

The Contemporary Presidency

The Personnel Process in the Modern Presidency

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During a presidential election year, public attention naturally turns toward candidates and campaigns. The best prepared candidates, however, are thinking beyond voting day toward postelection planning. The task of transitioning to become president is enormous. On the personnel side, a new president will have to fill between 3,000 and 4,000 positions. In this article I review the current state of presidential personnel politics. I review the choices confronting presidents and how the personnel process is changing. I conclude by making suggestions for reforming the personnel system equally applicable to either party's candidate for the presidency in 2012.

During a presidential election year, public attention naturally turns toward candidates and campaigns. Newscasters and media experts dissect polls and campaign strategy. The best prepared candidates, however, are thinking beyond voting day toward postelection planning. The immensity of transition planning requires that responsible presidential campaigns begin planning months and even more than a year in advance. Governor George W. Bush began planning for a transition to the presidency in April 1999, well before he had even secured a vote to become his party's nominee, much less president of the United States. Presidential candidates do the planning out of sight from the campaign and the press. If word leaks out about postelection planning, this can create uncertainty and division among the candidate's campaign staff and appear presumptuous to voters. Yet candidates who refuse to plan cannot make up for it in the short period between Election Day and inauguration.

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The task of transitioning to become president is enormous (Burke 2000, 2004; Patterson and Pfiffner 2001; Pfiffner 1996). On the personnel side, the president must fill 3,000 to 4,000 positions in the federal executive establishment (Lewis 2008; Patterson 2008; Patterson and Pfiffner 2001; Pfiffner 1996). One-quarter of these posts require Senate confirmation, which adds a layer of complexity to their selection.¹ Presidents do so under time constraints and tremendous scrutiny from supporters, Congress, and the press.

The stakes in these decisions are high. Missteps in early appointments distract from the president's priorities and can leave the president significantly understaffed in key policy areas. For example, President Obama's nomination of former Senate Majority Leader Tom Daschle to head the Department of Health and Human Services foundered on revelations about Daschle's tax problems, hindering the president's work on health care reform. The president was also slow to fill vacancies in the Treasury Department, where Secretary Timothy Geithner was the only confirmed nominee during the crucial early period after the nomination.² Missteps in these early appointments contribute to the Washington community's first impressions of the president. The willingness of Washington insiders to bend to the president's wishes depends upon insiders' assessment of whether going along with the president will cost them more than it gains them. A president who bungles appointments early in his presidency sends the signal that supporting the president is risky. Early missteps are also a distraction since media stories focus on these issues rather than the president's policy priorities. If presidents lose control of the news cycle, it is hard for the president to refocus the nation's attention on their policy agenda.

Ultimately, given the substantial authority delegated to government executives in areas such as the environment, health, and foreign policy, these appointments can have a significant influence on policy outputs (Moe 1982, 1985; Randall 1979; Stewart and Cromartie 1982; Wood 1990; Wood and Anderson 1993; Wood and Waterman 1991, 1994). Picking the right persons for key appointed jobs can lead to huge policy changes that have dramatic consequences for voters and key stakeholders. It is hard to imagine any assessment of President Obama's first term divorced from the actions, advice, and infighting of his economic team (Suskind 2011). Similarly, President George W. Bush's ultimate legacy is determined in part by the actions of appointees such as Donald Rumsfeld, Paul Wolfowitz, and Douglas Feith at the Department of Defense, and Michael Brown at the Federal Emergency Management Agency (Cooper and Block 2007; Woodward 2002).

1. There are three main types of appointees in the executive branch, Senate-confirmed appointees (1,141), appointees in the Senior Executive Service (665), and Schedule C appointees (1,559). Senate-confirmed positions are those at the top of the federal executive hierarchy such as cabinet secretaries, commissioners, and other top executives. Below these appointees is the Senior Executive Service, which is a layer of managers comprised of a maximum of 10% appointees. Schedule C appointees are persons serving in a confidential or policy-determining position but at a lower level. These are often staff positions. In addition to these positions, presidents must also fill judgeships, select White House personnel, and recruit thousands of persons for advisory commissions across the executive branch (Patterson 2008).

2. David Cho, "Staffing Shortage Hinders Treasury's Progress," *Washington Post*, March 10, 2009. <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/09/AR2009030902807.html> (accessed October 26, 2010).

Presidents tackle their personnel responsibilities differently. They prioritize different positions and display different levels of personal involvement. Yet, all presidents face broadly similar concerns and incentives, to manage the federal executive establishment and use the pool of available jobs to achieve policy and political goals. They accomplish the latter often through the shrewd use of appointments as a form of political currency (Hecló 1977; Lewis 2008; Mackenzie 1981; Newland 1987; Pfiffner 1996; Tolchin and Tolchin 1971, 2010).

In this article, I review the current state of presidential personnel politics, borrowing heavily from earlier published work. I review how modern presidents face similar choices but also how the environment confronting presidents has been changing. I describe the causes of an increase in the number and penetration of appointees and how presidents have asserted more control of personnel selection, aided by an augmented White House personnel operation. The article describes a relatively stable number of appointees since 1980 and suggests that one reason for the stability is concerns for management performance. I conclude by making suggestions for reforming the personnel system equally applicable to either party's candidate for the presidency in 2012.

Presidents and Personnel

When President Obama was campaigning for the presidency in 2008, he regularly criticized the incumbent president for his expansive use of executive power. Once in office, however, President Obama's views on executive power changed.³ Notable among his actions were his continued use of signing statements and his use of executive orders. During the year preceding the presidential election, President Obama made significant policy changes in education, student loans, mortgage repayment, and prescription drugs as part of his "we can't wait campaign" to work around an unsympathetic Congress.⁴ In personnel, the president appointed big donors to key ambassadorial posts, a practice he criticized in 2007. The president also asserted new power to name recess appointees during a period when Congress did not believe it was in recess.⁵

President Obama's transformation is not surprising to presidency scholars. Presidents have a dramatically different vantage point and incentives than they did as legislators or candidates. Presidents are held accountable by voters for the functioning of the

3. Laura Meckler, "Obama Shifts View of Executive Power." *Wall Street Journal*, March 20, 2012, A1. <http://online.wsj.com/article/SB10001424052702303812904577292273665694712.html> (accessed April 2, 2012).

4. Jackie Calmes, "Jobs Plan Stalled, Obama to Try New Economic Drive." *New York Times*, October 23, 2011. http://www.nytimes.com/2011/10/24/us/politics/jobs-plan-stalled-obama-to-try-new-economic-drive.html?_r=1&ref=business (accessed April 2, 2012); Tom Cohen, "Obama Uses Executive Orders as a Political Tool," *CNN*, November 1, 2011. http://articles.cnn.com/2011-11-01/politics/politics_obama-executive-orders_1_executive-orders-press-secretary-jay-carney-inaction?_s=PM:POLITICS (accessed April 2, 2012).

5. Jeanne Cummings, "Barack Obama Rewards Big Donors With Plum Jobs Overseas." *Politico*, November 11, 2009. <http://www.politico.com/news/stories/1109/29699.html> (accessed April 2, 2012); Cooper, Helene, and Jennifer Steinhauer, "Bucking Senate, Obama Appoints Consumer Chief." *New York Times*, January 4, 2012. <http://www.nytimes.com/2012/01/05/us/politics/richard-cordray-named-consumer-chief-in-recess-appointment.html?pagewanted=all> (accessed April 2, 2012).

entire government and, confronted with these high expectations, presidents naturally grasp for the power that will enable them to meet these expectations. In the executive branch, presidents are held responsible for the policy choices and performance of between 2 and 3 million civilian employees working in 15 cabinet departments and 55 to 60 independent agencies. Presidents respond to this awesome responsibility by using their power over the number and types of appointees to control agency activities.

Of course, presidents try and meet public expectations through other means as well. For example, they propose legislation, make public appeals, and direct foreign policy. However, the successful pursuit of these activities also involves presidential personnel. Appointments are an important political resource that presidents use in working with interest groups, the political party, and key members of Congress (Hecl 1977; Mackenzie 1981; Tolchin and Tolchin 1971, 2010; Weko 1995). Presidents try to satisfy key groups through naming prominent members to administration posts. They use patronage to reward party members for work on the campaign and to unite party factions. Members of Congress ask the president to name their favorites to administration jobs, and presidents use the giving and withholding of jobs to ease the passage of their favored legislation. More generally, presidents know that publicly rewarding administration supporters with jobs encourages further work for the party or president.

While all modern presidents, by virtue of their institutional position, share similar incentives with regard to personnel, their decision-making environment has changed over time, partly as a result of the actions of previous presidents (Moe 1985). Past presidential choices influence the resources and rules confronting successive presidents, and presidents learn from the mistakes and successes of their predecessors.⁶ Of particular note in the last half century, presidents have sought an increase in the number and penetration of appointees in the federal executive establishment, and they have played a larger role in the selection of appointees, aided by an increasingly sophisticated White House personnel operation.

Increases in Appointees

Since the publication of the *Plum Book* in 1960, the number of appointed positions has almost doubled both in total numbers and as a percentage of federal civilian employees (Figure 1). Presidents, with the cooperation of Congress, have increased the number of appointees. Some of the increase is the natural result of an increase in the number of federal programs and agencies (Light 1995). When Congress creates new programs or agencies, they create new Senate-confirmed positions to manage these endeavors.

A significant source of the increase in appointees, however, is the desire of presidents to secure more control of the policy-making process within federal agencies. As

6. Whereas, the continuing professional parts of the institutional presidency, such as the Bureau of the Budget, previously contributed transition advice, presidents now largely rely on advice from partisans from previous administrations and, to a lesser extent, academics working through organizations such as the American Society of Public Administration and the White House Transition Project. In addition, recent presidents have worked hard to ease the transition of their successors (Burke 2009; Johnson 2008, 2009).

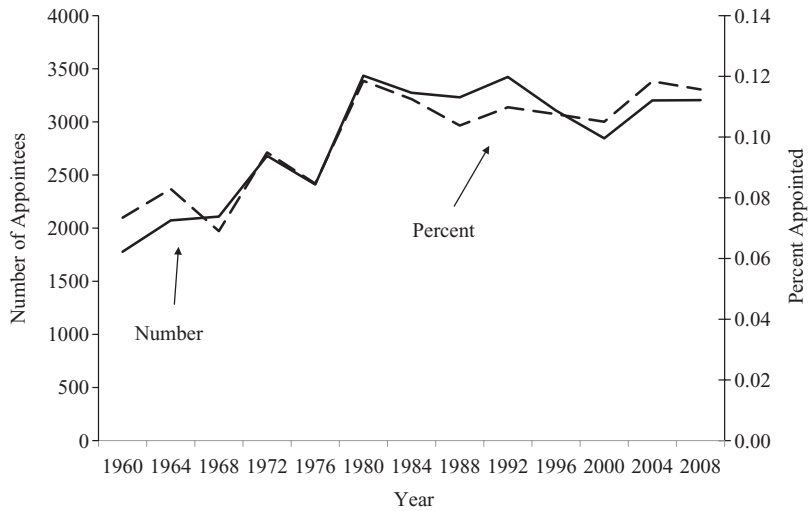


FIGURE 1. Total Number of Federal Government Appointees and Percentage Appointed, 1960-2008.

Source: Lewis (2009). Includes salaried PAS, Schedule C, Noncareer Senior Executive Service, and Noncareer Executive Assignment appointments. Excludes ambassadors, U.S. marshals, and U.S. attorneys. Source: U.S. Congress. *Policy and Supporting Positions*, 1960 to 2008.

the federal government has grown in size, scope, and complexity, Congress has delegated increasing amounts of policy-making authority to federal agencies. Presidents naturally have sought more control over the policy-making apparatus. One particular focus of presidents has been the agencies that control the levers of presidential governance (Lewis and Moe 2009). They have increased the number and penetration of appointees most significantly in agencies responsible for budgets, personnel, and regulatory review. Between 1960 and 2008, the number of appointees in the Bureau of the Budget/Office of Management and Budget (budgets, regulatory review) increased from 11 to 37 appointees, while the number of appointees in the Civil Service Commission/Office of Personnel Management increased from 3 to 30. The effect of this can be seen most clearly in Figure 2, which graphs the dramatic changes in the Civil Service Commission between 1978 and 1984 when it was reorganized into the Office of Personnel Management as part of the Civil Service Reform Act of 1978. The increase in appointees extended down much deeper into the personnel agency's hierarchy, leading to significant turnover in the career ranks and facilitating a dramatic change in the civil service system itself.

More generally, the largest increases in appointees in the last 50 years have come during periods of unified party control and after party changes in the White House (Figure 3). In 1978, for example, at the Democratic President Jimmy Carter's request, the Democratic Congress created the Senior Executive Service, a flexible corps of high-level managers, 10% of whom could be appointees. This contributed to an increase of

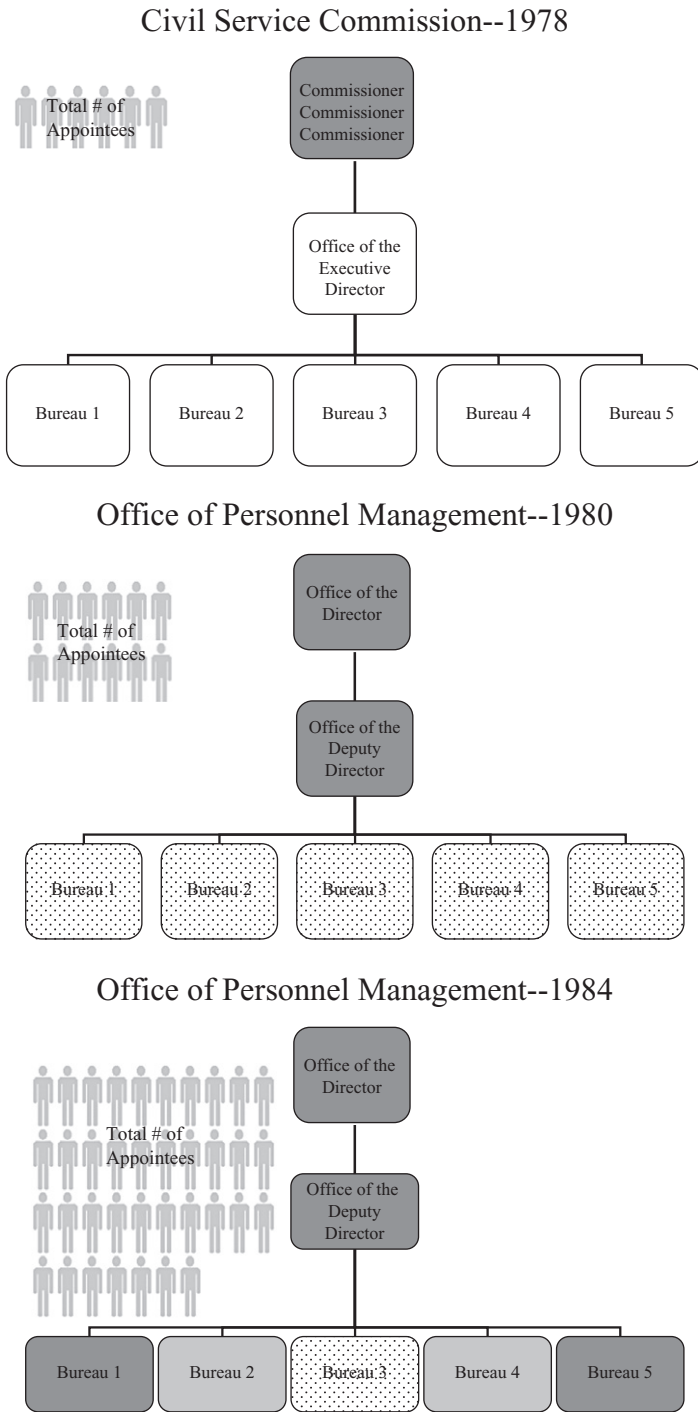


FIGURE 2. Increase in Appointees in the Civil Service Commission and Office of Personnel Management, 1978-1984.

Note: Dark grey signifies that the office is headed presidential appointee, light grey signifies an appointed deputy, dotted grey signifies career SES, and white signifies careerist. Total number of appointees reflected in background. Source: Lewis (2008, 46).

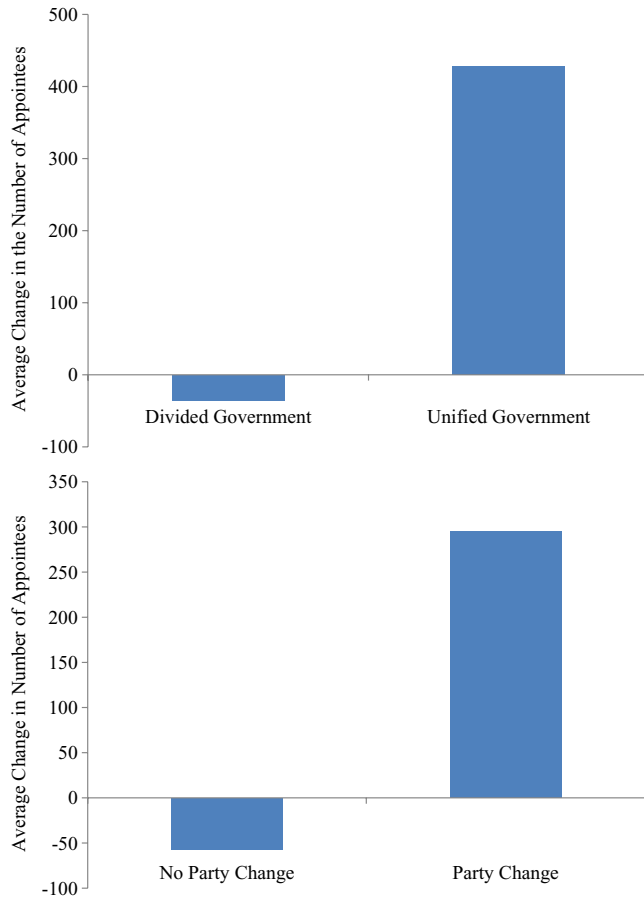


FIGURE 3. Average Change in the Number of Political Appointees by Divided/Unified Government and Party Change in the White House, 1960-2008.

close to 1,000 appointees in the federal service compared to 1976.⁷ Generally, Congress is more sanguine about an increase in appointments during periods when a president from the majority's party is in the White House. Formally, Congress must create all new positions requiring Senate confirmation. Presidents have more discretion over the number of appointees in the Senior Executive Service and the number of lower-level Schedule C appointees, but their discretion is limited by Congress. When Congress and the president share the same views about policy, Congress tends to support efforts to increase the number of appointees in order to bring policy in line with what the president

7. The creation of the Senior Executive Service is one part of the story, contributing about 350 new appointees at this middle level, in addition to the approximately 450 that carried over from the previous Noncareer Executive Assignment system. Underappreciated during this period is the increase of about 650 Schedule C appointees.

and majority prefer. An increase in appointees also can provide members of Congress exciting new patronage opportunities or increased control over policymaking themselves (Rottinghaus and Bergan 2011).

Every time a Republican replaces a Democrat or a Democrat replaces a Republican in the White House, the new president seeks to assert control of the continuing government and redirect agency activities often through the addition of new appointed positions. Republicans and Democrats often target different agencies. President target agencies that carry out policies they do not like or whose employees have different political views. So, for example, President Ronald Reagan targeted environmental and social welfare agencies while President Bill Clinton targeted the Department of Commerce (Durant 1992; Durant and Resh 2009; Lewis 2008).

Once new positions are created, they often persist. Each new administration uses the previous administration's map of appointees as a starting point for their own staffing. New presidents are reluctant to give up appointed positions because they hold out the promise of helping them secure control of agency policy making but also provide a means of satisfying the immense demand for jobs in the new administration. New administrations also do not have the time or capacity to review existing positions to determine where appointees are helpful and improve both responsiveness and management and where their elimination would cost nothing more than the loss of patronage possibilities. The result is an irregular but noticeable increase in the total number of appointees.

Of course, a certain amount of the increase stems from the president's desire to find jobs for the thousands of supporters, volunteers, campaign workers, and others for jobs in the administration. For example, one of the key motivations for President Dwight Eisenhower's creation of a new class of appointees, Schedule C appointees, was the Republican Party's desire for jobs (Van Riper 1958). While Eisenhower was concerned about securing control over a bureaucracy that had been largely built and staffed by New Deal Democrats for 20 years, it was also the case that Republicans were hungry for federal jobs after having been out of power for 20 years. Currently, there are approximately 1,500 Schedule C appointments. A significant portion of these positions are filled as a form of political exchange rather than fitness for office. Presidents reward campaign personnel, surrogates, and donors with jobs because it is an inducement for future work for the president in the next campaign. More generally, when presidents publicly reward those that have sided with the president, this encourages other political actors to side with the president in other contexts.

Changing Presidential Role in Selecting Appointees

Up until the passage of the Pendleton Act (1883), the United States had an all-appointee personnel system. The fact that federal employees were at-will employees does not imply that presidents selected them. On the contrary, presidents were beholden to parties for their nomination and their election. Parties parceled out control over appointments to different factions within the party after the election, with factions often given explicit control over a specific subset of nominations either by agency or region.

The distribution of federal jobs was carefully orchestrated by parties and governed by understandings between the president, party, and members of Congress. Up through the Eisenhower administration, it was common for the national party to set up offices close to the White House to manage the flow of requests for jobs in the new administration.

Aided by a growing White House staff and increasingly independent campaign organizations, presidents at mid-century began to assume greater control over personnel selection at the expense of the national parties, department heads, and members of Congress. Presidents developed the capacity to play a larger role in the selection of personnel. President Harry Truman was the first president to have a staff member specifically assigned to handle presidential personnel. The Kennedy administration employed a three-person personnel staff to help fill 1,500 to 2,000 positions. This staff grew to 25 persons by the Nixon administration and presidents since Reagan can employ over 100 persons during a presidential transition. Since the Nixon administration, presidents have regularly included professional recruiters in their personnel offices, and the process for selecting appointees has become regularized and increasingly institutionalized. Nomination and selection is increasingly governed by defined processes, a clear division of labor, and sophisticated computer systems to handle the resumes from job applicants.

Each president begins by prioritizing certain positions to fill early. These positions usually include key White House positions, top executive branch positions (e.g., cabinet), positions critical for the fulfillment of the president's agenda, and positions dealing with hot button issues. John Kennedy's personnel aide Larry O'Brien described that administration's thinking in the following way, "If we can get control of the top 600 or 400 or 300 jobs, if we can only get this, get these people properly placed, then we will have some degree of control" (Lewis 2008, 27). One Carter personnel aide talked about the efficacy of filling the "choke" points in government first (Lewis 2011). Pendleton James, director of the Presidential Personnel Office (PPO) during the Reagan administration describes how the Reagan administration focused first on the "key 87" positions, which importantly included those essential for Reagan's economic policy (Lewis 2008, 28).

Presidential reach is also extending. While modern presidents were always involved in the selection of top agency officials, the selection of lower-level appointees was often left to department heads or other party or political officials. During his first term, President Richard Nixon let cabinet secretaries select their subordinates and famously sought to regain control over the selection of lower-level appointees in his second term (Nathan 1975). President Carter followed a similar pattern during his only term in office (Pfiffner 1996). He initially promised cabinet secretaries control over the selection of lower-level appointees only to try and retake control half way through his term when he realized that many of the appointees selected were damaging his efforts to get policy change both in the agencies and Congress. Presidents since Reagan have sought with varying degrees of success to assert control over all appointees in the executive establishment. According to one personnel official in the Clinton administration, each agency head was told "These positions are Bill Clinton's, and he appoints them—the Senate-confirmed positions, the non-career SES positions, and the Schedule C positions—he selects them" (Lewis 2008, 24).

Increased responsibility for filling positions and matching job requesters to jobs has led PPO offices to regularize their processes. Presidents confront two general tasks, filling key positions for policy making and responding to requests for jobs in the administration. In some cases, the right person for a job has applied for the job in a formal or informal way. In other cases, the appropriate persons have to be sought out by the PPO. One of the most difficult tasks is dealing with persons seeking an administration position who have a political claim for a job because of work for the campaign or a connection to a key political official. Recent administrations have tended to divide up these two distinct tasks—filling positions vs. finding jobs for applicants—into separate offices within PPO. The latter have names like the Office of Priority Placement. These two processes can work in parallel, only occasionally intersecting, since the process of filling a key policy-making position is quite different from finding a job for someone from the campaign. The former is focused on the position and the latter is focused on the person. The PPO puts processes in place to make sure the candidate has had the appropriate background checks and been vetted politically. During this process recent presidents have used a system of White House liaisons in the departments and agencies to communicate with the PPO about vacancies, recommend persons to fill vacant positions, and relay departmental objections to White House recommendations for vacant positions. These offices are also a way of keeping agency appointees connected to the views and priorities of the White House. In practice, top agency officials and the White House usually work cooperatively to fill lower-level appointee positions. The White House has recommendations, and the agency has recommendations, with each exercising a veto. In cases of disagreement, higher-level White House officials are introduced to resolve the disagreement.

The increasing capacity of the PPO and the sophistication of its operation has allowed presidents a greater chance of accomplishing their policy and political goals through personnel. Presidents take a number of different factors into account in personnel selection including loyalty, competence, patronage (i.e., distributing jobs to persons recommended by the party, campaign, donor, Congress), diversity (geographic, demographic), and senatorial preferences. Given the importance of personnel selections for the control over agency policy making, presidents have paid a significant amount of attention to the loyalty and competence of their nominees (Edwards 2001; Moe 1985; Weko 1995). As one director of PPO explained, “this is not a beauty contest. The goal is to pick the person who has the greatest chance of accomplishing what the principal wants done . . . After the strongest candidate (s) has been identified, assess the political wisdom of the selection, and adjust accordingly” (Lewis 2008, 27). The increased capacity of the PPO allows presidents to be better able to select persons who are loyal, competent, *and* to assess the political wisdom of the candidates.

Of course, the pool of loyal and competent persons who are also politically connected in useful ways is limited. Presidents must regularly choose candidates that are not ideal on one dimension or another. Presidents have been most inclined to place those with both loyalty and competence in the agencies central to their policy-making agenda or agencies that are unlikely to carry out the president’s wishes without direct and effective supervision. Presidents are more likely to choose persons selected for campaign work or

political connections in agencies less central to their agenda and agencies that naturally share the president's policy priorities.

Appointees and Control of the Federal Executive Establishment

One of the interesting features of the counts of the number of political appointees in Figure 1 is that the number actually peaks in 1980. This raises the interesting question of why this number has not increased since 1980. The number of appointees has been relatively stable since 1980 with small increases or decreases depending upon the whether there has been a party change in the White House or unified government. There are a number of explanations for this pattern. First, Congress has constrained presidential efforts to increase the number of appointees. During this time period, there have only been a few years of unified party control. This makes it difficult for presidents to increase the overall number of appointees. For example, in 1987 Democratic members of Congress accused the Reagan administration of "packing" the top ranks of government with appointees (Lewis 2008, 42). Similarly, during the Clinton administration, Republicans accused the president and his commerce secretary of politicizing the department by increasing the number of appointees.⁸ Even in the absence of explicit congressional criticism, presidents worry about how their efforts to increase appointees will be perceived by Congress and the public. The chances that Congress objects to presidential actions to increase the number of appointees only increases as Congress becomes more polarized.

As a practical matter, filling all of the positions and keeping them filled is also a burdensome and politically fraught process. It is a significant management challenge for any president. For example, after 18 months, President Obama had filled only 79% of the key Senate-confirmed positions in his administration (Lewis 2011). Some of the initial vacancies remained in positions that were tainted by scandal or were politically contentious, but others were simply low-priority positions for the president such as under- and assistant secretaries for administration and management, inspectors general (including two in the Treasury Department), and chief financial officers in the larger agencies. Like other presidents, President Obama was also slow to fill positions in smaller independent boards and commissions.

It is difficult to determine whether the overall delay was due to the Senate's obstructionism or the president's slowness. Both likely play a role. The president confronted obstruction in the Senate from his own party and the minority party. Senators from each party used holds on presidential nominees to force action by the president on issues unrelated to the nominees themselves. For example, Senator Mary Landrieu (D-LA) objected to the nomination of Jacob Lew to be director Office of Management and Budget. She placed a hold on his nomination to protest the administration's moratorium

8. Stephen Barr, "Daley Pledge on Patronage Applauded." *Washington Post*, January 24, 1997, A21. (<http://www.washingtonpost.com/wp-srv/politics/govt/admin/stories/daley012497.htm>, last accessed April 2, 2012).

on oil extraction in the Gulf.⁹ Similarly, Robert Menendez (D-NJ) placed holds on Obama's nominees to lead two science agencies because of policy disagreement about Cuba.¹⁰ On the Republican side, Senator Richard Shelby (R-AL) placed a hold on scores of nominees as a means of drawing attention to his concerns about contract and funding for his home state.¹¹

The minority party also steadfastly refused to confirm some objectionable nominees, leading the president to controversially use and extend the recess appointment power. Of course, the president put in place the most restrictive ethics requirements of any new president, and his White House spent significant time vetting potential nominees.¹² The vetting by the White House and Congress was lengthy, repetitive, and invasive, and deterred many candidates from serving (Burke 2009; Sullivan 2009). Of course, the president's aggressive vetting and deliberate pace may be indirectly related to Senate obstructionism. If the president anticipates trouble, he has a strong incentive to select nominees carefully to avoid Senate objections and public embarrassment.

A final reason presidents have been hesitant to increase the number of appointees further is concerns for performance. While presidents prefer more appointees than Congress or a fully informed American public would prefer, presidents are also constrained by concerns for competence. Even during the height of the spoils period when each new president generated dramatic turnover in the federal service, new presidents kept some long-serving clerks in the large departments simply because these departments could not run without the collective expertise and institutional knowledge of these persons. Large departments often would have a carryover clerk and a party clerk (White 1954). Similarly, modern presidents will make adjustments to the number of appointees but are constrained by the effect their choices will have on the competence of the agencies they politicize (Lewis 2008; Maranto 1998, 2001; Moe 1985).

Presidents have witnessed, through painful experience, and scholars have demonstrated systematically how the increase in the number and penetration of appointees has had deleterious consequences for federal agency performance. This can be seen in dramatic cases such as the Federal Emergency Management Agency's response to Hurricane Katrina and Iraq Reconstruction. In the aftermath of these crises, the president reduced the number of appointees and the types of persons selected to fill the remaining appointed positions. For example, in the aftermath of Hurricane Katrina, President Bush named R. David Paulison to head the agency. Paulison was a career firefighter with previous experience within the agency directing emergency preparedness. President Obama chose

9. Brady, Jessica, "Landrieu Maintains Hold on Lew Despite End of Drilling Ban," *Roll Call*, October 12, 2010 <http://www.rollcall.com/news/50659-1.html> (accessed October 24, 2010).

10. Juliet Eilperin, "Nominations on Hold for Two Top Science Posts," *Washington Post*, March 3, 2009. <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/02/AR2009030202425.html> (accessed October 26, 2010).

11. Shailagh Murray, "Sen. Shelby Releases Hold on Nominees," *Washington Post*, February 9, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/08/AR2010020804199.html> (accessed October 24, 2010).

12. The president put in new tough rules on lobbyists. He prohibited lobbyists from working in agencies they had lobbied in over the previous two years. New appointees had to agree not to lobby an agency they had worked in for the duration of Obama's tenure (Burke 2009, 590).

another career emergency manager, W. Craig Fugate to run the agency. Systematic scholarly studies of the relationship between appointees and management performance also describe the impact of appointees on federal management performance (see, e.g., Gallo and Lewis 2012; Lewis 2008).

Management Performance

Management teams in all federal agencies are comprised of a mix of appointees and career executives. Most scholars agree that an appropriate mix of these two populations is best for performance, since each brings different benefits to agency management (see, e.g., Bok 2003; Dunn 1997; Golden 2000; Hecló 1977; Krause, Lewis, and Douglas 2006; Suleiman 2003). Appointees play a vital role, since they provide electoral accountability. The possibility of presidential removal makes appointees more responsive than their careerist counterparts. Careerists are protected from removal by procedural rights and appeals as well as connections to key patrons and stakeholders. Appointees' close connections to administration officials and partisans in Congress provide them a unique perspective on agency tasks and relationships that can facilitate the provision of budgets and necessary political support for agency programs. Appointees are more likely to see the world through the eyes of elected stakeholders like the president and can bring energy, responsiveness, and risk taking into agency decision making in a way that can improve performance (see, e.g., Bok 2003; Maranto 1998, 2001, 2005; Moe 1985). Since appointees are by nature short timers, they are more likely to focus on a limited number of definable goals and feel pressure to demonstrate progress on these goals.

Whatever advantage appointees may have in human capital, they often lack the subject area background or public management qualifications of their careerist counterparts.¹³ Careerists are more likely to have program and policy expertise derived from agency work experience and long tenures managing or helping manage federal programs (see, e.g., Cohen 1998; Hecló 1975, 1977; Kaufman 1965; National Commission on the Public Service 1989, 2003; Suleiman 2003). Careerists are more likely to have public management experience in the federal government and agency they work in. They understand the difference between public and private management and are used to managing large public organizations with thousands of employees and large budgets. They have a better understanding of the rhythms of public sector work, informal networks, and the arcane realities of public agency management. Their long familiarity with the agency and its budgets and process helps them manage programs better and interface more effectively with outside stakeholders and inside partners.

Even if appointees have the background and qualifications to manage federal programs well, their presence down at the program management level can be harmful to government performance. There are hidden costs to politicization. The first hidden cost is increased management turnover and persistent vacancies in federal management (Dull

13. There is an ongoing debate about whether the best and brightest enter the private sector or public sector (see, e.g., Burgess and Ratto 2003; Crewson 1995; Perry and Wise 1990)

and Roberts 2009; Heclo 1977; O'Connell 2009). Once key management positions are filled by appointees, they stay that way in future administrations. This means management positions filled by appointees experience systematically higher rates of turnover on average than management positions filled by careerists. While the average chief executive officer in the private sector stays five to seven years, the average tenure of an appointee varies by level but is usually about 2.5 years.

Regular turnover in management positions at this level has corrosive effects on management performance (Boylan 2004; Heclo 1977). Two years is about long enough to start new initiatives and begin to see them implemented but not long enough to see them fully carried out. This makes it hard for appointees to credibly commit to reform. The regular turnover of appointees often follows this pattern of new priorities, new initiatives, and short tenures—so much so that careerists begin to naturally resist appointee management. One Department of Defense civilian with government experience described it this way: “We start, we stop, we reverse, but we seldom move ahead for any period of time. One loses interest after a few years.”¹⁴ Long-serving careerists believe that their efforts implementing appointee initiatives may well be wasted. This makes them naturally cautious.

The second related cost is that, even if appointees have the appropriate qualifications to manage federal programs, they are systematically more attentive to political and short-term considerations to the detriment of long-term program and agency management. The penetration of appointees deeper into agency hierarchies presses political concerns down into agency decisions in a way that may be problematic. For example, recent work by John Hudak (2012) demonstrates that the distribution of federal discretionary grants is importantly influenced by electoral geography and timing. Swing states receive a greater number of grants and a greater amount of total grant dollars than other states, and this is particularly the case during the run up to a presidential election.

Appointees are and perceived to be short timers and naturally focus accomplishing a limited set of finite goals. This is beneficial for forcing agency activity but can be problematic for agency management since this myopic focus systematically reduces the incentive of agency managers to engage in long-term planning. Political appointees will often be out of office when the benefits of long-term planning are realized. Unfortunately, many problems require long-term planning and vision rather than the accomplishment of visible short-term goals. Persistent vacancies in agency management positions, such as under and assistant secretaries for management, is an example of this problem, since presidents see these positions as ones that can be filled last or leave vacant the longest. Appointees with short time horizons also have fewer incentives to deal with large but distant problems.

The final hidden cost is the effect increasing numbers of appointed positions have on efforts to recruit and retain the best talent in the civil service (Bertelli and Lewis n.d.; Gailmard and Patty 2007; Lewis 2008). If increasing numbers of the top agency jobs are filled regularly by appointees, this means that there are fewer jobs with the highest pay

14. Timothy B. Clark and Marjorie Wachtel, “The Quiet Crisis Goes Public,” *Government Executive*, June 1988, 28.

and greatest levels of responsibility available to career professionals. This influences the ability of the agency to retain top career professionals or induce the best and brightest workers into agency work. Agency employees can project forward in their careers. When talented employees see that they will never be able to rise to the most important and consequential positions, the chances they want to stay in the agency diminish. Federal pay is not sufficient, and it cannot be made up for by meaningful influence over agency decisions when agencies are top heavy with political appointees. The increasing penetration of appointees makes it difficult to motivate civil servants to work hard and creatively to accomplish the agency's mission. When agency professionals exert effort to develop plans and work creatively to solve problems only to have their plans repeatedly turned down or their work discarded, this reduces their incentive to do this work in the first place. Similarly, if this work leads to no more access, power, or pay, there are fewer incentives to do this work, and it is absolutely important for agency performance.

Collectively, programs administered by appointees or located in federal agencies where management teams comprised of high percentages of appointees have performed worse in large-N evaluations of agency performance. For example, appointee-run programs got systematically lower Program Assessment Rating Tool (management grades) scores during the Bush administration, particularly when programs are run by appointees from the campaign (Gallo and Lewis 2012; Gilmour and Lewis 2006). Federal employees working in agencies with high percentages of appointees in the management team were less likely to report the presence of leadership, good management practices, and work satisfaction in their agencies (Lewis 2008). Federal agencies with high percentages of appointees were also the slowest to respond to citizen requests for information and the most likely to claim exemptions from those requests (Lewis and Wood n.d.).

This is not to suggest that appointee management is necessarily worse. On the contrary, there are extraordinarily competent and conscientious appointees. The chances, however, that a program or agency gets several of these in a row are much lower, and the simple fact of their regular turnover and different priorities can damage management performance. The best evidence suggests that an appropriate mix of appointees and careerists is best for management. Some agencies already have an appropriate mix. Other agencies have far too many appointees for optimal management performance. The unique history of the U.S. personnel system, presidential and legislative desires to give out patronage, and repeated efforts by Republican and Democratic presidents to get control of administrative agencies implementing key policies has created a situation where the United States has dramatically more appointees than most other developed democracies.

Conclusion

With any luck, both presidential campaigns will have engaged in serious postelection planning prior to the publication of this article. The task, of course, will be easier for President Obama if he is reelected. He already has staffed his administration and has a personnel operation in place and running smoothly. Governor Mitt Romney will have to bring his personnel operation up to speed quickly and begin to staff his administration

if he is elected. Both candidates are likely to confront a sharply divided Congress that will make securing major legislative accomplishments difficult without supermajorities.

One area where the new president may be able to get some traction is in good governance legislation, including common sense appointment reforms. Smart legislation is already circulating in Congress that includes reasonable provisions such as reducing the number of appointed positions requiring Senate confirmation, streamlining the forms nominees must fill out for the president and the Senate, and making background checks less extensive for previously confirmed nominees. Presidents will also be given a lot of good appointment advice such as to take a close look at career professionals for open appointed positions, work hard to guide new nominees through the confirmation process, and orient them to their new jobs once they get confirmed.

The new president should also consider taking action to reduce the number of political appointees. Many former presidential personnel officials state openly that the president does not need 3,000 to 4,000 positions to manage the executive branch. Of course, efforts to cut appointed positions must be done judiciously and with our eyes open to the ways cutting appointees could limit the president's power to distribute jobs for political gain. Presidents are naturally concerned that a reduction in appointees could influence their ability to negotiate, bargain, hold the party together, and induce future work for the campaign and party. Yet most experienced personnel officials will tell you that for every one job given out, you create 10 unhappy applicants. Most of the jobs given out in patronage fashion are lower-prestige and lower-pay jobs that do not provide the president much political benefit in any case.

There are three specific ways the new presidents and Congress should look to cut. First, presidents should look to reduce the number of Senate-confirmed positions in a limited way in the cabinet and more aggressively in the smaller departments and agencies.¹⁵ More specifically, the president can target specific types of Senate-confirmed positions to cut: management positions and part-time, commission, and advisory posts. An obvious place to begin is with under- and assistant secretaries for management, chief financial officers, and inspectors general, which are some of the most persistently vacant Senate confirmed positions. Such positions are ideally suited for long timers, persons oriented to care about long-term planning and the agency's health. Presidents could fill these posts with career members of the Senior Executive Service whose long experience in the federal government would be valuable but over whom the president still retains substantial control. Cuts in part-time, commission, and advisory posts (which often require Senate confirmation) would not directly help performance in the larger agencies, but cutting such positions would make the immensity of the personnel task easier for the PPO and reduce the burden on the Senate to let both parties focus on the nominees for the key policymaking positions.

Second, efforts to cut appointees of all types should look to the program or bureau level. The best empirical evidence suggests that the deleterious effects of appointee management exist at the program level, and appointee-run programs do worse than their

15. Since 1960, the number of Senate-confirmed positions has increased a modest 65 positions in the continuing departments.

careerist counterparts managing comparable programs. Placing career executives in program management roles will induce career executives to stay and build careers in the federal service without sacrificing political accountability, since presidential appointees managing agencies and bureaus will continue to oversee the careerists managing federal programs.

Third, policy makers should consider cuts in Schedule C positions after the election. Presidents since Ford have functioned with as many as 1,700 and as few as 1,000 Schedule C appointees in similarly sized executive branches. Schedule C positions are for persons serving in policy and supporting positions but usually in a staff role. Persons appointed in these positions have little formal authority and can accrue substantial informal authority. Some of the difficulties in the past administration with appointees stemmed from personnel in Schedule C positions. Comparable positions to those filled by appointees in Schedule C positions are filled by careerists in different agencies with little apparent influence on responsiveness.

The new presidents could pursue legislation to secure these reductions. There are several possible ways of accomplishing this such as changing the appointment authority of certain positions or setting caps for each agency. For example, Congress has frequently included a limitation rider in the Department of Transportation appropriations, which said, "none of these appropriations shall be used to pay for more than 108 appointees." In the legislation creating the Department of Homeland Security, Congress authorized a set number of assistant secretaries, requiring Senate confirmation only for a portion them. Congress also did not specify that many positions in the agency would require Senate confirmation. The president has some discretion in determining which positions require Senate confirmation. Both methods allow the administration to prioritize where to place appointees while still cutting their numbers. Short of new legislation, the president could also pursue this strategy unilaterally by refusing to create Schedule C positions, deciding not to name noncareer appointees to the Senior Executive Service, and nominating career professionals to Senate-confirmed positions.

Ultimately, presidents are reluctant to give up appointed positions since having that flexibility allows presidents to both influence policy and satisfy patronage demands. Short of another crisis like Katrina or scandal like the politicization of the Department of Justice during the Bush years, the chances for a concerted effort to reduce appointees rests on electing a president willing to make difficult cuts.

References

- Bertelli, Anthony M., and David E. Lewis. n.d. "Policy Influence, Outside Options, and Exit in the Federal Service." Typescript, Vanderbilt University.
- Bok, Derek. 2003. "Government Personnel Policy in Comparative Perspective." In *For the People: Can We Fix Public Service?*, eds. John D. Donahue and Joseph S. Nye Jr. Washington, DC: Brookings Institution, 255-72.
- Boylan, Richard T. 2004. "Salaries, Turnover, and Performance in the Federal Criminal Justice System." *Journal of Law and Economics* 47 (1): 75-92.
- Burgess, Simon, and Marisa Ratto. 2003. "The Role of Incentives in the Public Sector: Issues and Evidence." *Oxford Review of Economic Policy* 19 (2): 285-300.

- Burke, John P. 2000. *Presidential Transitions: From Politics to Practice*. Boulder, CO: Lynne Rienner.
- . 2004. *Becoming President: The Bush Transition, 2000-2003*. Boulder, CO: Lynne Rienner.
- . 2009. "The Obama Transition: An Early Assessment." *Presidential Studies Quarterly* 39 (3): 574-604.
- Cohen, David M. 1998. "Amateur Government." *Journal of Public Administration Research and Theory* 8 (4): 450-97.
- Cooper, Christopher, and Robert Block. 2007. *Disaster: Hurricane Katrina and the Failure of Homeland Security*. New York: Times Books.
- Crewson, Philip E. 1995. "A Comparative Analysis of Public and Private Sector Entrant Quality." *American Journal of Political Science* 39 (3): 628-39.
- Dull, Matt, and Patrick S. Roberts. 2009. "Continuity, Competence, and the Succession of Senate-Confirmed Agency Appointees, 1989-2009." *Presidential Studies Quarterly* 39 (3): 432-53.
- Dunn, Delmer D. 1997. *Politics and Administration at the Top: Lessons from Down Under*. Pittsburgh, PA: University of Pittsburgh Press.
- Durant, Robert F. 1992. *The Administrative Presidency Revisited: Public Lands, the BLM, and the Reagan Revolution*. Albany, NY: State University of New York Press.
- Durant, Robert F., and William G. Resh. 2009. "'Presidentializing' the Bureaucracy." In *The Oxford Handbook of the American Presidency*, eds. George C. Edwards, III, and William G. Howell. Oxford, UK: Oxford University Press, 577-600.
- Edwards, George C., III. 2001. "Why Not the Best? The Loyalty-Competence Trade-Off in Presidential Appointments." *Brookings Review* 19 (2): 12-16.
- Gailmard, Sean F., and John W. Patty. 2007. "Slackers and Zealots: Civil Service, Policy Discretion, and Bureaucratic Expertise." *American Journal of Political Science* 51 (4): 873-89.
- Gallo, Nick, and David E. Lewis. 2012. "The Consequences of Presidential Patronage for Federal Agency Performance." *Journal of Public Administration Research and Theory* 22 (2): 219-43.
- Gilmour, John B., and David E. Lewis. 2006. "Political Appointees and the Competence of Federal Program Management." *American Politics Research* 34 (1): 22-50.
- Golden, Marissa Martino. 2000. *What Motivates Bureaucrats? Politics and Administration During the Reagan Years*. New York: Columbia University Press.
- Hecl, Hugh. 1975. "OMB and the Presidency—The Problem of 'Neutral Competence.'" *The Public Interest* 38 (Winter): 80-98.
- . 1977. *A Government of Strangers: Executive Politics in Washington*. Washington, DC: Brookings Institution.
- Hudak, John. 2012. "The Politics of Federal Grants: Presidential Influence over the Distribution of Federal Funds." Ph.D. diss., Vanderbilt University.
- Johnson, Clay. 2008. "Recommendations for an Effective 2008 Transition." *Public Administration Review* 68 (4): 624-26.
- . 2009. "The 2008-2009 Presidential Transition: Preparing Federal Agencies." *Presidential Studies Quarterly* 39 (4): 819-22.
- Kaufman, Herbert. 1965. "The Growth of the Federal Personnel System." In *The Federal Government Service*, ed. Wallace S. Sayre. Englewood Cliffs, NJ: Prentice-Hall, 7-69.
- Krause, George A., David E. Lewis, and James W. Douglas. 2006. "Political Appointments, Civil Service Systems, and Bureaucratic Competence: Organizational Balancing and Gubernatorial Revenue Forecasts in the American States." *American Journal of Political Science* 50 (3): 770-87.
- Lewis, David E. 2008. *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance*. Princeton, NJ: Princeton University Press.
- . 2009. "Modern Presidents and the Transformation of the Federal Personnel System." *The Forum* 7 (4): article 6. http://www.degruyter.com/view/j/for.2010.7.4_20120105083456/for.2010.7.4/for.2010.7.4.1338/for.2010.7.4.1338.xml?format=INT (accessed April 25, 2012).
- . 2011. "Presidential Appointments in the Obama Administration: An Early Evaluation." In *The Obama Presidency: Change and Continuity*, eds. Andrew Dowdle, Dirk van Raemdonck, and Robert Maranto. New York: Routledge.
- Lewis, David E., and Terry M. Moe. 2009. "Struggling Over Bureaucracy: The Levers of Control." In *The Presidency and the Political System*, 9th ed., ed. Michael Nelson. Washington, DC: CQ Press.

- Lewis, David E., and Abby K. Wood. n.d. "The Paradox of Agency Responsiveness: A Federal FOIA Experiment." Typescript, Vanderbilt University <https://my.vanderbilt.edu/davidlewis/files/2011/12/lewis-and-wood-paper-v.9.pdf> (accessed April 2, 2012).
- Light, Paul. 1995. *Thickening Government: Federal Hierarchy and the Diffusion of Accountability*. Washington, DC: Brookings Institution.
- Mackenzie, G. Calvin. 1981. *The Politics of Presidential Appointments*. New York: Free Press.
- Maranto, Robert. 1998. "Thinking the Unthinkable in Public Administration: A Case for Spoils in the Federal Bureaucracy." *Administration and Society* 29 (6): 623-42.
- . 2001. "Why the President Should Ignore Calls to Reduce the Number of Political Appointees." *The Heritage Foundation Backgrounder* 1413. <http://www.heritage.org/research/reports/2001/02/bg1413es-why-the-president-should-ignore-calls-to-reduce> (accessed April 25, 2012).
- . 2005. *Beyond a Government of Strangers*. Lanham, MD: Lexington Books.
- Moe, Terry M. 1982. "Regulatory Performance and Presidential Administration." *American Journal of Political Science* 26 (2): 197-224.
- . 1985. "The Politicized Presidency." In *The New Direction in American Politics*, eds. John E. Chubb and Paul E. Peterson. Washington, DC: Brookings Institution Press, 235-71.
- Nathan, Richard P. 1975. *The Plot that Failed: Nixon and the Administrative Presidency*. New York: Wiley.
- National Commission on the Public Service. 1989. *Leadership for America: Rebuilding the Public Service*. Lexington, MA: Lexington Books.
- . 2003. *Urgent Business for America: Revitalizing the Federal Government for the 21st Century*. Washington, DC: Brookings Institution Press.
- Newland, Chester A. 1987. "Public Executives: Imperium, Sacerdotium, Collegium? Bicentennial Leadership Challenges." *Public Administration Review* 47 (1): 45-56.
- O'Connell, Anne Joseph. 2009. "Vacant Offices: Delays in Staffing Top Agency Positions." *Southern California Law Review* 82 (5): 913-99.
- Patterson, Bradley H., Jr. 2008. *To Serve the President: Continuity and Innovation in the White House Staff*. Washington, DC: Brookings Institution.
- Patterson, Bradley H., Jr., and James P. Pfiffner. 2001. "The White House Office of Presidential Personnel." *Presidential Studies Quarterly* 31 (3): 415-38.
- Perry, J., and Wise, L. 1990. "The Motivational Bases of Public Service." *Public Administration Review* 50 (3): 367-73.
- Pfiffner, James P. 1996. *The Strategic Presidency: Hitting the Ground Running*. Lawrence: University Press of Kansas.
- Randall, Ronald. 1979. "Presidential Powers versus Bureaucratic Intransigence: The Influence of the Nixon Administration on Welfare Policy." *American Political Science Review* 73 (3): 795-810.
- Rottinghaus, Brandon, and Daniel E. Bergan. 2011. "The Politics of Requesting Appointments: Congressional Requests in the Appointment and Nomination Process." *Political Research Quarterly* 64 (1): 31-44.
- Stewart, Joseph, Jr., and Jane S. Cromartie. 1982. "Partisan Presidential Change and Regulatory Policy: The Case of the FTC and Deceptive Practices Enforcement, 1938-1974." *Presidential Studies Quarterly* 12 (4): 568-73.
- Suleiman, Ezra. 2003. *Dismantling Democratic States*. Princeton, NJ: Princeton University Press.
- Sullivan, Terry. 2009. "Pursuing the Details of Inquiry." White House Transition Project Paper, 2009-01. <http://whitehoustransitionproject.org/resources/briefing/WHTP-2009-01b%20Details%20of%20Inquiry.pdf> (accessed November 2, 2010).
- Suskind, Ron. 2011. *Confidence Men: Wall Street, Washington, and the Education of a President*. New York: Harper.
- Tolchin, Martin, and Susan J. Tolchin. 1971. *To the Victor: Political Patronage from the Clubhouse to the White House*. New York: Random House.
- . 2010. *Pinstripe Patronage: Political Favoritism from the Clubhouse to the White House and Beyond*. Boulder, CO: Paradigm Publishers.
- U.S. Congress. House. Committee on Post Office and Civil Service. 1960. *Policy and Supporting Positions*. Washington, DC: Government Printing Office.
- Van Riper, Paul P. 1958. *History of the United States Civil Service*. Evanston, IL: Row, Peterson.

- Weko, Thomas J. 1995. *The Politicizing Presidency: The White House Personnel Office, 1948-1994*. Lawrence: University Press of Kansas.
- White, Leonard D. 1954. *The Jacksonians: A Study in Administrative History, 1829-1861*. New York: Macmillan.
- Wood, B. Dan. 1990. "Does Politics Make a Difference at the EEOC?" *American Journal of Political Science* 34 (2): 503-30.
- Wood, B. Dan, and James E. Anderson. 1993. "The Politics of U.S. Antitrust Regulation." *American Journal of Political Science* 37 (1): 1-39.
- Wood, B. Dan, and Richard W. Waterman. 1991. "The Dynamics of Political Control of the Bureaucracy." *American Political Science Review* 85 (3): 801-28.
- . 1994. *Bureaucratic Dynamics: The Role of Bureaucracy in a Democracy, Transforming American Politics*. Boulder, CO: Westview Press.
- Woodward, Bob. 2002. *Bush at War*. New York: Simon & Schuster.