused tension between the outgoing and incoming administrations, and created a power vacuum. Under the 22<sup>nd</sup> Amendment, presidential inaugurations were moved up to January 20<sup>th</sup>.

Another area of great concern was the development of an organized approach to the massive logistical challenges presented by presidential transitions. After all, a change in administrations impacts all federal agencies, not just the White House. In a period of about 11 weeks, the new administration has to appoint all the Cabinet members and fill thousands of positions. The mechanics of moving people in and out of offices needs to be addressed. And, to maintain consistency and stability throughout the government, new appointees and employees have to be briefed about the operations of their respective governmental agencies. It is a herculean task, to say the least.

Amazingly, not until the passage of the Presidential Transition Act of 1963, did the U.S. develop a systematic approach to presidential transitions. Key provisions of the Act, along with subsequent amendments, include:

- Requires that transition preparation begin months in advance of the election.
- Designates the Administrator of the Government Services Administrator as the overall coordinator of transition logistics.
- Provides services, offices, and staffing for the transition team.
- Through a joint partnership of public and private money, funds the transition operations.
- Provides training and orientation for Cabinet and senior executives.
- Provides a central link for the communication and cooperation among all government agencies.

The Transitional Act assures Americans that behind the public scenes of discord and rancor, the organized mechanics for the smooth transfer of power are working quietly and efficiently. Thank goodness.