

EXCEPTED APPOINTMENTS AND PRESIDENTIAL UNILATERAL POWER

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PRESIDENTS INFLUENCING POLICY

- Presidents have many tools for influencing legislative and administrative policymaking.
- Appointment power is one of these tools (e.g., Moe 1985; Lewis 2008).
- Excepted appointments are particularly useful but "invisible." (Lewis and Waterman 2013)

ELIZABETH WARREN AND ANTONIO WEISS



PHOTO: BILL O'LEARY; JIM LEE/GETTY IMAGES

Elizabeth Warren and Antonio Weiss

LESSONS FROM THE WARREN/WEISS STORY

- Two useful aspects of excepted appointments: flexibility and ideology
- Excepted appointees can be used immediately.
- They allow the president to appoint people Congress couldn't or wouldn't approve.

IDEOLOGY AND FLEXIBILITY

- Traditional advice and consent takes an average of 265 days (Eilperin 2014) and 25 percent of appointees fail to make it through (O'Connell 2008).
- The considerable cost and uncertainty surrounding the process discourages some excellent non-DC candidates (Eilperin 2014).
- Agencies differ in their propensity to follow directives and some are naturally more opposed to the president's agenda.
- Presidents care about bringing opposing bureaus into line. Excepted appointments are one way to achieve this.

EXCEPTED SERVICE AND THE LARGER APPOINTMENT SYSTEM

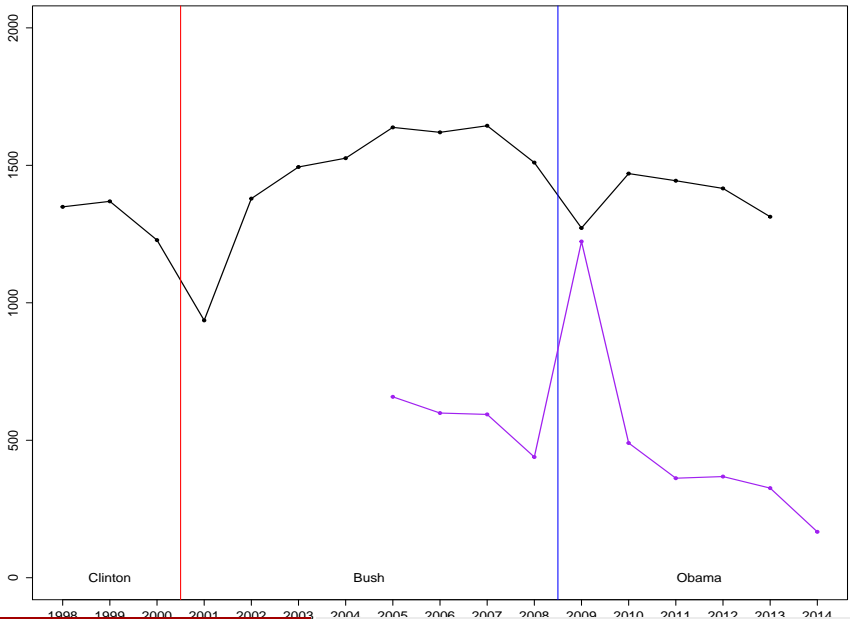
- Excepted positions are all those excepted from the competitive service.
- The excepted appointees referenced here are also exempt from advice and consent.
- Eisenhower created Schedule Cs to help deal with bureaucratic expansion and cultivate trusted advisors.



EXAMPLES OF SCHEDULE CS IN THE LARGER SYSTEM

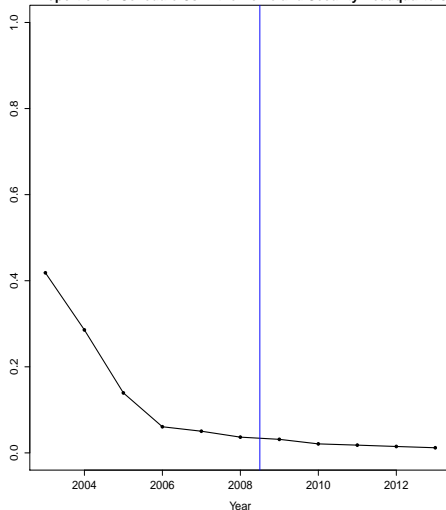
- PAS appointees serve as department secretaries and undersecretaries as well as heads of independent agencies.
- Deputy Undersecretaries are often non-career SES.
- Schedule Cs have many different jobs, but often serve as advisors on specific policy matters and sometimes approve the rulemaking activities of career staff or serve as liaison between political and career appointees.

Schedule C Appointments Over Time

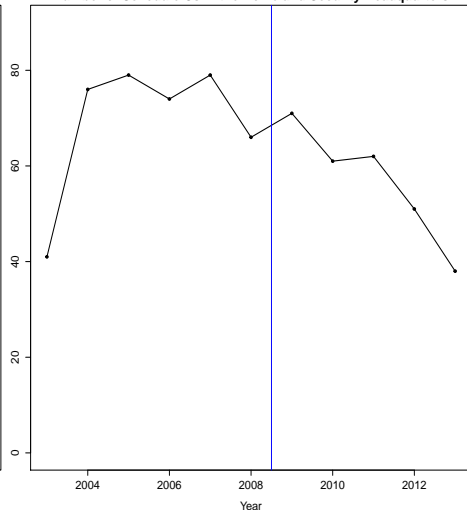


PRELIMINARY EVIDENCE ON FLEXIBILITY

Proportion of Schedule Cs in the Homeland Security Headquarters



Number of Schedule Cs in the Homeland Security Headquarters



PRELIMINARY EVIDENCE ON IDEOLOGY

- The result is meant to serve as a validation of using Schedule C appointments to consider presidential unilateral power.
- Ideology is measured as the absolute distance between the agency ideal point and the president's ideal point.
- Negative Binomial Regression Model.
 - Outcome Variable: Counts of Schedule C appointments in each agency 1998-2013.
 - Model includes ideology measure, presidential dummies, a unified government indicator, and agency fixed effects.

IDEOLOGY RESULTS

TABLE: Negative Binomial Regression Models of Appointments and Ideology

	<i>Dependent variable: Count of Schedule C Appointees</i>	
	Model 1	Model 2
Ideology	0.056 (0.029)	0.307 (0.081)
Clinton	-0.086 (0.034)	-0.190 (0.170)
Obama	-0.086 (0.026)	-0.119 (0.126)
Unified Government	-0.051 (0.025)	-0.061 (0.126)
Constant	3.267 (0.074)	2.735 (0.137)
Fixed Effects	yes	no
Observations	1,213	1,213
Log Likelihood	-2,523.319	-4,248.940
θ	38.152 (5.129)	0.311 (0.013)
Akaike Inf. Crit.	5,210.637	8,507.880

CONCLUSION

- Excepted appointments allow the president the flexibility he needs to make many appointments quickly.
- The case of the Department of Homeland Security headquarters suggests these appointees can be used to fill positions quickly in a brand new and very salient agency.
- A preliminary regression model also suggests that the president places Schedule C appointees into ideologically dissimilar agencies, perhaps to bring naturally opposed bureaus more in line with his policy agenda.
- Overall, this project is meant to serve as evidence that Schedule C appointees are a tool in the president's unilateral toolbox and deserve further study.