

Presidential Appointments and the Judiciary

- Last time:
 - agency theory and managing the president
 - the politics of appointments
- Judicial appointments

Managing the president

- Presidents: agents of the American people in foreign/security policies
- The public suffers from
 - hidden information, hidden action, Madison's dilemma, Collective action problem
- Generic remedies:
 - screening and selection mechanisms; contract design; monitoring and reporting requirements; institutional checks
 - Elections serve as screening/selection mechanisms
 - Constitution limits how/when compensation can be changed
- Congress (1) monitors president and imposes reporting requirements; (2) acts as institutional check on presidential initiatives
 - But MCs have their own political goals and strategies that may conflict with performing as an effective check on the president

Presidential appointments

- Presidential appointments (~1200 total)
 - “Constitutional” offices (Senate advice and consent, but serves at pleasure)
 - statutory offices (Prez has sole authority to hire and fire)
 - independent agencies (advice and consent; fixed terms)
- What is reversion point?
 - recess appointments; commissions/boards vs single administrators