

COPYRIGHT NOTICE:

David E. Lewis: The Politics of Presidential Appointments

is published by Princeton University Press and copyrighted, © 2008, by Princeton University Press. All rights reserved. No part of this book may be reproduced in any form by any electronic or mechanical means (including photocopying, recording, or information storage and retrieval) without permission in writing from the publisher, except for reading and browsing via the World Wide Web. Users are not permitted to mount this file on any network servers.

Follow links for Class Use and other Permissions. For more information send email to: permissions@pupress.princeton.edu

Politicization in Theory and Practice

WHEN Hurricane Katrina ripped into the Gulf Coast on August 29, 2005, it left 90,000 square miles of devastation in its wake: 1,500 persons dead, hundreds of thousands forced from their homes, 1.6 million persons seeking disaster aid, and more than \$80 billion in property damage.¹ In retrospect, the crisis it spawned was almost inevitable. A storm of such severity was sure to cause massive destruction, particularly since it struck an impoverished urban area and affected a region with limited local and state emergency-services capacity. One could only hope that it would not be too severe or widespread, and that response and recovery operations would be put in place quickly and effectively. But this was not the case. Response and recovery efforts were agonizingly slow, poorly coordinated, and frequently ineffective. While multiple factors contributed to these circumstances, Congress, the press, and public singled out the Federal Emergency Management Agency (FEMA), the federal government agency designed to respond to catastrophes like Katrina, for special blame.² FEMA's weak response cost hundreds of lives and contributed to incalculable pain and suffering.³

In the aftermath of the storm, major national newspapers, congressional investigations, and scholarly accounts questioned whether the large number of political appointees in FEMA contributed to the poor handling of this natural disaster.⁴ By almost any estimate, the agency has a large percentage of appointees for its size and critics have argued that FEMA's appointee-heavy management structure created numerous administrative problems that contributed directly to the lax Katrina response. Among the problems identified was limited emergency-management experience among appointees. This was epitomized by the well-publicized fact that director Michael Brown's most significant prior work experience was with the International Arabian Horse Association.

This example raises two important questions about the American political system. First, why do some agencies have many appointees and others few? Second, how do political appointments influence management? This study seeks to answer these questions. It investigates the reasons for differences in the number and location of appointees across agencies in different presidential administrations and provides some of the first systematic analysis of the relationship between appointees and agency

performance. The study examines how presidents use appointees to both influence public policy and satisfy patronage demands and how these practices influence performance.

State of Knowledge

There are several major studies that touch on this topic, but before reviewing them it would be worthwhile to clarify a few terms. People commonly refer to the act of increasing the number and penetration of appointees as “politicization.”⁵ Politicized agencies, then, are those that have the largest percentage and deepest penetration of appointees. The concept can be visualized in a conventional bureaucratic triangle as the dividing point between political appointees and civil servants (figure 1.1) Appointees are generally drawn from the political or private sector (that is, outside the civil service) and hold the jobs with the highest pay and greatest authority. Civil servants enter the system at positions of lower pay and responsibility, work their way up, and make a career of government work. They are hired, promoted, and fired on the basis of merit criteria. Where the line is drawn between these two classes of government workers and its impact on the performance of government agencies is the topic of this study.

Real personnel systems deviate from the ideal type depicted in figure 1.1, particularly in the United States, where there is an unusually large number of appointees, the civil service is relatively permeable, and rules

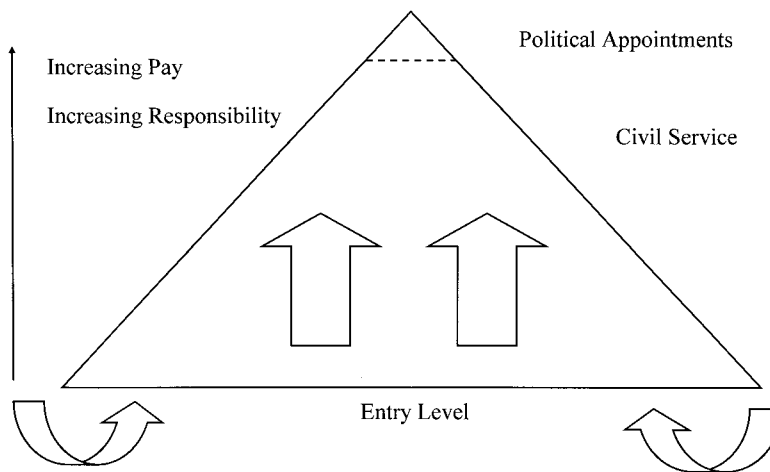


Figure 1.1. Civil Service Systems

and processes vary across agencies. After a presidential election a new president in the United States has close to 3,000 political appointments to make. In other countries such as France, Britain, and Germany, however, the number is closer to between 100 and 200 positions.⁶

The works bearing on this topic, whether academic papers, textbooks, and/or media reports, can be loosely categorized on the basis of three oft-repeated claims that appear therein: 1) politicization is increasing; 2) the increase is driven largely by Republican or conservative presidents; and 3) politicization has damaged bureaucratic competence, significantly contributing to a “quiet crisis” in the public service.⁷ Paul Light, for example, describes an increase in management layers in the federal government (what he calls “thickening”) and assesses both the causes and consequences of this phenomenon. He argues that some of this thickening is due to the increasing number of political appointees added to the government by the president and Congress.⁸ The National Commission on the Public Service comes to the same conclusion. The commission (known as the “Volcker Commission” after its chairman, Paul A. Volcker) was formed in 1987 after a joint symposium on the public service held by the Brookings Institution and the American Enterprise Institute identified a “quiet crisis” in government. The commission issued a report on the problem in 1989.⁹ Notable among the findings was a dramatic expansion in the number of political appointments. The commission connected the proliferation of appointees to increasing difficulties in recruiting the best and brightest to public service and an erosion of both morale and quality in the top levels of administration. When the commission reconvened in 2003, they concluded that the increase in political appointees they had documented in 1989 had continued into the Clinton administration with the same deleterious consequences for performance.¹⁰

Some works argue that increased pressure on modern presidents to control the bureaucracy causes the appointee increase. Terry Moe, for example, contends that presidents are held accountable for the performance of the whole government and respond by centralizing decision-making authority in the White House and politicizing the bureaucracy.¹¹ Others suggest that partisan or ideological motivations drive politicization. Richard Nathan identified politicization as a strategy emerging in the Nixon presidency and politicization efforts by presidents Nixon and Reagan receive significant attention in the political science literature.¹² Taken together, the latter set of studies gives the impression that partisanship or ideology drives the increase in appointees.

A more recent formulation of the view that ideology drives politicization is that executives who adhere to what is referred to as the “New Public Management” (NPM)—a general package of beliefs about gov-

ernment reform built on the concepts of entrepreneurship, customer orientation, flatter hierarchies, and alternative forms of implementation, such as privatization—increase the number of appointees.¹³ The NPM has been adopted by many Republicans and moderate Democrats in the United States and influenced executives cross-nationally. In the United States the NPM was best embodied in President Clinton’s “Reinventing Government” initiative.

Whether increasing steadily across administrations or primarily during conservative presidencies, most scholars see this as a worrisome trend because of the consequences of appointee proliferation for performance.¹⁴ Reminiscent of the FEMA case, these works suggest that appointees are often ill-suited for the jobs to which they are being appointed. They also stay for short tenures, impeding efforts to plan and making intra- and interagency teamwork difficult. Appointed managers have a hard time committing to long-term plans or policy reforms and career professionals are slow to respond and grow cynical after multiple experiences with these “birds of passage.”¹⁵ For many scholars, increases in appointees have predictable consequences. Hugh Hecl, for example, decries the adverse consequences of “a government of strangers” created by the increase in appointees.¹⁶ More recently, Ezra Suleiman has argued that increasing numbers of appointees delegitimize the bureaucracy and impair its ability to deliver important goods and services.¹⁷

The contribution of the present study is that it uses new data and analysis to not only revisit *why* and *when* politicization occurs, but also expose *where* politicization occurs, and to *what* effect. It uses a variety of methods including historical analysis, case studies, elite interviewing, and quantitative analysis of previously untapped data. By joining quantitative analysis with new qualitative research, the study puts the two questions that animate this effort in a very new light. It provides new answers to the questions first raised in the works of previous scholars and, by doing so, significantly advances our understanding of politicization and its role in the American political process.

Why Studying Politicization Is Important

From what has preceded, it is clear that this is an important topic of study. Nonetheless, it is useful to explain why it is important in further detail. A study of politicization provides insight into a fundamental tension in American politics and democracy between political control and government competence. It also sheds light on an important presidential tool for controlling the bureaucracy and a useful resource for political bargaining.

Bureaucracy and American Democracy

Studying how politicians make decisions about the number and location of appointees illustrates a fundamental tension in democratic governance. For democratic government and its elected officials to be responsive to citizens, the government apparatus must be effective. To be effective the modern administrative state needs a corps of professional, continuing personnel who are competent at what they do. Building a competent bureaucracy is usually accomplished through the enactment of civil service reforms that protect government agencies from the political selection, promotion, and activity of government workers. Protecting bureaucrats from political pressure helps ensure competence (since hiring and promotion occur on the basis of merit rather than partisanship) but, by definition, makes government workers less responsive to democratically elected officials.

The difficulty of controlling a professional bureaucracy was highlighted as long ago as 1919 by Max Weber, who noted the difficulties faced by generalist politicians relative to expert bureaucrats.¹⁸ Bureaucratic officials develop expertise and have access to information that politicians and the public do not. This information is crucial for effective governance but can also be used to influence democratic officials to make decisions they would not otherwise make if they were fully informed. Bureaucratic officials also wield power delegated to them by democratically elected officials. They regulate, promote, and distribute (as well as redistribute) resources. Their choices have political ramifications since regulating, promoting, distributing, and redistributing creates winners and losers. Bureaucratic officials can also use delegated authority to cultivate independent political power, making them even harder to control.¹⁹

The extent to which politicians will need the bureaucracy to be insular and professional will vary depending upon the difficulty and scope of the federal government's tasks, the availability of competent personnel, and a host of other factors. It was the increased volume and complexity of government work that led Woodrow Wilson, for example, to call for a continuing and professional civil service to improve government administration. Wilson, like Alexis de Tocqueville and Max Weber before him, argued that the all-appointee personnel system (that is, the so-called spoils system) in the United States hindered performance and prevented the development and practice of a "science of administration" in the United States.²⁰ Wilson believed that administrative practice in the United States lagged behind that in other countries and the incompetence of the federal service was hurting democratic government itself. Government was not responsive to urban bankers, brokers, and mer-

chants that had to deal with corrupt and inefficient customhouses and postal offices. It was also not responsive to citizens demanding government action to deal with new and complicated problems arising from massive immigration, industrialization, technological change, monopolistic practices, and dramatic economic cycles of boom and bust.

To Wilson's mind, the remedy was the creation of a professional civil service governed by merit criteria in hiring, firing, and promotion. For Wilson, as for Weber, the balance between control and competence should be reflected in a stark line between politics and administration.²¹ Wilson stated, "Most important to be observed is the truth already so much and so fortunately insisted upon by our civil service reformers; namely, that administration lies outside the proper sphere of politics. Administrative questions are not political questions. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices."²² Thus, politicians should make policy and professional administrators should dutifully carry it out. The idea that there should be a line between politics and administration, reflected in the division between political appointees and civil servants, has strong normative appeal. It is the primary way politicians try to resolve the tension between securing control and yet preserving the competence necessary for government to be responsive.

Political Control of the Bureaucracy

A second reason why studying politicization is important is that it is a vital tool for controlling the bureaucracy. Despite the intuitive appeal of the idea that a line can be drawn between politics and administration, scholars after Wilson and Weber have pointed out that drawing such a line is impossible.²³ Beginning with the first congresses, bureaucrats have been given substantial authority to make policy decisions.²⁴ The amount of authority delegated to bureaucratic officials has only grown over time. Congress and the president must increasingly rely on the expertise and capacity of government workers, particularly in areas where elected officials lack experience or knowledge. As Frederick Mosher explained, "the great bulk of decisions and actions taken by governments are determined or heavily influenced by administrative officials."²⁵

It follows, then, that whoever controls the bureaucracy controls a key part of the policy process. In order to understand how politicians control the bureaucracy it is imperative to understand the mechanisms of political control. Congress has numerous means at its disposal for controlling the bureaucracy: it writes specific statutes, mandates deadlines and consequences for poor performance, forces agencies to use the rulemaking process for policy changes, cuts or increases budgets, conducts investiga-

tions, and holds oversight hearings. Considerable effort has been devoted to explaining how and when Congress can control the bureaucracy through *ex ante* precautions and *ex post* oversight.²⁶

Similarly, presidents use a variety of means to influence agency policy, including unilateral action (for example, executive orders, signing statements, presidential directives) and budgets.²⁷ Presidents, like Congress, also use agency reorganizations or terminations to influence policy.²⁸ Of course, the president's most important source of bureaucratic control is via personnel. Whether those in important administrative posts are responsive to the president, a patron in Congress, agency clients, or their own interests greatly affects policy outcomes.

Within agencies, political appointees can provide an important means by which presidents control the bureaucracy and influence policy. Appointees interpret the vague and sometimes conflicting laws enacted by Congress and translate them into policy. Since agencies have multiple responsibilities, appointee decisions about budget requests to Congress, rulemaking, personnel, and the allocation of resources inside the agency can significantly influence policy. More generally, appointees monitor bureaucratic activity and communicate the president's vision to the press and agency employees, clients, and stakeholders. Increasing or decreasing their number can have direct effects on agency policies and practices.

Understanding the means by which politicians fill administrative posts is central to a realistic understanding of the policy process. The work that studies political control of the bureaucracy, while highlighting the influence personnel can have on outcomes, rarely discusses how the president and Congress decide about the number and location of appointees.²⁹ The process by which presidents exercise their staffing power is often opaque, particularly when it comes to details about where presidents can make appointments, why some agencies have more appointed positions than others, and how new positions get created. A study of politicization augments our understanding of the means by which elected officials control the policymaking that occurs after legislation is enacted.

Presidential Political Power

Studying the causes and consequences of politicization also illuminates an underappreciated source of political power. The ways that presidents use appointees to influence public policy gets most of the attention in the recent political science literature.³⁰ No accounting of politicization, however, is complete without accounting for modern patronage processes. The president's control over personnel is also an important source of political capital.

Since presidents have meager formal powers in the Constitution, they have had to rely on informal powers such as bargaining, public appeals, and moral leadership to accomplish their political goals.³¹ An additional resource is appointed jobs, and modern presidents have used the 3,000-plus appointed jobs at their disposal upon assuming office, as well as the power to create and eliminate others, as a source of political power. The leverage of these jobs often lies in their perceived potential, since the possibility of a government job induces many people to work on campaigns and provides presidents a credible means of assuring interest groups that their views will be represented in the administration. Such promises help presidents secure interest-group endorsements, manpower, and resources. The shrewd distribution of patronage provides presidents a means of governing more effectively by holding diverse party factions together. The giving and withholding of jobs is used to maintain party discipline or as a bargaining chip to help presidents get their way in Congress. In short, jobs represent a crucial political resource for presidents. Studying politicization illuminates how presidents generate and spend these resources.

Plan of the Book

In the following chapters I proceed to provide answers to the questions posed at the beginning of the chapter—*Why do some agencies have many appointees and others few? What are the consequences of appointees for performance?* My answers to these questions come primarily from an analysis of the United States since the end of World War II. The post-1946 period provides a long enough window to allow history to inform our understanding of modern practice but a period short enough to make generalizations across time possible. By the middle of the century, the dramatic shift in government responsibilities inaugurated by the New Deal was well under way. The modern roles of the president and Congress were also established in the management of the executive branch.³² For example, both branches were heavily involved in restructuring government after the New Deal and World War II to rationalize the administrative structure that had grown up haphazardly in the hurry to counter the Depression and mobilize for the war in the Pacific, Europe, and Africa.³³

Chapter 2 describes the nature and history of the modern personnel system in order to set up the discussion of politicization to come. The chapter reviews the history of the federal personnel system from the period before a merit-based civil service system to the modern system. It provides an overview of the modern personnel system with special attention paid to the different types of political appointees. The chapter then

describes how pressures to fill existing positions and satisfy demands for patronage shape the presidential personnel operation. It also examines the most common politicization techniques and the tools Congress has used to rein them in. It concludes with a case study of the reorganization of the Civil Service Commission to illustrate the different politicization techniques and the influence politicization can have on public policy.

Chapter 3 explains when presidents politicize, analyzing both politicization motivated by concerns for policy and to satisfy demands for patronage. On the policy side, the chapter starts with four simple assumptions about presidential behavior and agency characteristics and deduces some interesting—and not entirely intuitive—predictions about when presidents politicize. It also looks at why Congress is less enthusiastic about politicization than is the Executive, and then expands to explore patronage appointments. The arguments of the chapter are summarized in a set of four testable propositions.

Chapter 4 uses previously untapped data from the Plum Book, a quadrennial congressional publication listing all policy and supporting positions in the government, to provide a quantitative overview of politicization. The chapter first describes which agencies have the highest percentages of appointees, which have been politicized most since 1960, and which gained and lost appointees between 2000 and 2004. It then uses these data to evaluate two of the propositions from chapter 3 and competing views about when politicization occurs. It supplements the quantitative analysis with a brief examination of two of the most publicized cases of politicization during George W. Bush's first term, those involving the Central Intelligence Agency and the Office of Special Counsel.

Chapter 5 uses data from the Office of Personnel Management for a closer quantitative analysis of politicization. It includes an analysis of politicization activity in different bureaus and agencies during the presidencies of George H. W. Bush, Bill Clinton, and George W. Bush. The chapter estimates econometric models for a more precise and comprehensive test of the theoretical predictions from chapter 3 and other common views about politicization.

Chapter 6 takes up the relationship between appointees and performance. It reviews competing claims about whether appointees or careerists are better for management. The chapter then explains the different causal pathways by which appointee management can influence performance. It focuses on both the differences in the backgrounds and experience of people selected to run federal programs and agencies and the hidden costs of politicization on the quality of *careerist* management in agency. The chapter evaluates the relationship between appointees and

performance through an in-depth case study of FEMA from its creation through Hurricane Katrina in 2005.

Chapter 7 evaluates the influence of appointee management on federal program performance more broadly. It explains why large-scale studies of the relationship between appointees and performance have been difficult to execute and presents two new measures of agency performance that avoid previous difficulties. The chapter compares the performance of appointees to career managers and disentangles what differences among the two types of managers influence performance the most. The chapter concludes with the implications of the findings for the larger argument of the book, modern presidential staffing practices, and policy debates surrounding how to improve federal management performance.

Chapter 8 concludes by drawing out the implications of the study for our understanding of bureaucracy in American democracy, political control of the bureaucracy, and the modern presidency. It then takes a broader view of the topic, first by discussing the implications of the findings for our understanding of politicization in other countries, and then by looking at practices closely related to politicization, such as recruiting appointees only on the basis of party loyalty and making appointment and promotion decisions in the civil service on the basis of political attitudes. The chapter concludes with a discussion of the merits of recent policy proposals to cut the number of appointees, attach background requirements to certain appointed positions, and increase personnel flexibilities more generally.

Conclusion

The publicity surrounding Hurricane Katrina ignited a brief debate about cronyism. This debate served the useful purpose of focusing the public's attention, albeit for a limited time, on political appointees, where they are, how many there are, and whether they are qualified to do the jobs for which they have been nominated or appointed. To focus too much on FEMA would be to miss the prevalence of this strategy and its importance. Politicization efforts were not limited to FEMA in the George W. Bush administration. From the Department of Education to the Central Intelligence Agency to the Office of Special Counsel, executive attempts to assert control through increases in appointments were well publicized.³⁴ If we want to understand these episodes, as well as those that are less publicized, it is necessary to study causes and consequences of politicization across the modern presidency. These cases also illustrate what is at stake in these efforts—the quality of disaster response, education policy, the War on Terror, and the protection of whistleblowers.