

Our antiquated elective system gives an outgoing President or congressman egregious opportunity for farewells—and mischief

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A visitor from afar not habituated to our institutions might find it odd that the strongest government on earth, having elected a new national leader, must wait ten weeks before installing him in office, leaving the old chief bereft of political power and perhaps personally repudiated, but nevertheless fully responsible for the nation's destiny in the interval. This year President Lyndon B. Johnson, who would have risked becoming a "lame duck" in the most classical sense had he sought re-election, took himself out of consideration early. His hope has been to increase his influence over events by putting himself above the campaign battle, freeing himself from fear of Election Day consequences, and eliminating suspicion of selfish political motives. It remains to be seen whether this lofty effort will be judged a success; but the complaints over his late Supreme Court appointments have already added to the generally contentious history of lame-duckery.

Among the many blessings the American people derive from our venerable constitutional arrangements, the lame-duck phenomenon stands out as a curious and possibly dangerous exception. By way of contrast, consider the British practice. If a parliamentary election changes the majority party in the House of Commons, the Prime Minister's resignation is in the sovereign's hands in a matter of hours, and within a week the leader of the new majority will be installed as Prime Minister and functioning with a cabinet of his own choice. A dramatic example occurred in 1946 during the Potsdam Conference. On July 25, Winston Churchill left the conference to go home for an election—which, to his surprise, the Tories lost. On July 28, Clement Attlee, leader of the new Labor majority, fully invested with authority, had already taken Churchill's place at Potsdam. The parliamentary system is not guaranteed trouble-free, as the history of France and Italy attests, but when it is working in conjunction with a party and electoral system that produces a strong majority, it manages changes of governments with remarkable facility.

In the United States we wait until January 20 to carry out a decision that ordinarily is made by the voters in the first week of November. In years like this one, when the incumbent President is not running for re-election—whether by his own choice, rejection for renomination by his party, or constitutional limitation on the number of terms he can serve—the power vacuum in the White House usually appears several months before November. This recurring incapacity of the Presidency following (and sometimes before) an election has had results ranging from comic to tragic in the course of American history, and there lurks in it the possibility of genuine disaster.

Take, for example, the fateful drift toward war that occurred between November, 1860, and the inauguration of Lincoln in March, 1861 (the awkward interval was seventeen weeks in those clays). Whether Lincoln could have staved off the Civil War if he had been brought to power sooner is of course debatable; perhaps by that time the conflict was indeed irrepressible. But the futility of Buchanan during those weeks, while Lincoln rusticated inscrutably in Springfield, haunts the national memory.

Or consider the plight, seventy-two years later, of Herbert Hoover, repudiated at the polls in November, 1932, but serving out his time in the White House while economic paralysis swept over the country. Hoover struggled valiantly, according to his lights, but the country regarded him as a used-up man, and Congress, under Democratic leadership, scorned his efforts. President-elect Franklin D. Roosevelt, invited by Hoover to join in an emergency effort, declined to become involved—at least on the terms of co-operation offered by Hoover. One shudders to think what might happen in 1968 should a crisis with the potentiality of blowing up the world occur between Election Day and the day of inauguration.

Our arrangements for presidential election and succession are largely a product of eighteenth-century political theory built into the original Constitution, plus early implementing legislation reflecting the conditions of political organization, transportation, and communication during the Federal period. The constitutional provisions for presidential elections were an early source of trouble, and we have patched at them intermittently ever since. We now have a hodgepodge—including original constitutional provisions, some of them archaic but others still vital and effective; early legislative decisions sanctified by 150 years of usage; crisscrossing amendments and statutes enacted as partial reforms; and

myriad state laws, extralegal precedents, and party practices encrusted onto the system. Despite the troublesome characteristics of the scheme, it is built into our political system in so many ways that change is difficult.

The devotion of the framers to the principle of separation of powers led them to provide for a Chief Executive with a fixed term of four years—a system that strengthens the Presidency in some respects but provides no easy way of disposing of a President who is finished politically before his term is over. The framers sought further to make the President independent of Congress and to give him a political base in the country at large without going so far as direct national elections. Their solution was the cumbersome scheme of presidential electors, who are chosen and who vote for presidential candidates in the several states. It is left to Congress to tabulate and certify the result, break ties if necessary, and choose a President from among the top contenders if no candidate receives a majority of the electoral vote.

After the Constitution was ratified, a time schedule for the first run-through of these events was set by the old Congress in order to get the system going; before the next presidential election—which was in 1792—Congress enacted a similar schedule that endured for over a hundred years.

The statute of 1792 set the first Wednesday in December as the day for casting the electoral vote in the states, and required the states to choose their electors within thirty-four days prior to that time. The Tuesday after the first Monday in November soon became the most prevalent Election Day in the increasing number of states that chose electors by popular vote. The second Wednesday in February was specified as the day for the congressional tally of the votes cast by the so-called Electoral College.

Looked back upon in a day when one can jet to the national capital from New Hampshire or Georgia in about an hour, the original interval of a month between Election Day and the electoral vote, and that of two additional months between the electoral vote and its tally by Congress, seem absurdly long. We forget that our political forefathers had to struggle dutifully to their appointments by boat or by horse, and that thirty or forty miles a day was considered excellent progress. The typical American road had not graduated, early in the last century, far beyond an

Indian path: in wet weather it was a trough of mud; in dry, a suffocating dust trap. Tree stumps left in the highway, decreed the Ohio legislature in 1804, must be not more than a foot high. When you came to a stream you looked for a ford or a boatman; failing that, you swam your horse across.

“The roads from Philadelphia to Baltimore,” observed the *American Annual Register* in 1797, “exhibit, for the greater part of the way, an aspect of savage desolation. Chasms to the depth of six, eight, or ten feet occur at numerous intervals. A stage-coach which left Philadelphia on the 5th of February, 1796, took five days to go to Baltimore. ... In winter sometimes no stage sets out for two weeks.”

Under such circumstances it was not surprising that when the first Congress officially assembled under the new Constitution in March, 1789, it was over a month before enough senators had arrived in New York (then the capital) to make a quorum and tally the electoral votes of the states. As a result, it was mid-April before Washington was notified that he had been elected President. He made the trip from Mount Vernon to New York in the fast time of one week, and was inaugurated on April 30, 1789.

Quite apart from the formidable difficulties of travel, the American elective system ran into trouble very early. In 1796, it seemed fairly sure by the third week of December that John Adams would be President, but reports of intrigues among the electors contributed to lingering uncertainty, particularly concerning the Vice Presidency. In those days voters did not cast separate ballots for President and Vice President; the candidate with the highest number of electoral votes became President, while the runner-up, even if he represented a different party, became Vice President. There was apparently no complete and accurate count until the official reports from the states were opened and tallied in Congress on the specified second Wednesday in February, 1797. The result in this case showed Adams, a Federalist, with 71 electoral votes and Jefferson, a Democratic Republican, with 69. Under the original constitutional provision the Virginian became Vice President. In 1800 the electoral votes were cast on December 4, and by the twenty-third it was unofficially known in Washington that Jefferson and Aaron Burr had tied for first place. Nevertheless, the official count of the electoral vote could not occur until February 11, while Inauguration Day was legally fixed at March 4.

The long period between the casting of the electoral vote in the states and the official count in Congress thus began to look rather excessive even for those days, particularly in comparison with the short period allowed for Congress to resolve the contest, if necessary, and for the President-elect to make his way to the seat of the government by Inauguration Day. Under the legislative schedule set by the Constitution, Congress was in session from the first Monday in December until March 3, and should have been able to hold the official canvass in mid-January at the latest.

The unanticipated tie of Jefferson and Burr in 1800 provided the first opportunity for Congress to choose a President. The House of Representatives balloted from February 11 until February 17 before finally choosing Jefferson. This experience, added to the result in 1796 when the President's leading opponent had been elected Vice President, made it clear that something had to be done about the constitutional provision by which the electoral runner-up became Vice President. The Twelfth Amendment, ratified in 1804, provided for separate electoral voting for the Vice Presidency. The amendment also put March 4 into the Constitution as the permanent Inauguration Day; it did not change the schedule for the electoral process.

In the next fifty years, political and technological developments steadily made for earlier decisions and thus left an ever-lengthening gap until March 4. By 1836, moreover, the tightening of party discipline and the invention of the national nominating convention left the electors little practical alternative to voting automatically for their party's nominee, and legislation in most of the states assured that all of a state's electoral votes would go to the popular winner. Before the telegraph, a few days were required to get a reasonably accurate count of the popular vote in each state, and a few more days for reports from the states to reach Washington; but even so, a conclusive result was usually known in mid-November, nearly three months before the formality of counting the electoral vote in Congress. By the 1850's, telegraph service had sped up the vote reporting so that the identity of the President-elect was known within twenty-four hours after the popular voting was over. At the same time, the spread of railroad service made it possible for a congressman or President-elect to get to Washington from anywhere except the far West in a week. The necessity for Congress to resolve the disputed Tilden-Hayes election of 1876 was a reminder that there were contingencies for

which time and constitutional processes must be provided. Even so, it was hard to justify sixteen weeks for a sequence of events that under most circumstances could be gotten through in a fortnight or less.

Of course, the rules governing the scheduling of sessions of Congress made even less sense. The Constitution provided for annual sessions beginning early in December; these ended March 3 in the odd-numbered years, sometime in early summer in the even-numbered years. However, Congress was on a cycle of two-year terms beginning March 4 in odd-numbered years, dating from when the government was organized under the Constitution. Consequently, although members of the House were elected in November of even-numbered years, their predecessors' *terms* did not expire until the subsequent March 3. Unless there was a special session, a newly elected member would not take his seat for thirteen months—until December of the year following his election. His first or “long session” ran from December of the odd-numbered year until summer of the even-numbered year. That fall there would be a new election. After the election the member, whether re-elected or not, would return for the “short session” until March; if he had been defeated at the polls, he was a “lame duck.” (The term seems to have originally been used in the eighteenth century to denote a stock market speculator who got caught short; by the time of the Civil War it had migrated to the lexicon of politics.)

In the early years of the Republic there may have been sufficient reason why congressmen elected in November could not take their seats a month later. Men of substance were not accustomed to setting off on short notice for stays of several months' duration, and, as we have seen, three weeks or longer might have been required just for the travel from some of the southern or western states. But as transportation improved, the spectacle of defeated or retiring politicians sitting in Congress while men with fresh mandates remained at home seemed increasingly anomalous. In addition to being politically obsolescent, the Congresses of the short sessions often displayed behavior that ranged from irresponsibility to venality, as representatives who had been retired by their constituents sought to salvage something financial or political from the wreckage, or at least to enjoy a last fling in Washington.

“Lame duck” thus acquired an increasingly disdainful connotation. Each time there was a change in the White House the country was governed for four months by a superseded President and—in part at least—by a lame-

duck Congress. It was an awkward time at best. Presidents retiring after the customary limit of two terms, or even those who were retiring voluntarily after one, usually managed to survive the interval with reasonable dignity, although they found that there was little they could do, or that anybody wanted them to do, except say farewell. A President who sought re-election and failed, however, was not only lame but (to borrow the Biblical expression) halt. Having been repudiated, he found his influence almost nil; and even if he managed to get a few things done, alone or in conjunction with Congress, neither the country nor the new President was likely to thank him. Presidential lame ducks may not have been as irresponsible as their congressional counterparts, but they have been even more pathetic.

The first President to be turned out of office by the voters was John Adams. Although deeply wounded in spirit, he grimly plowed ahead with unfinished business during his last weeks. Congress, dominated by other lame-duck Federalists, co-operated. Adams arranged and the Senate ratified a diplomatic convention that settled a number of outstanding problems with France. But Adams also used his appointive powers in a way that aroused partisan controversy. John Marshall, a Federalist lawyer, was made Chief Justice. On Adams' recommendation, Congress expanded the federal judiciary, creating twenty-three new judgeships in which Federalists were promptly installed. Minor executive and judicial appointments took care of a number of other Federalists, including both a nephew and a son-in-law of the President. As late as March 2, Adams nominated forty-three justices of the peace for the District of Columbia; they were confirmed on the third. That evening, Adams signed the commissions for these appointees and left town without waiting for his successor's inauguration. Although Federalists maintained that in making these appointments Adams was merely doing his duty, the "midnight judges" were viewed quite differently by Republicans, many of whom expressed indignation.

Ironically, the second President rejected for re-election by the voters was the son of the first. John Quincy Adams started his Presidency under a cloud of controversy over an alleged "corrupt bargain" with Henry Clay that had put him in the White House- the offer of a job as Secretary of State in return for Clay's support. After experiencing heavy political weather for four years, Adams was beaten decisively by Jackson in 1828. Perhaps recalling his father's experience, he avoided further serious

controversy between November and March; his administration, as the historian James Schouler put it, “preserved a dignified composure before the country.” The President proposed little and Congress did little except to bestow, in favored states, liberal subsidies for canals and other internal improvements. Congress declined to confirm most of Adams’ appointments, and the outgoing President was keenly disappointed at its failure to approve one of his pet projects, a proposed exploring expedition to the South Seas. President-elect Jackson arrived in Washington the day Congress counted the electoral vote, but, embittered by political attacks on his late wife, he declined to call on the President, and Adams declined to make the first move. Thus another party turnover occurred without amenities between old and new Presidents; like his father, Adams did not attend the inauguration of his successor.

Perhaps the longest tenure in lame-duck status was that of Andrew Johnson, who fought with Congress during most of his time in the White House and was left virtually powerless for almost a year after his narrow escape from conviction following his impeachment in the spring of 1868. The Republican party, dominated by the Radicals, rushed to nominate General Grant, and although Johnson nursed hopes for the Democratic nomination, his own party considered him untouchable. After the election, tensions seemed to be relaxed and Johnson enjoyed a considerable amount of personal if not political good will. Apparently with nothing else to do, he presided over several splendid social events at the White House that winter; he had many visitors, and even some of those who had led the impeachment came around to shake his hand. Five thousand people turned up at Johnson’s last reception, two days before the end. President-elect Grant, though, was not welcome, and Johnson avoided the inauguration.

At best, however, presidential turnovers during the Gilded Age were accompanied by an undignified amount of scrambling for office and preferment both in Congress and the executive. “This is the moment,” said Henry Adams in *Democracy*, “when the two whited sepulchres at either end of the Avenue reek with the thick atmosphere of bargain and sale.”

Another accidental President who spent almost four years in limbo was Chester A. Arthur, who succeeded after the assassination of Garfield in 1881. A former New York machine politician whose rise to the Presidency dismayed many, Arthur surprised both friends and enemies by the

uprightness of his administration. He made some excellent appointments, urged tariff reform, and vetoed pork-barrel bills—which were passed over his veto. After Democratic victories in the 1882 congressional elections, there was an interesting demonstration of what a lame-duck Congress could do: in recognition of demands for reform, and not incidentally to protect some Republican appointees against the Democratic storm that was coming, Congress passed the Pendleton Act, which laid the foundation for the civil service merit system. By 1884 Arthur was a half-success—which of course was fatal, and he was passed over for renomination.

To Grover Cleveland belongs the unique distinction of having been a presidential lame duck twice. Renominated but defeated for re-election in 1888, he managed to exit with reasonable grace as Benjamin Harrison occupied the White House. Four years later Cleveland was back, but his second term proved less successful than his first: he was buffeted by an economic panic, fights over the tariff, the Pullman strike, and the greenback issue. During the last two years of his term he found himself wedged between a Republican Congress and his own party, which was increasingly drawn to what Cleveland considered soft-money heresies. The final break with the Democrats came in 1896, when Bryan was nominated and Cleveland supported the Gold Democrat splinter group. Now politically isolated, Cleveland spent his final months freely exercising the veto power and striving unsuccessfully to cool the excitement over Cuba that eventually led to war with Spain.

Speaking literally, the biggest lame duck was the amply constructed William Howard Taft, whose renomination in 1912 split the Republican party and left Taft to run last in a three-way race, behind both Woodrow Wilson and Theodore Roosevelt. Taft's conduct after his defeat contributed largely to his historical reputation for geniality. Before leaving the White House he made several good-tempered speeches, participated in an active social season, pattered with schemes for government reorganization and a budget system, and took an ocean voyage to inspect the Panama Canal. Congress had already gone Democratic in the mid-term elections and was content to mark time waiting for Wilson. The legislators ignored most of Taft's modest recommendations, killed some of his administrative reforms, passed pork-barrel bills, and declined to confirm some 1,400 postmasters and other

nominees to make sure that there would be plenty of jobs open for deserving Democrats.

Although by present standards it was still a simple government with simple problems, by the end of Taft's term there was beginning to be concern about the waste of time in the old-fashioned system of presidential and congressional replacement. Taft also was dissatisfied with the prevailing custom that restricted communication between outgoing and incoming Presidents, especially if they were of different parties, to polite notes and conversation on inauguration eve concerning housekeeping in the executive mansion. Without fully revealing his purposes, Taft made several inquiries through intermediaries, and finally wrote to Wilson directly to invite him to confer at the White House in December, 1912. But Wilson, who had just taken a month's vacation in Bermuda, now claimed to be too busy.

Shortly before Wilson's inauguration an event occurred that demonstrated the dangers of both the leisurely transition schedule and the limited communication between outgoing and incoming administrations. In February, 1913, violent revolution broke out in Mexico; American lives were endangered, and there was clamor for U.S. intervention. Taft tried to wait it out and avoid commitments that his successor would have to live with, but the situation was volatile and he was not certain this stand could be maintained. On February 25, Secretary of War Henry Stimson publicly suggested that members of the future Wilson Cabinet come forward for conversations about the Mexican situation. However, Wilson refused to take the Mexican business seriously and was not ready to reveal his Cabinet selections; in fact, at that moment he had not even picked a Secretary of War.

Four years later, having tasted presidential responsibility and being deep in diplomatic maneuvers on the eve of World War I, Wilson grew concerned about the interregnum that would occur if he failed of re-election against Charles Evans Hughes in November, 1916. He put the lame-duck problem succinctly in a note to his Secretary of State: Four months would lapse before he [Hughes] could take charge of the affairs of the government, and during those four months I would be without such moral backing from the nation as would be necessary to steady and control our relations with other governments. I would be known to be the rejected, not the accredited, spokesman of the country; and yet the accredited spokesman would be without legal authority to speak for the

nation. The direction of the foreign policy of the government would in effect have been taken out of my hands and yet its new definition would be impossible until March.

Wilson's proposed solution to the problem reflected his study of British institutions. In order to turn over the government promptly to the people's choice, he would appoint the President-elect as Secretary of State, and then both he and his Vice President would resign: Hughes would then succeed instantly to the Presidency under the existing law of succession.*

* By the Presidential Succession Act of January 19, 1886 (repealed in 1947), Congress provided that, in case of the disqualification of both the President and Vice President, the Secretary of State should act as President. Next in the line of succession was the Secretary of the Treasury, and so on down the line of Cabinet members. By the act of July 18, 1947, the Speaker of the House and the President pro tempore of the Senate are put ahead of Cabinet members in the order of succession.

As it turned out, Wilson's narrow victory made the scheme unnecessary. In 1920, however, it might well have been put into effect. Wilson's administration was pinned down by a Republican Congress, the Senate had rejected the Versailles Treaty, and the election of Harding was certainly a rejection of much else that Wilson had stood for. But by this time Wilson was ill and embittered, and he made no effort to revive the resignation plan.

The fiasco of the Hoover-Roosevelt relationship in 1932-33 contributed to further realization of the danger of the slow turnover. From this experience did come the precedent that in troubled times the President and President-elect should meet and confer on the nation's problems; but the experience also suggested the limited accomplishment that could be expected from such talks. Hoover was anxious for Roosevelt's cooperation in the economic crisis, but since the President was on the scene and confident that he *knew* what had to be done, his idea of cooperation was that Roosevelt should join in supporting Hoover's policies. F.D.R. was preoccupied with Cabinet-building and uncertain of what course he wanted to follow, but he was sure that he did not want to bail out Hoover in a way that would commit him later on.

While Hoover and Roosevelt were fencing, Congress was having what was to be its last lame-duck session. Senator George W. Norris, a progressive Republican from Nebraska, had long been outraged by goings-on in these sessions and had been trying to do something about them. Earlier in 1932 his constitutional amendment, bottled up by the Republican leadership for ten years, had finally been approved by the Democratic Congress, and by February, 1933, enough states had ratified it. The Twentieth Amendment's principal feature was a provision that the terms of representatives and senators begin and end at noon on January 3 rather than in March, and that annual sessions of Congress begin at the same time. Thus congressmen elected in November would take their seats eight weeks later, and there would be no more lame-duck sessions—unless the President called a special session to run between Election Day and January. The amendment also shortened the presidential interval by moving Inauguration Day up from March 4 to January 20. The period from January 3 to 20 was allowed for Congress to count the electoral votes and resolve the contest in the event that two candidates tied or that none received a majority. The congressional schedule was the main thing in the minds of the amendment's supporters, and shortening the presidential interval from sixteen to ten weeks was a handy extra. Perhaps, if the amendment had been written after rather than before the Hoover-Roosevelt affair, a more drastic curtailment of the interval might have been attempted.

Since World War II there has been a rapid growth of customs and devices for helping bridge the power gap between Presidents. Every administration now offers briefings on the military and foreign situation to the candidates of all major parties. If the President is retiring or has been defeated, he invites the President-elect to the White House for conferences, and arrangements for communication between the incoming and outgoing regimes are carefully worked out. Instead of waiting until the eve of inauguration to announce the Cabinet, as in the old days, modern Presidents-elect are urged to hasten the announcement of their principal appointees, so that these men can begin familiarizing themselves with their duties and selecting their own subordinates. In 1952, for example, Dwight Eisenhower had announced all of his Cabinet appointments by December 1, and in 1960 John Kennedy had completed the job, after a remarkably effective search for talent, by December 17. Men designated for Cabinet and other high offices customarily are invited to confer and even take up quarters in the agencies they will head, well

in advance of the inauguration. Task forces are put to work refining campaign promises into specific proposals that the new President can make to Congress shortly after he takes office.

Congress in 1964 passed a Presidential Transition Act which formally declares that orderly transitions in the office of President are required by the national interest. All officers of the government are instructed to take appropriate action to that end. The law also recognizes one of the problems in such efforts—the substantial expenses of the President-elect and the Vice President-elect and of their embryonic administration during a period when they are still technically private citizens—and authorizes the expenditure of up to \$900,000 in public funds for such items as rent, telephones, travel, and staff salaries to aid the President-elect's preparations. To avoid waiting for the electoral votes to be cast and counted, which would defeat the purpose of the act, the Administrator of General Services is authorized to ascertain the “apparently successful candidates” and start providing resources to them after the general election. This law will get its first practical test in 1968-69.

In recent years Congress has given passing consideration to various proposals for further shortening the interval between the election and the inauguration. Most of these have been mixed up with plans for abolishing or changing the basis of voting in the Electoral College, plans which have such potentiality for redistribution of political power in the nation that Congress has been unable or unwilling to act. Yet even if the electoral vote mechanism were retained, modern conditions of communication and transportation would make it technically possible to install a President ten days after the popular votes were cast. Most of the proposals have been a little more cautious, allowing generally a month for the settling of electoral contests and for the President-elect to prepare himself. One of the more sensible of these proposals calls for moving Election Day up to early October, beginning congressional terms in early November, and inaugurating the President a week later—a scheme that would make for better adjustment both to the necessities of the government's fiscal-year cycle and to the schedules of travel, school terms, and vacations that prevail in the United States.

Yet despite their theoretical desirability and technical feasibility, proposals to chop the awkward interval to a month or less come up against a couple of practical realities of politics and human affairs. First (and less important) is that it takes an outgoing administration a few

weeks to wind up loose ends and prepare to transfer responsibilities to other hands; the alternative is to pass a great deal of untidy and unfinished business on to successors who will not be able to deal with it as effectively as the outgoing group. More important is the fact that, unlike the British, the American political party system does not keep a shadow cabinet organized and waiting to put long-agreed-on policies into effect on short notice if the electoral decision is favorable. An American President-elect has to collect his men from disparate fields, many of them outside active politics, and together they must inform themselves, learn to co-operate, and negotiate toward policies that will be both practical and politically acceptable. Pushing a new President and his administration into official responsibility prematurely, before they are properly informed and organized, might hold more dangers for the nation than the custodianship of a lame duck.

In 1948 Governor Thomas E. Dewey, who confidently expected to win the Presidency, began making visible preparations during the campaign and was reported (although he never admitted it) to have already selected a Cabinet. After Truman's upset victory, Dewey was razzed for his premature planning, and it has since become an item of American political lore that the candidate must not appear so overconfident or presumptuous. Nevertheless, John Kennedy in 1960 did make some quiet and limited preparations during the campaign that later served him well: on the day after his election he was able to announce that Clark Clifford was handling transitional relationships with the Eisenhower administration and that Professor Richard Neustadt was working on organization of a White House staff. Kennedy's famous "talent scout" operation was in high gear shortly thereafter. There is reason to hope that both the Democratic and the Republican candidates in this year's election already have lists of potential key assistants, in their minds if not in their pockets. Even without basic reforms in the American party system, such forehandedness by candidates can and no doubt will be intensified in future years.

Since Hoover, we have not had a President directly rejected for re-election. Like Lyndon Johnson, Harry S. Truman retired voluntarily in a year when his prospects were not good, and Dwight D. Eisenhower came up against the two-term limitation on the Presidency enacted by the Twenty-second Amendment. Both Truman and Eisenhower managed their departures in good form and made serious efforts to preserve continuity

in the effectiveness of the Presidency. Yet, although neither suffered as much as Hoover, each experienced what might be identified as the lame-duck syndrome—loss of power in the administrative extremities, a feeling of futility in foreign relations, an irresistible urge to push ahead with projects that could not possibly succeed, and wistful hopes that his designated successor would step forward to defend his positions.

Truman, for example, was proud of his efforts to achieve an orderly transition, and on the basis of this he presumed to give Dutch-uncle lectures to Eisenhower, who had just won in an electoral landslide. Although Truman insisted that he remained fully responsible for conducting the nation's affairs until January 20, he put pressure on Eisenhower to support the administration's position on a sticky point in the armistice negotiations then going on with North Korea. Again, while he knew Eisenhower had promised to give title to the disputed offshore oil lands to the states, Truman defiantly signed an eleventh-hour executive order proclaiming the tidelands as naval petroleum reserves in an open reminder to the Republicans of the old scandals of Teapot Dome. (The order was revoked by the new Republican Congress.)

During Eisenhower's last year in the White House, he managed to defend his domestic policy by threatening or actually exercising the veto, but he found himself at a standstill in foreign relations. After the U-2 affair, Khrushchev broke up a summit conference at Paris and sat down to wait for the next President. He suffered the further humiliation of having to call off a trip to Japan after he was already on the way: the prospect of his visit was causing civil disorder in Tokyo. After Kennedy had been elected, Eisenhower became concerned about the outflow of gold from the United States and sent the Secretary of the Treasury on a well-publicized mission to Germany in an effort to persuade the Germans to bear some of the expense of maintaining American troops there. Before he left, the Secretary sought Kennedy's blessing for the mission. Kennedy fobbed him off on a subordinate and avoided any commitment. The Germans, of course, proved to be uninterested in dealing with an outgoing administration on so touchy a matter.

Such lame-duckish behavior is easy enough to criticize after the fact, but there remains a serious dilemma: for a period of ten weeks the President is responsible but cannot lead; the President-elect, on the other hand, has influence but neither responsibility nor access to the levers of policy execution. Unfortunately, foreign and domestic crises have no regard for

the electoral calendar. Responsible conduct by the outgoing President, rapid preparations by the President-elect, and sensible understandings between incoming and outgoing regimes can help guard the nation—but only drastic shortening could alleviate the awkward interval.