4.11: Presidential Appointment Process

AP U. S. Government
The Cabinet
The President’s Cabinet: Important Facts

- There are 15 cabinet departments today.
- Cabinet based upon tradition and secretaries serve at the pleasure of the President.
- Cabinet secretaries advise the President.
- Only Congress can create executive departments.
- Cabinet not specifically included in constitution.
- Secretaries appointed by President & confirmed by the Senate.
Washington established a precedent by forming the first cabinet.
President George Washington

Secretary of War
Henry Knox

Secretary of Treasury
Alexander Hamilton

Secretary of State
Thomas Jefferson

Attorney General
Edmund Randolph

Washington’s First Cabinet
The Role of the Cabinet in the Modern Era

- Advisory group to the President
- Cabinet secretaries head the fifteen executive departments
- Help President execute laws and assist in decision-making

President Obama holds a full cabinet meeting.
Appointment Process
Article II: The Executive and appointment powers of the President

The executive Power shall be vested in a President of the United States of America.
Article II: The Executive and appointment powers of the President

...he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices
Article II: The Executive and appointment powers of the President

...he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls... and all other Officers of the United States....
Presidential Appointments

• Presidential appointments can be classified in terms of their physical and political proximity to the president.

• Always a great deal of jockeying for physical proximity (office closer to the Oval Office) and access to the president.
Step 1: The President Appoints a Nominee

The White House staff vets potential cabinet nominees

FBI runs background checks on nominees

Nominees fill out financial disclosure forms

Interest groups weigh in on cabinet nominees

The President chooses a nominee
**Step 2: Senate Confirmation Hearings**

This is where “advice & consent” comes into play

- Senate Committee members grill nominees on subjects ranging from policy to personal background to taxes.
- The Senate standing committee votes up or down on a nominee and passes recommendation on to the full Senate.

Defense Secretary nominee Robert Gates testifies before the Senate Armed Services Committee
Step 2: Senate Confirmation Hearings

- Confirmation hearings may go smoothly, and nominees sail through committee as Secretary of State Hilary Clinton did.
- However, some nominees may run into problems, and some must even withdraw from the process.

Secretary of State Hilary Clinton testifies before the Senate Foreign Relations during her confirmation hearing.
Step 2: Senate Confirmation Hearings

- Treasury Secretary nominee Tim Geithner encountered problems in his reporting of taxes to the IRS, but was later confirmed.
- Tom Daschle, Obama’s pick for Health and Human Services, was forced to withdraw his nomination after he reportedly failed to report $140,000 in federal taxes.
Step 3: Full Senate Vote

If the cabinet nominee passes out of committee, a vote is taken by the full senate.
Step 4: Once Confirmed, the Cabinet Nominee is Sworn in

Colin Powell takes the oath of office in 2001 to become Secretary of State under President George W. Bush
THE REMOVAL POWER

*The President can remove anyone from office who he has appointed.

*The only restriction on this power is that the President cannot remove Supreme Court Justices from the bench.

*Three major reasons for removal are: inefficiency in office, neglect of duty, or inappropriate behavior.
Factors that influence appointments
Factors That Influence Presidential Appointments

- Party affiliation
- Political ideology
- The President’s policy agenda
- Background of the nominee: expertise, professional experience, education, family
- Political favors - rewarding personal or political friends

President Bush chose Condeleezza Rice as Secretary of State in his second term.
Factors That Influence Presidential Appointments

- Fulfill campaign promises
- Feedback from important party leaders
- Interest group input
- Securing a “safe nominee” acceptable to the Senate
- Press coverage of nominee

Obama announces Colorado governor Ken Salazar as Secretary of the Interior
Who gets appointed?
Who gets appointed?

- President knows few appointees personally.
- Most appointees to the cabinet and subcabinet have had federal experience.
- “In-and-outers” alternate federal government and private-sector jobs.
- Modern tendency is to place experts, rather than those with political followings, in the cabinet.
Who gets appointed?

- Need to consider politically important groups, regions, and organizations when making appointments.

- Rivalry often develops between department heads (who represent expert knowledge) and White House staff (who are extensions of presidential priorities).
Who gets appointed?

- The White House Office (WHO), the president’s closest advisors and personal staff are typically appointed to be used in combination to compensate for their weaknesses and to capitalize on their strengths.

- This typically takes one of three structures:
  - *Pyramidal structure*: most assistants report through hierarchy to chief of staff, who then reports to president.
  - *Circular structure*: cabinet secretaries and assistants report directly to president.
  - *Ad hoc structure*: task forces, committees, and informal groups deal directly with president.
Issues of Presidential Appointments that get attention
Authority to make RECESS appointments

• When Congress is in “recess” (or not in session) the President is allowed to make appointments WITHOUT getting the Senate’s “advice and consent.”

• Why use it?
  • Nomination process has “stalled” in the Senate
Authority to make RECESS appointments

- Many look at this as a way to “sneak” past Congress by getting someone into office who may otherwise not have been approved
- They are allowed according the U. S. Constitution, however
Patronage

• A concept in which the President uses his appointment power to reward party loyalists, party supporters, or to maintain coalitions.

• These presidential appointments do not have to take the civil service exam to see if they are “qualified”
Appointments and Presidential Succession
Succession

- Through 2014, 7 presidents have died in office (plus Nixon on resignation).
- If the President is unable to perform his duties the vice president then becomes responsible for the office.
- Congress passed the Presidential Succession Act of 1947 that stated the order of succession after the VP:
  - Speaker of the House
  - President Pro Tempore of the Senate
  - Secretary of State, Treasury, Defense, and other Cabinet heads in order of the creation of their department
- The 25th Amendment (1967) lays out succession and allows the president to appoint a new VP if the post is vacant.
VP and Presidential Succession

• **1947 Congress passed the Presidential Succession Act**
  - Speaker of the House
  - President pro tempore of the Senate
  - Secretaries of state, treasury, and defense, and other Cabinet heads in order of the creation of their department
  - Never used

• **25th Amendment: Adopted 1967 to set procedures for:**
  - For filling vacancies in office of president and vice president and procedures to deal with the disability of a president.
  - President may appoint new VP Congressional approval
  - Used twice
    - Nixon replaced Agnew w/ Ford
    - Ford selected new VP
  - Also allows VP and majority of Cabinet to deem a president unable to fulfill his duties

• **President can also voluntarily relinquish duties**
  - Nixon resigned his post altogether
  - 1985, Reagan made G.H.W. Bush acting president during surgery
  - VP Cheney acting president in 2002 while Pres. Bush had a colonoscopy
**PRESIDENTIAL SUCCESSION**

*IS THE ORDER IN WHICH INFERIOR OFFICERS CAN BE PROMOTED TO THE OFFICE OF PRESIDENT IN CASE OF A VACANCY. THE CURRENT SYSTEM WAS ESTABLISHED BY THE 25TH AMENDMENT AND CURRENTLY HAS 18 POSITIONS. HERE ARE THE FIRST 10.*

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