



UNITED STATES: PRESIDENTIAL TRANSITION AND IMPLICATIONS FOR NATIONAL SECURITY IN 2008-2009

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With the nomination of John McCain and Barack Obama by their respective parties, there begins a highly sensitive period which includes the election and inauguration of the forty-fourth President of the United States. It comes to an end only when the new administration will be completely installed. This so-called period of 'presidential transition' in fact has a crucial dimension for the country's national security, because changes in administration are traditionally marked by a concomitant slowdown in government activity before the departure and, at the other end, by the arrival of a great number of officials. Starting with the inauguration of the new President, several months are generally needed before the incoming bureaucracy can function in an optimal manner.

History has shown that a number of American Presidents had to deal with major national and international crises from the very first weeks of their term in office. Without going back as far as the inauguration of Abraham Lincoln, in the midst of the Civil War, we remember, in particular, the Bay of Pigs landing that President Kennedy inherited in April 1961, the bombardment of Cambodia decided by President Richard Nixon in March 1969 and the deterioration of the situation in Somalia which Bill Clinton faced in May 1993.

Although a tradition of dialogue between the outgoing President and his successor dating from Harry Truman, as well as various legislative provisions have made improvements to the situation possible, the transition phase remains characterised by the vulnerability to which it gives rise for the United States and its interests, above all in time of war.

Hence, given the instability of the present international context and the fact that the summer phase of the electoral campaign was largely marked by the topic of national security,¹ it seems timely to look closely into the issues of this period which though brief can leave an irreversible imprint on the term in office of the next occupant of the White House. By means of various examples, we will present the crucial dimension of presidential transitions before

¹ While the successive opinion polls place the economy and in particular considerations linked to the price of energy at the top of the concerns of the American voters, national security and in particular Iraq have occupied a very important place in the campaign statements and events of John McCain and Barack Obama. However, the presence of this topic is not surprising given that it constitutes a major point of differentiation between the two candidates. They have in fact every interest to use this topic to the maximum since it perfectly carries the message that they would like to embody: experience for McCain and change for Obama.

examining the special sensitivity of the next transition. Finally, we will look into the arrangements recently made and what should be undertaken in order to improve this process.

1. A traditionally crucial period

Ever since 1797 when George Washington handed over the powers of the Presidency to John Adams, the United States has had to deal with this **practice that was only codified much later**. Although the transition between the first American President and the man who was at the time his Vice President took place calmly, that has not always been the case, in particular when power was handed over between two men who came from different parties. This practice was improved with Harry Truman and his successors but it remains sensitive as we can see from the last transition between Bill Clinton and George W. Bush in 2000-2001.

♦ *Historical examples of transition*

It was in fact President Truman who informally **instituted the tradition whereby the outgoing President facilitates the arrival of his successor in his duties, even when he comes from a different party**. On the day after the victory of Dwight Eisenhower in the elections of November 1952, Truman invited the five-star general to come and meet him in the White House to **'discuss the problems relating to the transition period in order to demonstrate to the world that the nation is united in its fight for liberty and peace.'**² In parallel, the Democratic President asked the federal agencies reporting to the Executive to keep him informed of the actions they were undertaking to facilitate the arrival in the White House of the Eisenhower Administration.³ During the electoral campaign, Harry Truman had already charged the CIA (Central Intelligence Agency) in 1952 with the task of providing the Presidential candidates with a daily intelligence briefing similar to what he received every morning.⁴

It is not surprising that these initiatives were made by President Truman given the way he was propelled on April 12, 1945 to the highest post of the American executive branch. Upon the death of Franklin D. Roosevelt, Truman took over sensitive issues dealing with foreign policy about which he had not been kept informed. It thus seems obvious that he wanted his successors not to find themselves in a situation similar to his when he became President of the United States. Moreover, **Truman understood that the first decisions made by his successor would be taken on the basis of the information and the activities of his administration** and that, for that reason, he should familiarise the entering President with the ongoing affairs. Furthermore, as he indicated in the telegram he sent to Dwight Eisenhower, **Truman was aware of the imperatives of the Cold War and wanted, when facing the Soviet Union, to give an image of unity and to assure as well as possible the continuity of the executive power.**

Another interesting example concerns the last Presidential transition made during wartime, between Lyndon B. Johnson (LBJ) and Richard Nixon in 1968-1969. In the midst of the Vietnam War, even before the November election, LBJ was the first President to invite the campaign teams of the two candidates to meetings for the purpose of preparing the transition. Richard Nixon began to prepare for his possible arrival at the White House as

² Stephanie Smith, *Presidential Transitions*, Congressional Research Service, RL30736, Washington D.C., December 2007, pp. 11-12. <http://fas.org/sgp/crs/misc/RL30736.pdf>

³ *Ibid.*, p. 12.

⁴ On this point, see John L. Helgerson, *Getting to Know the President: CIA Briefings of Presidential Candidates, 1952-1992*, Washington D.C., Central Intelligence Agency, 1996. <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/books-and-monographs/cia-briefings-of-presidential-candidates/cia-1.htm>

from the end of the Republican Convention in July 1968 and got ideas from the reports describing the previous transitions. Less than a month after his election, Nixon had chosen his main assistants who were charged with the task of helping to run his administration.⁵ On the other hand, the selection of the Cabinet took more time, though this did not influence events since the essential aspects of American policy were formulated from the White House by the President and his close advisers like Kissinger. The Departments of State and Defense, as well as their bosses, were only going to play an administrative role. This special manner of operation made it possible to limit any slowdown due to change of administration. This was translated into action by the ability of the White House to lead, as from the month of March 1969, a campaign of air bombardment against Cambodia.

♦ *Transition of 2000-2001*

In July 2004, the publication of the works of the 9/11 Commission made it possible to shed light on the **shortcomings of the process of transition and their consequences for the level of preparation of the incoming administration.** In the case of the period 2000-2001, **the hesitation which typically exists was accentuated by the disputed electoral results in Florida, thereby delaying the process by more than one month** and, as the 9/11 Commission Report stated, reducing *'by half the normal period of transition.'*⁶ Although the election took place on November 7, 2000, it was only on December 13 that the Democratic candidate Al Gore accepted his defeat. While *ad hoc* measures were taken by the team of George W. Bush right from the announcement of the Florida results on November 26, the take-over of the premises put at the disposal of the incoming administration only occurred the day after the speech by the Democratic candidate. Thus, Mr Bush had **just five weeks to put his team in place before his inauguration.**⁷

According to all the evidence, these circumstances ***'hindered the new administration in identifying, recruiting, screening and confirming its principal staff members by the Senate.'***⁸ Experience and continuity were clearly favoured. Thus, apart from Vice President Dick Cheney, Donald Rumsfeld, Colin Powell and Norman Mineta were chosen to occupy the leading posts. The fact that all three of them **had already faced confirmation hearings in the Senate and security clearance had undeniably favoured their designation.** In parallel, Mr Bush's transition team, led by Mr Cheney, chose to keep in their posts a certain number of high officials. We think in particular of the Director of the CIA George Tenet and Richard Clarke, who was responsible for counter-terrorism on the National Security Council (NSC) since 1992. General Shelton, Chairman of the Joint Chief of Staff, held onto his duties at the head of the American Armed Forces until September 30, 2001.

However, these efforts aimed at favouring continuity in the transition came up against the realities of administrative slowness. Thus, it took **more than six months for the assistants of Colin Powell at the State Department to complete the long process which preceded their taking up their duties.**⁹ On the eve of September 11, 2001, **only 227 of the 508 posts to be filled by the Presidency had an occupant. Out of this**

⁵ Stephanie Smith, *op. cit.*, pp. 13-14.

⁶ *The 9/11 Commission Report*, National Commission on Terrorist Attacks Upon the United States, Washington D.C., U.S. Government Printing Office, 2004, p. 198.
<http://www.gpoaccess.gov/911/pdf/fullreport.pdf>

⁷ Stephanie Smith, *op. cit.*, pp. 20-21.

⁸ *The 9/11 Commission Report*, *op. cit.*, p. 198.

⁹ Richard Armitage, Michèle A. Flournoy, 'No Time for 'Nobody Home,' *The Washington Post*, 9 June 2008. <http://www.washingtonpost.com/wp-dyn/content/article/2008/06/08/AR2008060801688.html>

number, 106 persons occupied their positions for less than eight weeks.¹⁰ The most telling example is that of Robert Mueller who took over as the head of the FBI (*Federal Bureau of Investigation*) only one week before the attacks on New York and Washington. Succeeding Louis Freeh, whose departure in the summer of 2001 had been anticipated long before, Mr. Mueller was only named on July 5 and officially became the Director of the Bureau only on September 4, 2001. As Michael Chertoff, the present Secretary of Homeland Security emphasizes, *'we lived through September 11th with many posts vacant. This was not a very responsible way to deal with the threats that we were later confronted with.'*¹¹

2. A unique combination of threats and vulnerabilities

These words by Michael Chertoff are entirely appropriate to the period ahead due to a particularly sensitive international setting and a national security apparatus that was largely reformed by the Bush Administration, and for whom the handover of power between the two administrations will be a first.

♦ A particularly sensitive security context

The period of presidential transition of 2008-2009 is the first since 9/11. It should be unique due to the **variety and quantity of threats** facing the United States. According to a report of the Department of Homeland Security, vulnerability will be greatest *'30 days before, (...), and up to six months after the change of administration.'*¹² Concerning the national security, three categories of risks can be distinguished.

First of all, this change of administration comes **during a time of war**, since the American Army has in fact been engaged in Afghanistan since October 2001 and in Iraq since March 2003. This is the first time in forty years and the handover of powers between LBJ and Richard Nixon that a President will be inaugurated during a war. Unlike 1968-1969, the American Armed Forces are presently deployed in two different operational theatres. The United States has in fact slightly more than 140,000 men in Iraq and around 34,000 in Afghanistan.¹³ The maintenance of these force levels requires on the part of the Pentagon leadership an irreproachable management which cannot allow itself to be disturbed by a Presidential transition. Moreover, the initiatives concerning the Transformation of American Armed Forces¹⁴ presently under way also require that continuity be maintained during the change in administration.¹⁵ For Secretary of Defense Robert Gates, whose career within the American national security apparatus goes back to the 1960s, this period remains problematic. According to Mr. Gates, this process has *'deteriorated'* over the course of the

¹⁰ Spencer S. Hsu, 'Citing Risks, Study Suggests Ways To Ease National Security Handoff,' *The Washington Post*, 25 April 2008. <http://www.washingtonpost.com/wp-dyn/content/article/2008/04/24/AR2008042403624.html>

¹¹ Scott Lindlaw, 'Federal agencies planning for White House handoff,' *The Oakland Tribune*, 18 April 2008.

¹² *Report of the Administration Transition Task Force*, Homeland Security Advisory Council, U.S. Department of Homeland Security, January 2008, p. 1.

http://www.dhs.gov/xlibrary/assets/hsac_ATTTF_Report.pdf

¹³ President Bush decided to reduce the American presence in Iraq by around 8,000 men by February 2009, thereby bringing the number of soldiers to around 138,000. At the same time, around 5,000 additional soldiers are supposed to be deployed in Afghanistan. Thom Shanker, '8,000 Troops to Leave Iraq Next Year,' *The New York Times*, 8 September 2008.

http://www.nytimes.com/2008/09/09/world/middleeast/09prexy.html?_r=1&scp=2&sq=bush%20iraq&st=cse&oref=slogin

¹⁴ *Military Transformation: A Strategic Approach*, U.S. Department of Defense, Washington D.C., Autumn 2003. http://www.oft.osd.mil/library/library_files/document_297_MT_StrategyDoc1.pdf

¹⁵ Scott Foster, 'New president means big changes at the Pentagon,' NBC News, 17 June 2008. <http://www.msnbc.msn.com/id/25213812/>

last twenty-five years and it takes more and more time for new teams to be put in place at the Pentagon.¹⁶

Next, everyone is aware that the American presidential election is coming in a particularly sensitive international setting that is marked by the **development of regional threats**. Quite obviously one thinks of Iran and North Korea, which could seek to take advantage of the situation. An increase in tensions has also been seen between Washington and certain capitals of Latin America such as Caracas and La Paz.¹⁷ Moreover, **the crisis that took place in August between Russia and Georgia illustrates perfectly the vulnerability of the American authorities in a period of presidential transition**. While the initiative for these disturbances may be traced back to Georgia and not to Russia, Moscow has skillfully exploited the context and limited margin of maneuver of a Bush administration that is on its way out. It is not improbable that **the powerlessness of the White House reinforced the determination of the Kremlin** to adopt a hard line with regard to the West. One may wonder over the manner in which events would have developed had such a crisis taken place at the end of December, when the teams at the White House and the Pentagon are busy preparing to move out.

Finally, we cannot avoid the question of terrorism. **Al-Qaeda and its associates have in fact often used elections and periods of transition to carry out attacks**. We think back over the attacks in Madrid on March 11, 2004 which had an impact on the Spanish legislative elections scheduled several days later. Similarly, on June 29 and 30, 2007, i.e., just five days after Gordon Brown took over as Prime Minister, the United Kingdom was subjected to many attacks in London and in Glasgow. While in the case of Spain, the relationship between the elections and the attacks is incontestable, doubts continue over the link between Mr. Brown's accession and the three attacks. These precedents nonetheless indicate that one should take seriously the risk both to the United States and to its overseas interests. The U.S. Ambassador in Yemen was recently targeted by an attack prepared by the local branch of al-Qaeda.¹⁸ A highly placed official in the Department of Homeland Security admits that *'major terrorist attacks both here and abroad are often committed shortly before or after national elections.'*¹⁹ As regards precise threats, the American intelligence community believes that *'al-Qaeda is going to increase the frequency, the sophistication, the opportunism and the anti-Western character of its propaganda to the extent that the presidential election in the United States draws near.'*²⁰

♦ *A national security apparatus that has been largely updated*

The reach of threats which have been mentioned is enhanced by the absence of experience with respect to presidential transition on the part of the American bureaucracy that has been reorganised during the two terms of Mr. Bush and for which this handover of power will thus be a first. We are thinking in particular of the Department of Homeland Security (DHS),

¹⁶ Robert Burns, 'Gates begins wartime transition to new leadership,' AP, 10 June 2008.

http://www.boston.com/news/nation/washington/articles/2008/06/11/gates_begins_wartime_transition_to_new_leadership/

¹⁷ Simon Romero, 'U.S. Says It Will Oust Venezuela Envoy, and Names 2 Officials as Rebel Backers,' *The New York Times*, 12 September 2008.

<http://www.nytimes.com/2008/09/13/world/americas/13venez.html?ref=americas>

¹⁸ Ellen Knickmeyer, 'U.S. Embassy in Yemen Attacked,' *The Washington Post*, 17 September 2008.

<http://www.washingtonpost.com/wp-dyn/content/article/2008/09/17/AR2008091700317.html?hpid=artslot>

¹⁹ Richard Weitz, 'U.S. Presidential Transition Will Create Terrorism Vulnerabilities,' *World Politics Review*, 6 May 2008. <http://www.worldpoliticsreview.com/Article.aspx?id=2063>

²⁰ John Rollins, *2008-2009 Presidential Transition: National Security Considerations and Options*, Congressional Research Service, RL34456, Washington D.C., April 2008, p. 2. <http://fas.org/sgp/crs/natsec/RL34456.pdf>

ODNI (Office of the Director of National Intelligence) and the NCTC (National Counterterrorism Center).

The most worrisome case is without doubt that of the Department of Homeland Security. Created in November 2002 by the Homeland Security Act of 2002, the DHS supervises and coordinates the work of twenty-two federal agencies including Customs, the Coast Guard, the Secret Service and FEMA (Federal Emergency Management Agency) whose activities are linked to the security of national territory. It employs around 200,000 persons. The creation of this Department involved the **greatest bureaucratic reorganisation that the United States has known since the creation of the Department of Defense in 1947**. This Presidential transition will thus be the first for this Department. It will be all the more sensitive since, according to a Congressional report, *'one of the recurrent problems [DHS] is the over-politicisation of the highest ranks of its leadership.'*²¹ This means that an excessively large part of the managers of this structure is subjected to the uncertainties of political change. For example, out of the ten main directors of FEMA, only two are presently career civil servants.²² A report prepared by a private consulting company estimates at 11% the *'losses of leadership'* which the DHS will face during the transition of 2008-2009.²³

The problems are similar for the two other creations of the Bush administration - the ODNI and the NCTC. The first is responsible for coordinating the activities of the American intelligence community and was created in 2004 in the context of the most important reform of the intelligence services since the creation of the CIA (Central Intelligence Agency) in 1947. The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA)²⁴ reorganised the operation of sixteen intelligence agencies around a Director of National Intelligence (DNI) who is responsible for setting the objectives and the priorities in the domains of collecting, processing, analysing and disseminating intelligence. The key figure in this set-up, the DNI, is named by the President and is assisted by the ODNI, whose composition will likely be modified by the next administration. Nonetheless, Mike McConnell, the current Director of National Intelligence, has let it be known that he is prepared to keep his post for six months following the inauguration of the next President in order to facilitate the transition.²⁵

In order to strengthen the efforts in the domain of counter-terrorism, the IRTPA also created the NCTC to analyse and bring together all the intelligence that the United States has in the area of terrorism. Its Director is also named by the President and reports both to the White House and to the ODNI. This makes it a central element in the U.S. counter-terrorism efforts which cannot be allowed to slow down its operations during such a sensitive period.

3. The limits of American vulnerability

The considerations and the risks which we have just mentioned have certainly been taken into account in Washington, where a series of arrangements have been put in place by the

²¹ Spencer S. Hsu, 'Job Vacancies At DHS Said to Hurt U.S. Preparedness,' *The Washington Post*, 9 July 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/08/AR2007070801201.html>

²² *Report of the Administration Transition Task Force, op. cit.*, pp. 22-23.

²³ Robert Brodsky, 'Transition could create leadership void, report says,' *Government Executive*, 6 May 2008. http://www.govexec.com/story_page.cfm?filepath=/dailyfed/0508/050608rb1.htm

²⁴ *Intelligence Reform and Terrorism Prevention Act of 2004*, Public Law 108-458, 108th Congress of the United States of America at the Second Session, Washington D.C., 17 December 2004. http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ458.108.pdf

²⁵ Barbara Starr, 'McConnell willing to stay on as DNI during presidential transition,' CNN, 5 June 2008. <http://politicalticker.blogs.cnn.com/2008/06/05/mcconnell-willing-to-stay-on-as-dni-during-presidential-transition/>

Bush administration. On this question, the debate is prolific and many recommendations have been presented in order to facilitate the handover of power between the two Presidents.

♦ *Arrangements intended to reduce the risks linked to the transition*

The problems of transitions are nothing new for the American authorities who have always looked for solutions to improve this process. One example in this context is the move forward of the inauguration date of the new President from March 4 to January 20 by ratification of the twentieth amendment in 1933.²⁶ Similarly, President Kennedy had the Presidential Transition Act of 1963 passed, permitting the elected candidate and his assistants to receive government funds and premises in order to prepare to bring in their new administration in the best circumstances.²⁷

As regards the transition of 2008-2009, many measures have been taken to limit the period of inertia which characterises the handover of power. Secretary of Defense Robert Gates and Chairman of the Joint Chiefs of Staff Admiral Mike Mullen have respectively asked a group of civilians and a group of officers to prepare the Pentagon for the change of administration. According to a memo of its president John Hamre, **the Defense Policy Board identified a certain number of points on which the new team in charge of the Department of Defense should concentrate so as to be able to be effective from the moment they take over their duties.** On the military side, a transition team was set up within the Joint Chiefs of Staff.²⁸ Furthermore, in order to avoid high vacancy rates at the level of deputy secretaries which, according to him often are higher than 20% at the start of a new term, **Mr. Gates has enjoined the main civilian managers to be prepared to keep their posts until their successor has been confirmed by the Senate.** The objective for the successor of Donald Rumsfeld is to avoid *'having a lot of empty chairs on the civilian side'*²⁹ during a war.

Under the direction of Michael Chertoff, the Department of Homeland Security has also sought to anticipate the problems linked to this period by creating a working group which presented its recommendations last January.³⁰ **A plan developed on the basis of these proposals is supposed to be presented in October.** Meanwhile, the DHS has organised **many conferences and exercises** since February. The order of succession of the Department was also reorganised to limit the ascendance of the holders of political functions. In addition, **twenty-five key posts were identified and high career civil servants have been named to ensure the interim management.**³¹ Thus, Nancy Ward, who is responsible for the FEMA operation in Oakland, California, was chosen to direct the federal agency for managing emergency situations until the person appointed by the next President takes up his duties.³²

♦ *What remains to be done*

The various published reports on the issues of the presidential transition, as well as the interest shown by the press have made it possible to open a veritable debate around these

²⁶ The consequences of the Great Depression, in particular the need for the government to be more reactive, as well as the evolution of means of transport and of communication motivated this constitutional amendment.

²⁷ Stephanie Smith, *op. cit.*, p. 3.

²⁸ Gordon Lubold, 'Pentagon ponders transition in time of war,' *The Christian Science Monitor*, 18 June 2008. <http://www.csmonitor.com/2008/0619/p03s01-uspo.html>

²⁹ Julian E. Barnes, 'Gates working to make Pentagon's postelection transition smooth,' *The Los Angeles Times*, 11 June 2008. <http://articles.latimes.com/2008/jun/11/nation/na-gates11>

³⁰ *Report of the Administration Transition Task Force*, *op. cit.*

³¹ Spencer S. Hsu, 'Citing Risks, Study Suggests Ways To Ease National Security Handoff,' *op cit.*

³² Scott Lindlaw, *op. cit.*

questions. In the op-ed page of the *Washington Post*, Richard Armitage, the former Deputy Secretary of State under Colin Powell and Michèle A. Flournoy, the former Assistant Secretary of Defense in the Clinton Administration, **call for the emergence of a 'bipartisan consensus to put in place a process of accelerated screening and confirmation for the 40 or 50 main members of the new President's national security team.'**³³ The authors also seek the commitment of the FBI and of the outgoing administration. In a number of hearings by the appropriate Senate committees, the persons named have had in fact to fill out more than sixty pages of forms and are subjected to thorough verifications carried out by the FBI. They must also mention the scholarly establishments in which they were enrolled and explain all their sojourns abroad, including in Canada and Mexico, over the course of the past fifteen years.³⁴

In parallel, Jamie Gorelick and Slade Gordon, two former members of the 9/11 Commission, also came out in favour of drastic changes. They wanted first of all that the candidates be given access not only to intelligence briefings but to the main dossiers and programmes relating to national security. **The authors then recommend that the candidates provide, even before the election, the names of those whom they intend to nominate in order that the competent authorities such as the FBI be able to begin the investigations.** The objective is that with the support of Congress, which would be committed **to organise the hearings of the nominees as from the very start of the month of January**, to ensure that the main posts can be filled from the day after the inauguration of the new President. The two former members of the 9/11 Commission believe that the persons put forward to perform the functions of director of an agency should, from the day after the election, meet with those whom they will succeed in order to get used to their new post under the best possible conditions.³⁵

The two candidates in the presidential election have also made arrangements to anticipate the presidential transition. Since the month of July, Barack Obama has put in place a team charged with the task of planning the activities of this period should the Senator from Illinois be elected on November 4.³⁶ John McCain did the same in September when he entrusted the preparation for his possible entrance into the White House to William E. Timmons, a former member of the transition teams of Ronald Reagan in 1980 and of George W. Bush in 2000³⁷. **Nonetheless we note that the two candidates, whose arrangements with regard to this matter have nothing innovative about them, do not seem to accord to the issues relating to presidential transition an attention appropriate to what is at stake.** It even appears that the decisions taken by the two campaigns on this question have been exploited for political ends. Right after the announcement of the Obama team, the Republicans criticised the Democratic candidate for the arrogance of his decision. Similarly, there are good chances that the lobbyist past of Mr. Timmons will be used by the team of the Senator from Illinois to attack his counterpart from Arizona.

³³ Richard Armitage, Michèle A. Flournoy, *op cit*.

³⁴ Paul C. Light, 'Hit the Rose Garden running,' *The Los Angeles Times*, 22 July 2008.

<http://www.latimes.com/news/opinion/la-oe-light22-2008jul22.0.4789856.story>

³⁵ Jamie Gorelick, Slade Gordon, 'Between Presidents, a Dangerous Gap,' *The New York Times*, 16 July 2008. <http://www.nytimes.com/2008/07/16/opinion/16gorelick.html>

³⁶ Marc Ambinder, 'Obama Team Begins Work on Presidential Transition,' *The Atlantic*, 24 July 2008.

http://marcambinder.theatlantic.com/archives/2008/07/obama_team_begins_work_on_pres.php

³⁷ Michael Scherer, 'McCain Taps Lobbyist for Transition,' *Time*, 12 September 2008.

<http://www.time.com/time/printout/0,8816,1840722,00.html>

4. Conclusion

The first presidential transition after 9/11 constitutes a major challenge for the entire government apparatus of the American state. The combination of external and domestic threats, as well as the increased vulnerability of a part of the administration which never experienced this process renders this period particularly sensitive.

Nonetheless, it appears that the public debate which opened on these questions made it possible for the various actors of this process to take measures in order to facilitate the change of administration.

While an incident can always arise before or after the election, the main issue for the incoming administration is to arrive on the day after the inauguration of January 20 ready to assume its duties. For that to happen President Bush and his successor must work together from the day after the election of November 4. This cooperation will be essential to the preparation of the team of the next occupant of the White House. While one may believe that the incoming President will have to make good use of the eleven weeks before his taking up his duties, much will depend on the good will of the administration in office. It seems that President Bush is aware of this and will try to put his successor in the best arrangements, because he certainly knows that an incident occurring very early in the term of a new President can also tarnish his legacy.

Finally, the sheer weight of the process of screening and confirmation puts forward the question of the politicisation of some functions of the American government. Though from a democratic point of view the virtues of this system are incontestable – France has even taken inspiration from it for its constitutional reform – these procedures do not seem to be well suited to the demands of the modern world and to the immediacy of the threats. The four years of the term of a President of the United States is one of the shortest among the Western democracies and it is no longer acceptable today that a department like the Pentagon is not able to function in optimal manner during the first six months of the new administration. Although awareness of these problems and the *ad hoc* measures taken by each department are going to facilitate the next transition, the next administration and the Congress should reflect deeply to ensure that long-lasting legislative measures are taken.