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## The Need to Understand the “Black Box” of Presidential Appointments

Commentary

As a practitioner, it is always an interesting challenge to delve into quantitative data and seek out policy implications from empirical research. Matthew Dull, Patrick S. Roberts, Michael Keeney, and Sang Ok Choi’s article, “Appointee Confirmation and Tenure: The Succession of U.S. Federal Agency Appointees, 1989–2009,” provides much interesting data to ponder about the political appointments process. I will divide my comments into two categories: (1) what I learned from the article, and (2) topics for future research.

### What I Learned from the Article

**Get your nominees in early at the start of a new administration.** This finding is very applicable to the administration that will begin on January 20, 2013. In the case of a Mitt Romney first term, the article documents that nearly half of all appointees in a new administration will be confirmed in one month. In the case of a second Barack Obama term, his administration will be confronting a confirmation process that has historically averaged nearly three

months for second-term nominees—three times longer than the median average for first-term nominees. By moving quickly and having his second-term appointees ready for the confirmation process in January 2013, a second Obama administration might be able to recapture some of the speed evident in the confirmation process for first-term nominees.

**Appoint highly qualified individuals with strong professional backgrounds.** One of the most interesting aspects of the article is the finding that some nominations do indeed move quickly. Many of these positions are located in the national security arena and science and technology agencies. The article also reports that individuals selected for science and technology positions tend to have longer tenures. Thus, there does appear to be some evidence that individuals with strong professional backgrounds tend to have smoother confirmation processes and longer tenures. If an administration nominates “amateurs,” individuals with less professional experience and

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qualifications, the confirmation process is likely to take longer (even though lengthy nomination processes occur for highly qualified individuals as well).

***There will be a higher turnover rate in agencies that are more politically contentious.*** Another interesting set of empirical findings from the article includes data on high turnover in certain positions in government (high turnover defined as tenure of less than 18 months). There appears to be a significant representation of these high-turnover jobs in the Departments of Labor, Education, and Justice. Thus, an administration might devote additional time to seeking individuals with the right temperament, political skills, and appropriate backgrounds to succeed in politically contentious agencies.

### **Areas for Future Research**

***Better understanding of the selection and vetting process within the Executive Office of the President prior to sending nominations to Congress.*** The focus of the Dull and colleagues' article is on the confirmation process within the U.S. Senate. They have added greatly to our understanding of the length of time that it takes the congressional branch of government to "put through" a nomination. But the scholarly community has yet to quantify the executive branch process, partly because of lack of data and access to that part of the process.

The executive branch selection and vetting process are indeed the "black boxes" of government. Other than anecdotal stories, less is known about the executive branch appointments process than the more quantifiable Senate confirmation process. There are several key parts to the confirmation process *prior* to getting the nomination to the Hill:

- Compilation of a list of potential nominees for each position
- Selection of an individual to be formally vetted for the position
- Clearance of the individual selected for nomination
- Announcement of "intent to nominate" an individual

- Transmission of the nomination "package" to the U.S. Senate

Efforts to streamline the executive branch nomination process appear to have met with limited success in recent years. The financial disclosure process continues to be cumbersome and lengthy. The White House and the U.S. Senate, including each of the committees responsible for confirmation, have yet to agree on a common set of financial disclosure forms that can be used throughout the entire process. What is needed is a common application, much like the common college application. The clearance process also includes Federal Bureau of Investigation (FBI) field investigations. A recent recommendation of the Aspen Institute-Rockefeller Foundation Commission to Reform the Federal Appointments Process is that the White House, Congress, and the FBI all should build a "surge" capacity to handle the increased number of nominations during the first year of a first or second presidential term.

It would be interesting to better understand the length of the internal White House process for each of the foregoing stages. It is possible to count the number of days between the "intent to nominate" and "formal nomination," as was done in Dull and colleagues' article for steps in the Senate process. It would be helpful to have data on stages in the executive branch process so that a better understanding can be reached on needed improvements in the White House process.

While the White House has many legitimate complaints about the Senate confirmation process, as documented by Dull and his coauthors, more research is needed on the executive branch nomination process to determine how much accountability for the arduous and long process should be placed on each branch of government. At a recent Virginia Tech conference on the appointments process, several congressional staff members noted that the executive branch was often slow in getting the required paperwork to Capitol Hill so that they could proceed with confirmation hearings. With more evidence and understanding of the executive branch process, we might know whether the following Shakespeare quote is applicable to the White House: "The fault, dear Brutus, is not in our stars. But in ourselves . . ."