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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Mike O'Connor

Subseries:

OA/ID Number: 13640

FolderID:

Folder Title:

Miscellaneous - Vetting Memos and Issues

Stack:

S

Row:

113

Section:

7

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5

Position:

1

CLAIRE E. GONZALES 10/5/93

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THE WHITE HOUSE
WASHINGTON

August 18, 1993

FYI
MEMORANDUM FOR ALL WHITE HOUSE STAFF *Patsy L. Thomasson*

FROM: PATSY L. THOMASSON
SPECIAL ASSISTANT TO THE PRESIDENT
FOR MANAGEMENT AND ADMINISTRATION

SUBJECT: Clearance Procedures for White House Volunteers

White House volunteers must be cleared by White House Personnel Security before they can begin to volunteer.

The procedures for new volunteers are as follows:

- 1) All prospective volunteers should contact the White House Volunteer Center at 456-7756, and set up a time to be interviewed.
- 2) At the time of the interview, they will complete a volunteer profile and a security form, which will be processed by White House Personnel security.
- 3) Only after this process is successfully completed, will the volunteer be added to the access list and be able to volunteer in the White House Complex.

It is a violation of White House security procedures to WAVE in any new volunteers until all appropriate checks have been completed.

*Thought you'd
enjoy this.
Note the date
then have some
deja vu.
(file in chron
if not there
already)*

X-2550
Alex Soutaw

22

CC: D & Q

Privileged and Confidential

February 5, 1994

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: JAM DATE: 2/10/15
2006-1066-F

MEMORANDUM TO WILLIAM H. KENNEDY, III

FROM: ALICE J. SMITH

RE: FILES IN VETTING OFFICE

In Room 142 next to Dennis' desk, I have left three boxes of labeled, confidential files from the old Counsel's Office of OPP. I have listed the names of the specific files in each box on the three attached sheets. The small file box contains miscellaneous items bequeathed to those of us who remained by our former attorney colleagues. I did what I could to organize it, but in some cases I was not quite certain what was important to keep. I erred on the side of keeping more rather than less, although I did pitch a lot of duplicates and scraps of paper that made no sense at all. The large white box contains the chronological ("chron") files from January-August, 1993. (The chron files after August are in the cabinets in Rm. 142 and are still in use). The brown box contains mostly my legal research files on various subjects and a group of files related to selection work I did last summer for PPO on creating a pool of Inspector General candidates.

John Carey's vetting procedures memoranda are all in the chron files. My two large procedures memos are there and in a procedures notebook on the shelf in Rm. 142.

Some method of protecting these very sensitive files should be discussed with Records Management soon. The chron files, as well as many of the others, contain legal research memoranda, documents regarding specific candidates, personnel and salary matters, PPO's senior staff meeting materials, and other confidential materials.

There are at least seven to eight containers of miscellaneous computer disks in the office. Some of these contain backups of public record vets (or drafts of same, which I would argue we should not keep); but others seem to contain the kitchen sink. I have not had time to go through each of those disks to determine what is important, but will come and assist another weekend or late evening, if needed. In addition, the computers in Rm. 142 also contain many files that I am unsure how to handle. For example, the computer nearest the door has the majority of the final public record vet files. The shelf against the back wall also has the hard copy vets and many vet

binders from Transition. They, too, ultimately will need to be stored under some confidential classification.

As you know, I am only a phone call away and will be glad to help out as much as I can when, and if, you ever need to close up the vetting shop. Office: (202) 514-1900. Home: (703) 998-0154.

cc: Bernard Nussbaum
Dennis Quinn

**FILE BOX 1 (White): GENERAL OPP, COUNSEL'S OFFICE FILES AND
WHC, VETTING SECTION FILES**

- February, 1993 Chron File
- March, 1993 Chron File (Vol. 1)
- March, 1993 Chron File (Vol. 2)
- April, 1993 Chron File
- May, 1993 Chron File (Vol. 1)
- May, 1993 Chron File (Vol. 2)
- June, 1993 Chron File (Vol. 1)
- June, 1993 Chron File (Vol. 2)
- July, 1993 Chron File
- August, 1993 Chron File

ADDITIONAL FILES LABELED AS FOLLOWS:

- Office Management
- Office Budget
- OPP Counsel's Office Staff Lists/Some Transition Lists (Jan.-Apr., 1993)
- Vetting Procedures (incls. Sept., 1993 and Jan., 1994 AJS memoranda and some misc. memoranda related to procedures)
- Daily Staff Meetings - JPC
- Staff Meetings - JPC's Notes
- J. Carey's Files of Resumes of Candidates for Employment, OPP Counsel's Office

File Box 1 Con't:

- Presidential Personnel Administrative Memoranda (January-July, 1993)
- PPO Staff Meetings, Action Summaries
- PPO Staff Meeting Memos/Other Materials (Sept., 1993-Jan. 1994)
- Presidential Personnel General (all staff) Lists (Feb.-Oct., 1993)
- Potential Interns for September, 1993
- Summer 1993 Interns
- Resumes (Recommendations) (JPC Work File)
- September, 1993 Efforts to Prepare SES Tracking Memorandum (List is rough only; see Paradox data base on computer for current tracking)
- Kennedy Memorandum re Staffing Cuts in Sept, 1993/Related Materials
- AJSmith Memoranda to WHKennedy Re Salary Status of Employees in Opp, Counsel's Off. (October, 1993)
- Resumes and Notes on Potential Personnel for Fall, 1993
- Researchers' Work File on Some Candidates (Feb./Mar./Apr. 1993)
- Office Information; Office of the Counsel (blue folder containing White House Counsel staff information and duties)
- Misc. Personal Personnel Matters/Early Phase of PPO, Counsel's Office
- Decision Memo Samples (PPO)(AJS Work File)
- Misc. Early Memoranda and Attorney Notes of PPO, Counsel's Office (Late January-Feb. 1993)
- JPCarey - Personal
- Master List of Vetted Names (July 10, 1993)(blue folder)
- Phone Logs (some Transition and early phase of OPP, Counsel's Office)

File Box 1 Con't:

- Research - Candidates
- Interior, Tier I; Negative Vets; Tina Flournoy
- Applications for Leave
- Weekly Status Reports (Interns)
- Weekly Status Reports (Attorneys and Researchers)
- Resignation Ltrs.
- Approval for Vets
- PPO/Counsel's Office Staff Memoranda to J. Carey re Positions of Interest (black binder)
- Public Record Vet Index (June 30, 1993)
- Miscellaneous TRANSITION files of Tina Flournoy
- Sign Out Sheets for Public Record Files (Blue folder; not used much)

**FILE BOX 2 (Brown): OPP, COUNSEL'S OFFICE LEGAL RESEARCH FILES
AND OTHER AJSMITH FILES**

FILES LABELED AS FOLLOWS:

- Attorney Research on Removal of Nuclear Waste Negotiator and Other Materials Related to the Vacancy Act
- Attorney Research on Casual Hire Issue Under the Immigration Reform and Control Act
- Attorney Research for Removal of EEOC Vice Chair (Preliminary research only; no memo written)
- Attorney Research on Removal of Members of White House Small Business Conference
- Attorney Research on National Council on Surface Transportation
- Attorney Research on Whether Schedule C Employee Had to Be a U.S. Citizen
- Attorney Research and Draft Memoranda on President's Power to Remove Members of the National Commission on Employment Policy
- Attorney Research and Memoranda on Removal of VA Under Secretary for Benefits
- Enabling Legislation for Independent Boards and Commissions
- Attorney Research on Procedure for Appointment of Farm Credit Administration Chairman
- Attorney Research on Removal of NLRB General Counsel
- National Transportation Board Research and Memorandum (9/22/93) to B. Lindsey
- Articles Comparing Appointments Under Different Administrations
- AJSmith Attorney Notes from Interviews of Candidates (all contents transferred to individual candidate files or typed memoranda)

File Box 2 Con't:

- AJSmith Attorney Notes on Interviews of Potential Arbitrators for Presidential Review Board
- Inspector General Removal Issues; Including Drafts of Removal Letters (Never used officially) NOTE: Bulk of AJSmith's selection work Inspector General files were provided to Phil Lader and Tom McBride during summer, 1993.
- AJSmith Notes from Interviews with Potential Inspector General Candidates in Summer 1993
- Inspector General Candidate Assessment Memoranda
- Materials re Inspectors General Search by AJSmith and BDelia (Summer, 1993)
- Inspector General Search Materials of Bernie Delia Provided to AJSmith; incl. notes and resumes
- Inspector General Lexis Research

FILE BOX 3 (Banker's Box): MISC. FILES FROM ATTORNEYS

FILES LABELED AS FOLLOWS:

- Attorney Work File for Department of Interior (Probably files of Peter Necheles)
- Attorney Work File on Comparison of Presidential Administration Appointment Rates (incls. March, 1993 memorandum) (Probably materials of P. Necheles, J. Carey and J. Chang)
- Attorney Work File on Dept. of Agriculture; Some Education (Probably files of P. Necheles)
- Attorney Work File on Dept. of Education (Probably files of P. Necheles)
- Attorney Work File on State/Commerce/Agriculture (?)/HHS (?); Attorneys names unknown
- Attorney Work File on SES Interviewing (Gen.) (Probably files of S. Cavendish and J. Trapasso)
- Folder containing National Institute of Justice "Report From the States on What Works at the State and Local Levels: A Compendium of Assessment and Evaluation Results (July 1992)"
- Folder containing Draft GAO Report entitled "Toward a Federal Offender Based Information System: A Preliminary Analysis of Concepts, Issues, and Practices" (June, 1990)

THE WHITE HOUSE

WASHINGTON

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: JAM DATE: 2/10/15
2006 - 1066 - F

Privileged and Confidential

September 15, 1993

MEMORANDUM TO: BRUCE R. LINDSEY, Director of the Office of Presidential
Personnel (OPP)
WILLIAM H. KENNEDY, Associate Counsel to the President

FROM: ALICE J. SMITH, Associate Counsel, Counsel's Office, OPP
JENNIFER P. CLASBY, Associate Counsel, Counsel's Office, OPP

SUBJECT: CLOSING OF OPP COUNSEL'S OFFICE/
TRANSFER OF VETTING PROCESS

This memorandum identifies issues that need to be resolved as we prepare for the closing of the Counsel's Office of the OPP at the end of this month and the transfer of all or some of the office's public record and other vetting functions to the Office of the Counsel to the President (White House Counsel or WHC). In an addendum contained in this notebook, we also have described our current public record and interview vetting procedures. We hope that this information will be useful to you in making decisions about staffing and the level of vetting that will be possible in the future, particularly given the constraints of reduced personnel.¹

ISSUES TO RESOLVE

1. WILL PUBLIC RECORD VETTING CONTINUE AT ALL? IF SO, WILL IT BE PERFORMED BY OPP OR WHITE HOUSE COUNSEL? BY WHICH STAFF MEMBERS?

Current Staffing. As background for deciding these matters, please be aware that we currently have 7 staff members and one legal intern, who is working

¹ These procedures have evolved since Transition and reflect changes required due to staff downsizing, quantity of vets requested, standardization of the process and other concerns that have arisen during the past ten months.

pro bono until September 30.² These 8 individuals perform all public record vetting, which includes researching, writing, reviewing drafts, tracking of the vets, and administrative preparation of the final products that you receive.³ Over time, we have abbreviated (by necessity) much of the vetting research, particularly for SES candidates, and our three non-attorney researchers also draft vetting memoranda for attorney review. Until approximately August, they were able to focus exclusively on research.

Volume of Public Record Vet Requests. The volume of requests for written public record vets from this office remains high. Since August 31, we have received 115 names to vet. Since September 1, we have delivered 58 written vets, 17 of which had been requested in late August. The quantity of vets produced varies, according to the level of the positions, the complexity of the research (i.e. articles to review, number of issues to describe, etc.), and time availability of the two remaining supervising attorneys to review research files and all of the draft vets for quality and completeness. (Attorney time for this review process has varied considerably in the last month, depending on the number of candidate interviews in progress, meetings, responses to information requests, and other management matters.)

2. HOW AND WHO WILL CONTINUE THE TELEPHONE INTERVIEW SCREENING OF CANDIDATES?

Alice and Jenny are currently reviewing all Personal Data Statements (PDS) returned by high level SES candidates (generally Deputy Assistant Secretary, or equivalent level, and above) and interviewing those individuals. We also review PA and PAS candidates forms provided to us by Edgar Bueno in WHC and interview those candidates. We meet daily with Bill Kennedy to discuss the results of the interviews. We also follow-up with candidates regarding issues on which more information is required (i.e. details of lawsuits, payment of taxes, candidates' publications that we have not been able to obtain from a public record search), and prepare memoranda on particular issues when requested by Bill.

² Peter Pappas is also on the OPP staff, but has been working under the direction of WHC.

³ Current staff members are: Alice Smith (Associate Attorney); Jenny Clasby (Associate Attorney); Lynn Jennings (Associate Attorney/Administrative Assistant); Jonathan Kopp (Law Clerk/writer); Natalie Markman (Pro bono Legal Intern/writer; recently graduated soon-to-be attorney); Dina Kaplan (Researcher, now also writer); David Rosenberg (same); and Julie Kaminkow (same).

Current SES Candidate Interview Volume. Since August 1, we have received PDS forms from 74 SES candidates. We have cleared 50 SES candidates since Aug. 1, following interviews and/or reviews of their forms. There are ten candidates who have returned forms and are now waiting in the interview "queue." Twenty-seven candidates have been sent forms, but have not yet returned them. A few candidates have been interviewed, but we are waiting for additional information from them before we can send them out of the "pipeline."

NOTE: Since the beginning of July, lower level SES candidates have not been requested to complete PDS forms, nor have they been interviewed, unless they were non-career SES positions at Justice, State, Defense or other sensitive agencies or unless there was a particular known issue on a candidate. Low level SES candidates do receive an FBI name check and a tax check, handled through WHC, and an abbreviated "scandal" public record search, performed by our office. (See Memorandum from W.H. Kennedy and J.P. Carey re "Proposed Future Vetting Procedures for Non-Career SES Candidates," dated July 1, 1993, contained in this notebook).

Current PA/PAS Candidate Interview Volume. As our office has not been responsible for tracking the numbers of PA and PAS interviews, we do not have precise information on the number of such candidates whom we have interviewed and discussed with Bill. A rough average estimate of the number of PA/PAS interviews conducted by us in the month of August (when Sara Cavendish was also available to interview) is 45-50 candidates.⁴ Approximately 25 PA/PAS candidates, who have returned PDS forms, are in line for interviews. Edgar has also sent out 27 form packets to candidates that have not been returned. He continues to send these daily

3. WHO, HOW AND WHEN WILL PERSONNEL IN WHITE HOUSE COUNSEL'S OFFICE BE TRAINED REGARDING ANY ASPECTS OF THE VETTING PROCESS, PUBLIC RECORD OR OTHERWISE, THAT THEY WILL ASSUME FROM OPP?

We strongly suggest that if any of the public record vetting and SES candidate interviews will be performed by WHC staff members after September 30, they should be identified and should spend some time in our office in the next two weeks learning the procedures and the very important coordination/tracking that must occur between OPP Administration and WHC on such vetting. Assuming that the current volume of requests for written public record vets

⁴ This estimate does not include the candidates whom Peter Pappas interviewed and reported on to Bill separately.

continues, even for a limited period, you would likely need to designate, at a minimum, two individuals as researchers and two attorneys as drafters/reviewers. The non-attorney researchers could write during any down periods from researching, with their work products reviewed by the attorneys. If a written work product is not required, then two non-attorney researchers could perform abbreviated LEXIS/NEXIS research, printing any significant information, and highlighting it for an attorney to review. Attorney(s) should make the judgment calls on cases in which candidates have been mentioned, or have represented clients, and on any legal publications they have written. Having the researchers provide the research directly to you in raw form - as opposed to summarizing it in a written vet - will, of course, generate much more paper to review, but would reduce the number of staff members required for vet preparation.

4. **WHAT SHOULD WE DO WITH CONFIDENTIAL DOCUMENTS, INCLUDING ALL VET COPIES, RESEARCH FILES, SES INTERVIEW FILES, COMPUTER FILES, ATTORNEY LEGAL MEMORANDA, AND ADMINISTRATIVE FILES?**

The bulk of this material probably should remain under WHC control and protection for the immediate future. When access to the research and/or vets is no longer needed, the files should be labeled properly to preserve attorney work product and attorney/client (or other) privileges and confidentiality, and stored with Records Management. Some method for OPP to maintain access to the public record vets and background material should also be established. We have often been asked for a copy of a vet, for some information/documents out of the research file, or to update a candidate some time after the vets had been distributed. Whoever will become the point person for managing the documents from this office should come for a complete tour before the end of this month.

5. **TO WHOM SHALL WE CONVEY INFORMATION ON OUTSTANDING ISSUES, DOCUMENTS, ETC. THAT INTERVIEWED CANDIDATES STILL OWE US BEFORE WE CAN PROCEED WITH THEIR WHITE HOUSE CLEARANCES?**

In addition to written information that will continue to arrive, candidates in the interview process call us quite regularly with follow-up information and questions. We should determine who will be the point person for those calls after our office closes.

6. HOW SHOULD ALL FUTURE LEGAL QUESTIONS DIRECTED TO OUR OFFICE BE HANDLED?

The number of such questions has decreased since August, but previously OPP Counsel's Office did answer and/or prepare memoranda on various legal issues such as removal of particular appointees, Vacancy Act questions and some federal pay issues. (All such written memoranda have been provided to Bruce Lindsey and to WHC). We propose that if we receive legal questions related to the appointment process in our remaining few weeks, the individuals should be referred to WHC for advice.

The following section in this notebook describes the vetting procedures. The additional sections include previous memoranda on vetting proposals prepared by John Carey, samples of the research checksheets currently in use, and other internal memoranda prepared on administrative and research procedures.

cc: Bernard Nussbaum
John Emerson
Jan Piercy
Antonella Pianalto

**EXECUTIVE OFFICE OF THE PRESIDENT
LAW LIBRARY
OLD EXECUTIVE OFFICE BUILDING**

Room 528

x3397

TO: Alice Smith

ROOM: _____ DATE: 4/15/93

☒ To Keep

☐ To Borrow Due Date _____

☒ Per Your Request

☐ FYI

Message:

From: Linda Caselli

The Report of the President's Commission on the Federal Appointment Process

*More materials
for your
reading
pleasure*

DECEMBER 1990

THE PRESIDENT'S COMMISSION ON THE FEDERAL APPOINTMENT PROCESS

The Old Executive Office Building
17th and Pennsylvania Avenue, N.W.
Washington, D.C. 20500
202-456-6490

December 13, 1990

The President
The White House
Washington, DC 20500

Dear Mr. President:

On behalf of the President's Commission on the Federal Appointment Process, I am proud to present you with our report and recommendations.

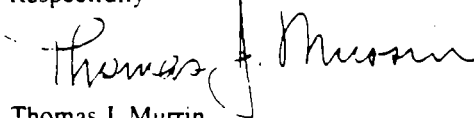
Through your enlightened leadership, the President's Commission on Federal Ethics Law Reform was created and, from that Commission, our Commission was born. Your concern for high ethical standards in government and for attracting the best possible people to public service was the driving force behind the work of our Commission.

The Ethics Commission realized that delays in putting people in place damage the democratic process. The forms that ~~now must~~ must complete before nomination and confirmation complicate the process and add to that delay. Our Commission was created to examine those forms and to recommend ways to reduce their number and complexity.

Many of the promising recommendations that we are sending to you have been put into place or will be within the next few months. A few of them require executive action and support. Some may require legislation. We hope that you will find them useful to you and your staff in meeting the challenges inherent in the appointment process.

For the Commission members, I sincerely wish to thank you, Mr. President, for allowing us this opportunity to assist and encourage public service.

Respectfully


Thomas J. Murrin
Chairman

ACKNOWLEDGEMENTS

The Commission wishes to express its profound gratitude to the many individuals, both in and out of government, who have contributed their time and effort to its work. Members of the Commission and its staff were fortunate to receive advice and encouragement from a wide range of people with a great variety of views on the appointment process.

Many academicians offered invaluable assistance, especially Harvard University President Derek Bok and Harvard faculty members Richard Neustadt, Dennis Thompson, and Peter Zimmerman; Professors Hugh Heclo and James Pfiffner, George Mason University; Professor Calvin Mackenzie, Colby College; and Professor Arthur Link, Princeton University.

Concerned citizens, many of whom are associated with groups that study and assess government performance, generously shared their thoughts with the Commission and its staff. The observations and insights of the following people greatly improved the quality of this report: Mark A. Abramson, Donald B. Ayer, Stuart H. Deming, William F. Hildenbrand, James S. Hostetler, James R. Janis, Jan Mares, Sally Kraus Marshall, Winifred A. Pizzano, Barbara Rosenfeld, Mark Sullivan III, and John H. Trattner, Council for Excellence in Government; Raymond Kline and Roger Sperry, National Academy of Public Administration; Ann McBride and Meredith McGehee, Common Cause; Ambassador L. Bruce Laingen, formerly executive director of the National Commission on Public Service and currently with the Brookings Institution; Paul Volcker, formerly Chairman of the National Commission on the Public Service and currently with Princeton University, and his assistant Anke Dening; David Mason, Heritage Foundation; Norman Ornstein, American Enterprise Institute; Kenneth Duberstein, Thomas Korologos, Jerry Shaw, and Peter Wallison.

Many talented and dedicated individuals working in the federal government were valuable resources to the Commission at every stage of its work. The Commission expresses its gratitude to Karen Brooks, Dolores Buckley, Letitia Cole, Thomas Collamore, Philip Gambino, Robert Gatlin, Charles Ingersoll, Francine Kerner, Lauren McDonald, Clement Munno, Wendell L. Willkie II, and Rosalind Wade, Department of Commerce; Sandra Chambers, Albert C. Cosner, and Walter Odom, Bureau of the Census.

It also wants to thank those members of the White House staff who repeatedly and cheerfully took time away from their own pressing responsibilities to answer Commission and staff inquiries and to facilitate the Commission's work whenever and however they could: Jay Bibee, Katja Bullock, James Gatling, Ronald Geisler, Ann Brooks Gwaltney, Barbara Kilberg, Charles Kolb, Jan Naylor, Robert Swanson, Betty Thompson, and Christopher Vein.

The Commission also thanks Senator John C. Danforth and Judge William S. Sessions, Director, the Federal Bureau of Investigation; James Bourke, the Federal Bureau of Investigation; Martha Clement, Department of Education; Marcy Head, Executive Director, the President's Commission on White House Fellowships; Betty Heitman, Executive Director, the President's Commission

on Executive Exchange; Jane Ley, the Office of Government Ethics; Vernon Parker, the Office of Personnel Management; Ambassador Edward J. Perkins, Director General of the Foreign Service and Director of Personnel, Department of State; Jacques Klein, Chief, Training and Liaison Staff, Department of State; and to Kenneth Ballen, John Feehery, Alan Maness, Alexander Netchvolodoff, and Theodore Van der Meid of the legislative branch.

The Commission expresses its special appreciation to Deputy Assistant Secretary of State Amy L. Schwartz for her work with the Commission while serving in the Office of the Counsel to the President.

The Commission values the experience and knowledge brought to this enterprise by these many civic-minded individuals.

INTRODUCTION

President Bush established the President's Commission on the Federal Appointment Process by Executive Order 12719, pursuant to Section 203 of the Ethics Reform Act of 1989 (Public Law 101-194), on July 11, 1990. The need for the Commission and its purpose were first identified by the President's Commission on Federal Ethics Law Reform. Recommendation 18 of that report stated:

The Commission recommends that a coordinating committee composed of ethics officials of the three branches of Government study ways to simplify the Presidential appointment process by reducing the number and complexity of forms to be completed by potential appointees.

The President, members of Congress, and many others familiar with the appointment process have noted that the ever-increasing amount of requirements prospective nominees must meet has retarded, if not impeded, the pace of the appointment process. As G. Calvin Mackenzie wrote in the April 1990 issue of *Government Executive*, "...the character of transitions has changed significantly in recent years. Procedural changes, new legislation, escalating media scrutiny and more complex politics have all slowed the appointment process."

Mackenzie identified the major causes of delay. He and others have noted a few more, including the increased technical knowledge required for certain posts and the volume of paperwork that precedes the actual appointment. To quote Mackenzie again:

Explaining rules to potential appointees has become an increasingly time-consuming part of the recruiting process. Once a candidate agrees to accept a nomination, further delays often occur in completing and reviewing financial disclosure forms and in altering personal portfolios to avoid potential conflicts of interest.

It is not surprising that a growing number of thoughtful people, conversant with the workings of government, should turn their attention to delays in the appointment process. The issue strikes to the heart of the democratic process under which our nation operates. As the elected head of state, the President receives a mandate from the people. Those appointed to public office serve as instruments in carrying out that mandate. The people have every right to expect the person they elect as President to assume control of the government quickly and to carry out his or her charge promptly.

Long delays in the nomination, confirmation, and appointment processes leave the operation of the government in the hands of acting officials and appointees of a previous administration who may not share the goals of the new administration or be willing to anticipate its desires in the absence of high-level political appointees heading agencies and departments. Delays also impede another important aspect of the democratic process: the ability of the public to hold public officials accountable through its duly elected representatives. This requirement is best satisfied by having in place top-level presidentially selected appointees to testify before Congress and represent the administration before other public forums.

The Commission commends the President and the Congress for recognizing that improvements in the process will enhance the functioning of the government and contribute to the health of democratic procedures and institutions. As President Bush said in his "Remarks to Members of the Senior Executive Service" on January 26, 1989:

There is a mandate to fulfill. And there are problems to solve....Above all we have a compact with the American people. They pay for excellent government, and they deserve to receive it.

Executive Order 12179 succinctly states the Commission's mission.

The Commission shall advise the President on the best means of simplifying the Presidential appointment process through reducing the number and complexity of forms to be completed by Presidential nominees. The Commission shall give special attention to: (i) achieving coordination between forms required in the executive branch clearance process and forms required by Senate Committees for confirmation hearings; and (ii) identification of opportunities for the Office of Government Ethics to simplify the SF-278 Executive Financial Disclosure Report and its instructions, pursuant to the Ethics in Government Act of 1978, as amended.

It stands to reason that a process fraught with duplication, complication, and outright confusion eventually will take its toll on the quality and the effectiveness of government. Such a system will either prevent excellent people from assuming their posts quickly or discourage them from serving at all. The President's Commission on Federal Ethics Law Reform accurately described the situation facing prospective nominees as it existed in 1989:

In addition to the financial disclosure reports for executive and judicial branch nominees (SF-278), candidates for presidential appointments are currently required to provide personal information on numerous forms, such as the Personal Data Statement used by the White House, the Federal Bureau of Investigation personal history form (SF-86), and separate forms required by the particular Senate committee considering the appointment. Since the forms are not shared among the different entities, the information required to complete each form overlaps, and in some cases the forms call for the same basic information to be presented in a different way. No mechanism currently exists for resolving this or other interbranch differences in procedure and interpretation.

This Commission was created to be that mechanism. Because its fourteen members all work in government, they are particularly sensitive to the issues before them. Some have made government work their careers. Others are part of the group commonly referred to as "in and outers." Each of them has either been through the process or assisted in steering others through it. All have demonstrated, prior to their appointments to this Commission, the ability to understand and appreciate the concerns of candidates and those of appointing and confirming authorities.

The Commission agrees with the President that "government service is a noble calling and a public trust." It believes that the public has a right to expect its public officials to be of the highest caliber and to meet high standards of character and performance. It also determined that speed in the appointment process should not come at the expense of responsible and sensible scrutiny of potential nominees. Fair and reasonable scrutiny protects the public from the effects of corruption and incompetence. The Commission began its work convinced that speed and scrutiny were not incompatible goals. It worked to further both objectives throughout its deliberations. It concluded that forms could indeed be streamlined or eliminated without sacrificing either objective.

The President's Commission on Federal Ethics Law Reform accurately set forth the paper maze facing prospective presidential nominees before being appointed. The SF-278, SF-86, and the Personal Data Statement are the first forms given to a prospective nominee. The SF-278, which has more pages of instructions than pages to complete, often confuses those who have to file it. The SF-86, which is required for many sensitive positions, includes contradicting directions and a supplemental form for presidential nominees. The White House's Personal Data Statement contains questions that appear on both other forms and later on a Senate committee's form. The Senate committees all have their own forms, which further complicates assisting the prospective nominee.

The Commission took steps to remedy this situation. It met as a whole five times, on September 11, October 2, November 9 and 28, and December 7. In addition, some members of the Commission served on a subcommittee on forms that met four times. Half of the subcommittee dealt with executive branch forms while the other half worked on the Senate forms. The members of the Commission, as government employees, intend to continue working to implement many of the recommendations. Members of the subcommittee working on the Senate forms plan to remain particularly active in this regard.

The Commission found that some delays were caused by the forms themselves and recommended appropriate alterations. It discovered that other delays were not rooted in the forms but in some of the procedures connected with the appointment process. The first section of the report contains recommended changes to the forms. The second suggests changes in the procedures.

The third section contains actions the Commission believed could be undertaken prior to awaiting these other changes. These include recommendations that involve supporting and improving upon revisions already started by other government entities. For example, while the Commission sat, the SF-86 was in the process of being revised by the Office of Personnel Management. The Commission became involved in that process and hopes that its observations and recommendations will improve the final product. The Commission discovered upon conducting its research that the Office of Government Ethics was also in the midst of revising its form, making the SF-278 easier to read, understand, and complete. The Commission supports this effort. Changes to the actual content of the SF-278 would require legislation. Some commissioners feel changes are warranted. Others do not. All agreed that such recommendations were beyond the charge of this Commission.

Most of the Commission's recommendations relate directly to reducing the number and complexity of forms and to reducing the delays in the processing of those forms. The Commission, however, was careful not to lose sight of the underlying principle that led to its creation. It has therefore included a fourth section that speaks to the state of the public service and ways to improve it. It has done so in the belief that government can only be as good as the people it attracts.

As Paul Volcker, the Chairman of the National Commission on the Public Service, eloquently wrote in the August 5, 1990 edition of *The New York Times*:

In this exciting and challenging time for all Americans, nations everywhere seek to emulate our democracy, our freedoms and our economic success. How tragic it would be if at this time of unparalleled challenge and potential success, we let the ordinary processes of democratic government erode—and put the whole enterprise at risk.

It is to these ends that the Commission has devoted its attention. It is confident that its efforts will strengthen the public service and lead to more responsive and effective government.

RECOMMENDATIONS

FORMS

The President's Commission on the Federal Appointment Process noted at its outset that prospective nominees for Senate confirmed presidential appointments must complete four different forms prior to confirmation: Standard Form (SF) 278, which is the financial disclosure form, SF-86, which is the FBI form, the White House's Personal Data Statement, and the appropriate Senate committee form for nominees. It observed that much of the same information was requested on all of them. It recommends that this duplication of effort and substance be reduced in the following ways:

1. The Senate should adopt one basic form for all committees, with the committees reserving the right to include addenda customized to suit their particular requirements.
2. Each Senate committee should consider carefully whether a net worth statement should be a part of its addendum questionnaire (sent to some or all of the nominees submitted to that committee), or whether other existing forms (the SF-278 and/or, in rare circumstances, an IRS 1040 form) could serve as an adequate alternative to the net worth statement in some cases. Committees choosing the latter course would reserve the option to request a net worth statement from nominees when they deem it necessary.
3. The executive branch and the Senate should reach agreement as to what forms will be required of a nominee and distribute the bulk of the forms at one time, with committees reserving the right to add supplemental forms addressed to the nominee after his or her nomination is submitted to Congress.
4. The FBI should provide nominees awaiting Senate confirmation with their FBI files within days of their requests. (Under the Freedom of Information Act, they have to wait several months.) Current excisions should be maintained to protect confidentiality.
5. The appointing authority should encourage prospective nominees to submit copies of previously filed SF-86 forms along with the completed new forms to assist the FBI in expediting their investigations.
6. Beginning with the adoption of the new FBI form for prospective presidential nominees, the FBI should accept an old copy of this new form if a prospective nominee had previously filed it for a different position. The prospective nominee should also submit an addendum updating information and stating that certain prior information remains correct. The FBI should also enunciate a consistent policy as to when it deems it necessary to repeat, rather than update, full field investigations.
7. The Commission recommends that any questions on the revised SF-86 pertaining to the mental health background of candidates for nomination or appointment minimize any unnecessary intrusion into the medical and psychological histories of candidates for office. The Commission believes it is important that questions regarding this issue not be asked in ways that discourage candidates from seeking either professional care or public office.

PROCEDURES

The Commission recognized that, over time, the best way to reduce forms and the workload of all entities involved in the appointment process would be to avail present and future Presidents of the strongest possible candidates for PAS positions as early in their terms as possible and to increase the average length of service of good people after they have been confirmed in their posts. It is the opinion of the Commission that the historic trend of shorter lengths of service for "in and outers" coupled with the increasing amount of time it takes for the average confirmation will prove harmful to the efficient and effective functioning of the government. It recommends the following clerical and procedural remedies as ways to accelerate the selection and confirmation process and to reduce the level of frustration prospective nominees often experience.

8. The Executive Clerk to the President and the departments should maintain and update job descriptions for presidentially appointed Senate confirmed (PAS) positions. This would increase the government's institutional memory by describing positions and listing needed qualifications. These job descriptions would assist present and future Presidential Personnel Offices in recruiting nominees of the highest caliber. The list of job descriptions should be public information.

9. Appropriate personnel should be retained on the White House staff to assist prospective nominees with filling out the necessary forms. The White House Office of Presidential Personnel and the Counsel to the President should devise a system of keeping prospective nominees as well informed as practical about their candidacies.

10. The Republican and Democratic National Committees or the two presidential campaign staffs should establish personnel offices for their presidential candidates immediately after the respective nominating conventions to identify prospective appointees beneath the cabinet rank. This step would ensure an earlier start for filling positions in the new administration. It would also remove the appearance of candidates being overconfident because each candidate would have a personnel operation. Each candidate's personnel office should have access to the Executive Clerk to the President's job description data bank. Congress should consider amending the Presidential Transition Act to financially assist the campaigns with this expense.

11. The executive and legislative branches should work together to keep PAS Boards and Commissions to a minimum. The sheer number of PAS positions has made the appointment process more cumbersome. The Senate committees should review existing boards and commissions under their jurisdiction as they come up to determine if they still need to have PAS status.

12. The prevailing ethical standards for the executive branch should be fair and the equivalent of those that exist in the other branches of government.

13. The Office of Government Ethics should continue to enhance the quality of ethics advice available to presidentially appointed advisory commissions and their equivalents by stressing that agencies take an active role in the process and by assisting in the training of ethics officials. OGE's role should be better known

to these entities, and its written opinions on ethical matters should be more widely disseminated.

14. The Commission recommends that unsubstantiated or uncorroborated anonymous allegations not ordinarily serve as a basis for judging the qualifications of a candidate for a non-judicial appointment, nomination, or confirmation. This recommendation in no way precludes the FBI from concluding, based on its judgment and experience, that such allegations are necessary for judging the qualifications of a candidate in specific cases and thus should be included in a report.

ACCOMPLISHMENTS

The Commission was able to help effect certain changes in forms and their content in the course of its work. It dovetailed with ongoing White House and Office of Personnel Management efforts to simplify forms and was able to assist in those initiatives. To date, the following improvements have been made:

15. The staff and subcommittee on forms created a sample Senate Form for the Senate's consideration. Several of the Commissioners will be discussing adopting some version of it with the Senate committees' staff directors. The Commission is hopeful that a standardized form will be accepted by most committees early next year. In the meantime, the Commission is arranging to have the committees' existing forms sent simultaneously with those the White House sends.

16. The White House Counsel's Office has revamped the Personal Data Statement. If the Senate committees adopt one Senate form that can be sent with the White House forms to candidates for nomination, the Personal Data Form can be further streamlined.

17. Working with the Commission, the Office of Personnel Management is specifically redoing the SF-86, the FBI form, for presidential appointees. This revision will eliminate the SF-86 supplemental form now given to presidential nominees and simplify the long and complicated directions for filling out the form. These directions often directly contradict directions on the form itself because the previous form was not specifically targeted to presidential appointees, who are held to stricter requirements than the rest of the form answering population.

18. The Office of Government Ethics and the White House are enhancing the level of coordination required in the processing of nominations. This entails the timely notification of nominations.

19. The Office of Government Ethics and the Department of Justice are working on clarifying and standardizing the ethics regulations. These steps were mandated by statute, and the Commission encourages and supports their efforts.

20. The Commission recommended that the FBI only investigate the years after the last background check if a nominee has been the subject of a full field investigation in the past. The White House Counsel's Office and the FBI have agreed that the FBI will now request the old file on a nominee as soon as the name check request is submitted by the White House. The name check request is made to the FBI before the nominee fills out the SF-86. This change gives the FBI enough time to receive and review the old file. Investigators will be able to avoid time-consuming reinvestigations of old information.

21. The Office of Government Ethics is preparing to issue de minimis waiver standards. These standards will dramatically simplify conflict of interest clearances and compliance. The Commission supports this effort.

CONCLUSION: IMPROVING THE PUBLIC SERVICE

While the Commission's primary charge was to eliminate the duplication of information collected on forms and to reduce the size and number of forms, it recognized that the existence of forms and the burdens they impose on those who complete them are reflections of something broader in scope than paperwork. They reflect the desire of policy makers to hold those in public office accountable to those they serve. They are also attempts to set and maintain high standards for public service.

The Commission believes that these are worthy goals and has considered ways of addressing them that extend beyond the realm of forms. It is unanimous in its opinion that the quality and effectiveness of government depend on the quality of the people who serve in it. It is disturbed by the findings of previous commissions that government service is not widely held in high esteem and that this negative perception is deterring talented people from seeking or accepting positions in government. Unless remedied, the Commission believes, the long-term effects of this situation will prove harmful to our representative system of government, which draws its strength from the willingness of citizens to seek and accept full- and part-time government positions.

The Commission applauds the strides that the government has made in recruiting people of promise into government. It shares the views of well-respected academicians and "good government" organizations that even more can be done to enhance the quality of the career and non-career services. The Commission is particularly impressed with proposals that involve active participation of the public, private, and non-profit sectors in this effort.

The Commission envisions cooperation in several ways and at several levels. The Commission encourages all branches of the federal, state, and local governments to use their "bully pulpit" powers to trumpet the challenges of public service. It hopes business, professional, civic, and charitable associations will devise incentives to encourage the best of their number to spend at least a part of their professional lives in government.

The Commission suggests that the government enlist the most inspiring and motivating career and non-career government officials to recruit college students to government service. It should also continue experimentation with "on the spot" hirings.

The Commission also encourages the establishment of more fellowships, internships, and exchange programs among personnel in the public, private, and non-profit sectors. These could be modeled on the Congressional Fellowship Program that the American Political Science Association has established for political scientists and journalists. Other professional associations could serve as sponsors.

The Commission notes that the President signed legislation on August 14, 1990 that would establish a National Advisory Council on the Public Service, "...to provide the President and the Congress with bipartisan, objective assessments of, and recommendations concerning, the federal work force." The

Council, which is to include representatives of all three branches of government as well as the public, could help ensure that the quality and effectiveness of the public service of government remain high on the nation's agenda. The Commission feels that the Council is the body best equipped to examine the thinking behind the questions on the SF-278 form. It believes that body should also investigate issues that, while outside the scope of this Commission, repeatedly surfaced in the course of its activities, such as post-employment restrictions and conflict of interest laws as they affect the holdings and activities of spouses of prospective nominees.

While none of the proposals to improve the public service will in and of themselves reduce the number and complexity of forms in the future, all will better the public service. This should help restore public confidence in government. The Commission is unanimous in its support of that goal.

Government Ethics for all executive and good faith estimate of the dollar value if not known nor easily obtainable by the

TO COMPLY WITH ETHICS AGREEMENTS

in which an individual agrees with that ethics official, the Office of Government Information committee, a congressional Ethics Conference of the United States, to comply with this Act or any other law or rule of interest of, or establishing standards with respect to, officers or employees of the United States shall notify in writing the designated ethics official, the Office of Government Ethics, the Senate, the congressional ethics conference of the United States, as the case may be, by the individual pursuant to that which shall be made not later than the date of the action by the individual must be taken within three months after the date of the action is so specified.

As provided in subsection (a) requires that the individual reduce to writing the recusal agreement will apply and be determined whether the individual complies with the requirements of such recusal agreement if such individual setting forth the information in the sentence with such individual's description of the appropriate supervising ethics official as prescribed in the last sentence of subsection (a).

APPLICATION OF PROVISIONS

This title shall be administered by the Office of Government Ethics, the ethics official, or the Secretary concerned, as the case may be, for officers and employees described in subsection (a) of section 101(f);

the Committee on Ethics and the Committee on Conduct of the House of Representatives with regard to officers and employees described in subsection (a) and (10) of section 101(f); and the Senate, the congressional ethics conference of the United States and clerk of the House of Representatives, in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

EFFECTIVE DATE

Provisions of this title shall take effect on the date of enactment of this Act and shall be applicable to reports filed under this

SEC. 203. PRESIDENT'S COMMISSION ON THE FEDERAL APPOINTMENT PROCESS.

(a) **ESTABLISHMENT.**—There shall be established an advisory commission to study the best means of simplifying the Presidential appointment process, in particular by reducing the number and complexity of forms to be completed by nominees. The Commission shall be known as the President's Commission on the Federal Appointment Process.

(b) **MEMBERSHIP.**—The Commission shall be composed of 14 members from among officers and employees of the three branches of the Federal Government. Eight members shall be appointed by the President, two members shall be appointed by the majority leader of the Senate, two members shall be appointed by the minority leader of the Senate, one member shall be appointed by the Speaker of the House of Representatives, and one member shall be appointed by the minority leader of the House of Representatives. Any vacancy on the Commission shall be filled in the same manner as the initial appointment.

(c) **REPORT.**—The Commission shall present its report to the President no later than ninety days after its first meeting. The Commission shall cease to exist upon submission of its report.

TITLE III—GIFTS AND TRAVEL

SEC. 301. GIFTS TO SUPERIORS.

Section 7351 of title 5, United States Code, is amended by—

(1) adding "(a)" before "An employee may not"; and

(2) striking the final sentence and inserting the following:

"(b) An employee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity.

"(c) The Office of Government Ethics is authorized to issue regulations implementing this section, including regulations exempting voluntary gifts or contributions that are given or received for special occasions such as marriage or retirement or under other similar circumstances."

Regul.

SEC. 302. TRAVEL ACCEPTANCE AUTHORITY.

(a) **IN GENERAL.**—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end thereof the following:

"§1352. Acceptance of travel and related expenses from non-Federal sources

"(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of Government Ethics, shall prescribe by regulation the conditions under which an agency or employee in the executive branch may accept payment from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the official duties of the employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses.

Regulat

EXECUTIVE ORDER

- 12719 -

PRESIDENT'S COMMISSION ON THE
FEDERAL APPOINTMENT PROCESS

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the Ethics Reform Act of 1989 (Public Law 101-194), and in order to establish an advisory commission to study the best means of simplifying the Presidential appointment process, it is hereby ordered as follows:

Section 1. Establishment. (a) There is hereby established the "President's Commission on the Federal Appointment Process" ("Commission"). The Commission shall comprise 14 members from among officers and employees of the three branches of the Federal Government. Eight members shall be appointed by the President, two members shall be appointed by the majority leader of the Senate, two members shall be appointed by the minority leader of the Senate, one member shall be appointed by the Speaker of the House of Representatives, and one member shall be appointed by the minority leader of the House of Representatives. Any vacancy on the Commission shall be filled in the same manner as the initial appointment.

(b) The President shall select a Chairman for the Commission from among the eight members that he appoints.

(c) The Chairman shall select a Federal employee to serve as Executive Director for the Commission.

Sec. 2. Functions. (a) The Commission shall advise the President on the best means of simplifying the Presidential appointment process through reducing the number and complexity of forms to be completed by Presidential nominees. The Commission shall give special attention to: (i) achieving coordination between forms required in the executive branch clearance process and forms required by Senate Committees for confirmation hearings; and (ii) identification of opportunities for the Office of Government Ethics to simplify

the SF-278 Executive Financial Disclosure Report and its instructions, pursuant to the Ethics in Government Act of 1978, as amended.

(b) The Commission, through its Chairman, shall present its report to the President no later than 90 days after its first meeting.

Sec. 3. Administration. (a) The heads of executive agencies shall, to the extent permitted by law, provide the Chairman of the Commission with such information concerning the Presidential appointment process as the Chairman deems required for the purpose of carrying out the Commission's functions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of Commerce shall provide the Commission with administrative services, staff support, and necessary expenses.

(c) The Commission shall cease to exist upon submission of the report referenced in Section 2(b) of this order.

/S/ GEORGE BUSH

THE WHITE HOUSE,

July 11, 1990.

MEMBERS OF THE COMMISSION

Thomas J. Murnin
Chairman of the President's Commission
on the Federal Appointment Process
and
Deputy Secretary of Commerce

Werner Brandt
Executive Assistant to
the Speaker of the House
United States House
of Representatives

William R. Pitts, Jr.
Floor Assistant to the
Republican Leader
United States House
of Representatives

Sheila Burke
Chief of Staff of the
Office of the Republican Leader
United States Senate

Stephen D. Potts
Director of the Office
of Government Ethics

C. Boyden Gray
Counsel to the President
of the United States

C. Abbott Saffold
Secretary for the Majority
United States Senate

Nancy Mohr Kennedy
Subcommittee Chairman of the
President's Commission on the
Federal Appointment Process and
Assistant Secretary of Education

Clarence Thomas
Judge
United States Court of Appeals
District of Columbia Circuit

Ronald Klain
Chief Counsel to the United States
Senate Judiciary Committee
United States Senate

Michael Tongour
Chief Counsel/Legislative Director
to the Assistant Republican Leader
United States Senate

J. Michael Luttig
Assistant Attorney General
of the United States

Charles G. Untermeyer
Assistant to the President
of the United States and Director of
Presidential Personnel

Constance Berry Newman
Director of the
Office of Personnel Management

COMMISSION STAFF

Alvin S. Felzenberg
Executive Director

Carol C. Cronheim
Special Assistant

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Message:

From: Linda Cabelli

DLO -
Thought you
might enjoy
this. I'm sure
you'll make it
to Titan-hood
shortly.

😊

(The swimming pool, bowling alley, and movie theater are reserved only for the president, his family and guests.) And about 100 of the top staff can sign up to use the presidential box at the Kennedy Center, which seats up to twelve. (Use of this perk, however, was frowned upon in the Bush White House. "They made us jump through hoops to get them," groaned one aide.)

While the Bushies may have been forced to rely on some savvy to cash in the free tickets, it's a far cry from the attitude in the Carter White House, which marked the last time there was any attempt to keep a lid on the perks. Carter perhaps took too personal a role in restricting perks (as when he insisted that he personally monitor the list of who was using the White House tennis courts), but his heart was in the right place. When he closed down the Executive Mess (which Reagan later restored) and insisted that Kennedy Center tickets be issued

only as rewards for exemplary work, he knew he was not only sending a signal to America that White House staff are no more special than the rest of us, but a message to his team not to forget whence they came.

Bill Clinton can't rely on Congress to send that message to his staff. (While there is currently a bill pending in Congress dealing with White House expenses, the furthest it goes is requiring the White House to disclose exactly how it spends its operating budget.) Only the president can set the tone.

If he doesn't, he'll be faced with the same kind of attitude expressed by one senior level Bush White House aide, who remarked that "It's not important to me that Brent Scowcroft knows the price of peanut butter, but it is important that he knows what's going on in Somalia." Scowcroft is, no doubt, a smart guy. There's no reason why he—or whoever fills his office in the White House—shouldn't know both. □

Transition Admission

A former Bush administration insider explains why a lot of fancy-titled jobs in the White House aren't as important as they sound

by Ed Rogers

At about this time four years ago, I thought I was one of the most popular people in Washington. My job: organizing the staffing of the White House for a new administration. It's not as grand as it sounds. After all, only about 300 people technically work directly for the president, meaning that the White House transition was only a small part of the overall transition. But the 300 jobs that Andy Card and I were responsible for were unquestionably among the most prized in town. And with good reason: The White House staff is the hub of the president's machinery; their actions (or lack thereof) vitally shape the nation's image of the president and the success of his policies.

With the benefit of hindsight, I'll be the first to admit that in assembling the White House team we made some mistakes—not in whom we chose, but in how we organized the staff. But in some ways, that's

to be expected; the White House does not come with an owner's manual. There is no mission statement and no crisp, "Welcome to the White House, this is how to make it work for you." This bodes especially ill for the Clinton White House transition team: After all, four years ago, we were involved in a friendly takeover; that is, the administration before us had every reason to caution us about the mistakes they had made.

But that doesn't mean Clinton's White House transition team can't avoid the same pitfalls we fell into. The Clinton people are not suffering from a lack of advice, but take it from someone who's been there: As the transition continues over the next few weeks and months, seemingly minor organizational mistakes made now will balloon into major obstacles to implementing policy down the road. A smartly organized and staffed White House is as important to meeting your mission as the ideas themselves. And what does that mean for the White House transition team? First, they should step back, reflect on what

Ed Rogers, former executive assistant to White House Chief of Staff John Sununu, is a Washington attorney. Illustrations by Bill Holbrook.

they want to accomplish and then build their staff from there. Second, they need to understand the unique roles of the White House staff.

It was soon after the 1988 election that John Sununu, the newly-named chief of staff for President-elect Bush, put Card and me to work overseeing the White House transition. Because Bush, James Baker, and Sununu were preoccupied with selecting the Cabinet, determining who would run the National Security Council, and who would write the inaugural address, they left us to work out the transition details. We were to assign mid- and low-level staff to their posts, based, of course, on the gentle (and sometimes not-so-gentle) guidance of people like Sununu, Atwater, Darman, and Baker. We also were to decide on White House goodies, such as who got offices in the West Wing, as opposed to the Siberia of the Old Executive Office Building, and who got to attend the 7:30 a.m. senior staff meeting in the Roosevelt Room.

Though both Card and I had worked for years as mid-level staffers in the Reagan White House, we were essentially clueless, especially when it came to the first order of business: résumés. Set up in our small suite, we innocently requested all the résumés of people who expressed an interest in working at the White House. We even arranged a clever routing system. It took about 72 hours for that charade to end. By then, we were mired in 12,000 CVs. I felt like I was trying to take a sip of water from a fire hydrant. There was barely enough time and staff to shovel the résumés into huge crates and ship them off to a storage bin, officially known as Central Résumé Management (where I presume they remain to this day), let alone read them. Which leads me to offer some friendly advice to Democratic job seekers: There are lots of ways people get jobs in the White House, but one of them isn't by sending in your résumé.

How did people get in? Lee Atwater, for example, might stop by our office, pull up a chair, hand me four résumés and say, "I want these people to get jobs. Call me back later today and let me know where they will be working." They were usually people who had been in the Republican community or had played a role in the campaign. Remember, the process doesn't get people jobs, people get people jobs.

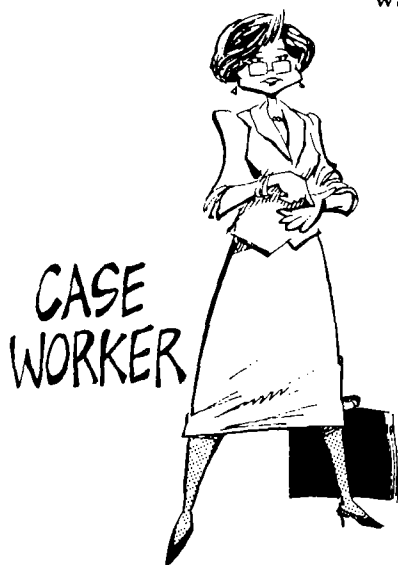
Although Bush didn't worry inordinately about us and our little transition mission, every so often he would call up and say something like: "I've asked Rose Zamaria to come up and help us out." We'd say, "Yes sir, sounds great to us," and then hang up and say "Rose Who? What's she supposed to do?"

It turned out that Rose Zamaria had been Bush's personal secretary when he was a congressman in the sixties and she ultimately proved to be a very competent director of administration for the White House. But at the time, we had to guess whether she would work for us, or we for her.

But even with Rose's help, what got lost in the crush of events during that two-and-a-half month transition period was any sort of vision about what was the best way to organize and staff the White House to carry out the president's mission. We never took the time to ask ourselves, "What do we want the White House to do and what people do we need to do it?" We simply took the Reagan organizational chart, erased the old names, and wrote in new ones.

If we had taken the time to reflect on our mission, we would certainly have done things differently. We might have realized, for example, the messy staffing relationship between the White House and the Office of Management of the Budget (OMB). We failed to see that an associate director of the OMB has infinitely more power than most members of the White House staff, yet we never integrated such staffers into the daily grind of the White House, where they would have had greater access to key meetings and top White House decision makers.

Reflecting on what you want to accomplish also means being patient. We thought that the faster we filled out the White House staff chart, the sooner the Bush administration would be moving full steam ahead. We couldn't have been more wrong. The White House, like most federal agencies, has a staff and budget cap, one which we hit after a few weeks. That came back to haunt us about six months later when it became clear who had real ability and who didn't. Only then did we realize that, having hit our limit, we could not allocate any more resources to the talented. Clinton's transition team would be wise to fill no more than two thirds of the slots, and then wait. It may seem foolish now when they're

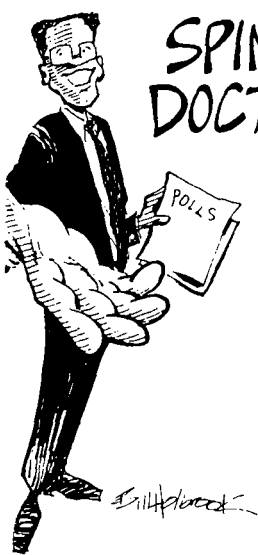


rearing to go, but come July, they'll be grateful they did.

All the president's toadies

Picking the right people is one matter; understanding what these people should be trying to accomplish is quite another. The latter, however, is just as essential to staffing the White House. A good policy person, for example, might be inept at selling his ideas to Congress or interest groups. Thus, even though you want him around and perhaps owe him a huge favor for months of campaign work, he'd be wasted in most White House jobs. If Clinton's team is going to have any hope of making its ideas stick, it'll need the right kinds of people in the right places. The first step in that direction is understanding what those places are.

The mission of the White House is to create, promote, and defend the president's policies. At any given time, every senior person in the White House is working on one of the following activities: 1) dealing with Congress; 2) dealing with the departments and agencies; 3) dealing with the press; 4) dealing with state governments, special interest groups, and partisan political matters; 5) dealing with each other; 6) dealing with the national security, foreign policy and intelligence communities; 7) preparing remarks for the president and; 8) overseeing the creation of the federal budget.



Unfortunately, new White House staffers will soon discover that only the last three categories (foreign affairs, speeches, and the budget) present any opportunity for real power—that is, the capacity to commit the president and the administration to substantive policy positions. Most people in the White House, even those with high visibility jobs, don't have any real power. (Don't be fooled by the hifalutin' titles. The deputy assistant to the president for intergovernmental affairs, for example, will spend most of his hours returning phone calls from state and local officials who either want routine information or are trying to get someone a job.)

Regardless of the new plans and priorities that Clinton brings to Washington, the staff roles in the White House will have to be a lot like those under Bush, Reagan, or for that matter, Carter and Johnson.

If you are going to work in the White House as a "commissioned officer to the president," you have a right to feel proud. However, your job will fall into one of four categories:

TITANS

Titans have real power and are the president's most trusted advisors. They can commit the administration to substantive policy positions and commit government resources to projects and initiatives. They can speak for the president without his prior approval on a wide range of issues. Most final decisions are made only after consulting with them, and instructions to the rest of the White House and administration flow from the president through this group. When I was in the White House, the Titans were Sununu, Darman, and National Security Adviser Brent Scowcroft. Only the president can pick the Titans who, in turn, will probably pick most of the rest of the staff.

Most notable about the Titans is that there are only a few of them and they work to keep it that way. That's the point. If you struggle to become a Titan, you will fail. I saw many mid-level staffers try—some by going over their bosses' heads to send a memo to, or get face time with, the president. They were, without exception, smothered by the Titans.

CASEWORKERS AND SPIN DOCTORS

Caseworkers and Spin Doctors are senior staff members who have sizable turf or portfolios that involve them in various issues and provide significant visibility inside the Beltway. While they often have important-sounding titles like deputy assistant to the president for policy development, they have no real power. They cannot commit the administration to substantive policy positions on their own and their responsibilities are narrower than that of Titans. From time to time, Caseworkers and Spin Doctors work directly with the president, but day-in and day-out, they work for the Titans.

For the most part, the jobs are challenging, but being a Caseworker or Spin Doctor will also entail a great deal of whining about being underutilized. Ask one how he's doing and you're sure to hear about how he's not getting enough time with the president or Titans, that the issues he handles should be more of a priority, or that if the people up the line only understood his issue better the president would be better off.

Caseworkers, such as those who work in congressional or intergovernmental affairs, work with other government agencies, branches of the federal govern-

ment, or elected officials across the country. A typical caseworker (there are about two dozen of them) might be a special assistant to the president for legislative affairs, perhaps a 10-year veteran of the Hill, about 40 years old, and will spend a great deal of time tracking policy development in the agencies and legislation on the Hill. Caseworkers will also be stuck with handling routine requests from Congress, the Cabinet, and state and local officials, for meetings, jobs, political favors, information, trinkets, and White House tours.

What they do *not* do is determine presidential support for legislation, nor do they have a hand in setting an agency's budget. These remain the domain of the president and Titans.

Spin Doctors deal with the media and special interest groups. They spend their time dispensing the company line. The White House press office states the official line directly to the media everyday, most notably in the morning briefing. But there will also be a shop in charge of out-of-town and specialty media. A third level of the spin operation is the Office of Public Liaison (OPL), made up of about two dozen or so staffers who have the thankless job of dealing with virtually every imaginable constituency—from AIDS victims to hunters—trying to convince them that their concerns are being heard and that the administration is on their side.

Titans evaluate the performance of Caseworkers and Spin Doctors in part by how successful they are at limiting the number of appeals from interest group leaders, Cabinet members, and members of Congress. In other words, if a Caseworker or Spin Doctor keeps such people out of the Titan's hair, it must mean things are going smoothly. Caseworkers and Spin Doctors are also evaluated by Titans on how effectively they disguise their true desire: to be thought of as Titans. Clinton White House staff members may have a hard time accepting this. In fact, some Caseworkers and Spin Doctors can serve in the White House for years and never accept that they are not Titans, nor that many assistant secretaries in the various federal agencies have more impact on policy than they do.

CLERKS

A Clerk is a multipurpose staff person who works directly for a Titan, Caseworker, or Spin Doctor. Each of the dozen or so Clerks does not have any discretionary authority or specific portfolio aside from the assignments delegated by the boss. Instead, Clerks control their boss' in-boxes and out-boxes, keep them on time, relay routine information and intelligence, and attempt to follow up on their boss' commitments

and responsibilities. In short, Clerks are to Titans what the chief of staff is to the president. As the executive assistant to the chief of staff, most of my responsibilities were in the clerk category.

A typical Clerk is in his or her late twenties or early thirties, is often a generalist, and is likely to have either known his boss from before his appointment or may have worked on the campaign. (Clerks, are people who often aspire to become Titans, and occasionally they become Caseworkers or Spin Doctors, but usually they remain Clerks.) Because they spend a great deal of time with their boss, they are able to serve as a sounding board for other senior staff members. They often speak for their boss or at least can provide best-guess analysis on how their boss will react in certain situations. At times, they might be required to meet with people who the Titan has no time—or desire—to see. If you're on the other end of such a meeting (that is, getting scheduled to meet with a Clerk instead of his boss) take it as a bad sign. Perhaps their most important function, however, is to inform other staff members when it is best to approach the Titan and when best to keep away.



Influence piddling

In some ways, the roles of the White House Clintonites will be very similar to their Republican ancestors. Titans will always be few in number. The Titan Wall is high, virtually impregnable, and is manned by ever-vigilant Titans. Fate, as much as ability or maneuvering, will make Titans. If staff members don't understand this, a lot of talented Democrats who should enjoy the opportunity they have been given will instead be quietly seething, desperately seeking to be—or at least be perceived as—something they are not. (The good news to remember, however, is that no matter what you are in Washington, a Spin Doctor, Caseworker, or even a Clerk is a hero back home.)

But some things about the White House can and should change. If the Democrats are smart, and serious about the endeavor they are about to set out on, it behooves them to make the link between their mission and their management of the White House. □