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WEBINAR

HOW FEDERAL JOB VACANCIES HINDER THE GOVERNMENT'S RESPONSE TO COVID-19

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P R O C E E D I N G S

MR. WITTES: Hello. Welcome to the latest Brookings Institution webinar. My name is Benjamin Wittes. I'm a senior fellow in Governance Studies. And we are here to discuss how federal job vacancies are affecting the coronavirus response.

I am here with Katie Dunn Tenpas, who is a political scientist and a nonresident senior fellow in Governance Studies at Brookings. She's a scholar of the American presidency who has authored more than 50 publications and, most recently and significantly for purposes of this conversation, has gotten a lot of well-deserved attention for the creation on the Brookings website of the White House Staff Tracker, which is kind of the only apples-to-apples comparison of staff turnover from administrations from Reagan through the present one.

Also joining us is Anne Joseph O'Connell, who is a professor at Stanford Law School and a contributor to the Center on Regulation and Markets at Brookings. She's an elected fellow at the National Academy of Public Administration and she clerked for Justice Ruth Bader Ginsburg on the Supreme Court and Stephen Williams of the D.C. Circuit. And close to my heart, was a trial attorney at the Federal Programs Branch of the Justice Department's Civil Division. I don't know what it says about my heart that that is close to it, but there you go.

We only have 45 minutes and so I'm going to just jump right into it. Viewers can submit questions to the panelists by emailing events@brookings.edu or on Twitter, Tweeting the questions at @BrookingsGov. That is @BrookingsGov.

So let's just jump right in. Katie, get us started. How bad is the vacancies problem in the federal government, both in absolute terms and as compared to a kind of normal administration over the period that you've looked at these questions?

MS. TENPAS: Right. Well, I primarily study the White House staff and I study the most senior level of that staff. And when I began examining President Trump's turnover at the end of the first year, so January of 2018, the data were stunning. At the start he had 34 percent turnover in a single year and that doubled any of his five predecessors. Compare that to President Obama, who had 9 percent

turnover that first year. And then it simply just kept accelerating such that by three -- or, I'm sorry, two and a half, three and a half -- I'm sorry, three years, he had already surpassed the turnover that his five predecessors had after an entire term in office. And so, there was just an incredible amount of churn.

And it wasn't just churn generally. It was churn in the most senior positions such that we've had four chiefs of staff, four national security advisors, six deputy national security advisors. And it's important to note that when people at that level leave, it's not just one departure. Oftentimes they have a whole front office of individuals that came in with them. So there is much more churn. And the consequence of this is that there really is no expertise, there's no institutional memory.

When you interview people who have worked in the White House they often point out that the learning curve is really steep. It takes people six months to nine months to figure out what their job is and to how to best do it. And so, if you're leaving even well before that period or if you're leaving shortly after, it's a really inefficient way to govern. And so, the high turnover rate isn't just sort of a sheer number. It really reflects and complicates one's ability to perform well, especially in a time of crisis.

MR. WITTES: Anne, how do you -- when you look at this, to what extent -- I mean, the turnover that Katie's describing is extraordinary. My impression, also, is that just the sheer number of vacancies within the Executive Branch at any given time is highly unusual. Do you share that impression?

MS. O'CONNELL: Yes. And if you look at the Washington Post tracker, which is done in conjunction with the Partnership for Public Service, as of this morning of the 750 positions that they're tracking in the Executive Branch, only 513 have confirmed officials. I looked at the very top, the cabinet secretaries, from the start of President Reagan's administration in 1981 all the way through the third year of President Trump's administration and while acting secretaries are common, in that entire period 46 percent of cabinet secretaries have been acting secretaries, they typically serve for short stints. But in the Trump administration they're serving for a lot longer at the top, so in his first three years, acting secretaries took up 10 percent of the time whereas in President Obama's administration for all 8 years it was about 2.7 percent, and that included a period when the Secretary of Commerce position was entirely

vacant. So, there's vast vacancies.

And then what's also interesting is that the vacancies have existed for so long and without pending nominations that in many of these positions there aren't even acting officials because the Federal Vacancies Reform Act allows the official acting title only for a certain amount of time. And so if you look at, say, the leadership page of the Department of Homeland Security, you see a few actings, such as there is an acting secretary, but that's because there's a statute that allows an acting secretary at DHS longer than the Federal Vacancies Reform Act limits. But what you see for many of the positions, the undersecretaries, heads of subagencies within DHS, is instead officials "performing the functions of." So, we don't even have actings, we have delegations. And it's throughout the federal bureaucracy.

And although we see it in year 7 and year 8 of two-term presidents, it's highly, highly unusual to see it in year 3 and year 4.

MR. WITTES: Well, I'm interested in that sense of it as unusual. One thing that tends to go along with having large numbers of vacancy and large turnover is diminishing quality of new appointments. Right? Because you're getting the same deficiency in the applicant pool that is causing you to have trouble getting nominees in the first place or getting appointees in the first place, then causes you to kind of dredge the bottom of the barrel when you finally get somebody.

Have either of you studied the question of whether appointment quality and qualifications have declined along with these upsurge of vacancies and turnover?

MS. TENPAS: I can speak to that issue in part. I think actually the root cause is recruitment, and it started with the Trump campaign in 2016. Because if you looked at his campaign it was much smaller than Hillary Clinton's and much smaller than a typical presidential campaign. And generally speaking, presidents recruit largely from their campaign to work in the -- for the people to work in their White House. So, they already started with a small pool of recruits with a small campaign, and then you add to that that they eliminated a lot of people. They eliminated a lot of people who had worked for President George W. Bush. They eliminated people who may have said negative things about the -- or about candidate Trump. So that's how they started. Okay.

But then you fast forward through that first year where the summer of 2017, you saw a slew of firings. Many of the individuals were publicly humiliated and you also saw the onset of the Mueller investigation. So what you have there is people are looking from the outside in, other Republicans who would like to serve their government are thinking is this risk really worth the opportunity that a White House job or a federal government job might provide me in the future? They're not really sure.

They're reading about how people in the White House staff are having to lawyer up. That's not really an attractive feature. They're seeing how members of the cabinet are publicly humiliated and some staff members are publicly humiliated or they're getting fired on Twitter. Those are not ways to boost your recruitment pool.

So, I would say from the beginning, it was very difficult to recruit individuals and they had a small recruiting pool. And as you point out, under a normal presidency it gets harder and harder. I describe it as at the beginning you have the first string. You have sort of the A Team that you're going after. And then over time, that winnows out because those people get burned out and new people come on, and then you're going down to the second string and then the third string.

And I wouldn't say you're really dredging the bottom. Oftentimes, what I think happens in a two-term presidency is you're able to get younger individuals who have served in government. They will get more opportunities, but you're still getting quality individuals.

In this case, there have been a record number of nomination withdrawals reflecting the fact that a lot of these people are not qualified for the Senate-confirmed positions. And then I'd have to let Anne take it over from there in that regard.

MR. WITTES: Anne?

MS. O'CONNELL: It's interesting how this administration, I mean, both Katie and I, our training being as political scientists, makes political science question earlier empirical work. So, I have an article in the American Journal of Political Science with George Krause. And we look at how appointments change over the course of a presidential administration, and this is, of course, prior to this administration. But you do see in many agencies a shift, basically from you're choosing the most loyal

people at the start, people who came out early in support of you, who may not have as much issue and management expertise. And over the course of an administration, in certain agencies you kind of move from the prioritizing loyalty to the prioritizing expertise. So, there is the idea that with normal turnover that you could still get incredibly qualified people and indeed, arguably, even maybe more qualified people later on in the administration.

But this administration is unique and perhaps it's not following that. But, yeah, you could look, I mean, just in terms of the COVID-19 situation, the pandemic. If you look at the initial choice to head up the FDA, Scott Gottlieb, well-respected on both sides of the aisle, a lot of expertise, and the current head of the FDA, also a respected oncologist, Scott *[sic]* Hahn, but with -- seen as sort of less qualified than the initial person.

MR. WITTES: So, let's talk about the COVID-19 situation. The administration has not exactly gotten rave reviews for its performance. The data that you guys both cite about the staffing problems, both in terms of turnover and in terms of vacancies, are very striking. To what extent is it fair to link the two and say the administration, you know, but for the staffing these problems, would have performed better?

I can see the argument. It's kind of an intuitive appealing argument. If you want to have an effective Executive Branch, you kind of need people to actually do the executive part of "Executive." But it's also hard to draw connective tissue between things that didn't happen or happened suboptimally and people who weren't appointed.

So what can we say, Anne, about whether the bad COVID-19 response is or is not related to this issue?

MS. O'CONNELL: So, causal claims, of course, are tricky and I don't think I can make any definitive statements. But let me give a little bit on the one hand and on the other hand type of answer about how vacancies might affect agency performance, whether for the good or the bad.

I mean, I think generally we think that vacancies and high turnover are bad for government performance and we have some prior work on this. Dave Lewis at Vanderbilt studies

vacancies in the Department of Homeland Security in 2005 with regard to the government's response with regard to Hurricane Katrina, making a causal argument about vacancies and turnover contributing to the government's failure there.

Paul Light, I believe in a Brookings study, looked at 41 government failures between 2001 and 2014, and determined through a range of methods that 8 of those 41 government failures were due at least in significant part to turnover and vacancies and confirmation delays. And, of course, the conventional wisdom with vacancies, with turnover you have confusion, you have inaction, you have lack of accountability.

On the other hand, there might be instances where you have senior careerists leading up critical functions in the government instead of a campaign bundler whom the president wants to appoint. And that might turn out to be better for government performance, so, it's kind of hard to think about vacancies. And then you have to pair that, the consequences of vacancies, with the quality of people in the jobs.

MS. TENPAS: Yeah. And, Ben, I'm going to add to that by saying that in the case of the White House, generally speaking, the White House acts through agencies. It cannot execute. So, to me, the coin of the realm in the White House are relationships. And so, these individuals that work in the White House are trying to forge relationships across the government, across all these important agencies, with advocacy groups, with the media, with constituents. The coin of the realm is relationships and the relationships that you nurture over time. And if the chief of staff is changing, and we have had four within three years, the prospect of somebody being able to effectively create a whole government response to a pandemic is much more complicated and much more difficult.

And when someone departs, it's not as though you can leave behind, oh, here's my Rolodex, here are all the people I know. I mean, it simply doesn't work like that.

And so, I agree with Anne, it's very -- if anything, we're taught as sort of political scientists or social scientists, you know, causation is something you want to shy away from. But I think it's hard to deny the fact that when you have so much turnover, you don't have the stable relationships where they

can contact people in agencies, where they know each other. It's much easier to work with somebody at the FDA or at DHS or whichever department or agency if you know them, if you've had some experience. Maybe you worked on Hurricane Maria together. And so, you know what we did before, so let's think about how did we respond to that prior disaster? What should we do this time?

And that was very different from the Obama administration, where they had H1N1, they had Hurricane Sandy, the had the Ebola. They had different -- they had much stronger turnover -- higher retention rates and, therefore, a lot of these people knew each other and had worked together repeatedly.

And I would argue the same as what Anne said earlier, is that cabinet members also have changed so frequently. And, in some cases, one of the most significant cabinet departments in the pandemic is the Department of Homeland Security. And we have gone for over 12 months without a Secretary of the Department of Homeland Security.

So, it's not just the frequency or the sheer number of vacancies. It's where those vacancies are at a time like this.

MR. WITTES: So I want to ask one specific White House staffing question, which I suspect is on a lot of people's minds. The president has gotten a fair bit of criticism for having disbanded the group of people within the NSC who were specifically convened by the prior administration to work on pandemic preparedness. One of the NSC staffers in the Trump administration, former now, Tim Morrison, wrote an article in the Washington Post defending this decision and saying that it had no implications for pandemic preparedness. It was simply a matter of bloat within the kind of ever-ballooning NSC.

And so my question is, who's right? Is this a situation where this is not so much failure to fill staff, it's active removal of staff? But is this a situation where it certainly looks bad? It makes for good talking points. Is there any reason to think the removal of that group from NSC actually impairs response when you have a pandemic?

MS. TENPAS: Well, absolutely. I think that the way the White House responded to this, or people from the White House, is that even though they had disbanded the directorate, they basically got picked up by another subset or directorate within the NSC. But I would argue that you need to have

sort of your own front office if you're dealing with an issue of this magnitude.

Just in his example, though, to talk more about pandemic preparedness, at the beginning -- or, I'm sorry, at the end of the Obama administration and shortly before the Trump inauguration, the Obama team held a tabletop exercise about what to do in the case of a pandemic. And in this particular exercise they had 11 White House offices that were engaged in this tabletop exercise.

And if you look at those 11 offices now in this current White House, of the 11, two have been eliminated, every one of them has had turnover except for one, and the turnover ranges from two individuals up to six. And that one office where there is only one individual, that's the director of the Office of Science and Technology Policy. He was not named for 560 days, so he has only been in the office since January of '19. So that's the only office of these 11 critical White House offices that respond to a pandemic where there hasn't been turnover. But one could then argue that the reason there hasn't been turnover is because he's only been there for one year.

But I think that's an indicator. It's not just that NSC office that was charged with this duty. I think you also have to look at kind of in the case of a pandemic, these are the groups and these are the White House entities that are supposed to respond, and look at how much turnover and how much sort of instability has occurred in those.

MR. WITTES: Anne, your thoughts?

MS. O'CONNELL: Only that I agree with Katie.

MR. WITTES: Okay. Let's take some questions from the audience. From Lucy at Stanford, what are some of the actions that Congress might take to mitigate the crisis in vacancies? Is there a movement to amend the Federal Vacancies Act?

I want to expand that question a little bit. The Federal Vacancies Act is kind of designed to prevent kind of circumvention of the advice and consent process by relying on actings for long periods of time. But it doesn't really address the question of what if you just don't staff things at all, right? Like, the kind of presumption is the president will want people in these jobs.

So, Anne, I'm curious whether there's, in your mind, there's anything Congress can do to

force an administration to staff kind of against its will? (Laughter)

MS. O'CONNELL: The Federal Vacancies Reform Act is one of my favorite topics. (Laughter) It was one of my favorite topics prior to this administration.

MR. WITTES: And that puts you in like a category of like you and Steve Vladeck, right? (Laughter)

MS. O'CONNELL: Yeah. It's a very small group. This administration made it more popular, so to speak.

So, it's tricky. I mean, there are a few things. And I should say in past empirical work I've done other administrations have been slow to staff. I mean, I wrote a report for the Center for American Progress in April of 2010, bemoaning President Obama's (inaudible) in staffing executive agencies. It was so slow compared to previous administrations. Of course, this administration beat out the Obama administration.

So, what could Congress do? Well, it depends whether you want agencies to do the work, right? And that's the tricky balance about the Vacancies Act is that, yes, of course, you want confirmed officials. You want the president to nominate; you want the Senate to confirm. And what is so unusual about this situation is that the Republicans control both the White House and the Senate. And after the November 2013 rules change in the Senate about just needing a majority to move an agency nomination to a confirmation vote (inaudible) the process should be working much quicker.

On the other hand, when you have gaps in the nomination and confirmation process you want agencies to be able to function. You want to be able to have acting officials or you may want various functions to be delegated downward. Now, maybe if something is seen as so critical Congress could, by statute, say, hey, these functions of this particular job are exclusive to this position.

And what does that mean? That means that you need a confirmed person in that position or you can have an acting person, but the Federal Vacancies Reform Act only allows an acting person for a certain period of time without a pending nomination. And if you don't have the pending nomination and you don't have an acting, then you can't delegate those functions downward. And that

would force the White House's hand.

MR. WITTES: So, there's an example of that in the Justice Department, right, which is that FISA applications can only be signed by a specified group of people and because under the FVRA you can't have double actings, it kind of forces you to nominate to those positions in a semi-reasonable way or else you lose the ability to get certain types of warrants.

MS. TENPAS: Mm-hmm.

MS. O'CONNELL: Yeah, that's right. And another example might be the Director of National Intelligence, where certain functions are delegated to the DNI or, in the alternative, to the principal deputy DNI. And so you need -- if you don't have confirmed people, both of those jobs are confirmed jobs, if you don't have Senate-confirmed folks in those jobs, you need to have pending nominations, so you can have acting leaders in those jobs to carry out the functions. You can't sort of have what's happened in a lot of other positions.

MR. WITTES: But that's --

MS. TENPAS: You have to imagine --

MR. WITTES: But that's a bit of a double-edged sword because then you get situations like the Grenell situation --

MS. TENPAS: Yes.

MR. WITTES: where you have an IG where you -- not an IG, sorry, a DNI where you have this incentive to install the sort of most loyalist that you can get away with at any given moment. And you actually -- I mean, it's an open question in my mind whether it would have been better to not have had that set of restrictions.

MS. TENPAS: And I would just add that it's not so much what Congress can do to encourage presidents to get these nominations through. There has to be a will on behalf of Congress. The Senate has to be outraged at the fact that the president is essentially circumventing their advice-and-consent role. And until you kind of have that momentum in the Senate and have that feeling permeating such that the senators decide they're going to stand up for their institution and so something, it doesn't

matter what they're constitutionally capable of doing to, you know, force the president to fill these positions. There doesn't really seem to be much sentiment up there to do anything about it.

I believe there is a House bill or there are efforts to pass reforms to FVRA, but it's kind of slow-going and who knows what will happen?

MR. WITTES: All right. From Christine, can you comment specifically about vacancies in the IG's position? Should inspectors general be treated differently under the Vacancies Act?

So, for those listeners and viewers who may not be specifically aware of this situation, the president had a bit of an IG shakeup the other day. Under the first of the stimulus bills, a kind of group coalition of IGs was put together in order to supervise and investigate mishandlings in the distribution of this very large sum of federal money. And the IGs were allowed to kind of choose the favored IG to be the kind of chair of this committee, and they chose a gentleman named Glenn Fine, who is the acting or was the acting inspector general of the Defense Department. The president removed him and put somebody else in, almost certainly because Glenn Fine is understood to be a very aggressive investigator. And so that is, I assume, the question -- the history behind this question.

Do we know how many IG positions are vacant and what the turnover among IGs specifically looks like?

MS. O'CONNELL: Well, I can give some specific information about IGs. I mean, it's interesting, if you look in the Washington Post tracker on the 750 vacancies, it turns out that the Department of Health and Human Services is doing the best in terms of filling them. They have 83 percent of the jobs are filled by confirmed officials. But the IG position at HHS is vacant and, indeed, it's been vacant for so long that you don't even have an acting IG. So, right now at HHS, you have the principal deputy IG performing the functions of the IG job. And it actually turns out that Glenn Fine, actually because of this same issue, was not technically the acting IG at the Defense Department and he, too, was performing the role through delegation.

But here are some changes that Congress could make because there are vast vacancies and IGs across the administration, was in this administration, was also in previous administrations. IGs

have been a particular problem.

So, some of the proposals that I support, I have an article coming out called “Actings” in the Columbia Law Review, is that IGs that are confirmed have a lot of restrictions placed on them. So, you have to be chosen without regard to partisanship. You’re supposed to have expertise in auditing or other relevant fields.

If the president wants to remove an IG, so the removal of the confirmed IG for the intelligence community, under current statutes the president has to formally write a letter to Congress explaining why she’s removing the IG. None of those restrictions, either on the front end or the back end, that apply to confirmed IGs, apply to acting IGs or apply to those exercising the functions of the inspector general. So, I would support legislation that imposed certain qualifications and removal reporting requirements onto acting IGs.

MR. WITTES: Katie, do you have anything to add on that?

MS. TENPAS: Yeah, I would just say, because I actually did some -- a little bit of analysis looking back to see about how often these IG positions were vacant, and what I learned just through sort of talking to different people who had worked in administrations is that this is a job, you’re a man on an island or a woman on an island. And you are the ombudsman for that agency and it’s not exactly a top five job that people want when they want to work in an administration. So, it’s difficult to fill under the best of circumstances.

And now, when we have a recruiting pool that’s so small and we have a president who’s gone through the Mueller investigation and impeachment, it just makes -- and it’s also getting near the end of the term, so the numbers that the Partnership for Public Service and the Washington Post have put together, I mean, the odds of those nominations being, you know, filled or getting people to want those positions at this point in the president’s term are pretty low. And filling the IG spots are -- that’s even more difficult.

MR. WITTES: So a question from John that I think is a really interesting question and I have no information on it, and so, if either of you do, I’d love to hear. He writes can you discuss the

impact the virus is having on adjudicating security clearances?

I cannot. I have heard nothing about this. Have either of you? It's like hard to imagine that it wouldn't be having an impact, but I haven't like seen any stories about it or read anything. Have either of you?

MS. TENPAS: I have not, but I imagine with the wheels of government slowing down generally because of this that security clearances and the processing of those would also slow down. Generally, they have to conduct interviews with people face-to-face and neighbors and things like that, so the inability to meet with people is definitely -- it seems like it would hamper that. But I don't know of anything sort of firsthand.

MS. O'CONNELL: I don't know anything specifically about security clearances, but I do know that the Administrative Conference of the United States, which is a non-partisan agency dedicated to improving agency performance -- and I should disclose I'm an appointed public member of that agency -- they have on their website information about agency adjudication during the pandemic and various changes that the agencies have made.

MR. WITTES: Gotcha. All right. Let's turn to the transition. And I say "the transition" not necessarily anticipating that the president is going to lose reelection. There's a transition even if he wins reelection. A first term and a second term often have to be significantly restaffed. And all of what you guys are describing suggests that you're going to layer the process of transition planning on top of an already dysfunctional appointments process in the context of an ongoing pandemic. That sounds like a recipe for bad news to me.

Anne, what are you thinking about as you think about the transition, whether it's a transition from Trump to Biden or from Trump to Trump 2?

MS. O'CONNELL: Yeah, so I've been thinking about the transition in January of 2009, so, obviously, the crises are different, though quite significant. I mean, we had the financial crisis with the November 2008 election and the transition to the Obama administration in January of 2009. And I think that transition, which was headed by Clay Johnson at the Presidential Personnel Office, a man with sort

of great expertise and reputation by political scientists and those in public administration, is a pretty well-feted transition. And so, that would be the model.

I think given what Katie was saying earlier about sort of how's in the Presidential Personnel Office, and we're reading stories about how current college students have senior positions in PPO, is I'm skeptical about seeing a transition if the party control does change, like (inaudible) aware as the Partnership for Public Service is doing some work if it's to a second term and year 5 looks very much like year 1.

MS. TENPAS: Mm-hmm, yeah. Ben, I think the transition is absolutely one of the most important features of post-election and the advance planning for that is critical. Congress has even passed laws to ensure that the agencies and the departments fulfill these requirements to help the new administration or to help both candidates of major parties prepare.

This is important, particularly in the midst of a pandemic. The White House Transition Project, the Partnership for Public Service, there's many entities that are devoting a great deal of time and effort to help provide information to the incoming administration or a second term of the Trump administration. But I agree with you in the sense that if you think about the personnel upheaval and you think about the pandemic on top of that, I think it's going to make it logistically difficult.

Having said that, I will point out that the Obama administration in 2016 went to great lengths to provide information to the incoming. They were providing it at the time to the Clinton campaign and to the Trump campaign. And I knew people who worked in that administration who said they spent a great deal of time trying to provide the best possible memos and guidance for an incoming administration.

So, I know that prior administrations have taken it very seriously and have put a lot of effort into it. I would only hope that that would happen this go-around, but I think the pandemic will clearly complicate it. I mean, unlike the financial collapse of 2009, '08 and '09, in this case it's not a matter of, you know, being able to get together. You can't sort of have meetings. You have to -- it's just going to add another layer of complication in terms of trying to plan ahead.

MR. WITTES: But you're being, I think, admirably evenhanded in your characterization of

or admirably openminded in your characterization of what a Trump-led transition would look like in the event that he lost. I think if you're imagining this from the perspective of Trump losing the election in November, you have to imagine the triple whammy of a pandemic overlying a lot of vacancies and chaos from the previous four years interacting with a noncooperative administration in the context of the transition. And basically, you might walk in there blind on the 20th of January.

Is there anything to prevent that, Anne?

MS. O'CONNELL: I mean, as Katie mentioned, I mean, there is legislation and, I guess less consequential now, kind of office space to help teams prepare. I guess, I mean, if party control changes there are all these memos that were done in 2016 that, you know, Michael Lewis in *The Fifth Risk* shows were ignored by this administration. But there was so much planning and information compiled that could also be used.

And then, I guess, I do have faith in the senior careerists that are scattered throughout the federal government who have served under Republican and Democrat presidents. I think about Dr. Fauci and others who, hopefully, will continue serving past any transition and so that there will be a reliance, maybe more of a reliance on the senior careerists than the outgoing political appointees to make sure that the government is up and running if power changes in January of 2021.

MR. WITTES: So Rudy at the Democracy Fund asks a related question, which is, what's needed to allow a future administration to quickly rebuild sort of staff quickly, both at the White House staff level, but also at the federal agencies level?

MS. TENPAS: I think --

MS. O'CONNELL: So I --

MS. TENPAS: Oh, go ahead.

MR. WITTES: If you can wave your hand and do, you know, a couple things to enable that, what would that look like?

MS. O'CONNELL: I'll leave the White House for Katie and even political appointments out. I think about the Civil Service or senior careerists in the federal government. And you look at recent

GAO reports and how two-thirds of current SES, the most senior government employees, are eligible to retire. And then even outside the SES, so many wonderful career employees throughout the federal government are eligible for retirement.

So, I think about what can be done at sort of building capacity back in at the career level; getting young people interested. Instead of going to the private sector or to consulting, to going in and making their careers in the federal government and the difference they can make not just in times of crisis like we're in now, but in times of normalcy, as well. So I think that's critical to do.

MR. WITTES: Katie?

MS. TENPAS: And in terms of the White House, I would sort of do what prior administrations have done, which is they tend to rely on those who have experience working for prior presidents. So, for instance, typically the Trump administration would have hired a lot of people who had worked for George W. Bush. In this case, if Biden would win, I would hope that he would rely on some of the expertise and experience that some of the Obama staffers have. Typically, that's kind of the path up to a more senior and a more prestigious job in the White House is to sort of keep, you know, moving through administrations.

I cannot understate the importance of experience in the White House. I've done several oral history interviews where people talk about the difficulty of these jobs and how no private sector job will prepare you for working in the White House. And so, as a result, you spend a lot of your early weeks and months figuring out what your job is. And that's where experience comes in and that's where it really plays a premium in helping a new administration get off the ground. I think if there is a new administration in 2020, it's going to be difficult regardless.

When you were talking about the transition, I was referring more to the preparation that's supposed to happen now, not so much the period between the election in November and January 20th. But there's actually supposed to be a great deal of work that's happening now and will happen through November. That's questionable whether that will get accomplished. And then you have, like you said, all the uncertainty after the November election.

But I would hope that the next president, or if it is a second term, will be able to recruit those with experience. And, you know, I'm not so hopeful with the second Trump term because I think that throughout his administration that he and the people that work for him have shown a disdain for expertise and for the civil servants that work for our government. And it's supposed to be a partnership, and I understand that a lot of times presidents, if you look to Nixon, are inherently suspicious of these bureaucrats. But these are the people who have the institutional memory, they have the expertise, and they have the deep sort of compulsion to serve their country. And I think we need to respect these people and value their contribution.

And so, I worry that if it is a second term of President Trump that you might see more retirements, as Anne sort of mentioned, as well. So, we'll see what happens. I mean, you can only try to be optimistic on this front and hope for the best.

MR. WITTES: So, I want to -- we have about four minutes left and so I want to use this as the last question, give you guys a chance to wrap up. But Katie's now, you know, raises the question of how much of this is sort of institutional pathology of the Trump administration and how much of it is personal pathology of the president himself, as in is this a -- I mean, we've talked about a lot of this without talking about Donald Trump.

But, you know, George W. Bush ran a pretty tight ship. That was a reflection of his personality. Barack Obama ran a reasonably tight ship. That was a reflection of his personality. Bill Clinton ran a much less tight ship and that was a reflection of his. Donald Trump runs an exceedingly untight ship. I mean, it's mostly leak. It's mostly all kinds of things.

Is it crazy of me or sort of fatalistic of me to say the appointments process is simply a reflection of his personality and you're not going to get a saner-looking, more organized appointments process as long as you have somebody who is as sort of flamboyantly chaotic as an individual as he is? I'm stating that in intentionally provocative terms, but, you know, how much of this is just him? Anne.

MS. O'CONNELL: So, I think political scientists, right, for decades to come when they're doing empirical work will have to stick in what is known as sort of a dummy variable, right, for Trump.

(Laughter) So, on one hand, yes, the current president plays a large role in the appointments process and in the chaos it's produced.

And when I think about that I think about conflict, basically. I think about within HHS we have, you know, the Secretary in conflict with the head of the Center for Medicaid and Medicare Services, right, a long-running conflict from prior to the pandemic. How we have conflict among top officials in the cabinet and the kind of reporting that's come out, the kind of brutal reporting by the *New York Times* and others about the pandemic and kind of conflict within confirmed officials. And then, of course, the conflict between the president and his confirmed officials on one hand and careerists on the other hand.

And so, there's a lot of conflict and a lot of chaos and I don't think it's helping. And indeed, it's hurting in a time of national and international crisis.

On the other hand, I guess I'm not a believer in the unitary executive in the sense that the president entirely controls the Executive Branch. And so that individuals, senior leaders, can do a lot. I mean, I think the FDA under the first confirmed administrator in this administration was well-respected by both sides of the aisle.

And so, I think there are opportunities even in chaos for people with issue and management expertise to do the best they can for the country. But sometimes I think the first point in my mind, that chaos outweighs the ability of individuals to bring some sanity.

MR. WITTES: Katie, final thoughts.

MS. TENPAS: Yeah, I'm far less sanguine when it comes to the White House because you have to remember in the White House, those are handpicked people. These are people he wants to surround himself with. And as a result, you get sort of true believers, you get people who have not had prior experience in government.

I have a study going on right now where I'm looking at career paths of White House staffers, where they were before and where they go after. And the Trump people had far less government experience than the five predecessors.

I just don't -- I think that Trump's management style and governing style is such that it is

unlikely to change with a second victory and a second term. And it would be -- I mean, you can hope that it will get better, but I actually -- I think that when it comes to the White House really it is largely a reflection of you and kind of how you -- your management style. And it has been chaotic from day one. There's been a lot of turnover since the beginning; it continues. It's not going to change.

MR. WITTES: On that cheerful note, thank you to Katie and to Anne for joining us. And thank you to everybody who has tuned in. And, you know, we will be back shortly with more of these webinars to come. Take care.

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