

Did President Obama's Appointments Overcome Ideological Differences?

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The presidential appointment in the United States is a particular type of personnel practice, and can't be seen in any other countries. In the United States, about 3,500 of top management positions of federal government are replaced at the start of the presidency. The appointments fix the future course of the new administration. Therefore, the appointment process is highly vital for the president in forming a responsive government, and implementing the policies. In this paper, I explain the features and problems in the temporary presidential appointments process. After that, I analyze the President Obama's appointments, and ascertain whether they successfully overcome ideological differences or not.

Presidential Appointments in the United States

Since the foundation of the country, it has been considered to be an important work that the president elected by

a democratic procedure appoints the government officials according to his will, and builds a responsive government in the United States. The Constitution of the United States provides the right of the president to appoint the government officials, and the role of Senate in giving advice and confirmation to the appointments. In addition, because it was considered that the responsive government needed to be controlled by democratic norms, the governmental posts were thrown open to the public by the spoils system after the Jackson administration. In this way, political appointments have been used as means to realize responsiveness and democratic control in the United States. In the latter half in the 19th century, though the merit system was introduced to employment for government workers to deal with the evil of the spoils system, political appointments survived afterwards, by which the president formed a responsive government.

According to *Plum Book* (United States Government Policy and Supporting Positions), political appointments in the United States federal government are mainly classified into four categories. Firstly, PAS positions are subject to presidential appointment with Senate confirmation. The posts which fall into the category are deputy secretary, under secretary, assistant secretary, ambassador, federal judge, U.S. attorney, U.S. marshal, and so on. Secondly, PA positions are subject to presidential appointment without Senate Confirmation. The posts which fall into the category are mostly belong to the Executive Office of the President, for example, assistant to the president, deputy assistant to the president and counsel to the president. Thirdly, NA positions are Senior Executive Service General Positions filled by noncareer Appointment. The posts which fall into the category are director, deputy director, associate director and so on. Fourthly, SC positions are filled by Schedule C excepted appointment. Many of these posts are assistants of PAS and PA positions. Fourthly,

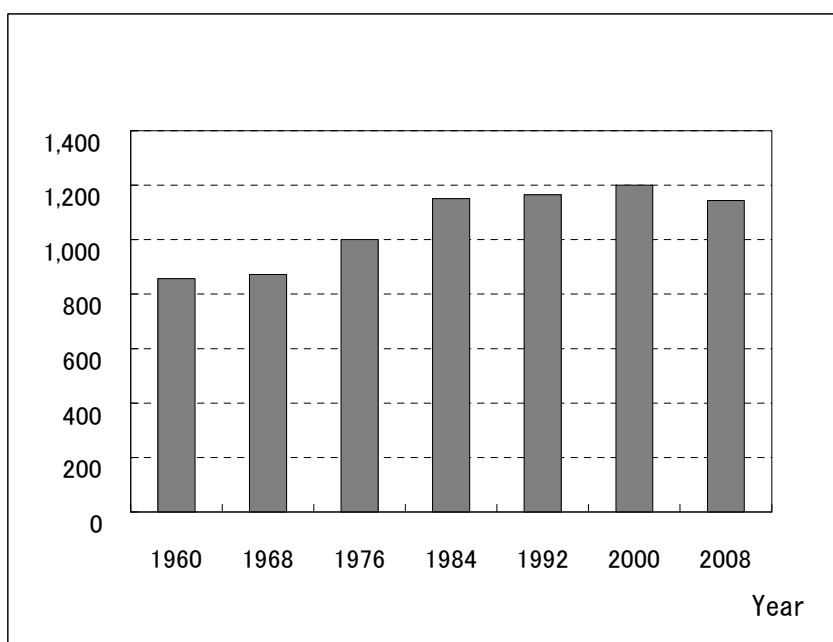
Table 1 is the number of political appointees in the federal government. Total number of political appointees stays at around 3,500. Percentage of political appointees is about 0.1. Figure 1 shows the changes in number of PAS positions. The number demonstrates an upward trend especially in recent years. Table 2 shows the number and the percentage of the political appointments each federal department.

Table 1. Political Appointees in the Federal Government

Year	PAS	PA	NA	SC	Political appointees	All employees	Percent of political appointees
1992	1,163	561	723	1,794	4,241	3,134,915	0.13
1996	1,119	250	701	1,465	3,535	2,888,623	0.12
2000	1,203	223	648	1,287	3,361	3,206,791	0.1
2004	1,137	320	701	1,596	3,754	2,735,359	0.13
2008	1,141	314	665	1,559	3,679	2,687,894	0.13

Source: Committee on Homeland Security and Governmental Affairs, United State Senate, Committee on Government Reform, House of Representatives. *United States Government Policy and Supporting Positions (Plum Book)*, 1960-2008, <http://www.gpoaccess.gov/plumbook/> (accessed December 6, 2008); United States Office of Personnel Management^(b). *Federal Employment Statistics, Employment and Trends 2008*, <https://www.opm.gov/feddata/html/empt.asp> (accessed December 6, 2008).

Figure 1. Changes in Number of PAS



Source: Committee on Homeland Security and Governmental Affairs, United State Senate, Committee on Government Reform, House of Representatives. *United States Government Policy and Supporting Positions (Plum Book)*, 1960-2008, <http://www.gpoaccess.gov/plumbook/> (accessed December 6, 2008).

Table 2. Political Appointments in Federal Departments (September 1, 2008)

Departments	PAS	PA	NA	SC	Political appointees	All employees	Percentage of political appointees
Executive Office of the President	25	116	21	50	212	1,707	12.41
Department of State	222	3	36	125	386	35,651	1.08
Department of the Treasury	33	0	23	45	101	107,872	0.09
Department of Defense	53	0	94	134	281	673,654	0.04
Department of Justice	223	0	45	68	336	107,405	0.31
Department of the Interior	17	0	30	36	83	65,099	0.12
Department of Agriculture	16	0	43	168	227	98,523	0.23
Department of Commerce	23	2	33	103	161	40,380	0.39
Department of Labor	19	0	29	105	153	12,244	1.24
Department of Health and Human Service	20	1	48	66	135	61,403	0.21
Department of Housing and Urban Development	15	0	18	49	82	9,498	0.86
Department of Transportation	23	0	31	41	95	54,144	0.17
Department of Energy	22	0	30	66	118	14,601	0.8
Department of Education	17	1	14	112	144	4,173	3.45
Department of Veterans Affairs	15	0	8	9	32	260,261	0.01
Department of Homeland Security	20	1	61	102	184	162,120	0.11

Source: Committee on Homeland Security and Governmental Affairs, United State Senate, Committee on Government Reform, House of Representatives. *United States Government Policy and Supporting Positions (Plum Book)*, 1960-2008, <http://www.gpoaccess.gov/plumbook/> (accessed December 6, 2008); United States Office of Personnel Management^(a). *The Fact Book: Federal Civilian Workforce Statistics, 1997 edition*, 2000, <https://www.opm.gov/feddata/factbook/97factbk.pdf> (accessed December 6, 2008).

Problems Resulting from the Appointments Process

Although political appointments in the United States have positive functions, they also have some problems. In particular, most serious problems are the slowing pace and politicization of the appointment. In the United States, transition team is put into place after the presidential election. The team starts to select the candidates of political appointments. The process takes much time because the team has to review numerous candidates, and many appointments need Senate confirmation and some other procedures. Therefore, only a portion of government posts such as cabinet-level officials can earn Senate confirmation by the launch of new government. Most of the posts are confirmed after the launch of the government. Recent years, the appointments of executive posts take about 6 months on average before the appointees come into office. Sometimes the appointments take over a year. One of the main factors is fierce resistance by Senate Republicans. The frequently-used way to disrupt appointments process is “hold”. According to Walter J. Oleszek, it is “a request by a Senator to his or her party leader to delay floor action on a measure or matter. It is up to the majority leader to decide whether, or for how long, he will honor a colleague’s hold.” These years, “hold” is used for purposes of encouraging the administration to make concessions and dispensing favors to constituents. So, it is strongly required to create common rules on using hold.

The slowing pace and politicization of appointments make the appointees find the inquiries burdensome. For example, the appointees have to answer many questions, pass the check by FBI, and attend the Senate hearing. In addition, the appointees are imposed many strict regulations when they get another job after the retirement from their government posts. As a result, the capable persons in the private sectors often hesitate to obtain employment at the

federal government even if they receive nomination from the president. It is imperative that the recent federal government maintain qualified personnel through easing the burden on the appointees.

President Obama's Appointments

Obama has adopted a bipartisan position before he took office, and has appealed for the unification of the nation. He hasn't only aspired for realization of the ideal of national reconciliation among different party affiliations, ideologies and ethnic groups, but has practically intended to solve serious problems such as economic and financial crisis, the Afghanistan and Iraq situation, and healthcare reform. Therefore, the presidential appointments became the first test of whether the bipartisanship of the Obama administration will succeed or not. In fact, the presidential appointments in the early days of the government included Secretary of State Hillary Clinton who fought a close battle with Obama in primary election, Secretary of Defense Robert Gates and Secretary of Transportation Ray LaHood who were both related to Republican Party. In addition, Obama appointed many ethnic minorities and women to executive positions.

Then could Obama generally make appointments according to his intention regardless of party affiliations and ideological inclinations? As for this point, the appointments in the early days of the government succeeded to some extent as above. Later however, partisan conflicts appeared prominently in the appointments process in comparison with the former administrations. The typical cases were the appointments to the positions of economic and financial authorities such as Department of the Treasury. Though the Obama administration nominated the positions of economic and financial authorities earlier than any other positions in response to economic and financial crisis, Secretary of the Treasury Timothy Geithner was opposed by many Republican senators in the confirmation process on the ground of his personal tax issues, and also criticized over bank bailout and AIG bonuses problem. However Obama didn't install a new secretary, nor thrash out a solution to the financial crisis. Therefore, hold was often used

to the appointments of the positions in Department of the Treasury. As the result, many vital posts remained vacant against Obama's intention. For instance, although Lael Brainard was nominated to the post of Treasury undersecretary for international affairs, he waited about one year until he earned confirmation because of his personal tax issue.

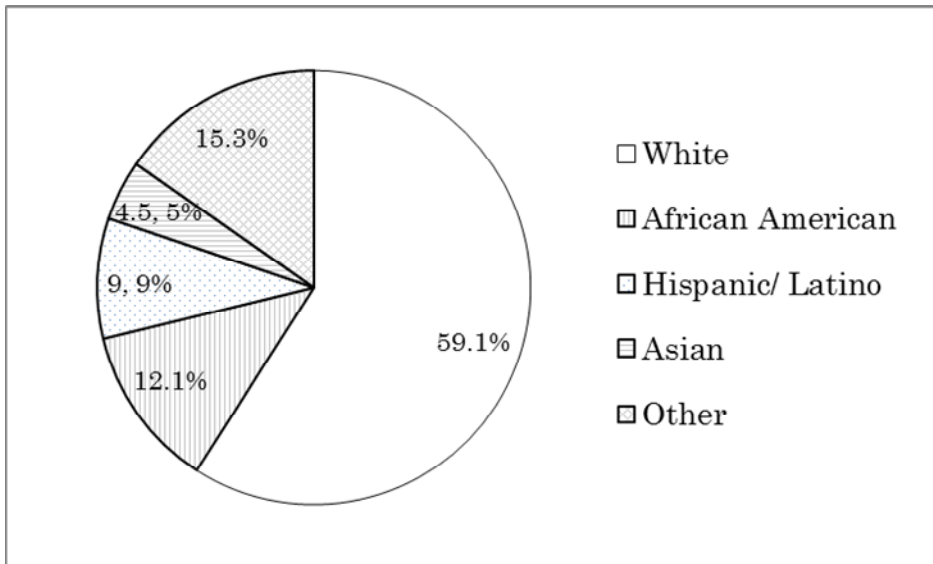
Similar situations were seen in the bodies other than economic and financial authorities. For example, although Keith Alexander was appointed to the head of the cyber-command, the confirmation was put off about 7 months out of concern about combining with the director of the National Security Agency. In addition, though Erroll Southers was nominated to the head of Transportation Security Administration, a Republican senator prevented the confirmation in opposition to collective bargaining by the government workers of the agency. In the end, Southers withdrew his nomination.

Under these circumstances, the Senate confirmation process in the Obama administration is much protracted in comparison with the former administrations. According to the Washington Post, "Head Count," as of July 4, 2010, only 78.3 percent of PAS nominations in executive branch have earned Senate confirmations. Therefore, in fact, Obama couldn't necessarily appointed officers by his leadership regardless of party affiliation and ideological inclinations. Many of the appointments were intended to avoid clear confrontation with the Republican Party while Senate confirmation procedures were protracted. For example, although Sonia Sotomayor and Elena Kagan, who appointed to the judges of the United States Supreme Court, are regarded as the liberals, they haven't committed themselves to the divisive issues such as artificial abortion or gun control. In the lower courts, many moderate Judges, sometimes conservative judges, have been appointed. Additionally, when Dawn E. Johnsen, who was nominated to the head the Office of Legal Counsel, couldn't receive Senate confirmation on the ground of her liberal stance, though Obama resubmitted her nomination, the White House didn't eagerly support her because the president didn't want to conflict with Republican Party.

Meanwhile, Obama's appointments highly reflect diversity of ethnicity and gender. According to the Washington Post, "Head Count," as of July 22, 2010, the composition of political appointees in executive branch is,

by ethnicity, 59.1 percent White, 12.1 percent African American, 9.0 percent Hispanic/ Latino and 4.5 percent Asian (Figure 2), and by gender, 67.7 percent male and 32.2 percent female. In the Obama administration, many ethnic minorities and women have been appointed to the executive posts compared to the former administrations. The representation of ethnic minorities and women is important in the percentage of top executives who wield power over policymaking rather than in the percentage of total. In this respect, President Obama is highly regarded because he appointed many ethnic minorities and women in the positions of top executive officers.

Figure 2. Ethnic Composition in PAS Positions (July 22, 2010)



Source: washingtonpost.com. “Head Count: Tracking Obama’s Appointment.”
<http://projects.washingtonpost.com/2009/federal-appointments/> (accessed August 22, 2010).

As remarked above, the presidential appointments process is much prolonged and politicalized in recent years. Therefore, Obama have been forced to avoid partisan and ideological confrontations, and haven’t necessarily made his appointments responsive to his intention. At any rate, it is necessary to review future works of the presidential appointees to judge whether Obama’s appointments have successfully achieved bipartisanship and national reconciliation. In addition, the outcome of Obama’s bipartisan appointments won’t only test Obama’s ability of handling of the government but determine future style of American politics.

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