

# Excepted Service Appointments and Presidential Unilateral Power

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## Research Question

Where and under what conditions do presidents use Schedule C appointees?

## What Are Excepted Appointees?

Most people are familiar with the glamour and intrigue of the advice and consent process. However, millions of individuals work for the federal government and only a tiny percentage actually go through advice and consent.

Excepted appointees are interesting because they are selected by the president but they serve without the Senate’s advice and consent.

## Motivating Example



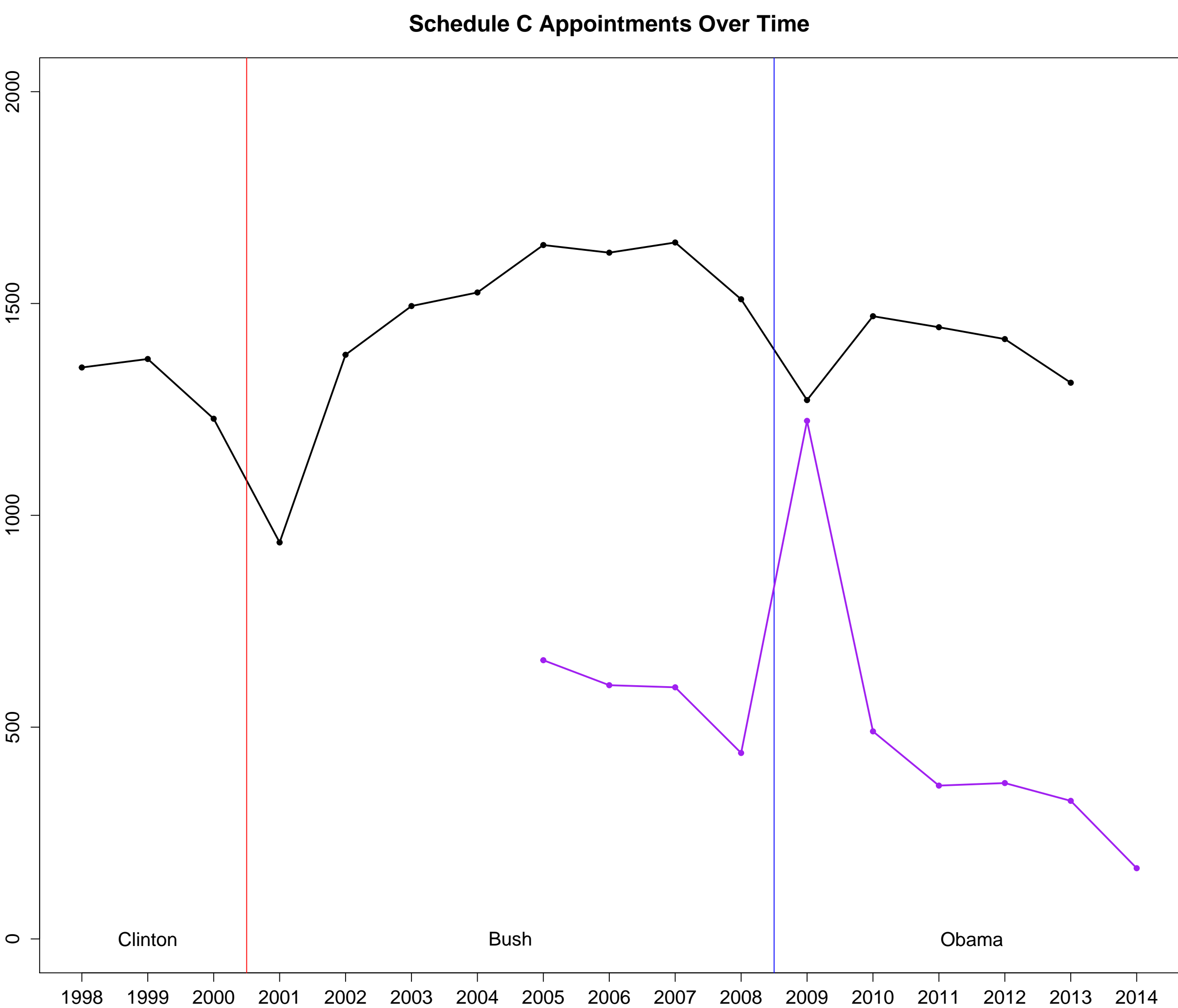
In November 2014, President Obama nominated Antonio Weiss as the Undersecretary for Domestic Finance. Led by Elizabeth Warren, a number of progressive Democrats in the Senate opposed Weiss’ appointment. To avoid a confirmation showdown, Obama withdrew the nomination and instead appointed Weiss to an excepted position. While he may have fewer formal responsibilities than he would have as Undersecretary, Weiss had the ability to affect policy immediately rather than risking a lengthy and potentially unsuccessful confirmation battle.

## Hypotheses

- Because presidents need to bolster the work of their allies and will have an easier time influencing agencies sympathetic to their agendas, I expect presidents will utilize Schedule C appointees more frequently in ideologically similar agencies.
- Given the difficulty that presidents encounter with staffing when there are high levels of congressional polarization, I expect that presidents utilize Schedule C appointees more frequently when Congress is relatively polarized.

## Schedule C Appointees Over Time

The black line in the figure below shows the total number of Schedule C appointees over time. The number of Schedule Cs tends to fall during a presidential transition and then rise as the positions are filled. The purple line is the number of new hires to agencies each year. The number of new hires in 2009 nearly equaled the total number of Schedule Cs in 2009, indicating that over 96 percent of appointees were new hires in the Obama administration rather than holdovers from previous administrations.

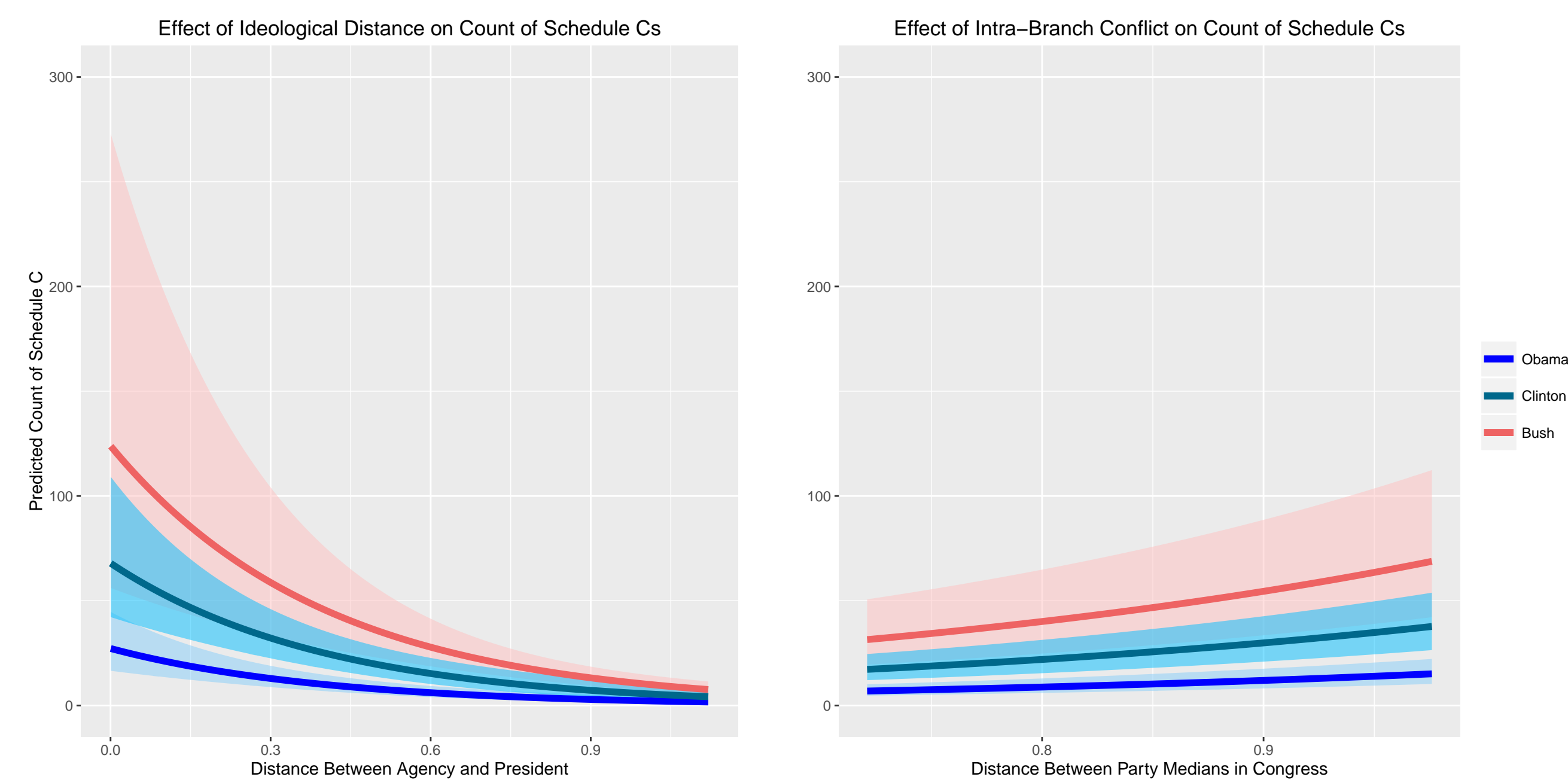


## Results

Dependent Variable: Number of Schedule Cs

	Coefficient	Standard Error
Ideological Distance	−2.488	(0.444)
Congressional Polarization	3.070	(0.706)
Agency Size	0.009	(0.002)
First Year of Presidency	−0.235	(0.049)
Last Year of Presidency	−0.013	(0.023)
Obama	−1.516	(0.277)
Clinton	−0.601	(0.195)
Constant	2.006	(0.409)
Observations	811	
Log Likelihood	−3,209.507	
$\theta$	0.451 (0.022)	
Akaike Inf. Crit.	6,435.015	

Results are from a Negative Binomial regression model with clustered standard errors.



## Conclusions

- Schedule C appointees are a powerful yet understudied tool in the president’s unilateral policy arsenal.
- Evidence suggests presidents utilize Schedule C appointees more frequently in ideologically similar agencies.
- Evidence also suggests that presidents utilize Schedule C appointees more frequently when conditions in the Senate are unfavorable for confirmations.