

The Invisible Presidential Appointments: An Examination of Appointments to the Department of Labor, 2001-11

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In this article we examine what we call the president's invisible appointments. We designate Senior Executive Service and Schedule C appointees as invisible because, in lieu of a scandal, these appointees serve in the bureaucracy, generally with significantly less direct attention from the press or scholars. In addressing the invisible appointees, we use new data from an ongoing research project that collects and codes data from the résumés of political appointees in the George W. Bush and Barack Obama administrations. In this article we examine data from the résumés of appointees serving in the Department of Labor during these two administrations. We describe the characteristics presidents consider when making appointments, explain which factors are most important for which positions, and compare the results to existing expectations about the factors presidents consider when making appointments.

The George W. Bush administration was plagued with allegations that its appointees politicized the bureaucracy. Critics charged that presidential appointees injected ideology into apolitical decisions at the Departments of Justice (DOJ) and Interior, the Central Intelligence Agency (CIA), the Environmental Protection Agency (EPA), and

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AUTHORS' NOTE: An earlier version of this article was presented at the annual meeting of the Midwest Political Science Association, Chicago, IL, April 12-15, 2012. We thank Evan Haglund and Gbemende Johnson for research assistance.

the National Aeronautics and Space Administration (NASA).¹ Following the Federal Emergency Management Agency's (FEMA) lackluster response to Hurricane Katrina, subsequent investigations uncovered that most of the president's top PAS appointees (those requiring Senate confirmation) to that agency lacked even the most rudimentary emergency management experience.² While this case received a great deal of public scrutiny, the problem of politicized appointees only begins with PAS appointments.

In another case involving the Bush administration, an internal DOJ probe uncovered evidence that department appointees injected politics into agency decisions by hiring, firing, and promoting civil servants on the basis of political views, a clear violation of civil service norms and regulations. One of the key figures in the scandal, Monica Goodling, was a noncareer member of the Senior Executive Service (SES) serving in the Office of the Attorney General.³ Goodling had begun her career at DOJ as a lower-level appointee, called a Schedule C appointee. Her basic qualification for the position at DOJ was that she worked previously as an opposition researcher for the Republican National Committee. Goodling's example at DOJ is not alone. Subsequent agency investigations uncovered evidence that lower-level appointees were involved in bullying career staff, censoring government reports, and leaking internal documents to outside groups in order to pursue the administration's policy and political goals.

Unfortunately, these examples are not specific to the G. W. Bush administration. Since Richard Nixon engaged in a concerted effort to secure policy change through administration, what Nathan (1975) calls the "administrative presidency," presidents have been accused of promoting loyalty over competence at the appointment stage. Presidents do so because "political appointments dominate the dynamic of institutional political control" (Wood and Waterman 1994, 73) and because loyal appointees are more likely to do the president's bidding. Hence, as Epstein and O'Halloran (1999, 60) note, "loyalty to the president's goals will be the primary factor in choosing executive branch officials." Or as Moe (1985, 245) states, presidents primarily are motivated to appoint "individuals on the basis of loyalty, ideology, or programmatic support."

Consequently, prevalent questions in the administrative presidency literature are on which basis presidents select appointees (loyalty versus competence versus other factors)

1. For details of the DOJ politicization see Carrie Johnson, "Internal Justice Dept. Report Cites Illegal Hiring Practices," *Washington Post*, July 29, 2008, A1; Carrie Johnson, "Report Cites Political and Racial Bias at Justice," *Washington Post*, January 14, 2009, A8; Dan Eggen and Paul Kane, "Gonzales: 'Mistakes Were Made.'" *Washington Post*, March 14, 2007, A1. See also Gordon (2009). The new director of the CIA brought a cadre of partisan appointees with him to help him rein in the intelligence agency and ignited an internal firestorm of protests and resignations. Dana Priest and Walter Pincus, "CIA Chief Seeks to Reassure Employees." *Washington Post*, November 16, 2004, A1. The White House reviewed and revised agency reports by scientists at the EPA on global climate change to make sure the agency's pronouncements were consistent with White House positions. Andrew C. Revkin and Katherine Q. Seelye, "Report by E.P.A. Leaves Out Data on Climate Change." *New York Times*, June 19, 2003. <http://query.nytimes.com/gst/fullpage.html?res=9C07EED81138F93AA25755C0A9659C8B63> (accessed March 2, 2009). NASA appointees worked to control the public statements of NASA scientists on climate change. Andrew C. Revkin, "Lawmaker Condemns NASA Over Scientist's Accusations of Censorship," *New York Times*, January 31, 2006. <http://www.nytimes.com/2006/01/31/science/31climate.html> (accessed April 7, 2012).

2. Spencer S. Hsu, "Leaders Lacking Disaster Experience." *Washington Post*, September 9, 2005. <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/08/AR2005090802165.html> (accessed May 28, 2012).

3. U.S. Department of Justice (2008).

and what affects these appointees have on policy outputs and performance? While much has been written on this subject, most studies of presidential appointments focus on a few high-profile positions, usually at the top of an agency or department's hierarchy. This focus ignores lower-level appointees. Monica Goodling was a lower-level DOJ appointee not requiring Senate confirmation. Yet she initiated a series of crucial, politically and legally questionable decisions that adversely impacted the president's reputation. Non-PAS appointments are of particular importance because of the 3,000 to 4,000 appointees available for political appointment in the executive branch, approximately 2,200 do not require Senate confirmation. Seven hundred are noncareer members of the SES. The SES is a corps of managers just below Senate-confirmed appointees and above the general civil service. Of the total number of close to 7,000 persons in the SES, 10% may be appointees. Close to 1,500 persons are appointed as Schedule C appointees, positions reserved for persons filling confidential or policy-making positions below Senate-confirmed or SES appointees.⁴

A primary focus on PAS appointments therefore ignores much of the diversity in appointments and may provide a distorted picture of presidential appointment politics since appointments to lower-level positions may follow a different process than those for higher positions. Yet these lower-level appointments play a crucial role in presidential and agency politics and policy making. Mid-level appointees manage the federal programs and bureaus and are at the heart of recent presidential efforts to gain control of the bureaucracy. Lower-level appointees often serve staff roles. Persons serving in these positions have little formal authority associated with their positions, but they can accrue substantial informal authority as the case of Monica Goodling suggests. Arguably the most important trends in the administrative presidency include increases in lower-level appointees and more careful selection of appointees at these lower levels.

In this article we examine the politics of what we call the president's *invisible appointments*. We so designate Schedule C and SES appointees as invisible because, in lieu of a scandal, these appointees serve in the bureaucracy, with little if any attention from the press or scholars. The fact that they are not subject to Senate confirmation also means that there is limited accountability and virtually no constraint on the president's appointment power.⁵ The problem in studying these non-PAS employees has been a lack of reliable data on their training and personal characteristics.

In addressing the invisible appointees we use new data from an ongoing research project that collects and codes data from the résumés of political appointees across the executive branch in the George W. Bush and Barack Obama administrations. In this article we examine data from the résumés of appointees serving in the Department of Labor during these two administrations. We describe the characteristics presidents consider when making appointments, explain which factors are most important for which positions, and then evaluate these expectations with the data. By looking carefully at the backgrounds of appointees at different levels we uncover numerous interesting insights.

4. A Schedule C appointee must have another appointee as an immediate supervisor.

5. This is not to say that presidents are completely unconstrained. Many personnel officials describe how their choices are constrained by the fear that a story about one of their decisions will end up on the front page of the *Washington Post*.

Literature Review

There has been a great deal of research about how presidents control personnel selection in the federal executive establishment. These works explore the evolution of the White House personnel operation (Bonafede 1987; Hess 1988; National Academy of Public Administration 1983; Mackenzie 1981; Pfiffner 1996; Weko 1995), the growth in the number and penetration of political appointees (Hecl, 1977; Lewis 2008; Mackenzie 1981, 1987; National Commission on the Public Service 1989, 2003; Pfiffner 1996), the different factors that influence which persons presidents select for appointed positions (Durant 1987, 1992; Moe 1985; Moynihan and Roberts 2010; Pfiffner 1987; Waterman 1989), and the backgrounds and experiences of presidential appointments and their careerist counterparts (see, e.g., Aberbach and Rockman 2000; Cohen 1998; Fisher 1987; Krause and O'Connell 2010; Mann 1964; Maranto 1993; Maranto and Hult 2004; McMahon and Millett 1939; Michaels 1997). The development of the Presidential Personnel Office (PPO) and the increased sophistication of the president's personnel selection process coincided with an increase in the number and percentage of appointees in the executive establishment. Using their augmented White House personnel operation, presidents have expanded their control to even the lowest level appointees (senior agency officials used to control these lower-level appointments) and improved their ability to systematically evaluate candidates for appointed positions according to a number of factors (Weko 1995).

Scholarly research on presidential appointments describes how presidents evaluate potential candidates on factors such as loyalty, competence, acceptability to key legislators and committees, demographic characteristics, political connections, and work for the campaign or party (Mackenzie 1981; Pfiffner 1996). Scholars have particularly noted the increased presidential focus on loyalty and competence and, to a lesser extent, patronage considerations in filling appointed posts (Edwards 2001; Moe 1985; Weko 1995). Recent work wrestles explicitly with how presidents prioritize different characteristics in making appointments. Not all appointees rate highly on all the dimensions presidents care about, such as loyalty, competence, and political connections, and this fact forces the White House to make difficult choices about what factors are the most important criterion for different appointed positions. As a result, a growing body of research explores what characteristics of potential nominees are important for specific positions under particular circumstances. Some of this work focuses on the loyalty-competence trade-off, and other work focuses on patronage considerations.

Most of these studies concentrate their primary, if not their exclusive, focus on appointments involving Senate confirmation, the so-called PAS appointments. Yet, evaluating these scholarly works and the theories they explore is difficult without detailed information on the backgrounds and qualifications of those selected for mid- and lower-level appointed positions, as well—namely, persons selected for noncareer positions in the SES and Schedule C positions. While these appointees have received limited attention in the literature, they perform important functions. These mid-level appointees manage the federal programs and bureaus. Consequently, appointee responsiveness, backgrounds, and competence to these lower-level appointed positions have a direct impact on an agency's

policy outputs and performance. Of even greater theoretical importance, since the debate flourishes over whether presidents should promote competence or loyalty, modern presidential efforts to politicize the bureaucracy greatly rely on increases in the number and penetration of *lower-level* appointees rather than Senate-confirmed positions (see Lewis 2008). The number of Senate-confirmed positions has remained relatively stable since the 1960s apart from the natural growth in their number due to new agency or program creations. Hence, new presidential efforts to control bureaucratic policy outputs center largely on an increased focus on personnel selection at *lower-level* appointments. Jobs given to reward campaign volunteers and staff, with a few exceptions, are those at the mid to lower levels of federal departments and agencies. Since these appointees are largely invisible in that they do not require Senate confirmation, it is easier for presidents to place political loyalists in SES and Schedule C positions.

While scholars have conducted important research on the backgrounds of executive personnel at different levels in the federal executive establishment, this research focuses understandably on the most visible appointed positions and data sources. Since early in the twentieth century scholars have been interested in cataloguing and evaluating the backgrounds of federal executives. Scholars such as Herring (1936), Macmahon and Millett (1939), and Stanley, Mann, and Doig (1967) carefully researched the backgrounds of executives down to the subcabinet level in the executive departments (see also Mann 1965; Mann and Doig 1965). Nixon (2004) collected data on the backgrounds of all appointees to the independent regulatory commissions. Krause and O'Connell (2010) are working on a comprehensive data collection of Senate-confirmed appointees from 1977 to the present. Their research is based upon public records, interviews, newspapers, and anthologies such as *Who's Who in America*. Other scholars have used personal interviews and surveys to describe the aggregate characteristics of the executive class (Aberbach and Rockman 1976, 1995, 2000; Aberbach, Putman, and Rockman 1981; Fisher 1987; Maranto 1993; Maranto and Hult 2004; Michaels 1997). The only data that exists on the backgrounds of appointees in the SES is from surveys conducted up through the 1990s. We are aware of no systematic effort to collect data on the backgrounds of Schedule C appointees.⁶

In what follows we describe existing claims about where presidents will place their most loyal and competent appointees, as well as patronage appointees, and evaluate these claims with new data derived from the résumés of noncareer SES and Schedule C appointees obtained through the Freedom of Information Act (FOIA) process. We compare these to résumés for PAS appointments. Specifically, we focus on the backgrounds of appointees in the Departments of Labor in the Bush and Obama administrations.

Our Theoretical Approach

When a new administration takes office it must secure control of the administrative state and satisfy demands for government jobs from campaign supporters, the party, and

6. Macmahon and Millett (1939) include some information about aides in their book but this was before the Schedule C category of appointments was created.

influential members of Congress and other political elites. It must also appoint a team that meets public expectations about demographic, geographic, and, to a lesser extent, partisan diversity. This produces a difficult decision-making task for the president and the PPO. How will the new administration allocate the 3,000 to 4,000 policy and supporting positions in the departments and agencies of the federal executive establishment in a way that gives the president the best chance of securing the policy outputs they desire from government agencies and successfully build good will and curry favor as a job distributor? The answer to this question depends upon a number of factors including the specific job, agency ideology, the president's policy priorities, and the complexity of tasks accompanying an agency job.

With the Congress's increasing delegation of policy-making authority to the federal executive establishment, the stakes for control of the bureaucracy have increased. Presidents are held electorally accountable for the functioning of the entire government (Moe and Wilson 1994; Neustadt 1990 [1960]). When agencies produce policies that are controversial or when federal administrators fail in agency tasks, it is the president rather than the Congress that is usually held accountable. This makes presidential personnel selection a key decision point for presidents. Effective selection can aid presidents in securing control so that agencies produce the policy outputs that presidents prefer.

Some agencies will do what the president wants without much direction. Others require more direct attention. Some of the variation in agency responsiveness to presidential wishes is a function of the ideological leanings of the agencies themselves (Bertelli and Grose 2011; Clinton and Lewis 2008; Clinton et al. 2012). The statutes that govern agency activities reflect ideological choices by legislative coalitions at specific points in time. These policy commitments can be consistent or inconsistent with the preferences of presidents. Agencies that regulate or provide social welfare, for example, are natural targets for politicians who question the directions they are given in statute. Agencies are also staffed by persons whose personal beliefs influence their receptivity to White House direction. Federal employees self-select into agencies whose missions they support. For example, conservatives self-select into the military services and Department of Homeland Security. Liberals are more likely to select work in the EPA, Peace Corps, or Equal Employment Opportunity Commission. This makes federal executives natural allies when the president supports the mission of their agencies and natural opponents when the president wants to curtail or redirect agency activities.

In cases where the agency does not share the president's views, the president must select persons who will effect change in the agency. As Clay Johnson, President George W. Bush's presidential personnel director explained, both loyalty and competence are required to "get done what the principal wants done."⁷ Competence may be the most important factor here since appointees who do not share the president's views may also effect the policy change the president wants in agency policy. For example, presidents sometimes select appointees with views more extreme than their own to counteract inertial forces in the agency or policy-making environment (Bertelli and Feldmann 2007). Of course, when agencies are staffed with career professionals who generally share

7. As quoted in Lewis (2008, 27).

the president's vision for policy making, the necessity of appointing individuals with the loyalty and competence to drive change becomes less necessary, since the agency on autopilot, under the direction of career employees will tend to carry out the president's policy wishes. Together, this implies that presidents will prefer to appoint persons with higher levels of loyalty and competence to agencies that do not share the president's policy views. This leads our first hypothesis:

H₁: Presidents are more likely to place appointees selected for loyalty and competence in agencies that do not share the president's policy views.

Not only do the agencies presidents confront differ in their desire, willingness, and ability to follow presidential directions, but also some agencies are more important to the president than others. Even within agencies, some comparable bureaus are more important than others. For example, during the Obama administration the Centers for Medicaid and Medicare Services within the Department of Health and Human Service was a higher priority than the Administration for Native Americans or Administration on Aging. Within the Department of Labor the activities of the Occupational Safety and Health Administration get more attention than the Wage and Hour Division. Positions in the more important agencies get filled more quickly, and the selection of persons for these agencies gets more scrutiny since the success or failure of these agencies will have a more direct bearing on the president's agenda.

H₂: Presidents are more likely to place appointees selected for loyalty and competence in agencies that are high on the president's agenda.

The discussion of concerns for loyalty and competence implicitly highlight differences among appointed positions. For example, in the Department of Labor the president nominates a Secretary of Labor, as well as deputy, under-, and assistant secretaries, as well as other top officials such as general counsels and bureau chiefs. Within different agencies, some positions are more important than others for directing policy change. While the key positions or "choke points" in agency decision making are most likely to be higher-level positions, not all top-level positions are equally important. The more pivotal the position for agency choices, the more important competence and demonstrated loyalty should be important in personnel selection.

The Senate-confirmed (PAS) positions described above are the high-profile positions that naturally are the focus of most studies of presidential appointments. While these positions are certainly the most important within any agency, they do not represent the full spectrum of presidential appointments. When we include SES (NA) and Schedule C (SC) appointments, the preference for loyalty and competence and other factors becomes more nuanced. What loyalty and competence mean in these jobs is also less clear. For example, there are a variety of positions that can be classified as serving a political function. These include the directors of scheduling and advance, faith-based initiatives, speechwriters, and White House liaisons. There also are appointees who serve as liaisons between the Department of Labor and the legislative branch. These include the senior legislative officer, the legislative officer, and the legislative assistant. Liaison is also a

primary function for the director of intergovernmental affairs as well as the various intergovernmental assistants and officers. Positions that determine the Labor Department's message (e.g., speechwriters) or involve interactions with outside political actors are likely to be characterized by a greater emphasis on loyalty over competence. When competence is considered, we need to consider it broadly. For example, having experience working on a congressional committee may provide the administration with evidence of an appointee's competence regardless of the subject matter. Working in an expressly political position, such as prior experience working for a political party or campaign, might also be more valued in these positions and be used as a measure of both competence and loyalty. This is so because if the appointed position has a primarily political focus, we would expect political experience to have greater currency in the appointment process and not merely because it promotes loyalty. Individuals with political experience would be better trained to perform political functions within an agency.

That should not be the case with more policy-oriented positions where competence is defined by professional credentials and appropriate work experience. For example, a number of Department of Labor appointees serve in economic, legal, and policy capacities. The deputy wage and hour administrator, the chief economist, the commissioner of labor statistics, and the chief financial officer are part of the secretary of labor's economic team. The legal team includes the general counsel, counselor to the deputy secretary, and an attorney advisor. There also are a number of policy and senior policy advisors.

In addition to these positions, a number of special, research, and staff assistants hold appointed positions within the Labor Department. These positions are generally lower-level positions and thus are more likely to be filled by Schedule C appointees. Since these positions are broadly defined with few subject area or task expertise requirements, they are natural positions to use for campaign workers and supporters.

By expanding the focus to a variety of positions, we can therefore posit a more dynamic relationship between competence, loyalty, and presidential appointments. We expect that

- H₃:** Presidents are more likely to place appointees selected for loyalty and competence into key policymaking positions.
- H_{4a}:** Presidential appointments to political or liaison positions should emphasize loyalty over subject area competence.
- H_{4b}:** Appointments to professional policy positions (e.g., legal or economic advisors, and policy advisors) should reflect a greater concern for professional or subject area competence over loyalty.
- H₅:** Presidential appointments to staff positions should be the most patronage-motivated appointments.

Together, these predictions illustrate how presidents emphasize different criteria for appointments for different agencies and different positions. In what follows we examine these expectations in the context of the Department of Labor in the George W. Bush and Barack Obama administrations.

Data, Measures, and Methods

We rely on data drawn from the *résumés* of political appointees serving in the Department of Labor from 2001 to 2011. We obtained these *résumés* through FOIA requests in August 2009 and May 2011. Specifically, we requested the following:

- Copies of the *résumés* (or materials otherwise justifying appropriate pay levels for Schedule C appointees) of all persons appointed to a Schedule C position from January 20, 2001, to May 15, 2011.
- Copies of the *résumés* (or materials otherwise justifying appropriate pay levels for noncareer SES employees) of all persons employed by the agency as noncareer members of the SES employed from January 20, 2001, to May 15, 2011.
- Copies of the *résumés* of all persons employed as Senate-confirmed presidential (PAS) appointments by the agency from January 20, 2001, to May 15, 2011.

In response to our request, the Department of Labor sent 294 *résumés* (217 for Bush and 77 for Obama) and a list of all of the appointees that served during this time period along with their service dates. Many of the *résumés* for Bush appointees were no longer kept by the agency and had been shipped to the National Personnel Records Center. Agencies are also not required to keep *résumés* for Senate-confirmed appointees, but many do. Of the 49 Senate-confirmed appointees that served during this time, we have *résumés* for 14 PAS appointees or 28.6 % of all PAS appointees. Our primary focus in this work is an examination of the SES and Schedule C appointees. Of the 113 noncareer members of the SES, we have 55 *résumés* or 48.7% of all SES *résumés*. We also have 217 Schedule C appointee *résumés* out of 434 total or 50 % of all Schedule C *résumés*.⁸ We therefore have a representative number of *résumés* from what we call the president's invisible appointees.⁹

A few words also are relevant with regard to the information on the *résumés*. These are the actual *résumés* provided by each appointee. The only material redacted is of a personal nature such as telephone numbers and addresses. Most of the *résumés* provide relatively complete information about the education, work experience, and political involvement of the appointees. When *résumés* are less complete, they still reflect what each individual considers to be the most important in terms of their education and prior experience. Individuals emphasize information that they believe will be most useful in securing an appointment. They may therefore omit some information, such as their level of education, if they believe that other information is more vital to their job chances (e.g., having worked for a member of Congress). We therefore consider the information on the *résumés* as representing what each individual considered being most important (such as working for the Bush/Cheney campaign) and not necessarily a definitive list of all of their personal characteristics. Since the employers, here the appointing president and his

8. This means that we do not have a PAS, Schedule C, or SES designation for eight of the *résumés* that we received.

9. As to the missing *résumés*, they mainly reflect individuals who have left the agency. Once individuals leave the Department of Labor, their *résumés* are sent from Labor to a the National Personnel Records Center where they are no longer subject to the type of FOIA request we describe above.

advisors, rely on information listed on the résumé, these documents provide a measure of the characteristics that job applicants and their employer consider important. As such, they are a valuable measure of the characteristics that job seekers consider important in obtaining a presidential appointment. This is an important point because we next turn to how we interpret the various job characteristics listed on the résumés as measures of key concepts in the appointment literature, particularly loyalty and competence.

Loyalty

When discussing the concept of loyalty, scholars generally are interested in whether an appointee is personally loyal to a president or to the president's ideology or policy agenda. The tendency in many studies is to combine various measures of loyalty, yet as even our definition suggests there are multiple means of interpreting the concept of loyalty. Loyalty may be reflected in purely partisan terms. An appointee may have worked for the president's campaign, in this case the Bush/Cheney campaign of 2000, the 2004 reelection campaign, or the 2008 Obama campaign. They may have worked directly for the national campaign or at the state level. They may have been a paid employee or more likely a volunteer. Their functions may be anything from running a campaign in a particular state, to public relations, to canvassing. Likewise, some individuals worked in various capacities for the Republican National Committee or the Democratic National Committee. Again, they may have held a formal position or worked in an informal, volunteer capacity. Breaking down these categories of political participation is beyond the scope of the current article, though we will turn to a more nuanced measurement approach in our continuing work. Our purpose here is to demonstrate that even with regard to an issue that is generally considered evidence of loyalty, there is considerable variation in terms of how one participates in a political campaign.

Likewise, one may show loyalty in other ways. Nathan (1975) suggests that Nixon aide Frederick Malek, in his memo to then Chief of Staff Robert "Bob" Haldemann, suggested that the administration should promote individuals with prior appointed experience who had shown a fealty for the president's program. This type of loyalty is certainly important, but it also mixes the concept of loyalty with prior governmental experience, which in itself is a measure of competence. In sum, the concepts of loyalty and competence are not as easily separated, as political scientists would prefer. Some measures of loyalty may include aspects of competence and vice versa. Therefore, we must be careful when we delineate a particular variable as representing loyalty or competence alone.

With this caveat in mind, to measure loyalty we collected data from the résumés on whether each appointee worked in the White House or worked on the presidential campaign or on the transition team. A person was coded with a "1" if they worked for the White House, if the person was previously employed in a *full-time* capacity for the White House (5%).¹⁰ To measure campaign experience, we code this as a "1" if the person worked or volunteered for the Bush-Cheney campaign or the Obama campaign and "0"

10. Persons only working as White House interns are coded with a 0.

otherwise (35%). We also use the same coding procedure for whether or not each appointee worked on the transition or inaugural team (6%).

As we noted above, there are different ways of conceptualizing loyalty. Another way to think about it is in a way that looks a lot like patronage. One works for political officials in the hope and expectation that one will receive a better, higher-level position in the future. To capture possible patronage connections, we noted whether the person worked in Congress, whether the person's last job prior to their appointment was in politics, and whether they worked for the party. For the Congress variable, all persons working for a member in a full-time capacity were coded with a "1" (25%). Persons only working in staff agencies (e.g., Congressional Budget Office), only for committees, campaign committees, or as interns or pages are coded with a "0." For the *political* job measure, we coded a person with a "1" if the person's last job prior to the initial appointment in the agency was in politics and "0" otherwise (62%). This includes work for a political campaign, member of Congress, political party, political official (e.g., governor, political appointee, etc.), government affairs office for a firm or organization, or political action committee (PAC) or lobbying firm. We also note the number of previous campaigns (at all levels) the person lists on the résumé (0.98; min 0, max 10). These may be combinations of campaigns for federal, state, and local officials, or multiple campaigns for the same member of Congress. We also code for whether the person has ever worked for the Republican or Democratic political party with "0" if the person did not (27%). This includes work at the state or national level. For example, working as a volunteer at the National Party Convention would qualify. This can also include work for the College Republicans or Democrats.

Competence

When competence is considered, we need to consider it broadly, as we have with loyalty. For example, having experience working on a congressional committee may provide an appointee with both evidence of loyalty and competence. Working in an expressly political position, such as prior experience working for a political party or in campaigns, might also be more valued in these positions as measures of both competence and loyalty. This is so because if the appointed position has a primarily political focus, we would expect political experience to have greater currency in the appointment process and not merely because it promotes loyalty. Individuals with political experience also would be better trained to perform political functions within an agency. Thus, with these appointments, the very concepts of loyalty and competence blend.

That should not be the case with more policy-oriented positions. A number of Labor Department appointees serve in economic, legal, and policy capacities. The deputy wage and hour administrator, the chief economist, the commissioner of labor statistics, and the chief financial officer are part of the secretary of labor's economic team. The legal team includes the general counsel, counselor to the deputy secretary, and an attorney advisor. There also are a number of policy and senior policy advisors. It is these positions that are of the most critical interest to us since a focus on loyalty over competence in these positions would indicate that presidents, and their bureaucratic subordinates who recommend

appointees, are more interested in promoting a political agenda and are less concerned about policy expertise. Since we have copious data for both Presidents George W. Bush and Barack Obama, we can examine if a Republican president emphasizes politics and loyalty at the Labor Department, while a Democrat rewards competence.

Specifically, we code each résumé for both *subject* area and *task* expertise. Subject area expertise is coded with a “1” if the appointee has previous work or educational experience (i.e., graduate degree) in the same subject area as the core policy mission of the Department of Labor (27%). For example, appointees in the Department of Labor would receive a “1” here if their biography included experience in any of the following: a labor union, a state-level labor department, the Occupational Safety and Health Review Commission (or similar agency), or a teaching position in a relevant area such as labor law, industrial relations, or labor economics. This experience must have been achieved prior to their work in the administration.

Task expertise, however, is coded with a “1” if the appointee’s résumé indicates previous work or educational experience (i.e., graduate degree) in the same work area as the appointed job (e.g., management, speechwriting, public relations; 73%). For example, if a person has experience working on the campaign as a press officer and then assume a similar position in the federal agency, this should be coded with a “1.” Similarly, if person worked as a lobbyist prior to the appointment to a position as a congressional liaison, this should be coded with a “1.”¹¹

In addition to these measures, we also include other standard measures of appointee competence including education levels, agency and federal government experience, public management experience, and whether the person served in a previous administration as an appointee. For education level, we code the highest level of education listed on the résumé (4 PHD, 3 MD/MPhil, 2 MBA/MA/JD/MS, 1 BA, 0 none listed; 1.39). Interestingly, in 21 résumés, appointees felt no compulsion to list education (7%). Since this was not listed on their résumés, it likely was not a factor in their appointments, even if they did attend small colleges, for instance.

For agency experience, a person was coded with a “1” if the appointee has previously worked in the agency to which the person been appointed and a “0” otherwise (5%). This was only coded with a “1” if the appointee worked in the agency as an employee *prior to the start of the administration* that appointed that person.¹² So, for example, if an appointee previously worked as an appointed chief of staff in the Department of Labor prior to being appointed as a deputy assistant secretary, the work as chief of staff would **NOT** be coded as prior work in the agency. An appointee was coded as having public management experience if that person previously held high-ranking positions in federal, state, or local government agencies (secretaries, undersecretaries, deputy secretaries), as well as directors of smaller bureaus and offices (5%). For politicians, executive positions like mayors and governors were coded with a “1,” but legislators were not. Finally, persons who served as an appointee in a previous administration were coded with a “1” and others a “0” (12%).

11. In the case of special assistants or confidential assistants, persons should have worked in a similar role prior to appointment.

12. Part-time work, internships, or volunteer activities do not count.

Analysis

To test our research hypotheses, we examine whether appointees, broken down by administration and position and type, have the differences in backgrounds we expect. Since our focus in this article is on one agency, to determine if presidents are more likely to place appointees selected for loyalty and competence in agencies that do not share the president's policy views, we code résumés according to the appointing president. We also use the appointing president to test our second hypothesis—that presidents are more likely to place appointees selected for loyalty and competence in agencies on the president's agenda.¹³

We also have a series of hypotheses (H₃–H₅) that involve the type of position or appointment. We break jobs down by function to see how differences in job characteristics and appointment authorities influence background characteristics. We code for whether an appointee served in a key policy-making position (12%), a political liaison position (19%), or a professional position (5%). These are not mutually exclusive categories. We also account for differences in appointment authorities (PAS, NA, SC). Here we have three measures: one that codes an appointee as a “1” if the person a PAS appointment (5%), one that codes an appointee as a “1” if the person is an SES appointment (19%), and one that codes an appointee as a “1” if the person holds a Schedule C appointment (74%). Obviously, of the three types of appointments, PAS appointments are the most prestigious and rank higher in terms of policy influence and pay. They are therefore the most sought-after types of appointments.

Our analytical approach is straightforward. We compare the background characteristics of appointees by the relevant categories described in the hypotheses (appointing president, policy positions, political liaison positions, professional positions, and staff positions) with simple difference of means tests. These simple differences of means tests can be confounded by omitted factors and so we also estimate models with appropriate controls in appendices.

Results

We have hypothesized that (H₁) *presidents are more likely to place appointees selected for loyalty and competence in agencies that do not share the president's policy views* and that (H₂) *presidents are more likely to place appointees selected for loyalty and competence in agencies that are high on the president's agenda*. Since for this article we have data only for one agency, the Department of Labor, we test these hypotheses by examining differences in the appointment approach of two different presidents, George W. Bush and Barack Obama. Ideologically, the Department of Labor is more liberal than other agencies, both by mission and the ideology of its top civil servants (Clinton and Lewis 2008; Clinton et al. 2012). As such, President Bush should be the most interested in appointing both loyal and competent persons to direct the agency's policy making. Of course, after eight years

13. We note that, while George W. Bush and Barack Obama appointed most of the individuals included in our data set, a few were holdovers from previous administrations (mostly Bill Clinton). In the analyses that follow, we exclude holdover appointees from earlier administrations.

of Republican governance, it is possible that President Obama perceived a need to redirect Labor Department policy himself. While labor issues were not at the forefront of either president's agendas, in general labor issues are likely to be higher on a Democratic president's agenda.

While both presidents may have an incentive to select loyal and competent administrators in key policy-making positions, President Obama's pool of potential nominees may be larger since the Department of Labor represents the labor constituency, which tends to vote Democratic in presidential elections. While President Bush might like to appoint persons with a significant amount of labor experience, his choices may be limited. As such, we generally expect President Obama to name appointees with more relevant experience.

As a first cut in addressing these hypotheses, we report the proportion of appointees from each administration with background characteristics reflecting loyalty, patronage, and competence in Table 1. Some interesting patterns emerge. First, President Obama was more likely to select persons from the campaign and less likely to select persons from the White House, although we cannot reject the null hypothesis that the difference is due to chance. One reason for the difference, however, may be that, while President Bush's appointees span his entire eight years, Obama's only span three years. This means that President Obama may have more persons still around from the campaign and fewer persons yet with White House experience. Indeed, when we estimate models accounting for the time within the term and differences in position, President Obama is still less likely to select appointees for labor with White House experience (Appendix Table A1). Interestingly, Obama appointees are less likely to have worked for the party but significantly more likely to have come from political jobs just prior to their appointment.

TABLE 1
Department of Labor Appointee Characteristics by Appointing President

<i>Appointee Characteristics</i>	<i>George W. Bush</i>	<i>Barack Obama</i>	<i>Significant Difference?</i>
<i>Loyalty</i>			
White House	7	3	
Presidential Campaign	33	40	
Transition	6	5	
<i>Patronage</i>			
Work for Member of Congress	23	29	
Political	58	75	✓
# of Previous Campaigns	1.0	0.8	
Work for Party	34	10	✓
<i>Competence</i>			
Subject area expertise	22	36	✓
Task expertise	68	88	✓
Education level (0-4)	1.34	1.51	✓
Previous Agency Experience	4	6	
Public Management Experience	4	10	✓
Appointee in Previous Administration	9	19	✓

Note: $N = 291$. ✓ indicates difference in means is significant at the 0.10 level (two-tailed tests).

Thirty four percent of President Bush's appointees had worked for the Republican Party compared to 10% for Obama, but three-quarters of Obama's Labor appointees came from political jobs in Congress, government affairs firms, and PACs. Bush was more likely to draw appointments from those involved in Republican Party politics and the Republican National Committee.¹⁴ This may reflect differences in the organization and networks of the two parties, with Republicans being more organized around a central party apparatus. In total, while the data on loyalty and patronage is suggestive, it appears that both may have valued it in the Labor Department equally.

With regard to competence, Obama appointees had significantly more competence on virtually every dimension. They had higher levels of both subject area and task expertise. On average they had higher education levels, more public management experience, and were more likely to have served in a previous administration as an appointee. One possible interpretation of these findings is that Democrats have greater bench strength in labor. Interestingly, once accounting for differences in position type and the location and timing of appointments, the differences between Bush and Obama remain but are somewhat smaller and the estimates are less precise (Appendix Table A3). Specifically, early in an administration there may be a greater number of persons available for appointment who worked in the agency or a previous administration. As a president's tenure progresses, fewer and fewer of these persons are willing to take an appointment. Thus, the big competence difference between President Obama and President Bush may be partly explained by the persons available for an appointment. This is an underappreciated part of appointment politics.

Our third hypothesis (H_3) is that *presidents are more likely to place appointees selected for loyalty and competence into key policy-making positions*. In Table 2 we list the proportion of appointees having the relevant loyalty, patronage, and competence characteristics by whether or not the person was in a key policy-making position. Several interesting patterns emerge. Those in policy-making positions were less likely to have political experience than other appointees. They were significantly less likely to have worked on the campaign or worked for a member of Congress or the party. They were significantly less likely to have come most directly from a political job. Competence was a much more important consideration for policy-making positions. They were significantly more likely to know about labor policy. Their education levels were higher, and they had more management experience, working more frequently, for example, in previous administrations. There is some evidence that persons from the White House are more likely to be appointed to these positions, but while these findings approach statistical significance, we cannot reject the null of no difference between policy-making positions and other positions. In total, the evidence for H_3 is mixed.

To test hypothesis H_{4a} —that *presidential appointments to political or liaison positions should emphasize loyalty over subject area competence*—we created a variable that included those appointees who served in either a legislative or an intergovernmental liaison function (see Table 3). Fifty-five individuals fit this job description. Individuals

14. To evaluate these differences accounting for other confounding factors we estimate fuller models in Appendix Table A2.

TABLE 2
Department of Labor Appointee Characteristics by Key Policy Making Position

<i>Appointee Characteristics</i>	<i>Not Policy Making</i>	<i>Policy Making</i>	<i>Significant Difference?</i>
<i>Loyalty</i>			
White House	5	11	
Presidential Campaign	39	9	✓
Transition	6	3	
<i>Patronage</i>			
Work for Member of Congress	27	11	✓
Political	64	51	✓
# of Previous Campaigns	1.0	0.69	
Work for Party	30	9	✓
<i>Competence</i>			
Subject area expertise	20	69	✓
Task expertise	71	86	✓
Education level (0-4)	1.31	1.92	✓
Previous Agency Experience	4	9	
Public Management Experience	3	26	✓
Appointee in Previous Administration	9	31	✓

Note: $N = 291$. ✓ indicates difference in means is significant at the 0.10 level (two-tailed tests).

TABLE 3
Department of Labor Appointee Characteristics by Political Liaison

<i>Appointee Characteristics</i>	<i>Not Political Liaison</i>	<i>Political Liaison</i>	<i>Significant Difference?</i>
<i>Loyalty</i>			
White House	6	4	
Presidential Campaign	35	35	
Transition	6	5	
<i>Patronage</i>			
Work for Member of Congress	22	36	✓
Political	57	84	✓
# of Previous Campaigns	0.9	1.42	✓
Work for Party	26	34	
<i>Competence</i>			
Subject area expertise	28	16	✓
Task expertise	72	78	
Education level (0-4)	1.41	1.3	
Previous Agency Experience	5	2	
Public Management Experience	5	7	
Appointee in Previous Administration	12	9	

Note: $N = 291$. ✓ indicates difference in means is significant at the 0.10 level (two-tailed tests).

appointed to these positions look significantly different from other types of appointees. Notably, persons serving in political liaison positions such as White House liaison, senior legislative officer, senior intergovernmental officer, or speechwriter had significantly more experience in Congress and campaigns, marginally more experience working with the

TABLE 4
Appointee Characteristics by Professional or Policy Position

<i>Appointee Characteristics</i>	<i>Not Professional</i>	<i>Professional</i>	<i>Significant Difference?</i>
<i>Loyalty</i>			
White House	5	14	
Presidential Campaign	35	36	
Transition	6	0	
<i>Patronage</i>			
Work for Member of Congress	25	14	
Political	64	38	✓
# of Previous Campaigns	1.0	0.43	
Work for Party	28	14	
<i>Competence</i>			
Subject area expertise	24	64	✓
Task expertise	73	86	
Education level (0-4)	1.3	2.1	✓
Previous Agency Experience	4	7	
Public Management Experience	5	14	
Appointee in Previous Administration	12	7	

Note: $N = 291$. ✓ indicates difference in means is significant at the 0.10 level (two-tailed tests).

party, and they were more likely to have been working in politics prior to their appointment. While they have as much task expertise as other appointees, they have significantly less experience in the subject areas of their agency, in this case labor policy.

By contrast, when we shift the focus to professional policy positions (H_{4b})—jobs that are defined as having a policy component (e.g., policy advisor)—we find that appointees in these positions have significantly more subject area expertise and higher levels of education. Whereas, appointees in less professional positions have subject area expertise about one-quarter of the time, appointees to professional positions have previous experience in this policy area 64% of the time (see Table 4). The modal appointee in these positions has a master's level education, and the average is slightly higher. Appointees in these positions are less likely to be from the political world with lower average levels of work in Congress, campaign work, or work for the party, and most are not from the political world.

Finally, our fifth hypothesis (H_5) posits that *presidential appointments to staff positions should be the most patronage-motivated appointments*. In Table 5 we present information on the backgrounds of appointees broken down by the level of the appointee (PAS, NA, SC). As expected, Schedule C appointees have the most political experience and their résumés include the least evidence of demonstrated competence. PAS appointees have relatively low levels of demonstrated loyalty or political activity but high levels of competence. Collectively, these results suggest that appointees at the top level have less evidence of demonstrated loyalty, which is somewhat surprising. Where loyalty, either to the president or the party, is injected into agencies is in the less visible lower-level appointments.

TABLE 5
Department of Labor Appointee Characteristics by Appointment Authority

<i>Appointee Characteristics</i>	<i>Senate Confirmed (PAS)</i>	<i>Noncareer SES (NA)</i>	<i>Schedule C (SC)</i>
<i>Loyalty</i>			
White House	0	11	5
Presidential Campaign	7*	30	39*
Transition	7	7	5
<i>Patronage</i>			
Work for Member of Congress	21	24	25
Political	50	62	64*
# of Previous Campaigns	1.36	1.0	1.0
Work for Party	14	20	30*
<i>Competence</i>			
Subject area expertise	64*	52*	17*
Task expertise	79	91*	68*
Education level (0-4)	1.9*	1.7*	1.3*
Previous Agency Experience	7	11*	2*
Public Management Experience	21*	15*	2*
Appointee in Previous Administration	29*	26*	7*

Note: $N = 291$. * indicates difference in means from average is significant at the 0.10 level (two-tailed tests).

Conclusions

SES and Schedule C appointments have received less visibility in the scholarly literature. The primary focus is on PAS appointments, yet most of the president's appointees to many agencies are either SES or Schedule C appointments. These appointments have remained largely invisible because of a lack of reliable data to measure and examine the characteristics of these lower-level presidential appointees. In this article we have examined what we call the invisible presidential appointees using résumés from the actual appointees filed with the Department of Labor, 2001-11.

Our findings indicate that in the Department of Labor, President Obama was more likely to select appointees with demonstrable competence than was his predecessor, George W. Bush. There are two possible explanations for this finding. First, since the Labor Department is traditionally considered to represent a constituency important to the Democratic Party, this finding suggests that presidents may be more inclined to emphasize competence in agencies that share the president's political goals. Bush's inclination to name individuals who had lower levels of competence, on the other hand, is consistent with the idea that presidents will be more inclined to name loyalists to agencies that do not represent the president's political or ideological philosophy. A second possibility is that any president's ability to appoint persons with demonstrated loyalty or competence may depend upon the pool of available appointees. President Bush may have had fewer Republicans to draw from that had experience working for organized labor and related groups. As one Republican presidential personnel official explained, "Most people [Republicans] do not see Labor in their long term future . . . You are not

going to be able to make a living from that pattern of relationships.”¹⁵ If this is true, Republican presidents that want to appoint persons with expertise in labor will be more constrained than Democrats.

Contrary to previous work, we did not find that agencies that shared the president’s policy views were the most likely to get patronage appointees. Indeed, while the Department of Labor is generally liberal, President Obama stocked it with appointees whose résumés include significant evidence of both task and subject expertise. Whether this is because the president sought to make key changes in the department’s policy and thus needed competence to execute it or because people appointed for patronage reasons also were competent is hard to disentangle.

We also examined loyalty and competence in relation to the three different types of appointments. In this research project, we are examining only one agency. One limitation of this approach is that we have data on but a small number of PAS appointments. We have, however, a large number of résumés for SES and Schedule C appointees. In relation to these two largely overlooked categories of appointees, we find that there is no evidence that presidents promote loyalty over competence with regard to SES appointments. Contrarily, we find that both Presidents Obama and Bush appointed individuals with lower levels of demonstrable competence to Schedule C positions. This indicates that Schedule C appointments are the most politicized of the three types of appointments. Since many more appointees at the Labor Department held Schedule C appointments, this is particularly troubling. Appointees at this level were those implicated in scandals in the Bush and Obama administrations in NASA and the General Services Administration.¹⁶

Clearly, an examination of appointments in one federal department allows us only to make modest generalizations about the overall impact of PAS, SES, and Schedule C appointments. Our data will allow us in the future to examine a variety of other federal departments, agencies, commissions, and boards. As such, our initial findings in this project represent but a starting point for our larger research efforts. The results from the Labor Department are troubling, however. If the largest percentage of presidential appointees to a key agency is not appointed on the basis of competence, this suggests that presidents are filling the bureaucracy with individuals who represent their political interests, or they are merely rewarding (patronage) individuals by giving them government jobs. Neither possibility is particularly encouraging, especially if we find similar evidence in our continuing research agenda. Our findings here demonstrate that once we lift the veil from the president’s invisible appointments, one can make a much stronger case that presidents do not consider competence as an important criterion when they make their appointments.

15. As quoted in Lewis (2008, 64).

16. See, e.g., Andrew C. Revkin, “A Young Bush Appointee Resigns His Post at NASA.” *New York Times*, February 8, 2006. <http://www.nytimes.com/2006/02/08/politics/08nasa.html> (last accessed April 4, 2012); Sheryl Gay Stolberg and Michael S. Schmidt. 2012. “Agency Trip to Las Vegas is the Talk of the Town.” *New York Times*, April 3, 2012. <http://www.nytimes.com/2012/04/04/us/politics/gsa-las-vegas-trip-is-the-talk-of-washington.html> (accessed April 4, 2012).

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Appendices

TABLE A1
MLEstimates of Appointee Loyalty

<i>Appointee Characteristics</i>	<i>White House</i>	<i>Campaign</i>	<i>Transition</i>
<i>President</i>			
Obama Appointee	-2.01*	0.05	0.03
<i>Type of Position</i>			
Policy making position	1.67	-1.92**	-1.42*
Political liaison position	-0.32	-0.27	-0.31
Professional position	1.20	0.39	—
PAS appointee	—	-1.23	0.89
SES appointee	0.26	-0.19	0.54
<i>Timing, Location of Appt.</i>			
Office of the Secretary	0.25	0.12	1.50*
# days when received appt.	-0.001	-0.001**	-0.00
Constant	-2.38**	0.20	-3.45**
<i>N</i>	277	291	277
<i>LR (6, 8 df)</i>	19.15	29.08**	15.20

Note: ** significant at the 0.05 level; * at the 0.10 level (two-tailed tests). No persons from the White House were appointed to PAS positions. No persons on the transition were appointed to professional positions.

TABLE A2
Estimates of Appointee Patronage Connections

<i>Appointee Characteristics</i>	<i>Congress</i>	<i>Political Job</i>	<i>Previous Campaigns</i>	<i>Work for Party</i>
<i>President</i>				
Obama Appointee	0.55	0.95**	-0.32	-1.92**
<i>Type of Position</i>				
Policy making position	-1.77**	-0.50	-0.56*	-0.86
Political liaison position	0.57*	1.26**	0.47*	0.27
Professional position	-0.55	-0.82	-0.36*	-0.39
PAS appointee	1.38	-0.20	0.90	-0.51
SES appointee	0.46	-0.08	0.17	-0.58
<i>Timing, Location of Appt.</i>				
Office of the Secretary	-0.20	0.36	0.05	-0.06
# days when received appt.	0.00	-0.00	-0.00	-0.001**
Constant	-1.35**	0.21	1.16**	0.21
<i>N</i>	291	290	291	289
<i>LR (6, 8 df)</i>	12.98**	24.87**	3.21**	28.97**

Note: ** significant at the 0.05 level; * at the 0.10 level (two-tailed tests, robust standard errors). Model of previous campaigns estimated with ordinary least squares.

TABLE A3
Estimates of Appointee Competence

<i>Appointee Characteristics</i>	<i>Subject Expertise</i>	<i>Task Expertise</i>	<i>Ed. Level</i>	<i>Agency Exp.</i>	<i>Public Mgmt. Exp.</i>	<i>Prev. Appt.</i>
<i>President</i>						
Obama Appointee	0.55	1.18**	0.67*	0.84	0.62	0.62
<i>Type of Position</i>						
Policy making position	0.90	-0.06	1.05**	-0.58	2.21**	0.64
Political liaison position	-0.33	0.35	-0.23	-1.12	1.68**	-0.15
Professional position	1.52**	0.87	2.34**	0.04	1.11	-0.94
PAS appointee	1.45*	0.35	1.12	1.36	0.98	0.81
SES appointee	1.41*	1.34**	1.06**	1.76**	1.14	1.11**
<i>Timing, Location of Appt.</i>						
Office of the Secretary	-0.13	0.40	-0.02	0.37	0.40	0.72
# days when received appt.	0.00	-0.00	0.001**	0.00	-0.00	-0.00
Constant	-1.89**	0.46	—	-4.19**	-4.97**	-2.81**
N	291	291	290	291	291	291
LR (6, 8 df)	39.62**	26.12**	51.82**	7.48	29.53**	25.68**

Note: ** significant at the 0.05 level; * at the 0.10 level (two-tailed tests, robust standard errors). Model of education level estimated with ordered logit (cut point estimates, -1.9, 1.4, 5.1, 5.8).