Implementing Presidential Policy Agendas Administratively:
A View from the Inside

Drawing on his experience in a variety of positions over 40 years, the author details a wide range of variables that are involved in implementing presidential policy, including (1) the nature, origin, and validity of the presidential policy agendas and how they are communicated; (2) the background, experience, and relationships of the appointee; (3) the internal agency context; and (4) the larger political and social context. The author concludes that the large number of variables makes it very difficult—if not impossible—to produce a coherent, useful set of guidelines for appointees that will have utility across the board. Rather, implementation often requires individually nuanced responses. At the same time, the author concludes that the documented experiences of appointees in similar circumstances can serve as useful reference points for the future.

I have been invited to consider from a practitioner’s perspective the lessons that Professor Robert F. Durant has gleaned from his painstaking review of the literature about how appointees implement presidential policy. Accordingly, this essay has an informal and personal tone to it, and the reader will encounter the word “I” far more than normally appears in scholarly publications, as I found no ready way to avoid it. As I reflected on my experience in a number of politically appointed positions in four different agencies over the past 40 years, I was struck by the difficulties one might face in trying to craft a coherent and broadly applicable set of principles to guide an appointee’s actions in implementing presidential policy.

The very large number of variables presents a considerable challenge to producing guidance that will be applicable in any given situation. There is great diversity in (1) the range and nature of such policy agendas and how they are developed and communicated; (2) the background, experience, reputation, and relationships the appointee brings to the agency and his or her role in it; (3) the internal agency context—including its culture, personnel, legal authority, resources, and constraints; and (4) the larger political and social contexts in which the development and desired implementation of the policies take place.

It is often difficult to separate “presidential policy implementation” from the larger context in which appointees operate in carrying out their other roles and responsibilities. Implementation of some policies comes almost effortlessly—they are veritable slam dunks. Other implementation efforts have all the attributes of playing a three-dimensional chess game inside a kaleidoscope in which the context is continually changing. Some policies are clearly set forth and communicated, facially wise, and legitimate. Others may have aspects that dictate a more careful consideration of whether and how to proceed. At the extreme, they may be hot wires that should be labeled “do not touch” and that an appointee should pursue only at his or her peril.

In the foregoing essay, Professor Durant has undertaken the herculean task of trying to put his arms around the academic literature dealing with the administrative implementation of presidential policy and of discerning major “lessons” for political appointees. As I read his article, I sought to “try on for fit” those lessons against various situations and policies I had observed during my tenures in different agencies—and also to see how I thought they might fit if I held a presidential appointment in the Obama administration in any of the four agencies with which I previously have been involved.

Professor Durant has undertaken the herculean task of trying to put his arms around the academic literature dealing with the administrative implementation of presidential policy and of discerning major “lessons” for political appointees.
perceptions, provided some advice that would be generally applicable, and offered other advice that would be useful in some specific situations. A pathologist’s examination of the fate of specific initiatives in previous presidencies can be useful in understanding why particular policy efforts succeeded or failed.

Those examinations detailed in the literature also provide insights for the appointee who is dealing with some similar current situations, provided that he or she is conscious of whether and how the current situation differs from the prior situation in any critical aspect or dimension and thus warrants a different response in the current situation. In this brief commentary on Professor Durant’s article, I do not attempt to detail all of the points of agreement or disagreement. What I have attempted to do is sketch out some perspectives on a number of the issues that Durant and others whom he cites have addressed—and to offer some personal observations that might have some utility in assessing and applying their work.

My Analytical Viewpoint
Cognizant of the old parable about the blind men and the elephant, I need, at the outset, to provide the reader with a sense of the experiences in government on which my observations are based. Some were vicarious, serving as an assistant to a senior appointee or as a member of an advisory board; others were direct, as a senior appointee in my own right. This also will let the reader understand why I have picked the examples I have included to illustrate various points. My experience, accumulated over 40 years (1969–2009), has both a longitudinal dimension—with various involvements at the Environmental Protection Agency (EPA) over the 40 years—and some breadth—including more limited periods at the Departments of Justice (DOJ), Agriculture (USDA), and Energy (DOE).

At the same time, I readily acknowledge that this experience provides only one vantage point among thousands who have served as political appointees in departments and agencies in the executive branch over the past half-century. I make no claim that my experience is likely to be representative of those other perspectives. Indeed, as the reader will note, several of my positions were held during very interesting times that hardly represent a “normal” time, if indeed there is any way to define such a time.

- In 1969, I left the faculty of the Indiana University School of Business to become a special assistant to William Ruckelshaus, the assistant attorney general (Civil Division) in the Department of Justice (DOJ) headed by Attorney General John Mitchell, who had been a law partner of, and then the campaign manager for, President Richard M. Nixon. Nixon’s policy agenda included a number of issues within the purview of the DOJ, including more aggressive efforts on crime, changes in civil rights policies, and dealing with individual and group protests against the Vietnam War and the U.S. incursion into Cambodia.
- In December 1970, Ruckelshaus was nominated by President Nixon to become the first administrator of the newly established Environmental Protection Agency (EPA), where I subsequently served as his chief of staff. With amazingly little direct guidance from Nixon, Ruckelshaus had to pull together elements from various agencies; develop a structure, mission, and culture for the new agency; and make decisions within limited legislative authority while seeking comprehensive new authority. There was intense public, business community, and congressional interest in the new agency.
- In late April 1973, Ruckelshaus was asked by the president to become the acting director of the Federal Bureau of Investigation (FBI), after L. Patrick Gray, the nominee to replace the legendary J. Edgar Hoover, was believed to have destroyed Watergate-related documents. Ruckelshaus was tasked with trying to restore public confidence in an agency that was investigating the president—and whose employees deeply resented that Ruckelshaus was the second person in a row sent in as director who had not come through the ranks—and was not “one of them.”
- A few months later, Attorney General Elliot Richardson, who replaced the dismissed and disgraced Richard Kleindeinst, asked Ruckelshaus to be his deputy. I held a Schedule C position as special assistant to the attorney general, working primarily with Ruckelshaus. A criminal investigation by the DOJ of then-Vice President Spiro Agnew led the attorney general to negotiate a plea deal under which the vice president resigned his office. Attention then turned to the investigation of the president by special prosecutor Archibald Cox (who had been appointed by the attorney general). Richardson was in the extremely difficult position of trying to maintain public confidence in the administration of justice while the president’s policy was to do everything he could to try to thwart the investigation. This inevitably led to the “Saturday Night Massacre” during which Richardson resigned and Ruckelshaus either resigned or was fired, depending on who is telling the story.
- My next experience would qualify as a “normal” and came as a principal in my own right when I was nominated in 1981 to become the general counsel of the Department of Agriculture (USDA). I envisioned this role primarily as trying to be supportive of other appointees in the department in order to help them reach desired policy objectives. There often are significant swings in agriculture policy when administrations change from Democrat to Republican—and the career USDA staff seemed to accommodate these swings with what appeared to me to be relative ease. More noticeable
was the fact that, during the campaign, Ronald Reagan appealed to the agricultural community by opposing the Carter administration's embargo on grain sales to Russia, and senior appointees expected that a reversal of this policy would be one of President Reagan's first items of business. But, with strong opposition from the Department of State, it was not. Articulations of policy in campaigns do not automatically become presidential policy following the election.

- Two years later, the "normality" of being a political appointee at the USDA came to an end. The initial Reagan appointees at the EPA interpreted the president's policy as supporting a relaxation of enforcement of the environmental laws and closer cooperation with the regulated community. By early 1983, the agency was in disarray. Employees went to the press and Congress with stories of malfeasance and mismanagement. Congress and the DOJ were pursuing multiple investigations. EPA administrator Ann Gorsuch faced potential contempt charges in Congress for failing to turn over documents. President Reagan asked Ruckelshaus to return for a second stint as administrator to restore morale and public confidence in the agency. Reagan gave Ruckelshaus considerable latitude in selecting his subordinates—and in the policies he would pursue.

- A number of us—referred to by one observer as the "foreign legion of federal service" and drawn from various agencies—came to the EPA to be part of the restoration effort—some temporarily and some subsequently as nominees for PAS positions (presidential appointments with Senate confirmation). For six months, I served as both general counsel of the Agriculture Department and acting general counsel at the EPA. In the mornings, I led a "normal" existence at the USDA. When I went to the EPA in the afternoon, I was operating in a much different environment. When I first walked into the EPA general counsel's office, FBI agents were conducting interviews as part of a federal investigation of the prior general counsel. No one-size-fits-all advice could adequately inform both situations in which I was operating.

- At the start of the second Reagan term in early 1985, Ruckelshaus left the agency and Lee Thomas succeeded him as administrator. Thomas had a background in criminal justice and emergency management at the state level; he came to the EPA from the Federal Emergency Management Agency as part of the "foreign legion" to manage the Superfund office that was at the center of many of the Gorsuch-era problems. When Thomas was sworn in as administrator in a White House ceremony, the president's chief of staff, Donald Regan, took him aside and told him, "Your job is to keep the agency off the front pages of the newspaper." Thomas had no political sponsor or "rabbi" to protect him, but he was to have considerable leeway to chart his own policy course—potentially checked, of course, by appointees in other positions across the administration.

- In 1985, President Reagan nominated me as deputy administrator of the EPA, where I served until leaving in the fall of 1988 to become dean of the Indiana University School of Public and Environmental Affairs. A central thrust of my tenure as deputy was focused on rebuilding and strengthening the human capital at the EPA that is so essential to the performance of its mission. In the ensuing 20 years, I have been very pleased to see many of the individuals in the management and senior executive program that we developed assume major roles in the agency—and one of the individuals, Stephen Johnson, ultimately rose from the career ranks to become the EPA administrator under George W. Bush.

- In the George H. W. Bush administration, I served on the EPA's Clean Air Act Advisory Committee and saw close up the agency's implementation of an administration's legislative initiative, the Clean Air Act Amendments of 1990. The groundwork for the legislation had been laid by the EPA career staff while I was serving as deputy administrator.

- During the George W. Bush administration, I served as both chair of the EPA's Environmental Finance Advisory Board and a member of the Environmental Management Advisory Board at the Department of Energy (DOE). The DOE Office of Environmental Management, which has responsibility for managing the waste from our weapons production facilities, had particular challenges in aligning its processes and the workforce talents it needed to address its mission. The DOE assistant secretary did not face resistance to implementing policy as much as he needed to put his organization in a position to be able to implement the desired policy.

- Finally, I drew some insights from interviews for one position in the George W. Bush administration that did not come to fruition. Invited to Washington early in 2001 by a cabinet member to discuss serving as his general counsel, a position I had not actively sought, I met first with one of his assistants. The aide confided that the administration considered "personnel to be policy" and would expect that openings in the counsel's office would be filled by lawyers who were philosophical supporters of the president. I pushed back, indicating that had not been my approach in my prior two general counsel positions and would not be my approach if nominated for this one. Rather, I preferred to hire the best talent I could find regardless of political persuasion, and would deal with any political issues at my level. As a result of this conversation, I was not surprised when the revelations surfaced about the hiring practices at the DOJ; they were
consistent with my earlier conversation—and completely at odds with what I had observed as the norm in the career ranks of the DOJ during my tours of duty there in the 1970s.

• My interview with the secretary went very well, and I was sent over to the White House to be vetted there. It quickly became apparent that experience and seasoned judgment were not what the White House Personnel Office was looking for; they were seeking someone who would closely follow orders from the White House. We both concluded that I was not a good fit, and I did not get the position. Certainly, presidents have the right to put appointees in place whom they believe will be loyal and responsive to their directives. And, if they put in place systems and individuals designed to make sure the policies are carried out, they may be able to achieve their immediate policy objectives. In fact, the George W. Bush administration appeared to be remarkably good at maintaining its message and implementing certain policies—but some of them appear, at least in retrospect, to be seriously flawed. An appointee being asked to implement what he or she perceives to be a flawed policy faces a dilemma, which I will explore later in this essay.

Are my experiences, either individually or collectively, typical of the situations an appointee might find himself or herself in when preparing to implement presidential policy? Probably not. But they illustrate that there is a wide range of situations that appointees might find themselves in when going into a new position. They provide a point of departure for my response to Professor Durant’s article and, it is hoped, will assist the reader in understanding my take on the issue of implementation of presidential policy.

Critical Questions Appointees Need to Ask When Seeking to Implement Presidential Policy

When I begin a discussion of a case or issue in my graduate environmental law class, I usually ask, “What are the key facts or considerations that we need to know in order to be able to assess or evaluate what happened here—or to figure out what should be done?” As a presidential appointee coming into the Obama administration, I would ask the same question: “What are the critical elements—the variables or moving pieces, so to speak—that I need to know if I am to proceed in a sound way to implement a given presidential policy in my agency?” The elements that first come to mind might be grouped into four categories: (1) the nature, origin, and communication of the presidential policy; (2) the agency, my role and position in it, how I came to be there, and my relationship to others in the agency and the administration; (3) the internal agency context—the norms, personnel, legal authorities, resources, and constraints that need to be taken into account; and (4) the larger political and social context that may provide support or resistance or impose constraints. I pose these here as questions that political appointees should ask themselves.

Question 1: What is the nature, origin and communication of the presidential policy?

Presidential policy comes in an almost infinite number of variations—and can originate or be communicated to an appointee in many different ways—with the differences giving the appointee important information affecting how he or she should consider responding to implement it. Presidential policies can range from ones that are intended to be broadly applicable and implemented across the executive branch, to others that are very narrow in scope and are intended to apply only to a particular matter in a single agency. The policies may address substantive issues, procedural matters such as the submission and review of regulations by the Executive Office of the President, budgets, or personnel issues.

As examples in the latter category, one might contrast the following: (1) the personnel policy implications of President Reagan’s statements in his campaign that “government is not the solution to our problem; government is the problem”; (2) the alleged instructions to the DOJ in the George W. Bush administration about taking political considerations into account when making hiring decisions in that department, particularly in the Civil Rights Division; (3) the outreach that Barack Obama made to federal employees in Virginia during his campaign; and (4) the early visits of President Obama and Michelle Obama to various departments and agencies to thank federal employees for their contributions to the country. They carry very significant implications for the attitudes that appointees might bring into their respective agencies—and the response they may get from their agencies when they seek to implement presidential policies.

Professor Durant correctly highlights the temporal issue. Policies are developed and implemented in a context that is ever changing. A president’s priorities may change, and policies often evolve or are dropped. Washington has its natural cycles, including the four-year presidential cycle, the two-year congressional cycle and intermediate recesses, the yearly budget and appropriation cycle, and the
news cycle (which has become almost a continuous 24-hour proposition). Political, economic, social, or military developments—and even natural disasters or weather-related events—anywhere in the world can dictate or disrupt time frames for decision making and policy implementation. Finally, a president's general standing with the public, as well as any particular personal difficulties he is in at a given point in time, can become an important factor concerning implementation of his policies. One can draw instructive examples from each of the presidencies during our lifetime.

Presidential policies get developed in many different ways. They may be a product of the campaign, or they may stem from the president's reaction to some event or issue. They may come out of a formal decision-making process in the White House such as the National Security Council, the budget process or task forces that are established to address a problem or issue, or represent ad hoc decision making by lower-level White House officials. Sometimes the presidential appointee or his or her agency will have had an opportunity to participate in the policy making process; in others, they may not have. Over the past half century, there has been a migration of decision making from the departments and agencies to the White House—the number of councils and "czars" in the Obama White House continues that trend—with significant implications for policy development and implementation.

Similarly, presidential policies get communicated in many different, and sometimes conflicting, ways. The president might, for example, communicate his policy by (1) issuing an executive order; (2) making a speech; (3) issuing a formal statement; (4) responding to a question at a press conference; (5) adopting a recommendation from the National Security Council or a task force; (6) signing a classified national security directive; (7) communicating directly to an appointee in person, in a telephone call, or in a memo or Internet message; or (8) instructing, or allowing, a subordinate to make the communication either directly or perhaps indirectly, such as by leaking information to the media.

The first seven examples are fairly straightforward; the eighth potentially introduces significant complexities for the appointee. One question is whether the subordinate is actually speaking for the president—or just for himself or herself. There are hundreds of people working in the White House, and on any given day, agencies receive calls from the "White House" with individuals indicating that "the president" wants this or that. The normal response is to accept the request on its face and proceed; but sometimes, it may be reasonable to be skeptical of the request and to weigh whether it likely represents the view of the president. I recall one instance during my time as chief of staff at the EPA when I received a call from a junior staffer at the White House who said that the president wanted the administrator to do something that I did not feel comfortable pursuing and that I perceived to be a pet project of the aide rather than something coming from President Nixon. My response at the time—perhaps more flip-pant than wise—was to tell him that if that was what the president wanted the administrator to do, then the president should communicate with him directly. That, however, was the last we heard of the request.

One also needs to account for situations in which the messages being communicated may be contradictory or conflicting. On occasion, a backchannel communication might indicate that the president has made a policy pronouncement for public consumption, but intends the agency to implement the policy with different nuances or timing—or even not to pursue it at all. The messages can also be in conflict, with different messages coming from different White House officials.

During my first stint at the EPA, Administrator Ruckelshaus normally interacted with presidential assistants John Ehrlichman and John Whitaker concerning environmental policy objectives. However, on several occasions, we picked up the Washington Post and read a report in a column that the White House was particularly unhappy with Ruckelshaus and that he was likely to be fired because he was too aggressively pursuing a pro-environment agenda. We suspected that the columnist’s message was coming from Peter Fleming, a senior aide who worked closely with the business community. And during the 1972 campaign, as the former secretary of commerce Maurice Stans was raising prodigious sums of money, we heard reports that he was telling donors that “after the election we are going to get rid of that S.O.B. Ruckelshaus.” So, which message coming out of the White House should one believe as to the attitude the president wanted taken toward enforcing the environmental laws? And, then, what does one do if one of the alternative is not a course of action one is prepared to follow?

This leads to another consideration: the legitimacy of the policy in the eye of the appointee. It is not a normal consideration, but it also is not a consideration that is unworthy of note. A president might direct something that would be unconstitutional or unlawful—or something that the appointee might find to be so unwise,
so contrary to the public interest, or so antithetical to his own belief system that he or she could not in good conscience implement it. A variety of responses might be considered, including ignoring it, pushing back, refusing to implement it, recusing oneself, or resigning.

I have seen or learned about all of these responses being used in different contexts. Aides to President Nixon openly acknowledged that they often ignored commands from Nixon to do certain things, confident that by the next day, he would either have thought better of it or forgotten about it. On at least one occasion, a presidential directive was followed only to have it countermanded by an agency appointee, frustrating the president. In 1971, John Dean, counsel to the Nixon administration, wrote a memorandum describing how the Nixon administration could “use the available federal machinery” to make trouble for “our political enemies.” Then, in August 1973, shortly into his tenure as commissioner of the Internal Revenue Service (IRS) and after the administration was accused of using the IRS to go after its critics, Donald Alexander shut down the Special Services Staff at the IRS that was conducting the investigations. The New York Times reported that evening that President Nixon had made the first of several efforts to fire Alexander.

I know firsthand of several instances in the Nixon and Reagan administrations when senior officials from the EPA went to the White House for meetings, prepared to resign if certain policy outcomes were dictated. Leon Panetta, then head of the Civil Rights Office at what was known at the time as the Department of Health, Education, and Welfare, resigned over the Nixon administration’s civil rights policies. So, too, did Peter Edelman, an assistant secretary at the Department of Health and Human Services during the Bill Clinton administration, over the president’s decision to sign a welfare reform bill. A number of appointees at the DOJ, including the deputy attorney general and the director of the FBI, reportedly were ready to resign over a national security directive that George W. Bush was ready to pursue.

The Saturday Night Massacre referenced earlier is perhaps the classic resignation/firing example of refusal to follow a presidential policy directive. The tension between President Nixon and Special Prosecutor Archibald Cox and the DOJ hit a breaking point after the U.S. Supreme Court determined that the president could not invoke executive privilege to deny the special prosecutor the tapes from the Oval Office that he had requested. When Cox renewed his request, Nixon “asked” Attorney General Richardson to fire the special prosecutor. In an event that has become known as the Saturday Night Massacre, Richardson refused and resigned. The White House then turned to Ruckelshaus. Then White House chief of staff—and former general—Alexander Haig told Ruckelshaus, “Your Commander-in-Chief has given you an order and its your duty to obey him” (emphasis added). Ruckelshaus refused and resigned—or was immediately fired, depending on who is telling the story. An appointee going into a position needs to have a good sense of where the line is that he or she will not cross in responding to a request to implement presidential policy, even if it means having to give up the position and the emoluments that come with it.

As someone who supported Barack Obama during the primary and general election—and was influenced by his apparent decision-making style, ability to communicate, and positions on issues with legal underpinnings—I would not anticipate that an appointee in his administration would face some of the situations faced by those in the Nixon and George W. Bush administrations. Nonetheless, an appointee needs to be mindful of the nature, origin, and method of communication—and the other considerations noted earlier—relative to presidential policies he or she may be expected to implement.

**Question 2: What is my position and role in my agency, how did I come to be there, and what is my relationship to others in the agency and the administration?**

All agencies, all positions, and all appointees are not created equal when it comes to implementing presidential policy—and those differences can be critical. Agencies have widely divergent missions and relationships with the White House, as well as different internal norms, resources, and constraints (which I will develop more fully in the next section). The heads of cabinet-level departments (and major agencies) are certainly not equal, differing not only as to the responsibilities they have but also as to their reputation; their experience in the agency, government, or private sector; and their relationships with the president, members of Congress, and key stakeholders or constituency groups. Those individual differences denote strengths and limitations when it comes to the implementation of administration policy that affect not only what and how they can achieve but also what their subordinate presidential appointees can achieve and how they might achieve it. An appointee who is perceived to have a close relationship with the president may have some advantages in implementing policy from which his or her subordinates also may benefit. However, if the president is not viewed with favor in a particular department, that asset becomes a liability and an impediment to implementing agency policy.

Robert F. Kennedy, as the brother and confidant of his brother, and John Mitchell, former law partner and campaign manager for President Nixon, were very differently situated as attorney generals than, for example, Alberto Gonzales. Although a confidant of the president, Gonzales came under attack for policies
that he and the increasingly unpopular George W. Bush had pursued. Also differentially situated in other ways were Edward Mukassey, Edward Levi, and Elliot Richardson, all brought in at different times to try to restore confidence in the DOJ.

Similar contrasts can also be seen at the EPA. Anne Gorsuch was a relatively unknown Colorado attorney and legislator when she was nominated as EPA administrator in 1981, and she came into the position as someone who was perceived—at least by the environmental community—as indifferent, if not hostile, to the EPA’S mission. By way of contrast, Bill Ruckelshaus’s return in 1983 was greeted by tears of joy from employees at the demoralized agency. Lee Thomas, who did not have a personal connection with the president, became administrator after having already demonstrated exceptional competence as a manager in the agency. When nominated as administrator by George W. Bush, Stephen Johnson had spent two decades in the agency, most of the years in a career position.

My USDA experience illustrates the effect of a different set of factors. The deputy secretary was the late Richard Lyng, who had a close relationship with President Reagan, having served as Reagan’S agriculture secretary in California. The secretary was Jack Block, who came to the position from Illinois, where he, too, had served as the state secretary of agriculture. Block had been promoted for the position by Senator Robert Dole, a powerful voice in the Senate, and by the Midwestern grain interests that wanted the secretary to come from a grain and animal production area—rather than the fruit- and vegetable-growing California. Block and Lyng worked well together, but it was important to keep in mind where their respective support came from as policies were developed and implemented in the department.

Subordinate appointees in positions such as general counsel and assistant secretaries for administration, communications, and intergovernmental affairs often have a mixed portfolio when it comes to policy implementation. Some may have direct responsibility for implementing some policies, and they also may be in a position to affect, for better or worse, implementation by their colleagues who have direct responsibility for implementing other policies. Interpersonal relationships and varying perceptions of roles often determine the degree of cooperation, or lack thereof, that is offered. They also may gain from, or be limited by, many of the same factors noted earlier concerning cabinet officers—namely, their reputation, experience in the agency, experience in government or the private sector, and relationships with the president, members of Congress, and key stakeholder or constituency groups. Some of these same considerations come into play and introduce significant complexities when policy implementation has to occur across agencies—and among appointees—with competing interests and agendas. Professor Durant notes the critical nature of effective coordination in such instances.

One other consideration merits note—namely, perceptions of why the appointee is in the position and how long he or she is likely to be there. Is the appointee a short-timer seeking to burnish his or her credentials and move on to another position or to leave government and cash in on government service? Conversely, is the appointee someone who is committed to staying in the position for the president’S term in order to see programs and policies get funded and implemented? The answers to those questions can have a critical bearing on whether an appointee gets cooperation from other appointees and from career staff.

**Question 3: What is the internal agency context—the norms, personnel, legal authorities, resources, and constraints that need to be taken into account?**

Professor Durant puts in appropriate perspective the oft-cited view that problems with the implementation of presidential policy can all be laid at the hands of a hostile career bureaucracy. He also identifies a number of other internal factors that can influence whether, and how, a given presidential policy might be implemented successfully. When considering how to proceed in implementing a given policy, I certainly would want to have a sense of how the policy fits with the mission, culture, and history of the agency, as well as how it is likely to sit with the career staff.

Just as presidential appointees bring different backgrounds and knowledge to their positions and may have differing sets of loyalties and policy preferences, one would expect to find similar differences in the career ranks. An appointee should go into an agency with an attitude of respect for the career employees, the role they play, their capabilities, and the expectation that they will assist in good faith in fulfilling the mission of the agency or the unit. Moreover, where the appointee finds that expectations are not met and encounters an impediment to implementing reasonable policy objectives, the appointee needs to make a careful assessment of the
reasons. As Durant indicates, the appointee may find there are legitimate reasons that need to be taken into account as he or she proceeds.

Where an appointee anticipates or experiences resistance from the career employees—or indeed, from other appointees in the same or other agencies—he or she should ascertain the rationale for the resistance. It might actually change the appointee’s own view as to how he or she should proceed. Do the resisters have some relevant knowledge about the history or context of the issue, the legal authority or lack thereof, or policy considerations that may not have been adequately considered?

One lesson I learned from Bill Ruckelshaus early on in my career at the EPA is the wisdom of involving career employees in most decisions before they are made and announced. This not only allows employees to see an open process that they can contribute to, but also allows for possible objections to be addressed or comfortable responses prepared for when and if they surface publicly. It can also help prevent leaks that might be damaging or fatal to the successful implementation of the policy. Sometimes the ability to implement a given policy turns more on making sure adequate human resources with the necessary skill mix are in place. In some other instances, it may be necessary to try to influence or change behavior—or remove, run over, or run around the obstacle.

Professor Durant notes many of the significant internal agency factors that an appointee needs to consider as he or she embarks on implementing a given policy. The factors I would want to assess include the following: Is it consistent with the agency’s mission and culture? Do I have the legal authority I need, can the authority be interpreted to allow it, or is the action barred unless or until I can get a legislative or administrative fix? Is the agency structured, or does it have the processes in place, to facilitate implementation—or might the structure or process constrain success? Do I have the human and fiscal resources I need, and if not, how can I get them? Is there flexibility within the agency to provide them, can I obtain them through an existing or new contract, or do I need action by the Office of Management and Budget or an appropriations committee to secure them?

One other consideration noted by Professor Durant and addressed in some of the literature he cites is whether and how the policy implementation might be tracked in a performance tracking system. Certainly, this is a question that one would want to address at both the presidential level as well as the agency level. In some instances, the president himself is on the line to do so—for example, as illustrated by President Obama’s establishment of the Transparency and Accountability Board headed by Vice President Joe Biden to closely track the expenditures under the economic recovery legislation. In other instances, the tracking might be done in the Office of Management and Budget, in an agency management system, or by including the matter in the performance standards for an individual manager. Some policy implementation does not require such formal tracking—and, in other cases, it might be unwise to do so.

In short, a wide range of internal considerations should influence how an appointee goes about trying to implement presidential policy. Moreover, any approach should take account of these factors and contain a feedback loop should additional insights be obtained as planning and implementation goes forward.

Question 4: What elements in the larger political and social context may provide support or resistance or impose constraints on my efforts?

Professor Durant, and a number of the researchers whose work he cites, correctly notes that an appointee who fails to take appropriate notice of the larger political and societal contexts in which the attempted policy implementation will take place does so in peril of decreasing his or her odds of success. The context external to the administration and the agency is very likely to contain potential support, resistance, and constraints. Washington, D.C., is an environment where power is atomized, with relatively few pockets of absolute power, and where it is often easier to block or frustrate a new policy than it is to promote or implement it. In the last few decades, there has been an exponential increase in the number of knowledgeable individuals on congressional staffs, in interest groups and think tanks, and in “talking heads” on cable television, as well as an increase in the sophistication of the techniques for analyzing, communicating, and pursuing policy issues. Groups more frequently turn to the courts to seek redress, contending that presidents and agencies have overstepped their bounds. The consequence, more often than not, is gridlock, with one group of interests checking another.

Because the need to consider these external factors—and the different forms in which they may be evidenced and affect policy implementation—is well documented, I do not think it is necessary or useful to detail or expand on it in this essay. I would note that some of the vocabulary and the constructs used in the academic literature and the terms and constructs that appointees might use sometimes differ—but I believe there should be, and most cases is, a consistent understanding between the academy and the practitioner of what those factors are and why it is important to consider them.
Conclusion
A presidential appointee who is charged with responsibility for implementing a given presidential policy needs to take into account a wide range of considerations in determining how—and even in a few cases whether—to do so. There is an almost infinite variety of presidential policies, each with its own individual characteristics and permutations. There may be important differences in the nature of these policies, as well as how they are developed and communicated. There also are likely to be unique circumstances that should be taken into account concerning the appointee, the agency in which he or she is operating, and the external context in which the implementation is taking place. These may provide support or pose resistance or constraints. The large number of variables makes it very difficult—if not impossible—to produce a coherent, useful set of guidelines for appointees that will apply and have utility across the board. Some situations are so straightforward as to require little thought on the part of the appointee to implement successfully, while many others are so fraught with complexities as to require individually nuanced approaches. At the same time, the documented experience other appointees have had in similar circumstances can serve as useful reference points.

Acknowledgments
The author wishes to thank Professor Sarah Jane Hughes of the Indiana University–Bloomington Maurer School of Law for her comments and editorial assistance in the production of this article. Errors of omission or commission are the author’s alone.

One of the best things about being a member of ASPA is easy access to the entire history of PAR at our fingertips. Why? Not just because PAR is one of many journals we need to keep up with the ongoing work in public administration, but because PAR has served as the foundation of the discipline for over 66 years. In practice, this means that there are literally thousands of articles that we may need but must somehow discover.

As with so much in our discipline, creating easy access to PAR essays sounds good in theory but presents some challenges in practice. With so many articles available, we are left to figure out which ones are important to look for and why. Such is the nature of our business.

To assist with making your selection, PAR is developing a roadmap for quickly finding and obtaining the articles published in PAR since 1940, that form the foundations of public administration. Three resources are being developed to help you:

- **The Foundations of Public Administration Series** is a collection of articles to be written by experts in 20 content areas who will provide references and guidance to find and use the literature we need in those areas, both from PAR and other sources.
- **How to use PAR in the Classroom** provides practical advice and resources for teachers and students in order to use relevant PAR articles in classes, and offers tips for teaching.
- **Model Syllabi** provides a starting point for instruction and organizing the contents of each field for the classroom.