Presidential Appointments in the Obama Administration: An Early Evaluation

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President Obama assumed office under difficult circumstances. He confronted an economic crisis of historic magnitude, two wars, and skyrocketing deficits. This made getting an effective team in place quickly even more important than normal. The persons Obama and his team selected have managed the day to day affairs of government and had a key impact on the administration's performance. Indeed, it is hard to disentangle evaluations of the president's first 18 months from the effectiveness of the personnel process and the people chosen to staff the administration. For example, key economic policy decisions were made with Timothy Geithner as the only confirmed Treasury Department official.[1] An attempted terrorist attack on a jetliner in December of 2009 occurred before an administrator had been confirmed to head the Transportation Security Administration.[2] According to data from the *Washington Post*, the president still had filled only 75% of the key policymaking positions in government by the 18 month mark, partly due to the fact that many nominees had been held up by both Republicans and Democrats in a contentious Senate. The midterm shakeup in the White House staff and economic and national security teams illustrates just how closely administration personnel were associated with the successes or failures of the administration. Around the time of the midterm elections, Rahm Emmanuel, Robert Gibbs, Peter Orszag, Christina Romer, Larry Summers, and James Jones had all departed.[3] These names were synonymous with the tribulations of Obama's

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[1] Cho, David, "Staffing Shortage Hinders Treasury's Progress," *Washington Post*, March 10, 2009 (http://www.washingtonpost.com/wp-dyn/content/article/2009/03/09/AR2009030902807.html, last accessed October 26, 2010).
[2] Shear, Michael D., "Failed Attack on Jet Renews Concerns Over Lack of TSA Chief," *Washington Post*, December 30, 2009 (http://www.washingtonpost.com/wp-dyn/content/article/2009/12/29/AR2009122902768.html, last accessed October 31, 2010).
[3] Montgomery, Lori. 2010. "Obama's Top Economic Adviser Leaving." *Washington Post*, September 22, 2010 (http://www.washingtonpost.com/wp-dyn/content/article/2010/09/21/AR2010092106077.html, last accessed September 25, 2010); Pace, Julie. 2010. "Obama Aide's Exit Could Be a Prelude to More Changes." *Washington Post*, September 22, 2010 (http://www.washingtonpost.com/wp-dyn/content/article/2010/09/22/AR2010092200612.html, last accessed September 25, 2010).

presidency. Some of the president's personnel choices, both successes and failures, were less publicized but also have played an important role in the Obama Administration.

This paper reviews President Obama's personnel process, its pace and contours. It explores the ways that Obama is similar to previous presidents. It starts first by reviewing the President's efforts to fill the most important policymaking positions in government, comparing Obama's performance to earlier presidents. It explores where vacancies persist and why. Second, the paper describes the president's appointments strategy, focusing on how the president balanced demands for loyalty and competence in key administration jobs while handling predictable pressures to use appointed jobs to repay electoral and campaign supporters. Some general conclusions of the paper are that the president treated agencies differently depending upon whether the agency was critical for implementing a policy on the president's agenda and whether the president anticipated resistance from the agency because of the prevailing policy views in the agency. Finally, the paper concludes by discussing the implications of President Obama's failure to complete his team by the midterm elections. The pace and contours of his appointments raise important issues for democratic accountability, governance, and the prospects of presidential leadership. Specifically, the inability to complete a team before departures begin, particularly in key management positions mean that many agencies will operate without consistent White House leadership and little long-term planning and organizational maintenance.

Putting the Obama Team Together

Each newly elected president confronts the tremendous task of staffing a new administration. According to data from the 2008 *Plum Book*, there were between 3,500 and 4,000

positions subject to presidential appointment after President Obama's election victory.[4] Of this

number 1,141 were subject to Senate confirmation. The remainder was comprised of appointed

positions in the Senior Executive Service (SES), Schedule C positions, and other presidential

appointments that do not require Senate confirmation. The most important positions among these

thousands are a subset of the Senate-confirmed positions with key policymaking responsibilities.

If one excludes part-time and advisory positions as well as Ambassadorships, U.S. Marshals,

U.S. Attorneys, and positions filled by holdovers that are serving for fixed terms, President

Obama had 602 key Senate-confirmed positions to fill.[5] Among these positions were secretaries,

deputy secretaries, under and assistant secretaries, commissioners, administrators, general

counsels, and other chief management officials. This is a greater number of positions than

President Bush had to fill because of new positions created during the Bush Administration,

particularly as a result of the creation of the Department of Homeland Security.

There were some early successes in filling out the Obama team. The president started

planning early and benefited from the Bush Administration's assiduous transition preparations

(Burke 2009, Johnson 2009). After the November election, the president worked quickly to staff

the White House first and then make cabinet selections, following the advice of presidency

scholars and past transition participants (Burke 2009; Johnson 2008; Kumar 2008; Pfiffner 1996,

2010). Immediately after the election the president named his chief of staff. By contrast,

President Clinton did not name a chief of staff until December 12 which led to delays in filling

out a White House team and a generally rough transition (Burke 2000; Pfiffner 1996). President

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[4] This number does not include general SES positions which could be filled by presidential appointees or executives
serving in agencies with agency-specific personnel systems. It also assumes that President Obama would not create
additional positions either through executive action or law. In fact, legislation enacted during the first term such as
the financial reform legislation created a number of new Senate-confirmed positions.
[5] The *Washington Post* identified 696 key policymaking positions. This excludes ambassadors, marshals, and U.S.
attorneys. Of these 696 positions, 94 were filled by persons serving fixed terms and were, thus, not open to
presidential appointment. This leaves 602 positions that the president had to fill after January 20, 2009.

Obama introduced his economic team three weeks after the election and his national security team the week following. By December 19, the president had announced candidates to lead all 15 cabinet departments and a number of other key positions inside and outside the Executive Office of the President. The record on cabinet selections was the fastest since the Nixon Administration.

Of course, not all of the announced nominees survived the confirmation process. Treasury Secretary Timothy Geithner, Health and Human Services nominee Tom Daschle, Office of Management and Budget nominee Nancy Killefer, Labor Secretary Hilda Solis, and United States Trade Representative Ron Kirk had to answer for past tax problems. Daschle and Killefer eventually withdrew their names from consideration. Missteps relating to Obama's nomination of Bill Richardson and Republican Judd Gregg led to delays in finding a Secretary of Commerce and filling sub-cabinet positions in the department. As suggested above, the press notably commented on vacancies in the Treasury Department where Geithner was the only confirmed nominee during the crucial early period after the nomination.[6]

After the first 100 days President Obama's pace exceeded that of his immediate predecessors. The president announced 221 nominees during the first 100 days compared to 183 for Bush. Of those nominees he announced, Obama had formally nominated 183 (compared to 87 for Bush) and had 67 (33) confirmed. At the 100 day point the Senate had confirmed 45 nominees under both President Clinton and George H.W. Bush. President Reagan set the standard with 83 nominees confirmed by this milestone.[7] However, delays in filling some key positions such as in the Treasury Department led to the general perception that Obama was lagging in filling administration positions. The seriousness of the policy issues confronting the

[6] Cho, David, "Staffing Shortage Hinders Treasury's Progress".
[7] These data about progress after 100 days come from Burke (2009, 595) who relies on data collected and analyzed heroically by Terry Sullivan.

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nation in the economy, security, and foreign affairs exacerbated the general sense of dissatisfaction with the pace of appointments. The president filled the highest appointed positions first such as secretaries, deputy secretaries, and administrators but key vacancies remained in important sub-cabinet posts.

After 18 months, President Obama had announced or nominated persons to fill 476 or 79% of the key Senate-confirmed positions. The Senate had confirmed 444 (74%) nominees for these positions. Among the positions that remained vacant longest, some generalizations are possible. First, some positions were empty because they deal with hot button issues or were tainted by scandal. Vacancies persisted on the Federal Reserve Board of Governors and the President was slow to nominate officials to fill new positions created by the financial regulatory reform legislation. The top spots in the Office of the Special Counsel and the Office of Legal Counsel were also vacant along with the top procurement position in the Department of the Air Force. All three of these positions were the subject of scandal during the Bush Administration.[8] Second, a large number of the vacancies were in agency management positions. These include under- and assistant secretaries for administration and management, inspectors general (including two in the Treasury Department), and chief financial officers. These positions are often vacant because of low perceived policymaking or political importance. They also can be difficult to fill from the outside because of pay differences for comparable work in the private and public sectors. Finally, the president was slow to name persons to smaller independent boards and commissions. Multiple positions remained vacant on the Council on Environmental

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[8] Leonnig, Carol D., "Bush Special Counsel Bloch to Plead Guilty to Witholding Evidence from Probe," *Washington Post*, April 23, 2010 (http://www.washingtonpost.com/wp-dyn/content/article/2010/04/22/AR2010042205724.html, last accessed October 31, 2010); "The Office of Legal Counsel Still in Limbo," Washington Post, April 15, 2010 (http://www.washingtonpost.com/wp-dyn/content/article/2010/04/14/AR2010041404375.html, last accessed October 31, 2010); Cahlink, George, "Ex-Boeing CFO Pleads Guilty in Air Force Procurement Scandal," *Government Executive*, November 16, 2004 (http://www.govexec.com/dailyfed/1104/111604g1.htm, last accessed October 31, 2010).

Quality, Export-Import Bank, Federal Housing Finance Agency, Federal Mine Safety and Health Review Commission. These are agencies that are rarely on any president's agenda and often fall victim to a lack of priority.

More generally, the president prioritized some agencies more than others and patterns of delay and vacancy correlate with presidential priorities. All presidents must prioritize some positions over others (Kumar 2008; Parsneau 2007). President Reagan's team focused on the "key 87 positions." Others have focused on identifying the "choke points" in government or making sure positions dealing hot button issues get filled first. Agencies on the president's agenda are likely to be staffed differently than other agencies. They should receive more attention from the White House since they are a key to evaluations of the president's success or failure. Jan Naylor Cope, who worked in the George H.W. Bush Administration personnel office, provides more detail, explaining

> Obviously, the first bit was getting the cabinet secretaries, and the president was doing that. Once those were settled, it was really looking at the key policy-making areas of things that were of [the] utmost to the president's agenda. What did he run on? What did he say were going to be the first things he was going to look at?[9]

Not surprisingly, there are fewer vacancies in agencies central to implementing the President Obama's agenda. Table 1 includes data on the number of vacancies and average days it took the president to fill a position based upon whether the agency implemented a policy goal mentioned

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[9] White House Interview Program, Jan Naylor Cope Interview, June 8, 2000, conducted by Martha Kumar, 17 (http://www.archives.gov/presidential-libraries/research/transition-interviews/pdf/cope.pdf, last accessed July 11, 2010).

in President Obama's 2009 State of the Union speech.[10] While the overall percentage of

vacancies across the government was 24 percent, agencies implementing policies on the

president's agenda had a significantly lower vacancy rate of 18 percent (p<0.01). Agencies off

the president's agenda had 27 percent of positions vacant on average. With vacant positions

included, the number of days until confirmation was significantly lower for agencies on the

president's agenda (246 days vs. 330 days; p<0.00). Like other presidents, and suggested by

Cope, President Obama and his team focused on filling out positions central to his agenda first.

[Insert Table 1 here.]

Often, those agencies that do not naturally share the president's views on policy get more

attention than other agencies. When presidents take office, they are confronted with 15 cabinet

departments and 55-60 independent agencies staffed by over 2 million federal employees. Some

of these agencies share the president's views about policy and some do not. While some agencies

will do what the president wants with very little attention from the White House, others will

produce policies inconsistent with the president's wishes and campaign promises. Some

agencies, by virtue of what they do (e.g., regulation, civil rights, social welfare, federal

involvement in education), produce policies that are at variance with the wishes of sitting

presidents. The persons who work in these agencies have policy views of their own that make

them more or less responsive to presidential direction. These views often importantly coincide

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[10] Obama, Barack. "The President's Address Before a Joint Session of Congress on the State of the Union." February 24, 2009. In order to determine which agencies are important to achieving President Obama's policy goals, I rely on the president's first televised speech before Congress.[10] I coded all agencies that are responsible for a policy or issue raised in the speech with a 1 and all other agencies with a 0. For instance, President Obama states that "our survival depends on finding new sources of energy." This means that the Department of Energy is included in the list of agenda agencies. Some agencies coded as being on the agenda were those involved in the economic crisis (Treasury, Commodity Futures Trading Commission, Federal Deposit Insurance Corporation, etc.), the wars in Iraq and Afghanistan (Defense, military services), and education reform (Education). Some of the larger agencies that did not have programs mentioned in the State of the Union include the Departments of Agriculture, Commerce, Interior, and Transportation and other agencies such as the Environmental Protection Agency and the Small Business Administration. Coding was conducted with a research assistant. First, we each read the address independently and formed unique lists of all issues mentioned, as well as the relevant agencies. After consultation we excluded a few cases that were obviously incorrect. I then coded with a 1 all agencies included on both lists.

with the mission of their agencies since people self-select to work in agencies whose missions

they support. Civil servants also learn to see the world through their agency's eyes and this

influences how receptive they are to presidential direction. Presidents historically have paid

particular attention to those agencies whose views differ from their own (Lewis 2008).[11]

President Obama, like his predecessors, appears to have filled positions more quickly in agencies

that did not naturally share his views on policy. Table 2 includes data on vacancies and the

number of days until confirmation broken down by agency ideology.[12] The data indicate that

there are significantly fewer vacancies in conservative agencies compared to either liberal or

moderate agencies. The average position in a conservative agency was also filled more quickly

than in moderate or conservative agencies. The president and his team have worked harder in the

first term to fill positions in agencies that are not inclined to do what the president wants.

[Insert Table 2 here.]

Disentangling whether or not delay is due to White House slowness or Senate

obstructionism is difficult. President Obama installed the strictest ethics rules of any incoming

president and this slowed down the nomination process. He prohibited lobbyists working on the

transition from lobbying in areas related to their transition responsibilities for a year. The

president also prevented lobbyists from taking jobs in agencies they had lobbied over the

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[11] As quoted in Lewis 2008, 67-8.

[12] Some agencies are naturally more liberal or conservative than other agencies based upon their missions (e.g., regulation, social welfare, defense) and the composition of their permanent executives (Aberbach and Rockman 1976; Maranto and Hult 2004). If an agency's authorizing statutes require federal intervention in education or environmental regulation, for example, simply carrying out their mission may put the agency's civil servants at odds with the president. What is more, persons who support these missions self-select into these agencies so that liberals and Democrats are more likely to work in social welfare and regulatory agencies than Republicans. Conservatives and Republicans are more likely to work in defense and fiscal agencies (Aberbach and Rockman 1976; Maranto and Hult 2004). I determined which agencies were liberal, moderate, or conservative using estimates from Clinton and Lewis (2008). They fielded an expert survey to get data on agency liberalism-conservatism and used an item-response model to generate estimates in a way that accounted for rater heterogeneity. Higher values indicate more conservative agencies (mean 0.15; SD 1.07; min -1.72; max 2.40). I coded all agencies with positive values statistically distinguishable from 0 as conservative, all agencies with negative values statistically distinguishable from 0 as liberal, and all remaining agencies as moderate.

previous two years and appointees were prohibited from lobbying any executive branch agency after leaving office for the duration of Obama's tenure (Burke 2009, 590). These ethics requirements and the proliferating paperwork requirements ruled out viable candidates for many positions. The strict vetting regime was lengthy, repetitive, and invasive and numerous candidates decided not to be considered or withdrew under scrutiny or out of frustration (Burke 2009; Sullivan 2009). The Senate also contributed to the White House's delay because the White House spends more time vetting and securing political clearance when they anticipate trouble in the Senate.

President Obama confronted a determined minority in Congress that was not inclined to support administration appointees, particularly if opposing those appointees might give the Republican Party an election issue. This led to the president granting recess appointments to over twenty nominees to circumvent the Senate.[13] These include some of his most controversial appointees such as Mari Carmen Aponte (Ambassador to El Salvador), Donald Berwick (Centers for Medicare and Medicaid Services), and Craig Becker (National Labor Relations Board).

Individual members of both parties also placed holds on the President's nominees to extract concessions from the White House or make political points. For example, Alabama Senator Richard Shelby placed a blanket hold on dozens of nominees to because of concerns about a tanker contract and funding for a proposed counterterrorism center in his home state.[14] New Jersey Senator Robert Menendez placed holds on Obama's nominees to head the White House Office of Science and Technology Policy and National Oceanic and Atmospheric

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[13] See U.S. Senate data on pending nominations (http://www.senate.gov/pagelayout/legislative/one_item_and_teasers/nom_cmtec.htm, last accessed October 26, 2010)

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

Administration over a policy disagreement about U.S. foreign policy in Cuba.[15] Senator Mary Landrieu (D-LA) placed a hold on the nomination of Jacob Lew to be director Office of Management and Budget to protest the administration's moratorium on oil extraction in the Gulf.[16]

Beyond the use of recess appointments to circumvent the confirmation process, President Obama has also created numerous White House positions (i.e., "czars") to direct executive policymaking. These include Elizabeth Warren's position to set up the Consumer Financial Bureau but also a climate czar, a performance czar, a bailout czar, and a Middle East policy czar, and many others. These positions have the advantage of being close to the president and avoiding Senate confirmation but there are a number of drawbacks as well. Czars lack formal authority to formulate budgets, decide on personnel, or promulgate regulations. Czars must rely on other officials to do their bidding and czars' authority derives from proximity to the president. The problem, however, is that few czars actually have access to the president and the greater the number of czars, the less access any of them have. The creation of czars also, ironically, may make it that much more difficult for the president to recruit people to serve in the key policymaking positions. The existence of White House czars makes top executive branch officials such as cabinet secretaries and agency heads middle managers. Top Senate-confirmed appointees usually take a pay cut to serve in government but they do so because they want to be involved in policymaking and help solve important problems. If their influence is taken away or subject to approval by White House officials, their job is less rewarding and they either will not stay in government or choose not to come in the first place.

[15] Eilperin, Juliet, "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, last accessed October 26, 2010).

[16] 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, last accessed October 24, 2010).

A Note about Federal Judges

One area where President Obama has been particularly slow has been in the appointment of federal judges. Despite the president's achievement in filling two Supreme Court vacancies, this success has not carried over to nominations for circuit and district court vacancies. At the end of his first year President Obama had nominated only 44 federal judges and had 15 confirmed. This is significantly fewer than the 76 judges nominated and the 33 confirmed by President Bush. At the end of the summer 2010, prior to the midterm election season, Obama had nominated 85 judges with only 40 securing confirmation. His success rate for nominations is significantly lower than that of his immediate predecessor (47% vs. 61%) at this point in his term.[17] All together, 102 of 857 Article III judgeships were still vacant as the midterm elections approached.[18]

The delay in confirmations, with a few exceptions, is not due to the ideology of the nominated judges. By most accounts, the nominees as a group have been moderate to the disappointment of progressive groups.[19] Senate Republicans have admitted blocking many nominees as payback for similar Democratic obstructionism during the Bush Administration.[20] Republicans also note, however, that the president has been slow to nominate judges. One cause of delay is that the White House has resumed American Bar Association evaluation of nominees but more important is the delay and turmoil afflicting key executive branch offices related to the judiciary. Greg Craig, President Obama's choice to lead the White House Counsel's office,

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[17] Williams, Carol, "Legal Logjam Leaves Judges' Seats Empty in Federal Courts," *Los Angeles Times*, August 30, 2010 (http://articles.latimes.com/2010/aug/30/nation/la-na-judicial-logjam-20100831, last accessed October 28, 2010).

[18] This excludes the Supreme Court and the Court of International Trade. For details see the U.S. Courts website (http://www.uscourts.gov/JudgesAndJudgeships/FederalJudgeships.aspx, last accessed October 29, 2010).

[19] "Obama Getting Fewer Judges Confirmed Than Nixon," *Associated Press*, September 3, 2010 (http://www.cbsnews.com/stories/2010/09/06/politics/main6839525.shtml, last accessed October 29, 2010).

[20] See Williams,"Legal Logjam Leaves Judges' Seats Empty in Federal Courts," and "Obama Getting Fewer Judges Confirmed Than Nixon".

departed in November of 2009, less than a year after assuming his post. President Obama nominated Christopher H. Schroeder to head the Office of Legal Policy in May of 2009 but he was not confirmed until April of 2010. Each of these officials and the offices they lead play a key role in advising the president on judicial nominations. Finally, the president did not want judicial nominations to detract from his key legislative priorities. The unwillingness of Senate Majority Leader Harry Reid to force time-consuming votes on judicial nominees suggests that the White House is not prioritizing these nominations. In their view the opportunity costs are two high relative to other issues on their agenda.

What Types of People Did Obama Appoint?

Examining the pace of presidential appointments is one means of evaluating the administrative presidency. A less sterile way is to evaluate the kinds of people the president selected and where they were placed. Presidents must accomplish a number of political goals through the selection of personnel to staff their administration. Most prominently, voters and political observers expect both Republican and Democratic presidents to use their appointees to change public policy in the government agencies. Administrative agencies make and implement the policies voters care about and presidents talk about during the campaign such as the war in Afghanistan, federal bailouts, and the regulation of off-shore oil wells. As government work has grown in scope and complexity Congress has delegated increasing amounts of policy making authority to administrative agencies. This increases the incentives for modern presidents to control the bureaucracy.

Personnel selection is perhaps the chief means by which presidents influence administrative agencies. As Clay Johnson, President Bush's first personnel director, explains, the need to control the bureaucracy influences how presidents select personnel:

> This is not a beauty contest. The goal is 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.[21]

According to Johnson, the ability of a person to implement the president's agenda is the most important factor in selecting an appointee. The appointee must share the president's views about policy and have the necessary skills to implement the president's vision. Only after these considerations are satisfied does the personnel office evaluate the political wisdom of the choice evaluated. Of course, the extent to which presidents conflate loyalty and competence and the extent to which politics intervenes in these selections varies across positions and administrations, but the larger point is that for a subset of key positions, loyalty and competence are the most important factors in personnel selection.

Staffing the administrative state is not the only way presidents try to meet public expectations. Presidents need to enact key legislation, direct foreign policy, and exert national leadership. To do so they must work effectively with their party, keep interest groups working with the White House, and build coalitions in Congress. Federal jobs are an important political resource that presidents use to help them accomplish these goals. Presidents use jobs to reward supporters, hold party factions together, or persuade key members of Congress to support an important initiative (Mackenzie 1981; Rottinghaus and Bergan 2010; Weko 1995). When presidents do not give out jobs in sufficient numbers to supporters, this can lead to internal

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[21] As quoted in Lewis 2008, 27.

bickering that creates a distraction for the president and party (Michaels 1997; Pfiffner 1996). Campaign organizations and political parties expect presidents to use their control over thousands of federal jobs to help build those organizations. When presidents reward supporters publicly with jobs this induces future work for the president or party and it encourages other political actors to support the president in other contexts. If legislators, key administration officials, or groups witness the president publicly rewarding supporters or protégés of supporters with key jobs, it communicates that there are benefits associated with supporting the president's views and program. This makes it easier for presidents to lead.

The question that confronted President Obama and other presidents is how to balance their need to change agency direction while effectively using appointed jobs to satisfy other political goals. Those appointees that bring the greatest political reward for selection are not often those that have "the greatest chance of accomplishing what the principal wants done" in the words of Johnson. Historically, presidents have had to trade off factors like loyalty, competence, and patronage or party considerations since few appointees provide presidents benefits on all these dimensions.

Table 3 includes details on the background characteristics of Obama nominees by whether or not the agency is central the president's agenda. Since Obama's election the *Washington Post* has collected background information on all persons selected by the president for key policymaking positions inside and outside the White House. The table includes data that provides insight into whether the person was selected on the basis of loyalty, experience, or for electoral reasons. Notably, the data suggest that appointees with some degree of loyalty are more likely to be placed in agencies central to the president's agenda. They are more likely to have worked on the campaign, have a personal connection to the Obamas, or have attended or taught

at Harvard. Interestingly, appointees in agenda agencies are also more likely to have worked in the liberal think tank Center for American Progress and have experience in the Clinton Administration. The pattern of appointments suggests that the president valued both loyalty and experience in agencies central to his agenda.

[Insert Table 3 here.]

In Table 4 the same data is broken down by agency ideology. What is clear from the data is that there are few differences among agencies in the background of appointees based upon ideology. Notably, the only difference in means that is statistically distinguishable is that major donors are significantly more likely to be appointed to conservative agencies but this may be a function of the fact that major donors such as lawyers, financiers, and business people are most qualified for jobs in Justice, Commerce, and Treasury, all relatively conservative agencies. Interestingly, while not significant, the data do show that appointees in conservative agencies are the most likely to have previous experience in the Clinton Administration. They are also the most likely to be holdovers from the Bush Administration, asked to stay by the President (e.g., Robert Gates). This suggests a modest effort to select appointees for conservative agencies on the basis of management ability or expertise. It is not enough to have the "right" views; appointees must also be able to direct change in these agencies. Overall, the modest findings are somewhat surprising given past research which has found that, all else equal, presidents are more likely to place patronage-type appointees in agencies that share the president's views about policy (Horton and Lewis 2010; Lewis 2008, 2009). Indeed, Horton and Lewis (2010), looking at appointments made in the Obama Administration in the first six months, find that appointees in conservative agencies are significantly less likely to have personal or campaign connections to the president and more likely to have credentials that suggest competence such as previous

management experience or policy expertise. One possible explanation for this divergence from past research is that the *Washington Post* data includes only key policymaking positions. These positions are the least likely to be filled on the basis of patronage considerations—given out in exchange for political or electoral support. The bulk of the discussion of modern patronage revolves around lower level appointed jobs.

[Insert Table 4 here.]

Finally, in Table 5 the data is broken down by the location of the agency—Executive Office of the President (EOP), cabinet, independent agency. The data in the table suggest that appointees in the EOP are significantly younger than appointees in other parts of the executive branch. They are also significantly more likely to have worked on the campaign, been a major fundraiser, or have a personal connection to the Obamas. Personal loyalty, demonstrated through work for the candidate or the party, appears to be particularly important in selection to work in the White House or larger EOP. Interestingly, however, those persons selected to work in the EOP are also more likely to have previous experience as an appointee in the Clinton Administration. This suggests that the average EOP appointee is not the young, inexperienced politico of the Clinton White House. This is a more veteran team that includes many experienced hands such as Rahm Emmanuel (Chief of Staff), Carol Browner (Climate and Energy), and Dennis Ross (Persian Gulf and Southwest Asia).

The larger pattern of selecting loyalists with some experience to work in the presidential staff agencies is consistent with what we know anecdotally about the Obama White House and the presidency more generally. The fact that EOP appointees have a higher degree of loyalty and capacity suggests a strategy of White House centralization (Moe 1985). Important policymaking decisions are being run through the White House rather than the departments and agencies and

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this makes loyalty and competence in the White House and EOP particularly important. It also suggests that pressures to reward electoral and political supporters will be addressed through appointments to agencies outside the EOP. We know anecdotally this is the case already in ambassadorships and agencies such as the Small Business Administration.[22]

Conclusion

In many ways President Obama's choices have been predictable, mirroring those of his predecessors. He prioritized some departments and agencies more than others and worked quickly to fill positions in those agencies with persons who were loyal and competent. In agencies less important to his agenda he was more likely to delay and use those slots for persons less likely to be either personally loyal or particularly credentialed. Like his predecessors, once confronted with obstruction, he moved to find ways to circumvent the confirmation process, notably by using recess appointments and centralizing policymaking power in the White House through the use of czars.

The president's choices were also heavily influenced by his political environment. He benefited from early planning and a mostly cooperative Bush Administration and was able to hit the ground running. The existence of key crises in the economy and foreign policy contributed to a sense of urgency among those involved in the transition but this did not always translate in the Senate. While the president's early pace was admirable by historical standards, his efforts ultimately were hindered by a rigorous vetting process and an uncooperative and often

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[22] Beckel, Michael. 2009. "Big Donors & Bundlers Among Obama's Ambassador Picks." OpenSecrets.org, May 28, 2009 (http://www.opensecrets.org/news/2009/05/big-donors-bundlers-among-obam.html, last accessed July 16, 2009); "Snowe Tangles With SBA Official." *CQ Weekly*, Oct. 18, 2010, 2367 (http://library.cqpress.com/cqweekly/document.php?id=weeklyreport111-000003752683&PHPSESSID=29njbscba8e0p906150bbjbkk7, last accessed October 27, 2010).

frustrating Senate. President Obama had more positions to fill than his predecessors and arguably confronted a Senate more willing to use institutional prerogatives to further senatorial electoral and political goals at the expense of executive and judicial branch vacancies. The chamber was defined by an obstructionist minority party that self-consciously sought to hold up nominees as payback for actions taken by the Democratic Party during the Bush presidency. Senators from both parties also proved willing to use holds to make political points or extract policy concessions from the White House on issues of interest their states.

As of the midterm elections, the president's team is still not complete. Close to twenty percent of key positions remain vacant and some of Obama's early appointments are beginning to leave. This raises the general issue of whether efforts to track the pace of appointments are meaningful. Each effort to track how quickly a president fills out a team presumes that the team will be complete at some point. Yet, if a position has not been filled after 18-20 months, perhaps we should not assume that a team will ever be complete. This is a disconcerting conclusion since democratic accountability is ensured by the president's appointees.

Executive vacancies also hinder agency management, particularly in positions specifically responsible for management, planning, budgeting, information technology, and program review. Competent civil servants can keep the agencies running by serving in an acting capacity but these executives cannot implement the president's agenda or credibly commit to essential long term planning when appointees are presumably coming just around the corner. The pattern of vacancies in positions such as under- and assistant secretaries for administration and management, inspectors general, and chief financial officers raises the recurrent question of whether these positions need to be filled by presidential appointment or, at least, whether they need to be confirmed by the Senate. A number of commissions and scholars have advocated

cutting the number of appointed positions and those with persistent vacancies might be one place

to start (Light 1995; National Commission on the Public Service 1989, 2003; Lewis 2008).

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Table 1. Vacancies and Days to Confirmation by Mention in State of the Union

Appointee Characteristics	On Agenda	Not on Agenda	Significant Difference?
Proportion of Positions Vacant	0.18	0.27	√
Days from Inauguration to Confirmation	246	330	√

Note: N=559. √ indicates difference in means is significant at the 0.10 level (two-tailed tests). Data as of June 2010. Vacant positions coded as being vacant 529 days (January 20, 2009 to June 30, 2010). Discretionary holdovers coded as being vacant 0 days.

Table 2. Appointee Characteristics by Ideology of Agency

Appointee Characteristics	Liberal	Moderate	Conservative	Significant Difference?
Proportion of Positions Vacant	0.31	0.30	0.21	√
Days from Inauguration to Confirmation	322	290	276	√

Note: N=559. √ indicates difference in means between liberal and conservative agencies is significant at the 0.10 level (two-tailed tests). Vacant positions coded as being vacant 529 days (January 20, 2009 to June 30, 2010). Discretionary holdovers coded as being vacant 0 days.

Table 3. Appointee Characteristics by Mention in State of the Union

Appointee Characteristics	On Agenda	Not on Agenda	Significant Difference?
Age	52.76	52.71	
Clinton Administration Appointee (0,1)	0.29	0.23	
Clinton Campaign (0,1)	0.03	0.01	
Center for American Progress (0,1)	0.04	0.00	√
Holdover from Bush Administration (0,1)	0.05	0.04	
Campaign or Transition Experience (0,1)	0.17	0.10	√
Major Donor (0,1)	0.04	0.04	
Personal Connection to Obamas (0,1)	0.06	0.02	√
Attended or Taught at Harvard (0,1)	0.20	0.13	√

Note: N=476. √ indicates difference in means is significant at the 0.10 level (two-tailed tests).

Table 4. Appointee Characteristics by Ideology of Agency

Appointee Characteristics	Liberal	Moderate	Conservative	Significant Difference?
Age	52.19	54.12	53.05	
Clinton Administration Appointee (0,1)	0.23	0.26	0.27	
Clinton Campaign (0,1)	0.01	0.03	0.01	
Center for American Progress (0,1)	0.01	0.01	0.01	
Holdover from Bush Administration (0,1)	0.01	0.05	0.06	
Campaign or Transition Experience (0,1)	0.08	0.09	0.09	
Major Donor (0,1)	0.00	0.02	0.06	√
Personal Connection to Obamas (0,1)	0.03	0.00	0.02	
Attended or Taught at Harvard (0,1)	0.16	0.11	0.17	

Note: N=476. √ indicates difference in means between liberal and conservative agencies is significant at the 0.10 level (two-tailed tests).

Table 5. Appointee Characteristics by Agency Location (EOP, Cabinet, Independent)

Appointee Characteristics	EOP	Cabinet	Independent	Significant Difference?
Age	47.51	53.48	54.69	√
Clinton Administration Appointee (0,1)	0.31	0.27	0.19	
Clinton Campaign (0,1)	0.06	0.02	0.00	√
Center for American Progress (0,1)	0.06	0.01	0.01	√
Holdover from Bush Administration (0,1)	0.00	0.06	0.03	√
Campaign or Transition Experience (0,1)	0.35	0.10	0.09	√
Major Donor (0,1)	0.11	0.03	0.03	√
Personal Connection to Obamas (0,1)	0.16	0.02	0.02	√
Attended or Taught at Harvard (0,1)	0.27	0.16	0.09	√

Note: N=476. √ indicates difference in means between EOP agencies and other agencies is significant at the 0.10 level (two-tailed tests).