

## **Modern Presidents and the Transformation of the Federal Personnel System**

In this paper I review the causes and consequences of key changes in the federal personnel system in the modern presidency. I first describe the contours of the federal personnel system at the end of the Truman Administration and the problem this system created for presidents. I then detail three changes to this system that emerged in response to the insularity of the civil service system at Mid-Century. I conclude by reviewing how the changes in the personnel system influence presidential efforts to control and manage the administrative state. I note how the short-term incentives of presidents to get control can lead to long term difficulties controlling the administrative state.

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One of bitterest areas of dispute between the president and Congress during the Bush presidency was federal personnel. From allegations of cronyism to the fight over a new personnel system in the Department of Homeland Security, the president and Congress struggled over how much control the president and his subordinates would have over federal personnel. The fierceness of this struggle was magnified because of its connection to the 9/11 terrorist attacks and the Federal Emergency Management Agency's poor response to Hurricane Katrina.<sup>1</sup> The president sought more control over the administrative state for himself and his subordinates to better enable him to respond to crises. Democrats in Congress, however, worried about how the president's choices would influence performance.

This inter-branch struggle over personnel decisions is an enduring feature of American politics and it illustrates a fundamental tension in American democracy. Elected officials want a bureaucracy that is responsive to political direction but in order for this bureaucracy to be effective it must be somewhat insulated from political interference. Indeed, the original justification for the creation of a merit-based civil service system in 1883 was to insulate government administration from politics. Reformers reasoned that the creation of a civil service based upon merit would remove the harmful effects of spoils on administration and allow the bureaucracy to recruit, cultivate, and retain administrative officials with useful expertise and thereby improve government performance.<sup>2</sup>

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<sup>1</sup> For a description of the struggle over the personnel system in the Department of Homeland Security see Lewis 2005. For examples of the charges of cronyism in the Bush Administration see Fonda, Daren, and Rita Healy. 2005. "How Reliable is Brown's Resume?" *Time Magazine*, September 8, 2005 (<http://www.time.com/time/nation/article/0,8599,1103003,00.html>, last accessed May 19, 2009); Eggen, Dan, and Spencer S. Hsu. 2005. "Immigration Nominee's Credential Questioned." *Washington Post*, September 20, 2005, A1; Eggen, Dan, and Amy Goldstein. 2007. "U.S. Attorney Was Fired to Make Room for Rove Protégé." *San Francisco Chronicle*, March 23, 2007, A4 (<http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2007/03/23/MNGE3OQH1N1.DTL>, last accessed November 12, 2009).

<sup>2</sup> See, e.g., Kaufman 1965, Skowronek 1982, U.S. Office of Personnel Management 2003, Van Riper 1958.

During the Twentieth Century, Congress and the president delegated increasing amounts of authority to bureaucratic officials, particularly in the period starting with the New Deal. Not surprisingly, modern presidents have sought to exert control over the burgeoning administrative since they are held accountable for the functioning of the entire government.<sup>3</sup> The catalytic event in this history was the New Deal which dramatically expanded the authority, scope, and complexity of the administrative state. Modern presidents after the New Deal inherited a government that looked dramatically different than presidents in office prior to this period.

In this paper I review key changes in the federal personnel system throughout the modern presidency. I first explain the contours of the federal personnel system at Mid-Century. I describe the expansion of the civil service merit system and how this system had grown increasingly insulated from presidential control. I then explore three changes to the personnel system that emerged in response to this insularity and review how these changes influence presidential efforts to control and manage the administrative state. I note how the short-term incentives of presidents to get control can lead to long term difficulties in controlling the administrative state. I conclude by discussing how changes in the federal personnel system illuminate the uncomfortable position of bureaucracy in American democracy.

### **The Administrative State at Mid-Century**

The end of the Truman Administration was a turning point for the administrative state in the United States. Twenty years of unbroken New Deal politics and Democratic control of the presidency had dramatically expanded the national government. Congress and the president created scores of new agencies and federal employment expanded from 603,587 employees in

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<sup>3</sup> See Moe 1985 and Moe and Wilson 1994.

1933 to 3,332,356 by 1944.<sup>4</sup> These new agencies and personnel managed scores of new programs created to respond to economic crisis, mobilize for and prosecute a war, and fulfill Roosevelt's New Deal vision. Important national issues such as market regulation, transportation planning, and social welfare policy were addressed primarily by administrative officials to whom Congress and the president had delegated large amounts of authority. Congress had been motivated to delegate such authority to administrative actors for a variety of reasons, including the perceived technocratic expertise of administrative officials.

The changes in the nature of government were institutionalized in an administrative state that looked dramatically different than the one that Roosevelt encountered when he assumed office. The different form of national government was the due as much to an increasing insularity as to its size. An overwhelming percentage of national employees were civil servants, working under a merit-based personnel system defined in law (Title 5 U.S. Code). During the period between 1883, when Congress created the civil service system, and 1953, when Truman left office, the proportion of government employees covered by the merit system had expanded steadily from an initial proportion of only 10.5 percent of federal employees to close to 90 percent.<sup>5</sup> The scope of the merit system itself had also expanded. Whereas, the initial civil service system included only merit requirements for appointment, the merit system at mid-Century looked quite different. Protections against partisan dismissal of federal employees were added in the late 1890s. Federal workers gained the right to unionize in 1912.<sup>6</sup> Pay equity and retirement provisions were added in the 1920s and partisan political activity by civil servants was

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<sup>4</sup> See Carter et al. 2006, 5-127.

<sup>5</sup> See Lewis 2008, ch. 2. For a good review of the differing explanations for the adoption of civil service reform see Theriault 2003. For work detailing the creation and expansion of the merit system see Carpenter 2005, Johnson and Libecap 1994; Nelson 1982; Raadschelders and Lee 2005; Skowronek 1982; Van Riper 1958; White 1958.

<sup>6</sup> Their right to unionize was conditional on their joining unions that would not strike. The Lloyd-Lafollette Act (1912), which gave federal workers the right to strike also protected from dismissal for any reason other than efficiency. See Lewis 2008, ch. 2 and West 2006.

prohibited in 1939.<sup>7</sup> The vast majority of federal employees were to be selected on the basis of merit and their work was governed by specific rules for pay grades, advancement, and tenure. They could not be fired, demoted, or transferred without cause and they gained rights of appeal when confronted with adverse personnel actions. Even those employees outside the traditional merit system usually worked in agencies with merit systems of their own (e.g., Foreign Service, Tennessee Valley Authority). A small number worked in jobs overseas for which merit rules were impractical and probably unnecessary as a protection against patronage. There remained a cadre of jobs reserved for political selection but these were declining in number and the filling of these jobs, particularly at the lower levels, was largely dictated by the national parties or members of Congress used to having a say in appointments.

Not only had the national government changed during the New Deal, but the presidency had as well.<sup>8</sup> National expectations for public leadership had changed due to the lengthy national crises that had turned the public's attention to the president. Representatives in Congress had deferred to the president, delegated authority requested by the president, and passed the president's program. New habits created through repeated action stuck, reinforced by new understandings of what was considered normal. Presidents were loath to give back authority gained through explicit or implicit delegation or deference. The president's partisans in Congress were usually unwilling to limit the power of their party's president. These changes were reinforced by new power lodged in the presidency due to changes in presidential elections, new communications technology, and the advent of the Cold War. Presidents were expected to lead and their success or failure in accomplishing what they set out to achieve increasingly required that presidents actively control the departments and agencies of government. The permanent

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<sup>7</sup> For a nice review see U.S. Office of Personnel Management 2003.

<sup>8</sup> For the classic treatment of how the presidency at Mid-Century was fundamentally different than prior to Roosevelt's tenure see Neustadt 1990 [1960].

government set and implemented policies critical to the success and failure of the president and nation.

By the end of the Truman Administration, the disconnect between the president's felt need to manage the administrative state and the president's resources to do so had been clear for some time. Yet, this was less of a problem for Roosevelt and Truman than it would be for their successors. Roosevelt had the opportunity to populate a significant portion of the expanding national government. He took office at a time when a smaller proportion of federal employees were under the merit system and the proportion of federal employees under the merit system would initially fall during his tenure. The agencies created during the new deal were staffed outside the merit system. Of the close to 60 new agencies created during the New Deal, only 5 were staffed with employees approved under competitive examinations.<sup>9</sup> Roosevelt argued that the Civil Service Commission, the agency responsible for administering civil service exams and managing employment lists, did not have the capacity to manage the staffing needs of the new agencies. The decision to staff these agencies outside the civil service system provided Roosevelt a means of selecting personnel sympathetic to the Democratic Party and the New Deal more generally. It also provided him a means of shoring up the strength of the Democratic Party, particularly the portion of the party sympathetic to the New Deal. As Roosevelt's tenure progressed, he eventually began to add the personnel working in New Deal agencies to the merit system. While in 1932 the proportion of federal employees covered by the merit system was 80 percent, by the end of his first term it had dipped to close to 60 percent. By 1941, however, 71 percent of federal employees were included in the traditional merit system even with the substantial growth in federal employment. The responsiveness of the merit system represented

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<sup>9</sup> Van Riper 1958, 320.

less of a concern for Roosevelt, and later Truman, since much of the federal service had been created and staffed under these presidents.

The fact that a significant portion the growing civil service was selected under FDR did not eliminate his concerns for managing the executive branch. In 1936, sensitive to criticisms of his management during the election year, Roosevelt commissioned the President's Committee on Administrative Management, also referred to as the Brownlow Committee after its chairman, Louis Brownlow. In 1937 the committee produced a sweeping report that famously concluded that "The president needs help." The committee's recommendations ultimately led Congress to create the Executive Office of the President (EOP) and a more formal, institutionalized staff for the president. Among other components, the EOP included the Bureau of the Budget, an important source of executive expertise, but also a nascent White House Office that provided personal staff directly to the president to help the president manage his responsibilities, including those as chief executive. Under President Truman this staff expanded and Congress added more staff agencies to the EOP including the Council of Economic Advisers and the National Security Council.

### **Modern Presidents Try to Take Control**

By the advent of the Eisenhower Administration, however, the administrative state was as professionalized and insular as it had ever been. The expectations of presidential leadership had rarely been greater but the avenues of presidential influence were few. It is in this context that the changes to the permanent government in the last 50 years must be understood. Modern presidents have sought to exert control over this administrative state through a variety of means such as expanding the White House staff and centralizing control over federal regulatory

policy.<sup>10</sup> I focus primarily here, however, on modern presidents' actions to increase control over federal personnel by increasing the number of appointees, improving the White House personnel operation, and overseeing the fragmentation of the traditional merit system.

### *Increasing Appointees*

When President Eisenhower assumed office in 1953, he was confronted by an administrative state built and staffed by his Democratic predecessors. He could neither select many of the policy makers that would set national policy nor did he have many jobs to give out to help him build coalitions in the party and legislature, essential for accomplishing policy goals through other means. The nascent White House staff would help but it was only a fraction of the size it would become under later presidents. Eisenhower responded by creating a whole new class of politically appointed positions called Schedule C appointments.<sup>11</sup> The creation of this new class of appointees authorized the addition of over 800 to 1,000 new appointed positions to the government.<sup>12</sup> Whereas positions such as director or assistant director of key government agencies such as the Soil Conservation Service or US Fish and Wildlife Service were previously filled by career professionals, Eisenhower's order opened these positions up to political appointment. President Eisenhower did not use all of the new authority to expand his control over the bureaucracy or his party's patronage opportunities. His successors, however, did. They not only increased the number of Schedule C positions but increased the number of appointments more generally.

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<sup>10</sup> See Dickinson 1997, Moe 1985, Moe and Lewis 2009 and Nathan 1975.

<sup>11</sup> Lewis 2008, ch. 2.

<sup>12</sup> While Schedule C positions still exist, they are reserved primarily for persons serving in policy or confidential positions in non-managerial roles. Those appointees with significant policymaking responsibilities are now included in the Senior Executive Service or are serving in Senate-confirmed positions.



Since the Eisenhower Administration the number and percentage of political appointees in the national government has more than doubled, with increases often coming during periods when Congress and the president were controlled by the same party (Figure 1). At the end of the Eisenhower administration there were about 1,775 appointees in key executive branch positions compared to 3,250 in 2009.<sup>13</sup> The growth in the number of federal programs and agencies in the latter half of the Twentieth Century partly explains the increase in appointees but so also do the self-conscious actions of presidents to expand executive power. For example, President Carter's lobbying led to the passage of the Civil Service Reform Act in 1978 and creation of the Senior Executive Service (SES).<sup>14</sup> The SES is a corps of 8,000 senior level managers that govern at the very top levels of the executive hierarchy. Up to 10 percent of the SES can be politically appointed from outside the civil service. The Act is responsible for the largest one-time increase in political appointments since the Eisenhower Administration.<sup>15</sup> The creation of the SES not only allowed the president more executive control via an increase in appointees. It also gave presidents the authority move or transfer career members of the SES from one position or agency to another with significantly fewer constraints than existed in the traditional merit system.

**Insert Figure 1 here.**

While there have been increases in the number and percentage of appointees the new appointees have not been added evenly across the departments and agencies. Presidents have added appointees in strategic locations to increase presidential influence where it is most needed

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<sup>13</sup> This count excludes ambassadors, U.S. marshals, U.S. attorneys, White House personnel, and other appointees not employed in full-time salaried positions.

<sup>14</sup> As OPM's official history explains, "Among its primary aims, the Civil Service Reform Act of 1978 sought to strengthen Presidential control over the Federal bureaucracy." U.S. Office of Personnel Management 2003, 167. See also Rosenbloom 1979, 171; Sawyer, Kathy. 1978. "Plan Aimed at Making Government Responsive." *Washington Post*, March 3, 1978, A1.

<sup>15</sup> Not all of the 800 possible appointed positions under the new SES would be new. Some of the new appointees in the SES were appointees under an older system called the noncareer executive assignment system. Interestingly, the number of Schedule C appointees also increased during the Carter Administration.

and most effective. One place where appointees have increased noticeably is in the agencies responsible for the budget and federal personnel. Two agencies that have experienced the largest increases in the number and percentage of appointees are the Office of Management and Budget (OMB) and the Office of Personnel Management (OPM). From the end of the Eisenhower Administration the total number of appointees in the Bureau of the Budget/Office of Management and Budget has increased from 11 to 37 while employment increased from 437 to 513. The Civil Service Commission, which had 3 appointees in 1960, was reorganized into several agencies as part of the Civil Service Reform Act of 1978. The primary successor to the Civil Service Commission, the Office of Personnel Management, has about 30 appointees, compared to three in the Civil Service Commission. These two agencies have among the highest percentages of appointees (at 7.21 percent and 0.86 percent, respectively) of all agencies. In both cases, presidents drove the efforts to increase the depth and penetration of appointees in order to expand executive control over the levers of administrative power via budgetary and personnel authority.<sup>16</sup>

Presidents have also regularly added appointees to agencies that do not share their views about policy. When presidents assume office they encounter an administrative state with scores of distinct departments and agencies. Some of these agencies share the president's views about what policy should be and some do not.<sup>17</sup> A portion of these agencies will do what the president prefers without much direction from the White House. Others require more direct involvement by the president and his staff. For example, an agency's career professionals may prefer more federal activism in public works or environmental regulation than the president based upon their professional opinion or interpretation of agency statutes. Left on autopilot, these agencies will

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<sup>16</sup> For details of the increase in appointees in the Bureau of the Budget/Office of Management and Budget see Hecló 1975. For details of the increase in the Civil Service Commission/Office of Personnel Management see Lewis 2008.

<sup>17</sup> For a details of how agency preferences differ see Bertelli et al. 2009 and Clinton and Lewis 2008.

craft, implement, and enforce policy in a way that is inconsistent with the president's agenda. Presidents see additional appointed positions as an important tool in pushing their agenda through the administrative state. They have used this tool liberally since Mid-Century.

The expansion of appointed positions has also provided presidents a means of satisfying patronage demands. New presidents face tremendous pressures to reward campaign work, repay political debts, and incur good will through the shrewd distribution of government jobs. Rewarding hardworking staff or key supporters induces future support of the president and his party. At the start of a new administration, presidents receive thousands of resumes for a few thousand appointed positions. After the most recent presidential election, President Obama's personnel staff received over 300,000 resumes through their change.gov website.<sup>18</sup> The proliferation of appointed positions, particularly outside the cabinet to advisory commission posts, part-time work, or honorific positions provide one means of satisfying influential supporters who want a taste of Washington social life and prestige but are not prepared to take or qualified for more influential policymaking positions. An increase in staff or political positions, particularly in agencies with policy commitments close to the core policy commitments of the president's party, provide a means of rewarding loyal but less experienced "priority placements."

### *Improving the White House Personnel Operation*

While modern presidents have increased the number and penetration of appointees into the insular administrative state, they have also continued to improve the White House personnel operation and use it to more effectively assert control over appointments. President Truman was

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<sup>18</sup> Desjardins, Lisa. 2008. "Obama Transition Sees Eye-Popping 300,000 Resumes." CNN.com (<http://www.cnn.com/2008/POLITICS/12/22/obama.jobs/>, last accessed December 16, 2009).

the first president to have a White House aide specifically assigned to handle personnel issues.<sup>19</sup> At least through the Eisenhower Administration it was common for the national party to set up an office across from the White House after an election to handle patronage appointments for the president. Since the presidency of John F. Kennedy, however, the White House has increasingly internalized personnel decisions and professionalized and institutionalized this operation. The personnel staff of three employed by President Kennedy grew to twenty-five or thirty in the Nixon White House. Modern presidents can employ close to a hundred persons during the height of the presidential transition. These staffs routinely now include professional recruiters and are organized into distinct units whose work is aided by defined processes and computer systems that help handle the flow of paper and communications coming from interest groups, campaign staff, the national party, and influential donors and members of Congress.

Presidents have asserted more control of the appointments process at the expense of the national parties, department heads, and members of Congress. For most of the nation's history, presidents were directly involved in the selection of persons for key positions in government such as cabinet secretaries. The increased independence of presidential candidates from the national party and changing role of the president in national politics, however, have loosened the control of party and Congress over government personnel and recent presidents have extended their influence over all appointed positions. Starting with President Reagan, presidents have regularly asserted control of appointments down to the lowest levels.<sup>20</sup> For example, one personnel official in the Clinton Administration recounted how incoming cabinet secretaries were told clearly that, "These positions are Bill Clinton's, and he appoints them—the Senate-

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<sup>19</sup> For historical details of the development presidential personnel office see Pfiffner 1996, Patterson and Pfiffner 2001; Weko 1995.

<sup>20</sup> Presidents Nixon and Carter initially promised cabinet secretaries control over the selection of subordinate appointees only to try and reclaim this power later.

confirmed positions, the non-career SES positions, and the Schedule C positions—he selects them.”<sup>21</sup> This is not to say that cabinet secretaries have no say over the selection of their subordinates. Rather the White House and the agency head work together to find appointees suitable to both parties. The White House defers to some agency heads more than others in selecting personnel, often because of a personal trust between an agency head and the president or because the national prestige of the agency head gives the nominee leverage with the White House. While agency heads may refuse to accept appointees from the White House and the number and amount of influence are negotiated, it is now rare for agency heads to view appointed positions proprietarily.

The president has exerted more control over appointments for the purpose of using these positions to accomplish the president’s policy and political goals. For example, the development of a high capacity professional staff has allowed presidents to select appointees more carefully on the basis of loyalty. Increased staff and resources have made presidents less reliant on the recommendation of others in the selection of personnel. This makes it easier to reward candidates personally loyal to the president as opposed to party loyalists who often were more proximately loyal to a patron in Congress or the administration. The increased attention to loyalty has increased presidential influence in the administrative state.<sup>22</sup>

Control over a greater number of positions, coupled with an increased capacity, also maximizes the president’s ability to distribute federal jobs for the greatest political effect. The shrewd distribution of federal jobs is an important source of political capital for the president. The augmentation of the personnel operation has allowed presidents to spend this political

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<sup>21</sup> Lewis 2008, p. 24.

<sup>22</sup> Nathan 1975, Weko 1995.

capital more effectively for the accomplishment of presidential goals by rewarding friends and punishing enemies by the giving and withholding of patronage.

### *Breaking up the Unitary Merit System*

During this same time period the civil service has undergone a dramatic transformation that has made it more porous, more flexible in parts, but also more fragmented. Whereas close to 90 percent of federal civilian employees were included in the traditional merit system in 1953, today fewer than 50 percent of federal civilian employees remain in this system (Figure 2). Since Mid-Century, the monolithic one-size-fits-all merit system has been in steady decline. This system has been replaced by a growing number of agency-specific personnel systems with their own rules and processes. The United States Postal Service (1970); the Federal Deposit Insurance Corporation (1989), the Office of the Comptroller of the Currency (1989), the Office of Thrift Supervision (1989), the Federal Aviation Administration (1996), and the Internal Revenue Service (1998) are among the agencies that asked for and received authority to create their own personnel systems during this period.

**Insert Figure 2 here.**

Agency executives often asked for this authority in order to help them recruit employees with specific hard to acquire skills. The case for personnel flexibility was sometimes aided by visible scandals. Executives have also sought increased personnel authority to better enable them to manage their agencies. During the Bush Administration, for example, the President fought vigorously to give the Department of Homeland Security and the Department of Defense

authority to create their own personnel systems.<sup>23</sup> During negotiations over the creation of the Department of Homeland security, the primary point of disagreement between the president and Congress was personnel.<sup>24</sup> President Bush argued that executives in these agencies needed increased executive and personnel flexibility in order to effectively manage government resources and fulfill the mission of the agency. The law, as enacted, provided the president most of what he asked for, including the authority to create a new personnel system in the Homeland Security Department. In 2008, however, the department announced that it would scrap plans for the new personnel system after Congress refused funding for the system.<sup>25</sup> Had Bush's plans for Homeland Security and Defense been effectively implemented, fewer than 30 percent of federal civilian employees would have been included in the traditional merit system.

The move away from one unifying merit system, while halted by Congress's recent actions, seems to be a trend. Agencies continue to ask for more personnel authority and presidents continue to seek ways to get more control over the civil service, from Eisenhower's creation of Schedule C appointments and Carter's push for the creation of the Senior Executive Service.<sup>26</sup> President Clinton's efforts to "Reinvent Government" were partly an attempt to enhance executive control by making government more nimble, flexible, and better able to use its existing human capital more effectively.<sup>27</sup> President Bush's efforts to expand government contracting can be traced back to the efforts of the Clinton Administration in the 1990s. These

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<sup>23</sup> Christopher Lee, and Vernon Loeb, "Pentagon Assails Work Rules: Senate Panel to Hear Rumsfeld Request for Freedom from Civil Service Laws," *Washington Post*, June 4, 2003, p. A25 (on-line edition).

<sup>24</sup> The president also sought negotiated with Congress over a few other issues of executive control such as reorganization authority, spending flexibility, and exceptions from freedom of information rules. See Lewis 2005.

<sup>25</sup> Ballenstedt, Brittany R. 2008. "Homeland Security Scraps Plans for Personnel System." *Government Executive Magazine*, October 2, 2008 (<http://www.govexec.com/dailyfed/1008/100208b1.htm>, last accessed December 15, 2009).

<sup>26</sup> See, for example, Tanya N. Ballard, "NASA Chief Defends Personnel Flexibility for Management Plan," *Government Executive Magazine*, July 18, 2002, (<http://www.govexec.com/dailyfed/0702/071802t1.htm>, last accessed December 15, 2009).

<sup>27</sup> Arnold 1998.

efforts at making the federal establishment more responsive to executive direction enhance presidential power and make it more accountable but they also have ironic consequences for government performance. It is to this aspect of the personnel system changes that I now turn.

### **Consequences of Presidential Action for the Administrative State**

Presidential actions, intended to make the civil service more responsive, have had long-term consequences for the administrative state. Since presidents face a four year electoral cycle and a two-term limit (created by the twenty-second amendment), they have often made decisions with the short-run benefit of their administration in mind rather than the long-term interest of the presidency. This has led to the ironic outcome that some efforts to increase presidential control of the administrative state have in some ways made it harder to control this administrative state. I focus specifically on how presidential actions have influenced the ability of the federal government to recruit and retain career executives, increased executive turnover, and made centralized control of the personnel system more difficult.<sup>28</sup>

The increase in the number and penetration of presidential appointees into the administrative state, partly enabled by the increased capacity of the White House personnel operation, has made it harder for federal agencies to recruit and retain high performing civil servants.<sup>29</sup> The increase in the number of appointees in the federal government has allowed presidents to reach down more deeply into the administrative state. Presidents are better able to monitor agency activities, direct administrative policymaking, and hold accountable top executive officials. Yet, when the top jobs in pay and responsibility in federal agencies are no longer accessible to career professionals, the federal government has a hard time retaining them

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<sup>28</sup> Other important work focuses on how increases in appointees contribute to harmful layers of bureaucracy. See Light 1995.

<sup>29</sup> See Gailmard and Patty 2007; Lewis 2008.



or recruiting bright new employees to replace them. Both newcomers and old-timers can forecast what a future career will look like within the agency. If they know they ultimately will not have access to the jobs with the highest pay and greatest influence they have less incentive to stay. The best careerists leave the agency or do not come in the first place. This makes it difficult for agencies to build capacity or keep it from eroding.

The increase in presidential appointees has created an environment where careerists have fewer incentives to invest effort in cultivating useful agency-specific expertise or skills. As government work has become more complex, agency or policy-specific knowledge is essential. The federal government depends upon career professionals for knowledge about specific policies as well as agency clients and stakeholders. Career professionals are relied upon to relay information about agency folkways and the nuts and bolts of how the agency works (e.g., accounting, records, and personnel systems). Career employees must invest time and effort to learn this information. Yet, if presidents or their appointees regularly overturn agency decisions, ignore the advice of career professionals, or do not reward their effort careerists lose their motivation to expend the effort. Agency performance suffers as a result. Without the motivation of influence, pay, or promotions, career professionals have less of an incentive to invest in developing crucial skills and expertise that make the agency more effective. An increase in appointees decreases the chances that careerists will have influence in the agency and this reduces their incentives to work hard or invest effort that may be wasted.

The increase in appointees during this period created higher executive turnover rates in federal agencies. Higher turnover rates make it harder for presidents to manage the administrative state since presidents confront regular vacancies in key policymaking positions. During the presidencies from Carter to Bush, key Senate-confirmed positions were vacant, on

average, one quarter of the time according to one estimate.<sup>30</sup> The tenures of career professionals are also declining as fewer civil servants are joining the federal workforce and making a career of that work.<sup>31</sup> While the average career manager serves for five to seven years, Senate-confirmed appointees serve an average of 24 months.<sup>32</sup> Lower level appointees average even shorter terms.<sup>33</sup> Offices, programs, and divisions that were once managed by career professionals with long tenures are increasingly administered by appointees. Shorter executive tenure hurts performance by creating leadership vacuums and confusion about agency goals and priorities.<sup>34</sup> Appointees have a shorter time-horizon and have a harder time credibly committing to seeing new initiatives or reforms through. Career professionals working under appointees see appointees come and go and are naturally cautious since careerist efforts toward new initiatives may be wasted given the regularity of management turnover. Appointee turnover also disrupts working relationships among agencies with overlapping jurisdictions. Newly formed teams fall apart soon after they are formed because members leave. Work slows as new participants join and have to be integrated into the work.

Agencies that do not work well as a result of low capacity or high turnover cannot be responsive. Presidents may ask these agencies to perform but agencies are unresponsive because of a lack of ability. These agencies are harder, rather than easier, for presidents to control even though there are more appointed positions in these agencies.<sup>35</sup> The question then is why presidents continued to add appointees even when doing so was bad for performance. One reason is that the deleterious consequences of adding appointees do not emerge until well after a new

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<sup>30</sup> O'Connell 2009.

<sup>31</sup> Woodrow Wilson School of Public and International Affairs. Task Force on Government Service. 2009.

<sup>32</sup> In a recent 2007-8 survey of career program managers and agency administrators, the median length of service at the time of the survey was 5 years (Bertelli et al. 2009).

<sup>33</sup> Chang et al. 2003; Heclo 1977.

<sup>34</sup> For evidence that short executive tenures hurt agency performance see, for example, Boylan 2004, Heclo 1977, and Lewis 2008.

<sup>35</sup> See Huber and McCarty 2004.

position has been created, often into the next administration. Adding an appointee to get control of an agency or lead a new initiative often makes sense in the short run. A new appointee, selected carefully, can jump start a new program or drive change in an agency. Over the long run, however, after the issue has fallen off the president's agenda, the chances that appointee is carefully selected and equally competent are slim. Even if programs are consistently administered by very competent appointees, they still suffer due to increased turnover and the effects new appointees have on efforts to recruit and retain good career professionals.

A second reason why appointees persist is that new presidents do not systematically evaluate where it makes sense to have appointees and where it does not. Rather, each new administration begins with a roadmap of where the last administration had appointees and they start from there. This means that appointees added by a previous administration to get control of an agency or satisfy an idiosyncratic patronage demand remain even though the motivation for their creation no longer exists. Modern presidents have been loath to reduce the number of appointees since they allow presidents a means of executive control and a way of satisfying patronage demands.

The ongoing change from a one-size-fits-all personnel system to a personnel system comprised of a multitude of agency specific systems also creates a problem for presidential control. While the creation of individual agency-specific systems may enhance control for agency officials, it cumulatively hinders centralized presidential control. Few people understand how the myriad different personnel systems work in the Office of Personnel Management, much less the White House. Responsibility for oversight and monitoring of agency systems has largely devolved to the agencies themselves and the increased fragmentation of personnel

responsibilities has created significant monitoring problems.<sup>36</sup> This makes it hard for the president or Congress to centrally control personnel or personnel policy.

## **Conclusion**

This brief recounting of modern presidential efforts to get control of the administrative state illustrates nicely the uncomfortable position of the bureaucracy in American democracy. Modern presidents feel keenly the need to control the bureaucracy so that it produces policies consistent with the interests of the president's electoral constituency. Indeed, one difficulty with the civil service as Eisenhower encountered it in 1953 was that it probably did not share Eisenhower's views about policy. It was populated with persons selected under Democratic presidents and protected by civil service rules. Subsequent presidents have confronted similar problems, arguing that the civil service is unresponsive, sluggish, and risk averse often for good reason. Presidential intervention was arguably necessary to improve the performance of the civil service in order to get it to do what the public's popularly elected officials wanted it to do.

Yet, the president's efforts to get control can ironically make the bureaucracy less responsive over time. Presidents have increased the number of appointees, built up an apparatus that helps presidents select appointees with more care, and overseen the fragmentation of the merit-based civil service system. These actions in the aggregate, while enhancing presidential influence and administrative responsiveness, have also damaged the permanent government by making it harder to recruit and retain the best people in the public service, systematically increased executive turnover, and reduced presidential prospects for centralized control of the personnel system.

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<sup>36</sup> Ban and Marzotto 1984.

This tradeoff between accountability and the need for expertise preserved by insularity is made repeatedly in American democracy. It is elected political officials that make it. Presidents have pursued greater responsiveness to presidential direction, while legislators have been less sanguine, particularly when they did not share the same ideology or party affiliation as the president. The result for the American public has been a haltingly presidentialized administrative state, more accessible to presidents but not necessarily more effective or responsive.

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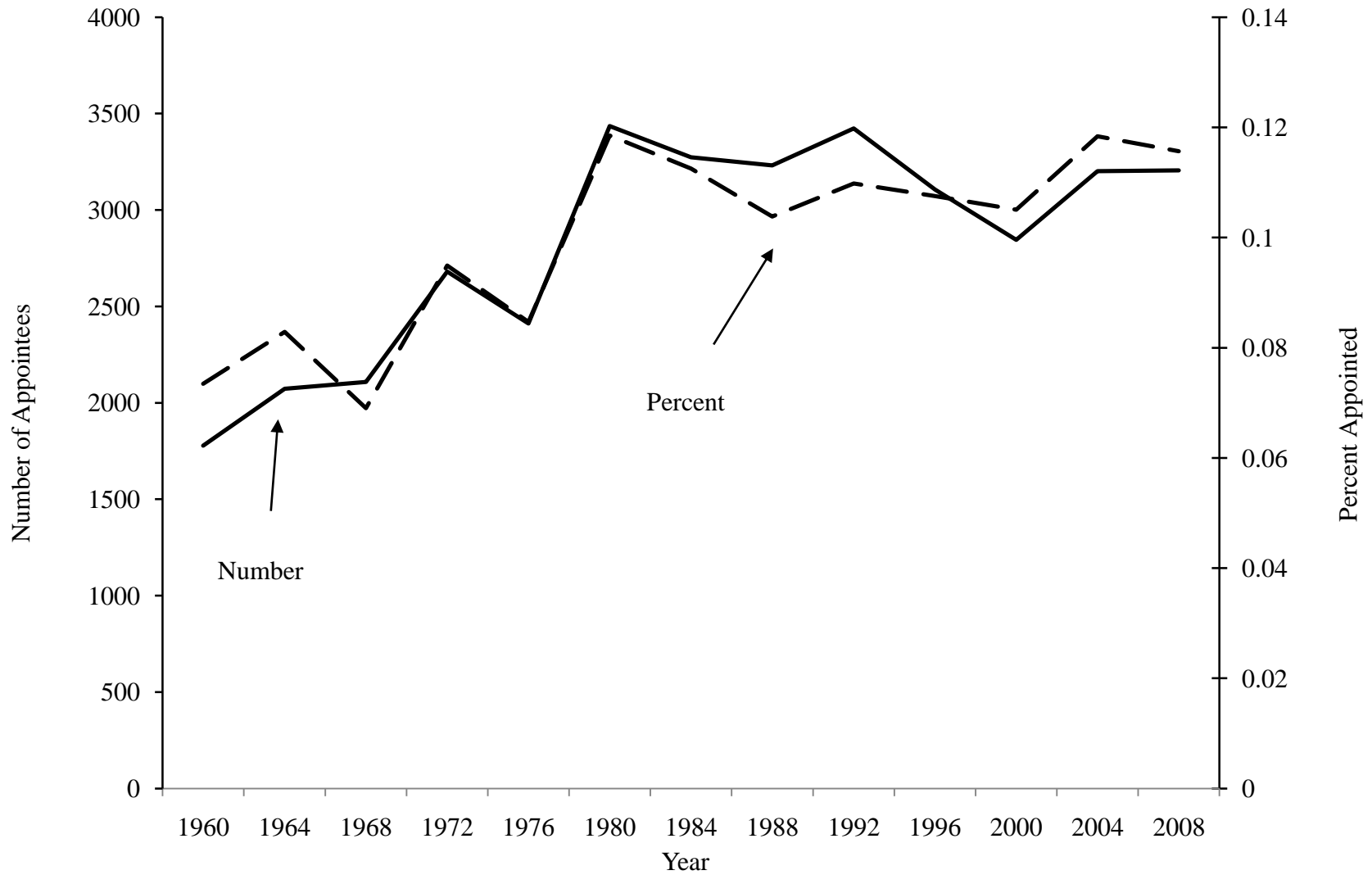
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Figure 1. Total Number and Percentage of Political Appointees, 1960-2008



Note: Includes salaried PAS, Schedule C, Noncareer SES, and NEA appointments. Excludes ambassadors, U.S. Marshals, U.S. Attorneys, and White House personnel. Excludes part-time, advisory, and per-diem appointees. Source: U.S. Congress. *Policy and Supporting Positions*, 1960 to 2008.

Figure 2. Percentage of Federal Civilian Jobs in the Traditional Merit System, 1883-2007



Source: Stanley, Harold W. and Richard G. Niemi. 2009. *Vital Statistics on American Politics, 2009-2010*. Washington, DC: CQ Press (1996; 2005-2007); *Historical Statistics of the United States: Earliest Times to the Present*, Volume 5. New York: Cambridge University Press, p. 5-127.