

Senate Gate-Keeping, Presidential Staffing of “Inferior Offices,” and the Ideological Composition of Appointments to the Public Bureaucracy

Adam Bonica¹, Jowei Chen² and Tim Johnson^{3*}

¹*Department of Political Science, Stanford University;*
bonica@stanford.edu

²*Department of Political Science, University of Michigan;*
jowei@umich.edu

³*Center for Governance and Public Policy Research, Atkinson Graduate School of Management, Willamette University;*
tjohnson@willamette.edu

ABSTRACT

Article II Section 2 of the U.S. Constitution gives both the Senate and the President a role in the appointment of public bureaucrats. Yet, since the drafting of that constitutional passage, changes within the Senate and Executive have created new ways for officials to influence who gets appointed to the public bureaucracy. The Senate has developed intricate vetting procedures within its committees, while the Executive Branch has created new methods — such as the

*The authors received valuable comments on earlier versions of this manuscript from George Krause, Betsy Sinclair, Josh Clinton, Nolan McCarty, seminar participants at Vanderbilt University, three anonymous QJPS reviewers, and various

Online Appendix available from:

http://dx.doi.org/10.1561/100.00012085_app

Supplementary Material available from:

http://dx.doi.org/10.1561/100.00012085_supp

MS submitted 4 September 2012; final version received 26 September 2014

ISSN 1554-0626; DOI 10.1561/100.00012085

© 2015 A. Bonica, J. Chen and T. Johnson

Schedule C designation — to facilitate the unilateral staffing of “inferior offices.” To what extent do these institutional changes affect the ideological composition of appointments to the public bureaucracy? Our formal theory predicts that the investigative procedures of Senate committees allow chairs to block ideologically disparate nominations, thus compelling presidents to nominate moderates to Senate-confirmed post while placing extremists in Schedule C positions. Empirical analyses support these predictions: the probability of Senate confirmation declines with a nominee’s ideological distance from the relevant committee chair and Schedule C appointees exhibit greater ideological extremism than Senate-confirmed appointees. These findings reveal how modern, institutional modifications of Article II Section 2 influence both the ideological composition of appointed federal bureaucrats and the struggle for power between branches of the U.S. federal government.

The U.S. Constitution provides few details about the powers of the executive branch (James, 2005, p. 5). However, one area of Presidential authority that the constitution does cover in great depth is the president’s appointment power (Aberbach and Rockman, 2009; cf. Black *et al.*, 2007, p. 648). Article II Section 2 directly states that presidents, despite having discretion over the staffing of “inferior offices,” must seek the Senate’s “advice and consent” when appointing top officials during Senate sessions.

Past research has examined how the rules put forth in Article II Section 2 influence presidents’ and senators’ efforts to shape the ideological composition of the bureaucracy. Nixon (2004), for instance, shows that presidents select nominees whose ideologies strike a balance between presidential policy goals and the ideological leanings of important legislative actors. Likewise, Corley (2006) and Black *et al.* (2007) find that recess appointments occur most frequently when presidents have little support in the Senate and face a high probability of a nominee’s

filibuster. Such studies, along with other investigations (e.g., Hammond and Hill, 1993; Moraski and Shipan, 1999; Nokken and Sala, 2000; Krutz *et al.*, 1998; King and Riddlesperger, 1996), have illuminated how the basic structure of Senate confirmation molds the strategic decisions of important Senate and Executive Branch actors.

Yet, despite elucidating the political implications of the appointment procedures described in Article II Section 2, past research has paid less attention to modern, institutional developments that — although not stated in the Constitution — affect the appointment process. The Senate, for instance, has endowed committees with extensive authority to investigate and interrogate prospective nominees (Deering, 1987; Pfiffner, 2001; Sullivan, 2002). Likewise, presidents have created new methods to staff “inferior offices” so that they can install appointments unilaterally (Lewis, 2008).

To what extent do these institutional changes affect the ideological composition of appointments to the public bureaucracy? To tackle this question, we develop and empirically test a formal model that examines how Senate committees and the presidential staffing of “inferior offices” affect the ideological distribution of appointed public bureaucrats. Our model predicts that Senate committee chairs will block nominees whose ideological leanings deviate strongly from their own policy preferences. This gate-keeping strategy, in turn, compels presidents to nominate moderates to Senate-confirmed positions and to place extremists in “inferior,” unilaterally -staffed positions. Empirical analyses broadly support these predictions. Using data covering the Bill Clinton and George W. Bush administrations, we find that the probability of Senate confirmation declines with a nominee’s ideological distance from the Senate committee chair handling the nomination. This pattern is most readily observed during periods of divided government, but we also find evidence that it occurs under unified government. Consistent with those findings, our empirical analysis indicates that unilateral Schedule C appointments are more ideologically extreme than Senate-confirmed appointments. That pattern of extremism holds even when comparing Schedule C and Senate-confirmed appointees who staff positions with equal policy import and identical occupational duties. These findings show that modern institutional developments in the appointment process influence the ideological orientation of the public bureaucracy and the struggle for power between branches of the U.S. federal government.

Before expanding upon those implications, we first provide additional details about the Senate confirmation process and the institutional developments that have modified that process. Next, we develop and test a formal model of the appointment process. After describing our findings, we return to the implications mentioned above and, then, conclude our paper.

1 The Appointment of Public Bureaucrats

The institutional modifications at the heart of our investigation rest within a multi-stage appointment process delineated by Article II Section 2. This process, as it pertains to public bureaucrats, differs subtly from the appointment process of judicial nominees studied by Cameron *et al.* (1990), Segal and Spaeth (1986), Segal (1987), Binder and Maltzman (2002), and Shipan and Shannon (2003). Thus, to provide context for our analysis of the ideology of bureaucratic appointments, we describe the process of appointing public bureaucrats in detail.

The initial stage of the bureaucratic appointment process involves the identification of a prospective appointee. Nixon (2004) surmises that presidents find a pool of potential appointees, examine their ideologies, and select one as a prospective appointment. Aberbach and Rockman (2009, p. 55) describe a different challenge: “presidents typically have more opportunities to appoint... than they have people whom they can possibly know.” Thus, presidential administrations solicit applications hoping that, among the résumés they receive, one describes an individual suitable to appoint (Pfiffner, 2001; Sullivan, 2002). Suitability might relate to competence (Mann, 1964; Edwards, 2001; Lewis, 2007), demographic attributes (Aberbach, 1996), and/or integrity (Krutz *et al.*, 1998; Sullivan, 2001; Labiner and Light, 2001), but it is conditioned on political values, which must satisfy the ideological demands of the president (Pfiffner, 2001).

When presented with a prospective appointee, the president decides whether to nominate the individual to a Senate-confirmed post or to assign the individual to an unconfirmed position. That is, unlike appointing officials to the judiciary, which requires Senate confirmation, appointing bureaucratic officials provides presidents the opportunity to circumvent “advice and consent” by assigning an individual to an

“inferior office” that does not require Senate approval. Executive Order 10440, signed by Dwight Eisenhower in 1952, expanded the range of these unilateral appointments. In particular, Eisenhower’s order created unilateral Schedule C appointments that, despite being “inferior offices,” can involve sensitive matters and policy decisions (Lewis, 2011). Through such appointments, presidents can forego Senate confirmation procedures, even for important positions in the bureaucracy.

The benefit of circumventing the Senate comes at a cost, however (Lewis, 2008, pp. 70–71). Senate-confirmed positions carry more policy clout and visibility than unconfirmed positions (Lewis, 2008, p. 71). Even Schedule C positions — the class of unconfirmed posts most comparable to Senate-confirmed offices — are “of a confidential or policy determining nature but [are] generally in subordinate roles” (Lewis, 2011, p. 52). Schedule C appointees, in sum, have less policy influence than Senate-confirmed appointments (Lewis, 2008, pp. 70–71; 2011, p. 52).

Recognizing the limitations of unconfirmed positions, presidents may choose to nominate an individual to a Senate-confirmed position. After the president nominates an individual to a Senate-confirmed position, the Senate clerk assigns the nominee to a committee. The committee receiving the nominee has jurisdiction over the agency to which the nominee seeks appointment. The committee can then take one of four actions: it can (i) veto the nominee through inaction, (ii) place the nominee on the Senate floor with a favorable report, (iii) place the nominee before the Senate floor with an unfavorable report, or (iv) send the nominee to the Senate floor without recommendation. Tong (2003) and Rybicki (2013) provide further information about these procedures.

Given that most of work involved in the confirmation process falls on committees and their reputation for intensely scrutinizing nominees, committees are widely recognized as a key stage in the confirmation process. In committee, a nominee can face background investigations, requests for written responses to committee members’ inquiries, standardized questionnaires, and live hearings (Deering, 1987; Krutz *et al.*, 1998; Sullivan, 2002). If a nominee fails the confirmation process, it likely fails at the committee stage (Krutz *et al.*, 1998). Moreover, a nominee’s success in committee does not indicate the absence of committee influence. Presidents may account strategically for the committee’s preferences. Chang (2001), for instance, shows that presidents account for

the Senate Banking Committee's ideological disposition when making appointments to the Federal Reserve Board of Governors. Committees, in sum, play an important gate-keeping role in the appointment process.

If a committee decides to report a nominee to the floor, the Senate then debates the nominee. Although research on judicial confirmation indicates that the ideological orientation of Senators influences floor votes on judicial nominees (Cameron *et al.*, 1990), many scholars have viewed floor votes as an afterthought in the process of confirming public bureaucrats. Deering (1987) notes that a very small proportion of nominees fail floor votes, which he interprets as evidence that the Senate views the confirmation process as "a protection seldom used actively, but available if needed" (p. 102). Moe (1987) backs this position, noting that the Senate cannot reject a nominee on ideological grounds alone. King and Riddlesperger (1996), moreover, discover that the number of Senate seats held by the president's party does not influence the proportion of affirmative votes for cabinet appointees.

Such evidence of Senate deference, however, could indicate that the president thinks strategically about the preferences of the Senate and selects nominees who are likely to win the support of most Senators. Along these lines, Nixon (2004) shows that the ideology of appointees varies with the ideal points of veto-override pivots — in either the Senate or House — who influence statutory changes that constrain agency policy-making.

Studies that emphasize the importance of floor activities, however, have failed to take into account two important aspects of the bureaucratic appointment process. First, most failed nominations occur at the committee stage. In Figure 1, we present a diagram that reports the outcomes of all nominations to Senate-confirmed positions during the Bill Clinton and George W. Bush administration. The data used to construct the diagram come from the official Library of Congress website (loc.thomas.gov). As the diagram indicates, committees serve as the major roadblock to nominees; they fail to report approximately 20% of nominees referred to them, effectively vetoing the nomination. Of those who are reported out of committee, only 4% fail after being placed on hold due to the threat of filibuster or being withdrawn by the president before reaching a floor vote. In only a single case did a nominee fail a floor vote. Thus, if presidents strategically select nominees to pass floor votes or to satisfy veto-pivots, it reasons that they would do the same

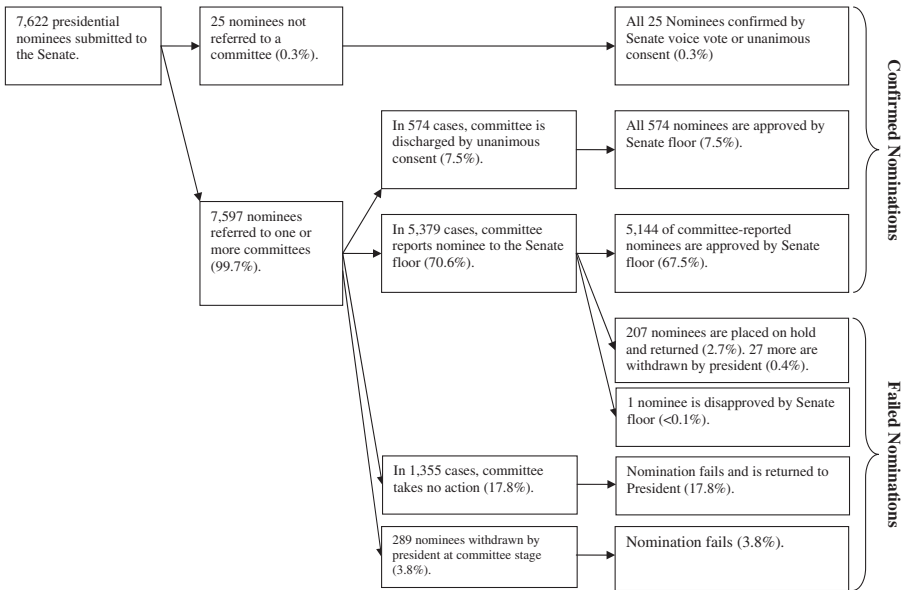


Figure 1: Outcomes of nominations to senate-confirmed positions, bush and clinton administrations.

to ensure that nominees pass the committee stage of the confirmation process.

Second, by focusing attention on the latter parts of the confirmation process, past investigations have ignored the fact that presidents can avoid the confirmation process altogether. Lewis (2008, p. 82) presents data suggesting that roughly half of all bureaucratic appointments are Schedule C nominations. Thus, the president’s option to place an individual in a Schedule C position, as opposed to a Senate-confirmed position, appears to be exercised readily and obviates the need to worry about Senate floor votes.

In sum, how nominees fare at the committee stage and the decision to direct a prospective appointment to an “inferior” Schedule C position represent critical moments in the appointment process. Past studies largely have ignored these stages, while focusing on floor ideology (Hammond and Hill, 1993; Moraski and Shipan, 1999; Nokken and Sala, 2000; Nixon, 2004). Such an approach is more sensible in the context of judicial appointments, since presidents cannot forego a floor vote through the use of “inferior offices”, but less so in the context of bureaucratic

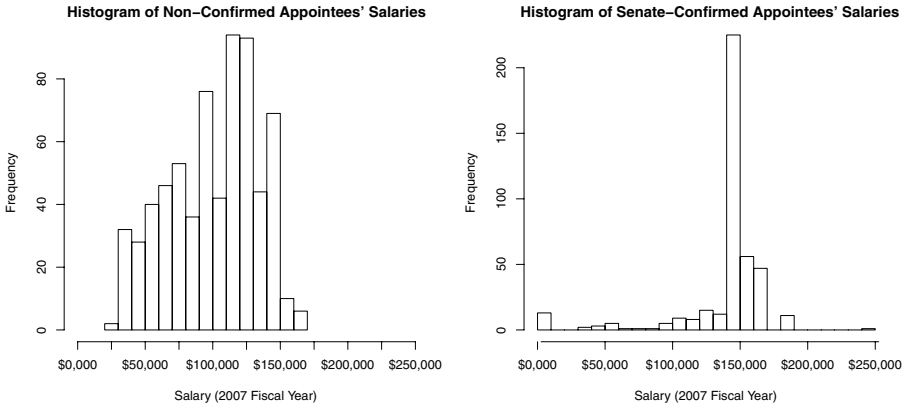


Figure 2: Distribution of salaries for schedule C and senate-confirmed appointments.

appointments. While a few studies have presented empirical evidence suggesting that committees influence nominee ideology (Chang, 2001) and confirmation success (Krutz *et al.*, 1998), none has attempted to place those empirical findings in a broad theoretical context or explored the further implications that such a theory might offer.

2 A Formal Model of Bureaucratic Appointment

Our formal model depicts the bureaucratic appointment process as a game between the president and a committee chair. Here we describe the model, justify its assumptions, and derive predictions from it.

2.1 *Players and Policy Preferences*

Two players make decisions in the model: the President, P , and a Senate committee chair, C .¹ At the start of the game, the President is presented with a single bureaucratic candidate, B , who does not make any strategy choices during the game. For clarity, we use female

¹Although we model the confirmation process as a game played between the president and committee chairs, we note that C could in theory also represent the filibuster pivot. However, for many of the reasons discussed above regarding their gatekeeping and information gathering abilities, committee chairs make the most sense in the context of the model.

pronouns for the President and the bureaucratic candidate, and male pronouns for the Senate committee chair.

Both players and the bureaucratic candidate B have policy preferences on a single ideological dimension. Specifically, we focus on a version of this game in which the President and committee chair have ideological preferences $x_P = 1$ and $x_C = 0$, respectively. That is, the President is more right-wing than the committee chair. Finally, the bureaucratic candidate B has an ideology that is randomly chosen by Nature from the distribution $x_B \sim U[0, 1]$.

As our objective is to providing intuition for the type of scenarios in which the chair can credibly act to constrain the president, we focus the model on the confirmation process during periods of divided government. The set-up of the model, specifically with respect to the assumptions about the distribution of preferences, narrows the applicability of the model to cases where the president and chair have conflicting ideologies, which is rarely the case during periods of unified government. While we acknowledge the ideal points of the president and chair technically do not peg the left and right extremes of the ideological space and that nominees often locate outside the interval (P, C) , we note that these modeling assumptions are made as a matter of convenience. Although we do not see any apparent barriers to extending the model to relax these assumptions, doing so would likely add a considerable amount of complexity without providing much in the way of added intuition.

2.2 Strategies and Information

A bureaucratic candidate, B , has an ideal point, x_B , known only imperfectly by the President, P . Specifically, Nature sends the President a signal, y_B , where:

$$y_B = \begin{cases} x_B, & \text{with } \frac{1}{2} \text{ probability;} \\ x_B + \varepsilon, & \text{with } \frac{1}{2} \text{ probability,} \end{cases}$$

where ε is a small error term such that: $0 < \varepsilon < 1 - K$. The President P then makes a strategy choice p from three possible options: the President may nominate B for a Senate-confirmed position ($p = S$), she may nominate B for a non-confirmed position ($p = N$), or she may choose to not nominate B for any position at all ($p = \phi$).

If B is nominated for a Senate-confirmed position, the Senate committee chair C conducts a hearing, during which B 's true ideology, x_B , is revealed. The committee chair, C , then makes a strategy choice, $c \in \{\text{Confirm, Return}\}$, deciding whether to confirm or to return the nomination. The strategy set of the committee chair, C , simplifies the true options available to Senate committees. Senate committees actually can return the nominee to the president through inaction, report the nominee favorably to the floor, report the nominee unfavorably to the floor, or send the nominee to the floor without a report. The first of these options coincides with returning a nominee to the president, whereas the latter three options effectively confirm the nominee, given the infrequency with which the floor denies confirmation. Thus, the strategy set of the committee chair captures the salient aspects of a chair's influence over nominee success.

2.3 Policy Outcomes

The policy outcome, x , is determined by the bureaucratic nomination process. If the President successfully nominates a Senate-confirmed bureaucrat, then the policy outcome is: $x = x_B$; that is, the bureaucrat B implements her preferred policy perfectly. If the President nominates the bureaucrat B to a non-confirmed position, the bureaucrat implements her preferred policy only some of the time. Specifically, the non-confirmed bureaucrat implements policy $x = x_B$ with probability α , where $\alpha > \frac{2}{3}$; but with probability $1 - \alpha$, she fails to implement a policy, in which case all players receive an exogenously determined negative payoff of $-K$, where $K \in (\frac{1}{2}, 1)$.

Finally, if there is no nomination, or if the Senate returns the President's nominee, then there is no new policy and both players receive an exogenously determined negative payoff of K , where $K \in (-1, -\frac{1}{2})$.

2.4 Utility Functions

Both the President P and the Senate committee chair C derive utility from the bureaucrat's policy implementation, and both players receive a negative payoff of $-K$ if there is no new policy. Specifically, the

president’s utility function is:

$$U_P = \begin{cases} -K, & \text{if } s = \text{Return or } p = \phi; \\ -|x - x_P|, & \text{otherwise,} \end{cases}$$

while the Senate committee chair’s utility function is:

$$U_C = \begin{cases} -K, & \text{if } s = \text{Return or } p = \phi; \\ -|x - x_C|, & \text{otherwise,} \end{cases}$$

where x is the bureaucrat’s implemented policy, and x_P and x_S are the President’s and Senate committee chair’s respective ideological preferences.

2.5 Sequence of Play

The aforementioned features of our formal model are carried out through the following sequence of game play:

1. Nature determines the bureaucrat B ’s ideology, $x_B \sim U[0, 1]$.
2. The President receives signal y_B , where:

$$y_B = \begin{cases} x_B, & \text{with } \frac{1}{2} \text{ probability;} \\ x_B + \varepsilon, & \text{with } \frac{1}{2} \text{ probability,} \end{cases}$$

3. The President P chooses strategy $p \in \{S, N, \phi\}$.
4. If $p = S$, the Senate committee chair C learns x_B and chooses strategy $c \in \{\text{Confirm, Return}\}$.
5. If $p = N$, Nature determines with probability α whether B successfully implements the policy $x = x_B$.

Formal proofs can be found in the Appendix and further justification of the modeling assumptions can be found in the Supplemental materials. With the basic features our model presented, we now turn to the results and comparative statics of our model.

2.6 Equilibrium Results and Comparative Statics

In this section, *Lemmas A* and *B* present the Subgame Perfect Nash Equilibrium (SPNE) results in order to derive testable predictions, which are presented in Propositions 1, 2, and 3. Although these assumptions do not affect the comparative static predictions of the model, we assume that the President P resolves indifference over her strategy choices in the order of $p = S$, then N , then ϕ , while the committee chair C resolves indifference in favor of confirming the President's nominee.

Lemma A. *The committee chair C confirms the President's nominee if and only if $x_B \leq K$.*

Lemma A describes the Senate committee chair C 's acceptance set when the President nominates the candidate for a Senate-confirmed position. When given the choice, C confirms the nominee only when the nominee's ideal point, x_B , is sufficiently close to C 's own ideal point. The intuition behind this result is that when x_B is too high, the nominee is too conservative for C to accept. Under this scenario, C prefers to return the nomination and accept the negative payoff of $-K$ that results from having no bureaucrat and no policy.

Lemma B. *The President P plays the following strategy choice after receiving signal y_B :*

$$p = \begin{cases} \phi & \text{if } y_B < 1 - K + \frac{\varepsilon}{2}, \\ N, & y_B > K; \\ S, & \text{otherwise.} \end{cases}$$

Lemma B describes the President P 's choice regarding the type of position to which she nominates the bureaucratic candidate B upon receiving an imperfect signal (y_B) of B 's ideology. Specifically, *Lemma B* states that if the signal y_B indicates B is too conservative, then P nominates her for a non-Senate-confirmed position. If the signal y_B indicates B is moderate, then P nominates her for a Senate-confirmed position. Finally, the signal indicates B is too liberal ($y_B < 1 - K$), then the President opts to make no nomination at all, instead automatically accepting the cost of K .

The intuition behind *Lemma B* is as follows. The President P is conservative, but must contend with a Senate committee chair C who

is liberal. If bureaucratic candidate B is too liberal, then P prefers to keep B out of bureaucratic office altogether. On the other hand, if B is moderate or conservative, then P trusts B to implement a sufficiently favorable policy. But if B is too conservative, then nominating B to a Senate-confirmed position causes the risk that C might reject the nominee, hence producing no policy and an undesirable payoff of $-K$ for P . Hence, P will nominate any bureaucratic candidate too conservative to be confirmed to a non-Senate-confirmed position, even though the non-confirmed position makes the bureaucrat less effective at implementing policy.

From these SPNE results, the following three testable predictions emerge in equilibrium:

Proposition 1. *The average Presidential bureaucratic nominee is ideologically closer to the President than to the Senate committee chair.*

Proposition 1 states that Presidential nominees for bureaucratic positions are generally ideologically closer to the President than to the Senate committee chair. The intuition behind this result is that the partisan bias in bureaucratic nominees reflects the President’s first-mover advantage in the bureaucratic appointment process. By assumption, the ideology of the bureaucratic candidate is drawn from a uniform distribution ranging from the ideology of S to the ideology of P . But the President P has a first-mover advantage because she can simply decide to not nominate a particular candidate for any bureaucratic office. P exercises this choice in equilibrium by refusing to nominate liberal candidates for office, while only appointing only moderate to conservative bureaucratic candidates. Hence, presidential nominees are, on average, ideologically closer to P than to S .

Proposition 2. *The probability of Senate confirmation of a Presidential nominee to a Senate-confirmed position is declining along the ideological distance between the bureaucratic nominee B and the Senate committee chair C .*

Proposition 2 states that confirmation is more likely for nominees who are ideologically closer to the Senate committee chair. The intuition behind this result follows directly from the equilibrium strategy

described in *Lemma A*: the liberal Senate committee chair C confirms only nominees who are sufficiently liberal. If the nominee is too conservative, then C simply returns the nominee because he is better off accepting the negative payoff from having no bureaucrat in office and no policy.

Proposition 3. *Bureaucratic appointees to non-Senate-confirmed positions are ideologically closer to the President P than appointees to Senate-confirmed positions.*

Proposition 3 states that appointees to Senate-confirmed and non-Senate-confirmed positions are ideologically distinct, with Senate-confirmed appointees being more liberal and, hence, further away from the President's ideology. The intuition here is as follows. The President generally prefers to make appointments to Senate-confirmed positions because such positions enable bureaucrats to be more effective at implementing their preferred policies. However, the President also anticipates that the Senate committee chair C will refuse to confirm nominees who are too conservative and, hence, too far away from C 's ideal point. Hence, the President appoints those extremists to non-Senate-confirmed positions, while nominating more moderate bureaucrats to Senate-confirmed positions.

In sum, our formal model portrays an appointment process, under divided government, in which the president and the Senate committee chair attempt to shape the ideological distribution of bureaucratic appointments in their favor. Presidents, in our model, do so by nominating moderates — who lean in the direction of the executive — for Senate confirmation, while sending more extreme ideologues to Schedule C posts. Senate committee chairs, on the other hand, shape the distribution of appointee ideologies by blocking ideologically disparate nominees.

3 Empirically Testing the Model of Bureaucratic Appointment: Data and Methods

The formal model presented in the previous section yields three clear predictions about ideological factors in the bureaucratic appointment

process. To test these predictions, we enlist measures of bureaucratic ideology derived from political campaign contributions and a novel data set containing information about the bureaucratic appointment process.

We introduce a new approach to measuring bureaucratic ideology that contributes previous efforts (e.g., Nixon, 2004; Clinton and Lewis, 2008; Bertelli and Grose, 2011; Clinton *et al.*, 2012). Following Chen (2010) and Chen and Johnson (2011, forthcoming) we utilize recently developed quantitative methods to estimate ideal points from campaign finance records (see also McCarty *et al.*, 2006; Bonica, 2013). The specific set of measures used here results from the CFscore method of Bonica (2014). Drawing on a comprehensive database of over 100 million contributions made during state and federal elections since 1979, the CFscore methodology uses patterns of who gives to whom to recover ideal points for candidates and contributors using a joint estimation procedure analogous to the widely used methods to scale roll call data. Among these measures are estimates of the ideal points of a large percentage of federal bureaucrats. A notable advantage of the CFscores is that they allow for direct distance comparisons between nominees and other political actors, including the president and Senate committee chairs. Chen and Johnson (forthcoming) produce agency-level Common Space DW-NOMINATE estimates using the campaign contribution records of bureaucratic employees. In this manuscript, however, we are interested in measuring individual-level ideology estimates, and hence we use the Bonica (2014) estimates. In the Appendix, we perform several tests to validate our measures of bureaucratic ideal points. We also compare our estimates with the measures of bureaucratic ideology produced by Bertelli and Grose (2011), Clinton *et al.* (2012), and Chen and Johnson (forthcoming).

We compiled a data set of these bureaucratic ideal points by searching the universe of contribution records using detailed listings — obtained from the Plum Book (see Lewis, 2008), THOMAS.gov, and whitehouse.gov — that report the names, organizational affiliations, and positions of appointees nominated or appointed by the president to federal bureaucratic posts. We supplement the bureaucratic ideal point estimates with data obtained from various sources. Although we have bureaucratic ideal point estimates ranging from the Reagan to Obama Administrations, many of the variables we employ as statistical

controls could not be gathered for years outside the Clinton and G.W. Bush eras. Thus, we restrict our analysis to the period spanning the Bill Clinton and George W. Bush administrations.

We collected data concerning Schedule C appointments from the 1996 through 2008 editions of the United States Government Policy and Supporting Positions (Plum Book), which is widely considered the definitive source of information concerning presidential appointments (Lewis, 2008). Schedule C positions — in terms of their policy relevance, term of duration, and associated pay — compare more closely to Senate-confirmed positions than do other non-confirmed “inferior offices” — such as Schedule A and B positions — to which presidents make unilateral appointments (Lewis, 2008; 2011). As a result, we do not consider other non-confirmed, inferior offices other than Schedule C positions. Although the Plum Book contains data on appointees to Senate-confirmed positions during the Clinton and Bush administrations, we obtain data on nominees who failed the confirmation process, as well as data for other administrations, via the Congressional Record (thomas.loc.gov).

After identifying nominees for Senate-confirmation using the Congressional record, we matched those individuals with their contribution records. Although far from complete, this approach produces a sizable sample of appointees. We identified 1,300 out of 2,714 Schedule C appointees made by Clinton administration and 1,564 out of 3,068 Schedule C appointees made by the Bush administration. The data contained 1,887 out of a total of 2,619 individuals nominated to Senate-confirmed positions by Bill Clinton and 1,993 out of a total of 2,790 individuals nominated to Senate-confirmed positions by George W. Bush.

In addition to identifying individuals appointed to confirmed and non-confirmed positions, the Plum Book and Congressional Record provide information about the agencies and occupations in which appointees work, which we include as controls. We also used those variables to merge our appointee data with information concerning the tasks conducted by appointees’ agencies. Lewis (2008) notes that agencies performing tasks that require a greater proportion of technical and professional employees exhibit greater sensitivity to politicization; thus we use appointees’ agency affiliations to merge data from the Office of Personnel Management’s Central Personnel Data File (CPDF) concerning the percent of technical and professional employees working

in an appointee’s agency.² Given discrepancies in the agency naming conventions used by the creators of the Plum Book, the Congressional Record, and the CPDF, we could not collect workforce attributes for every agency. Thus, analyses including the percent of technical and professional employees working in an appointee’s agency contain many missing observations. We also control for the extent to which agencies are charged with carrying out policies that figured prominently on the president’s agenda. Using data from the Policy Agendas Project (Baumgartner and Jones, 2013), we collected information on the number of times a president mentioned, in the State of the Union Address, a policy area that clearly fell within the purview of a specific agency. We use the count of those mentions as a measure of an agency’s relevance to the president’s policy agenda.

In addition to providing agency information useful in linking our appointee records with other data sets, the Congressional Record provides information about the date on which a nominee was received by the Senate, thus creating a means to combine appointee data with important time-varying measures. For instance, past studies contend that presidential approval may influence the Senate confirmation process (Kurtz *et al.*, 1998; Black *et al.*, 2007; cf. King and Riddlesburger, 1996). We link these date values to the most recent Gallup presidential approval ratings available at the time when a nominee was received by the Senate.³ We were also able to identify the time during a president’s tenure in office when a nominee was put forward and the legislative context in which a nominee entered the Senate — e.g., party control of the Senate and levels of polarization.⁴

With these data, we test the three propositions generated from our formal model. Proposition 1 predicts that the average presidential nominee for a Senate-confirmed bureaucratic position is ideologically

²CPDF records were obtained from www.fedscope.opm.gov, as well as the National Archive and Record Administration and publicly released data by Asbury Park Press (2013).

³Presidential approval data was obtained from Peters (2013).

⁴In the Appendix, we also include analyses that account for polarization. We found, however, that the inclusion of a measure of polarization in the models created multicollinearity due to the fact that several variables — for instance, a president’s tenure in office — are increasing with time.

closer to the President than to the relevant Senate committee chair. To test this proposition, we calculated the mean absolute distance of a nominee's ideal point to the president's ideal point, as well as the mean absolute distance of a nominee's ideal point to the relevant committee chair's ideal point. Next, we conducted a Welch Two Sample *t*-test, under the assumption of unequal variances. Recognizing that our model applies under conditions of divided government, we also report results separately under divided and unified government.

Proposition 2 predicts that the probability of Senate confirmation of a Presidential nominee is weakly declining with the ideological distance between the bureaucratic nominee and the Senate committee chair under divided government. To test this proposition, we estimated a series of logistic regression models. A binary indicator of confirmation success (1 = success; 0 = failure) served as the dependent variable in these analyses. We modeled confirmation success as a function of (i) the absolute distance between a nominee's ideal point and the ideal point of the relevant committee chair (*Chair Distance*) and (ii) the various controls described above. We also performed this analysis on subsets of our data consisting of nominees put forward during unified and divided government.

The third proposition we test predicts that bureaucratic appointees to non-Senate-confirmed positions are more ideologically extreme than appointees to Senate-confirmed positions. To test that proposition, we estimate linear regressions with an appointee's ideal point as the dependent variable. To model that variable, we include predictors from our model of confirmation success that we could match with the information we possessed about Schedule C appointments. Unfortunately, data about Schedule C nominees does not provide information about exactly when, during a given presidential administration, a Schedule C appointment was installed in the bureaucracy. Thus, we cannot examine Proposition 3 in light of divided versus unified government. Nonetheless, the models described in this paragraph provide a baseline assessment of Proposition 3.

Together, these statistical procedures allowed us to gain insight into the ideological distribution of presidential appointments and they helped us test the propositions from our formal model. In our supplementary materials, we provide further tests to gauge the robustness of our results across alternative model specifications and subsets of the data.

4 Empirical Results

A broad examination of our data suggests that ideological factors influence who presidents nominate for Senate-confirmed positions. As shown in Figure 3, presidents tend to nominate ideological allies to Senate-confirmed positions. In the figure, an open circle signifies a nominee’s ideal point estimate (for purposes of visual presentation we exclude outliers falling outside the interval from -1.5 to 1.5 , in all of our figures). A clear relationship between presidential ideology and nominee ideology emerges. Democratic presidents predominantly nominate liberals, whereas Republican presidents predominantly nominate conservatives. Moreover, subtle comparisons across presidencies of the same party suggest that our ideal points appear plausible: appointments during the Clinton administration appear slightly more centrist than appointments during the early years of the Obama administration, which accords with conventional views of those presidents’ personal ideologies.

The broad portrait presented in Figure 3, however, does not take into account the fact that other political actors may shape the distribution of appointee ideologies. Thus, does the apparent presidential dominance shown in Figure 3 persist when considering how nominee ideology relates to the ideological leanings of key Senators? In light of Proposition 1, we test the null hypothesis that the absolute distance between the ideology of the relevant committee chair and that of the Senate-confirmed nominee is less than or equal to the absolute distance between the president’s ideology and the nominee’s ideology. As a point of reference for interpreting these distances, a unit change in the CFScores roughly translates to a standard deviation in candidate ideal points.

During the Clinton administration, the average absolute distance between Clinton and his Senate-confirmed nominees was 0.37 units, whereas the average absolute distance between the relevant Senate committee chairs and the Senate-confirmed nominee was 1.04 units ($t = -31.1$, $df = 2519$, $p < 0.001$). During periods of divided government in the Clinton Administration, the average nominees has a distance of 0.40 from Clinton versus a distance of 1.41 from the chair ($t = -39.6$, $df = 1734$, $p < 0.001$). This result also holds for the Clinton Administration during periods of united government with the average nominee having a distance of 0.31 from Clinton versus a distance of

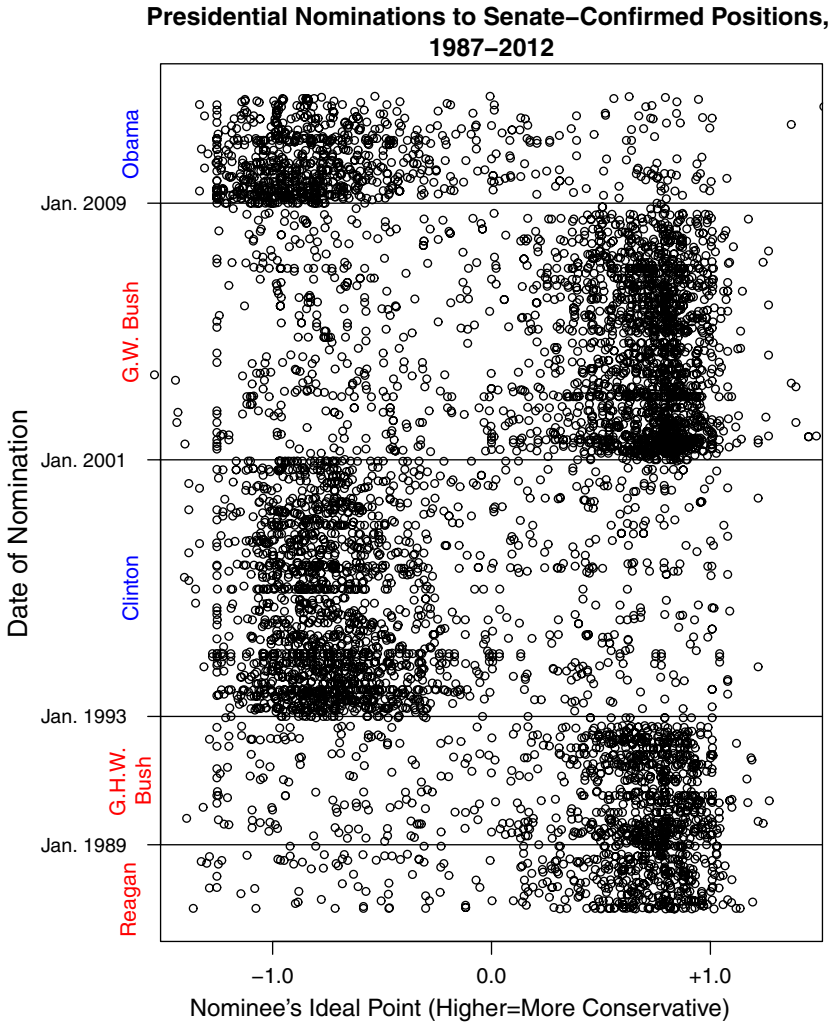


Figure 3: Ideology of nominations to senate-confirmed posts by presidency.

0.48 from the chair ($t = -7.3$, $df = 1208$, $p < 0.001$). The results are similar for the George W. Bush Administration. Overall, the average absolute distance between Bush and his political nominees was 0.37 compared to an average distance of 0.95 to the chair ($t = -25.7$, $df = 2972$, $p < 0.001$). During periods of divided government, the average nominee has a distance of 0.40 from Bush versus a distance of

1.47 from the chair ($t = -37.4, df = 1586, p < 0.001$). During periods of unified government, the average nominees had a distance of 0.33 from Bush versus a distance of 0.46 from the chair ($t = -5.24, df = 1689, p < 0.001$).

We also find evidence president’s vary the ideology of their nominees across periods of united and divided government. On average, the distance between the president and his nominees is about a third greater during divided government than they are during periods unified government. The differences are significant for both Clinton ($t = 3.93, df = 1564, p < 0.001$) and Bush ($t = 2.36, df = 1653, p < 0.05$). Although far from conclusive, this is suggestive of strategic selection of nominees on the basis of ideology.

Figure 4 illustrates evidence in support of Proposition 1. The figure shows the mean distance, across agencies, between nominees’ ideal points and those of the president and senate chair, respectively within

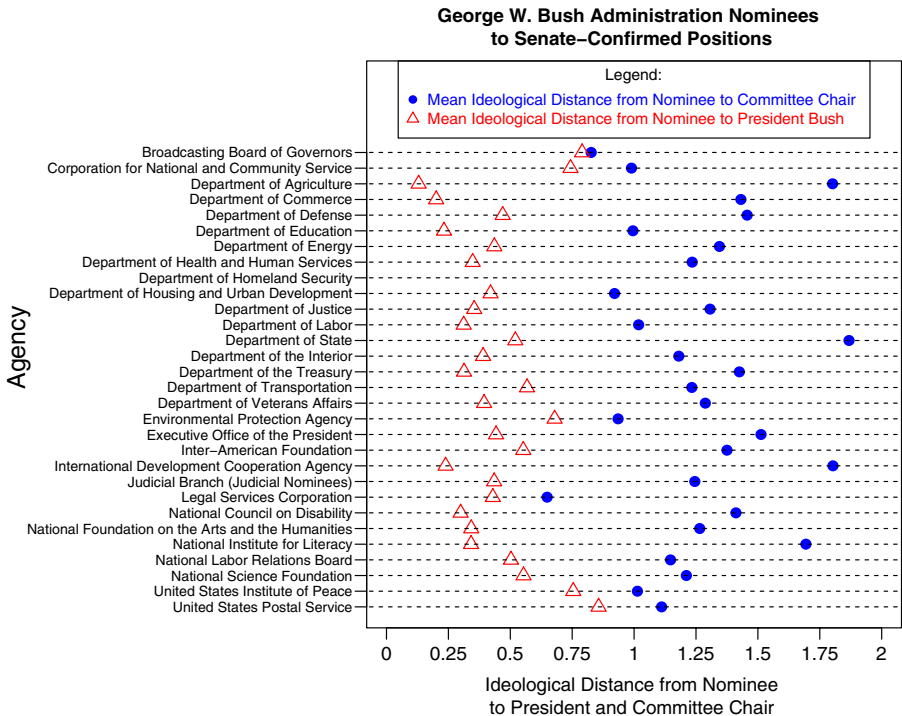


Figure 4: Ideological distance of nominee to President and Senate Committee Chairs.

the George W. Bush Administration. As evident in Figure 4, nominees in across all agencies hold ideal points closer to the president than to the chair that managed their nomination in committee.

Logistic regression analyses reported in Table 1 test Proposition 2, which posits that the probability of confirmation success is weakly

Table 1: Logistic regression analysis of confirmation success.

	Pooled data		Divided government		Unified government	
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Intercept	1.57*** (0.14)	2.41*** (0.27)	1.06*** (0.20)	1.79*** (0.42)	1.66*** (0.23)	2.45*** (0.44)
Distance to Chair	-0.48*** (0.07)	-0.47*** (0.08)	-0.25* (0.11)	-0.26* (0.13)	-0.01 (0.18)	-0.05 (0.21)
President Bush	-0.22* (0.09)	-0.37** (0.12)	-0.17 (0.12)	-0.38* (0.16)	-0.39* (0.17)	0.01 (0.40)
Commissioner		-0.29 (0.33)		-0.24 (0.43)		-0.41 (0.49)
Ambassador		1.09*** (0.25)		0.91** (0.29)		1.68** (0.51)
Attorney		0.20 (0.21)		-0.09 (0.26)		0.77* (0.38)
Marshal		1.17** (0.43)		0.74 (0.47)		8.31 (25.09)
Secretary		0.54 (0.33)		0.12 (0.42)		1.22* (0.59)
Under Secretary		0.83* (0.33)		0.43 (0.41)		1.52* (0.61)
Assistant Secretary		0.79*** (0.22)		0.64* (0.28)		1.01** (0.36)
Director		0.09 (0.18)		-0.06 (0.23)		0.31 (0.30)
Administrator		0.27 (0.27)		0.04 (0.34)		0.68 (0.48)
Member		-0.49** (0.17)		-0.44* (0.22)		-0.55 (0.29)
Professionalism		-0.56 (0.43)		-0.64 (0.55)		-0.66 (0.72)
Technical		-0.29 (0.76)		1.35 (1.00)		-3.07* (1.23)
Policy agenda		-10.66 (31.28)		-0.82 (44.15)		-38.51 (45.61)

(Continued)

Table 1: (Continued)

	Pooled data		Divided government		Unified government	
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Days in office		-45.56*** (10.03)		-31.73* (13.75)		-73.03 (48.29)
Presidential approval		21.24 (24.59)		38.35 (29.42)		44.37 (111.82)
Agency fixed effects	Yes	No	Yes	No	Yes	No
Pseudo R^2	0.14	0.13	0.11	0.09	0.25	0.16
L.R.	293.32	186.26	127.00	71.49	225.06	93.63
Num. obs.	2999	2205	1624	1181	1375	1024

Note: Estimated coefficients are presented sans parentheses; standard errors are presented within parentheses. Note that agency indicators are excluded from the heavily parameterized models because some control variables are measured at the agency level. Model 6 does not include an indicator for President Bush because the complete set of controls do not become available until 1996, after Republicans regained control of the Senate in 1995. *** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$.

decreasing in the absolute ideological distance from the nominee to the chair. The models portray successful confirmation as a function of the independent variables described in the previous section. To broadly test Proposition 2, we estimate two models on data pooled across the Bush and Clinton administrations; one of these models includes agency indicators and the other instead includes a series of control, some of which are measured at the agency level. Results from the pooled models support Proposition 2; across both models, the coefficient associated with the *Chair Distance* is negative and statistically significant.

As a more stringent test of Proposition 2, we also divide our data by periods of unified and divided government. Under divided government, we find mixed support for Proposition 2. Consistent with the results from the pooled models, we find that the effect of *Chair Distance* on the probability of confirmation is negative across both the models. However, the magnitudes of the coefficients are reduced. Under unified government, we find no support for Proposition 2. The effect of *Chair Distance* on confirmation probability is not significant under either specification. Under unified government the Senate rejects about 30% fewer nominations than under divided government, suggesting that

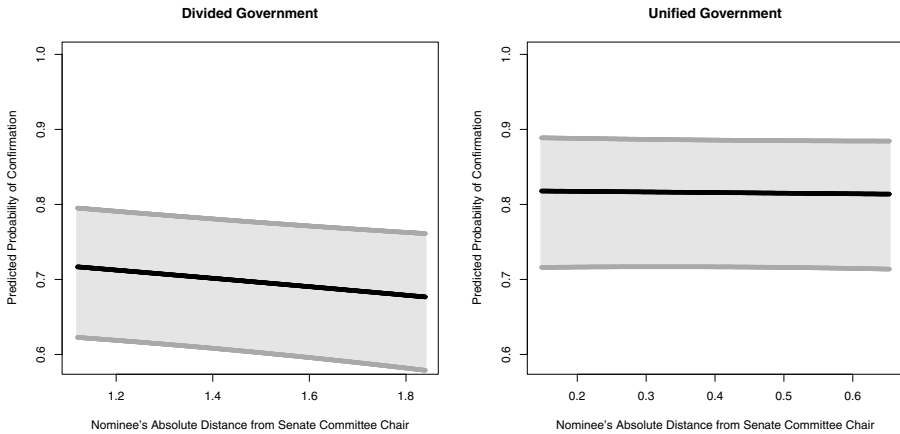


Figure 5: Predicted probability of confirmation by nominee distance to committee chair.

homogeneity in the dependent variable, as opposed to sample size, influences the estimates.

Figure 5 offers further insight into this claim. The figure uses estimates from Models 4 and 6, respectively, and shows the predicted probability of Senate confirmation from the first to third quartiles of the empirical distribution of *Chair Distance* values. The black lines in the figure trace the predicted probability of confirmation, while the grey lines represent bounds of the 95% confidence intervals. Whereas the predicted probability of confirmation declines with *Chair Distance* under the divided government model, it is flat under unified government. The values of the x -axis for the panel displaying the effect under unified government covers a much smaller interval than the panel for divided government, which reflects differences in the empirical distributions of *Chair Distance* values. Thus, not only does the dependent variable exhibit lesser variation under unified government, but so, too, according to Figure 5, does the focal predictor of interest. Put in substantive terms, the ideal points of nominees are much closer to both the president and Senate committee chair under unified government, thus muting ideological effects.

Broadly comparing results across models reveals that the control variables yield little insight into confirmation success. Across all models,

the only control variable that is consistently estimated to have an effect is *Ambassador*. The lack of predictive value for those and all other control variables in Model 6 accords with our view that nominees are summarily confirmed under unified government because ideological differences remain minimal.

We address concerns about selection effects that could arise from restricting the analysis to the set of nominees that are also political donors. Some might wonder whether individuals who succeed in the highly politicized environment of Senate confirmation happen to be individuals who have paved their way to success via political campaign contributions. That is, one might wonder whether our test of Proposition 2 fails to account for the possibility that nominees purchase confirmation via campaign contributions. Figure 6 provides no evidence to support such a claim. Within agencies, the rates of campaign contributions differ little between confirmed and non-confirmed nominees. Offering campaign contributions, in sum, does not appear, at least on its face, to ease a nominee’s path to confirmation. In the Appendix of this paper, we provide further tests of this hypothesis and find no evidence of a correlation between campaign contributing and nominee success.

To test Proposition 3, which posits that non-confirmed Schedule C appointees are more ideologically extreme than Senate-confirmed appointees, we regress the ideal points of all executive appointees on Schedule C status and a series of controls. We separate the analysis by presidential administration. For each administration, we report results from three different model specifications. Models 1 and 4 simply regress contributor CFscores against an indicator variable for Schedule C appointees. Models 2 and 5 add agency fixed effects. Models 3 and 6 replace the agency fixed effect with the same set of controls used in Table 1. Table 2 reports the results of this analysis. As evident across all model specifications, Schedule C appointments are significantly more ideologically extreme than Senate-confirmed nominees. Schedule C appointees during the Clinton administration were on average 0.25 units to the left of their Senate-confirmed counterparts, an effect that is only weakly attenuated after controlling for agency and other job characteristics. Schedule C appointees during the Bush administration were on average 0.19 units to the right for Senate-confirmed appointees. Although still precisely estimated, the magnitude of the coefficient is

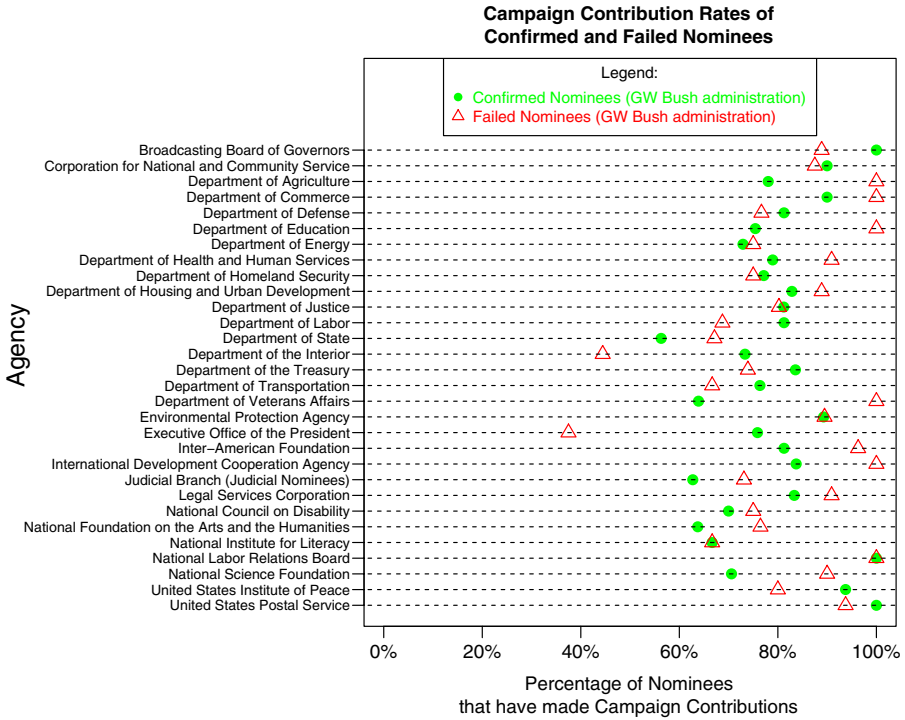


Figure 6: Campaign contribution rates of confirmed and non-confirmed nominees.

Note: This figure includes the 30 agencies with the largest number of nominees to Senate-confirmed positions during the George W. Bush administration. Among these 30 agencies, 15 agencies had a higher contribution rate among confirmed nominees, 14 agencies had a higher contribution rate among failed nominees, and one agency (NLRB) had a 100% contribute rate among both groups.

more than halved after controlling for agency. Figures 7 and 8 show the differences between Senate-confirmed and Schedule C appointees grouped by agency. In nearly every case, the Schedule C appointees are more extreme, providing additional support for Proposition 3.

It might be, however, that Schedule C officials simply perform different occupations than Senate-confirmed officials and those jobs attract individuals who exhibit greater political extremism. The included controls should help address these concerns more generally. To more narrowly examine this possibility and, thus, to gauge the robustness of our finding, we compared the ideologies of Schedule C and Senate-confirmed appointees who held the same occupation in the public bureaucracy. In

Table 2: OLS regression analysis of schedule C extremism.

	Clinton administration			Bush administration		
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
(Intercept)	-0.74*** (0.01)	-0.65*** (0.04)	-0.61*** (0.05)	0.60*** (0.02)	0.30*** (0.04)	0.59*** (0.04)
Schedule C	-0.17*** (0.02)	-0.13*** (0.03)	-0.19*** (0.04)	0.20*** (0.03)	0.06* (0.03)	0.15*** (0.03)
Commissioner			0.10 (0.09)			-0.29*** (0.09)
Ambassador			-0.13* (0.06)			-0.17** (0.06)
Attorney			-0.16** (0.05)			0.09* (0.05)
Marshal			-0.03 (0.09)			0.17* (0.09)
Secretary			-0.14* (0.06)			0.15** (0.06)
Assistant Secretary			-0.07 (0.07)			0.005 (0.06)
Under Secretary			-0.004 (0.10)			0.04 (0.09)
Director			0.03 (0.04)			-0.06 (0.04)
Administrator			-0.20** (0.07)			0.11 (0.06)
Professionalism			-0.30* (0.12)			-0.09 (0.10)
Technical			0.04 (0.16)			0.40** (0.12)
Policy agenda			-0.15 (0.09)			0.13* (0.06)
Agency fixed effects	No	Yes	No	No	Yes	No
R ²	0.02	0.16	0.05	0.02	0.22	0.05
Num. obs.	2170	2170	1458	2383	2383	2091

Note: Agency fixed effects are excluded from Models 3 and 6 because some of the control variables are measured at the agency level. *** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$.

total, we found 51 unique occupations held by Schedule C and Senate-confirmed appointees. Four occupations were staffed by both Schedule C and Senate-Confirmed appointees. Figure 9 displays the mean ideal points of each class of appointees performing those occupations. In each occupation, Schedule C appointees hold ideal points that, on aver-

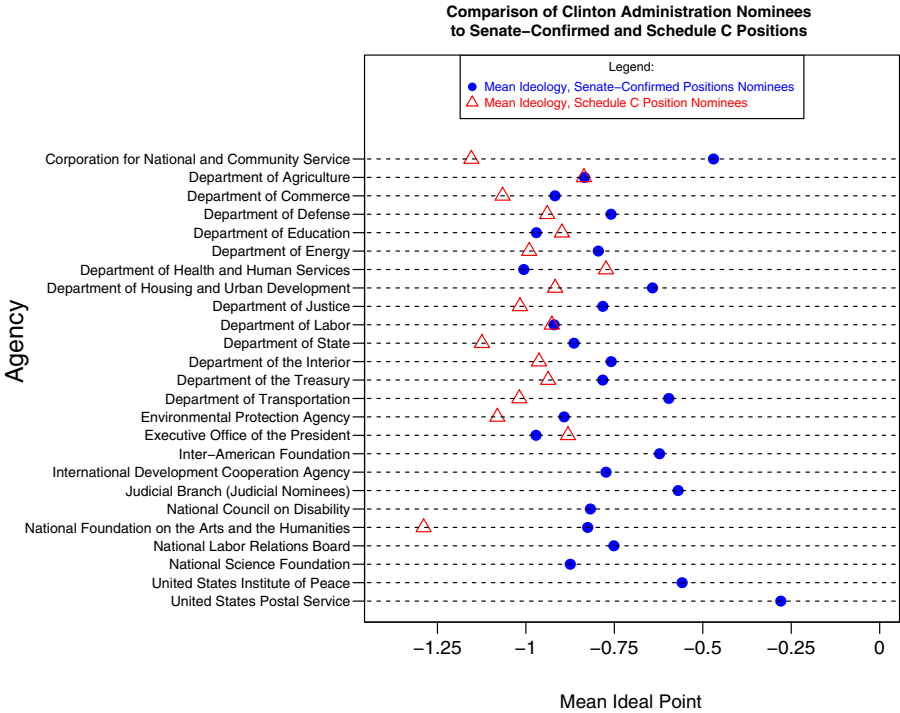


Figure 7: Ideology of Schedule C versus senate-confirmed appointments under Clinton.

age, are to the right of the ideal points of Senate-confirmed appointees. Given that the data underlying Figure 9 were generated during the Bush administration, the greater conservatism of the average ideal points among Schedule C appointments confirms that, as a group, they are more ideologically extreme than Senate-confirmed appointments who perform the same occupation.

Another possibility, however, is that the president installs more moderate officials in Senate-confirmed positions because those positions are more important and visible.⁵ To separate the effect of Senate confirmation from the importance of a position, we use the pay received by appointees as a proxy for position importance and compare the ideologies of Senate-confirmed appointees with the ideologies of Schedule C

⁵ We thank the editors for suggesting this possibility.

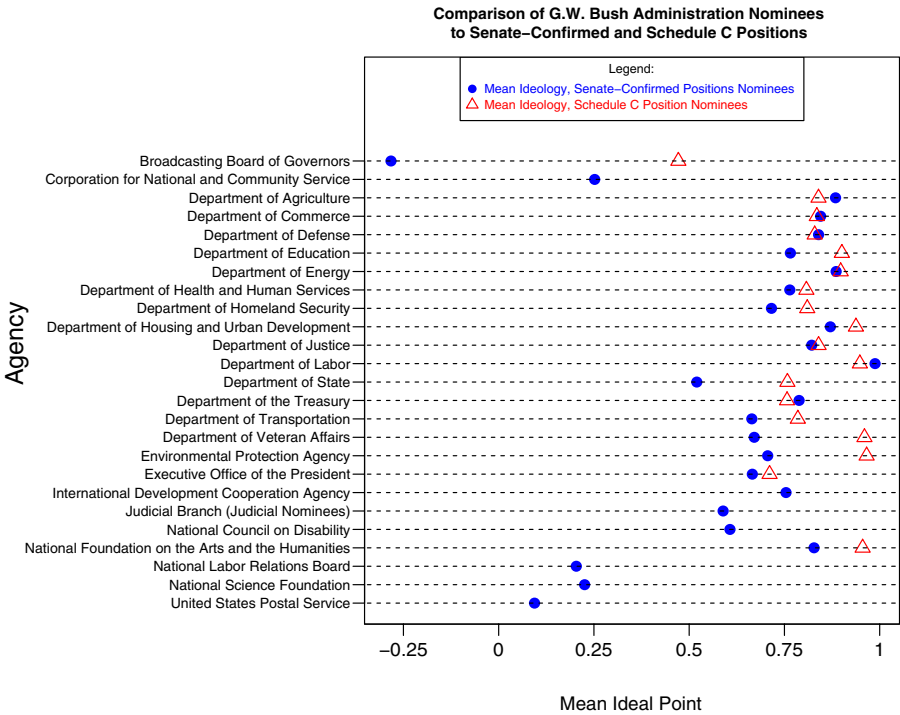


Figure 8: Ideology of Schedule C versus senate-confirmed appointments under Bush.

appointees making roughly the same salary. As discussed earlier in this paper, salary serves as a reasonable proxy for a position’s importance since the OPM uses the authority and policy significance of a position to determine the pay levels associate with it. To perform this analysis, we again pair the records of individuals in our campaign contribution data with individuals in the version of the CPDF released publicly by Asbury Park Press. Accordingly, this analysis is also limited to Bush Administration employees in the year 2007. Figure 10 displays the results of this analysis. The vertical axis of the figure displays the average ideal point of appointees and the x -axis presents a series of salary ranges. Within each salary range, except the range spanning \$50,000–\$75,000, the points placed in the plotting field indicate that the average ideal points of non-confirmed appointees are larger — hence, more extreme — than the average ideal point of confirmed appointments. These findings

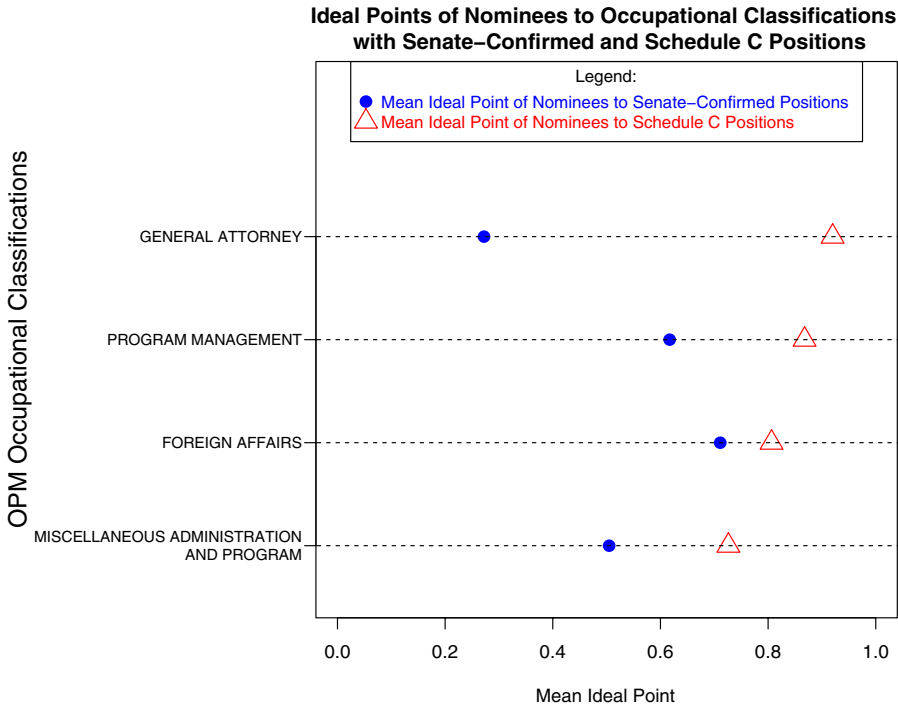


Figure 9: Ideology of Schedule C and senate-confirmed appointments by occupation.

suggest that Senate confirmation has a moderating effect, even when the importance of a given position is taken into account.

Together, the results reported in this section broadly support the predictions of our formal model. In our test of Proposition 1, we find that the ideologies of Senate-confirmed nominees are more ideologically proximate to the president than to the Senate committee chair who handles their nomination. When testing Proposition 2, we find that the estimated probability of confirmation declines as the distance between the ideal points of the nominee and committee chair increase, though this result appears to hold mainly under divided government. Finally, when testing Proposition 3, we discover that unilateral Schedule C appointees exhibit greater ideological extremism than Senate-confirmed appointees.

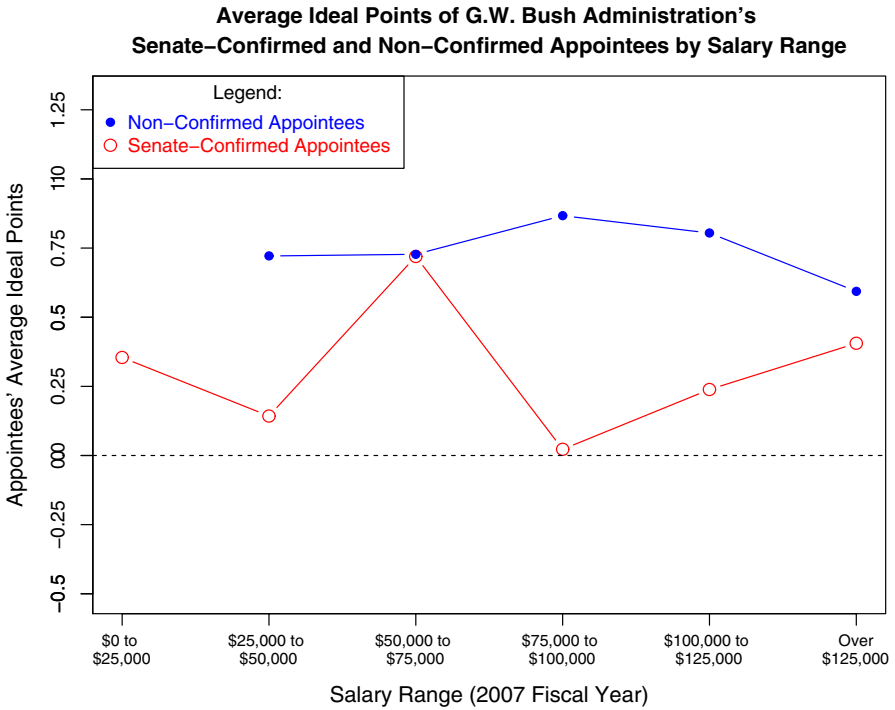


Figure 10: Ideology of Schedule C and senate-confirmed appointments by salary.

5 Discussion and Conclusion

Together, our findings suggest that the ideological distribution of appointees to the federal bureaucracy reflects institutional changes that have modified the appointment process laid out in Article II Section 2 of the U.S. Constitution. We find that the ideological distribution of bureaucratic appointments broadly reflects the president’s preferences, but Senate committee chairs play an important role in tempering the president’s ability to install ideological allies. Presidents, in turn, respond to chair gate-keeping by placing more moderate appointments in Senate-confirmed posts and appointing more ideologically extreme individuals as unilateral Schedule C appointments.

It is worth repeating, however, that this analysis does not cover all considerations likely to influence the politics surrounding presidential

appointments to the federal bureaucracy. The challenges of recruiting candidates (Sullivan, 2002; Barrow *et al.*, 1996; Havrilesky and Gildea, 1992; Mann, 1964), satisfying patronage demands (Lewis, 2009), ensuring nominee competence (Mann, 1964; King and Riddlesperger, 1996; Edwards, 2001; Lewis, 2007; 2008), fostering a diverse workforce (Aberbach, 1996), and obtaining confirmation within a reasonable time frame (Sullivan, 2002; McCarty and Razaghian, 1999) represent additional tests for presidential administrations. Our analysis ignores these considerations and focuses on testing propositions about the ideological influences of institutions originating in Article II Section 2.

However, our findings do address some overlooked aspects of the appointment process. In addition to illuminating how modern institutional developments shape the ideological composition of the public bureaucracy, our results also dovetail with current theories of presidential personnel decision-making. The relative extremism of Schedule C appointments, for instance, is consistent with the hypothesis that presidents use non-confirmed posts to appoint party workers for patronage purposes (Lewis, 2009; 2011). That is, one would expect that appointees consisting mainly of loyal members of the president's party to exhibit greater ideological extremism (Lewis, 2009; 2011) and, indeed, that is what we find.

Our findings also inform debate concerning the extent to which Article II Section 2 advantages the president, relative to the Senate. As Nixon (2004) points out, two camps have formed on the subject. One camp argues that the appointment authority contributes to presidential dominance (Moe, 1985; 1987). The other camp argues that Article II Section 2 constrains presidents' efforts to staff the bureaucracy with ideological allies (MacKenzie, 1981). Our evidence suggests that unilateral staffing of "inferior offices" allows presidents to install ideological acolytes in the bureaucracy, but the Senate confirmation process requires modest compromise. Thus, presidents have the upper-hand in the ideological struggle over the bureaucracy, though the Senate — especially in periods of divided government — remains influential.

Understanding the implications of these strategic maneuvers, in terms of policy outputs, serves as an important next step in this line of inquiry. Our current research focuses solely on ideology and does not consider how ideology translates into policy outputs. To understand how ideology shapes policy outputs, future scholars will need to examine how

appointee ideology interacts with the broader ideology of the agencies in which appointees work. The existence of agency-level ideological estimates (Clinton and Lewis, 2008; Bertelli and Grose, 2011; Clinton *et al.*, 2012; Chen and Johnson, forthcoming) makes such research possible. These estimates allow researchers to examine how appointee ideologies influence the policy outputs created by bureaucratic appointments, thus shedding new light on the dynamics and consequences of inter-branch, ideological grappling over bureaucratic appointments.

References

- Aberbach, J. D. 1996. “The federal executive under Clinton”. In: *The Clinton Presidency: First Appraisals*. Ed. by C. Campbell and B. A. Rockman. Chatham, NJ: Chatham House. 163–187.
- Aberbach, J. D. and B. A. Rockman. 2009. “The Appointments Process and the Administrative Presidency”. *Presidential Studies Quarterly*. 39(1): 38–59.
- Asbury Park Press. 2013. Federal Employees, 2007. Available at: http://php.app.com/fed_employees/search07.php.
- Barrow, D. J., G. Zuk, and G. S. Gryski. 1996. *The Federal Judiciary and Institutional Change*. Ann Arbor: University of Michigan Press.
- Baumgartner, F. R. and B. D. Jones. 2013. “The Policy Agendas Project”. Available at: <http://www.policyagendas.org/>.
- Bertelli, A. M. and C. R. Grose. 2011. “The Lengthened Shadow of Another Institution? Ideal Point Estimates for the Executive Branch and Congress”. *American Journal of Political Science*. 55(4): 767–781.
- Binder, S. and F. Maltzman. 2002. “Senatorial Delay in Confirming Federal Judges, 1947–1998”. *American Journal of Political Science*. 46: 190–199.
- Black, R. C., A. J. Madonna, R. J. Owens, and M. S. Lynch. 2007. “Adding Recess Appointments to the President’s “Tool Chest” of Unilateral Powers”. *Political Research Quarterly December*. 60(4): 645–654.
- Bonica, A. 2013. “Ideology and Interests in the Political Marketplace”. *American Journal of Political Science*. 57(2): 294–311.

- Bonica, A. 2014. "Mapping the Ideological Marketplace". *American Journal of Political Science*. 58(2): 367–387.
- Cameron, C. M., J. Segal, and A. Cover. 1990. "Senate Voting on Supreme Court Nominees: A Neoinstitutional Model". *American Political Science Review*. 84(2): 525–534.
- Chang, K. H. 2001. "The President Versus the Senate: Appointments in the American System of Separated Powers and the Federal Reserve". *Journal of Law, Economics, & Organization*. 17: 319–355.
- Chen, J. 2010. "Estimating Agency Ideal Points Using Bureaucratic Campaign Contributions". Prepared for Presentation at the 2010 Meeting of the American Political Science Association, September 4, 2010 (Washington, DC).
- Chen, J. and T. Johnson. 2011. "U.S. Federal Employee Unions and Presidential Control of the Public Bureaucracy". Prepared for Presentation at the 2011 Meeting of the American Political Science Association (Seattle, WA).
- Chen, J. and T. Johnson. Forthcoming. "Federal Employee Unionization and Presidential Control of the Bureaucracy: Estimating and Explaining Ideological Change in Executive Agencies". *Journal of Theoretical Politics*.
- Clinton, J. D., A. Bertelli, C. R. Grose, D. E. Lewis, and D. C. Nixon. 2012. "Separated Powers in the United States: The Ideology of Agencies, Presidents, and Congress". *American Journal of Political Science*. 56(2): 341–354.
- Clinton, J. D. and D. E. Lewis. 2008. "Expert Opinion, Agency Characteristics and Agency Preferences". *Political Analysis*. 16(1): 3–20.
- Corley, P. C. 2006. "Avoiding Advice and Consent: Recess Appointments and Presidential Power". *Presidential Studies Quarterly*. 36(4): 670–680.
- Deering, C. J. 1987. "Damned If You Do and Damned If You Don't: The Senate's Role in The Appointments Process". In: *The In-and-outers: Presidential Appointees and Transient Government in Washington*. Ed. by G. C. Mackenzie. Baltimore: Johns Hopkins University Press. 100–119.
- Edwards III, G. C. 2001. "Why Not the Best? The Loyalty-competence Trade-off in Presidential Appointments". In: *Innocent Until Nominated: The Breakdown of the Presidential Appointments Process*.

- Ed. by G. C. Mackenzie. Washington, DC: Brookings Institution Press. 81–106.
- Hammond, T. H. and J. S. Hill. 1993. “Deference or Preference? Explaining Senate Confirmation of Presidential Nominees to Administrative Agencies”. *Journal of Theoretical Politics*. 5: 23–59.
- Havrilesky, T. and J. Gildea. 1992. “Reliable and Unreliable Partisan Appointees to the Board of Governors”. *Public Choice*. 73: 319–417.
- King, J. D. and J. W. Riddlesperger, Jr. 1996. “Senate Confirmation of Cabinet Nominations: Institutional Politics and Nominee Qualifications”. *Social Science Journal*. 33: 273–285.
- Krutz, G. S., R. Fleisher, and J. R. Bond. 1998. “From Abe Fortas to Zöe Baird: Why Some Presidential Nominations Fail in the Senate”. *American Political Science Review*. 92(4): 871–888.
- Labiner, J. M. and P. C. Light. 2001. “Appointments Past and Future: How Presidential Appointees View the Call to Service”. In: *Innocent Until Nominated: The Breakdown of the Presidential Appointments Process*. Ed. by G. C. Mackenzie. Washington, DC: Brookings Institution Press. 231–253.
- Lewis, D. E. 2007. “Testing Pendleton’s Premise”. *Journal of Politics*. 69(4): 1073–1088.
- Lewis, D. E. 2008. *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance*. Princeton, NJ: Princeton University Press.
- Lewis, D. E. 2009. “Revisiting the Administrative Presidency: Policy, Patronage, and Administrative Competence”. *Presidential Studies Quarterly*. 39(1): 60–73.
- Lewis, D. E. 2011. “Presidential Appointments and Personnel”. *Annual Review of Political Science*. 14: 47–66.
- Mackenzie, G. C. 1981. *The Politics of Presidential Appointments*. New York: Free Press.
- Mann, D. 1964. “The Selection of Federal Political Executives”. *American Political Science Review*. 58: 81–99.
- McCarty, N., K. T. Poole, and H. Rosenthal. 2006. *Polarized America: The Dance of Political Ideology and Unequal Riches*. Cambridge, MA: MIT Press.
- McCarty, N. and R. Razaghan. 1999. “Advice and Consent: Senate Responses to Executive Branch Nominations, 1885–1996”. *American Journal of Political Science*. 43(4): 1122–1143.

- Moe, T. M. 1985. "The Politicized Presidency". In: *The New Direction in American Politics*. Ed. by J. Chubb and P. Peterson. Washington, DC: Brookings Institution. 235–271.
- Moe, T. M. 1987. "An Assessment of the Positive Theory of Congressional Dominance". *Legislative Studies Quarterly*. 12(4): 475–520.
- Moraski, B. J. and C. R. Shipan. 1999. "The Politics of Supreme Court Nominations: A Theory of Institutional Constraints and Choices". *American Journal of Political Science*. 43(4): 1069–1095.
- Nixon, D. C. 2004. "Separation of Powers and Appointee Ideology". *Journal of Law, Economics, and Organization*. 20(2): 438–457.
- Nokken, T. P. and B. R. Sala. 2000. "Confirmation Dynamics: A Model of Presidential Appointments to Independent Agencies". *Journal of Theoretical Politics*. 12: 91–112.
- Pfiffner, J. P. 2001. "Presidential Appointments: Recruiting Executive Branch Leaders". In: *Innocent Until Nominated: The Breakdown of the Presidential Appointments Process*. Ed. by G. C. Mackenzie. Washington, D.C.: Brookings Institution Press. 50–80.
- Rybicki, E. 2013. "Senate Consideration of Presidential Nominations: Committee and Floor Procedure". In: *CRS Report for Congress 7-5700, RL31980*. Washington, D.C.: Congressional Research Service.
- Segal, J. A. 1987. "Senate Confirmation of Supreme Court Justices: Partisan and Institutional Politics". *Journal of Politics*. 49: 998–1015.
- Segal, J. A. and H. J. Spaeth. 1986. "If a Supreme Court vacancy occurs, will the Senate confirm a Reagan nominee?" *Judicature*. 69: 186–190.
- Shipan, C. R. and M. L. Shannon. 2003. "Delaying Justice(s): A Duration Analysis of Supreme Court Confirmations". *American Journal of Political Science*. 47: 654–668.
- Sullivan, T. 2001. "Repetitiveness, Redundancy, and Reform: Rationalizing the Inquiry of Presidential Appointees". In: *Innocent Until Nominated: the Breakdown of the Presidential Appointments Process*. Ed. by G. C. Mackenzie. Washington, DC: Brookings.
- Sullivan, T. 2002. "Already Buried and Sinking Fast: Presidential Nominees and Inquiry". *PS: Political Science and Politics*. 35(1): 31–33.
- Tong, L. H. 2003. "Senate Confirmation Process: An Overview". In: *CRS Report for Congress RS20986*. Washington, D.C.: Congressional Research Service.