JONATHAN SPIEGLER, JACOB F. H. SMITH AND AIDAN LOVELY

Clearing the Bench: The Perils of Appointing Politicians to the Cabinet

Abstract: This article provides an analysis of the potential danger to a president's policy agenda that comes from appointing a sitting elected official to the cabinet. We present historical data on cabinet secretaries since the founding and demonstrate that concerns about seats falling to the other party following the appointment of an elected official to the cabinet date back at least to Martin Van Buren's establishment of the first American mass political party in 1828. We then focus on the post-Seventeenth Amendment cabinet and show that almost 30 percent of cabinet secretaries in this era who were elected officials at the time of their appointment left seats that flipped to the other party by the next regular general election. We conclude by discussing how our results compare with Alexander Hamilton, Martin Van Buren, and Woodrow Wilson's differing views on the cabinet and the implications for the president's policy agenda.

Keywords: cabinet, President, Elections, Political Parties, Policy Agenda, American Political Development, American History, Historical Analysis

> The choice of ministers is of no small importance to a prince; they are good or not according to the prudence of the prince. And the first

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> conjecture that is to be made of the brain of a lord is to see the men he has around him; and when capable and faithful, he can always be reputed wise because he has known how to recognize them as capable and to maintain them as faithful.
>
> —Niccolò Machiavelli, *The Prince*, 92.[1]

I. INTRODUCTION

On November 18, 2016, President-elect Donald Trump announced his first cabinet pick, Senator Jeff Sessions (R-AL) for attorney general. At the time, Sessions—the first senator to endorse Trump during the 2016 presidential campaign—seemed a natural fit for the Trump administration due to his agreement with the president-elect on issues ranging from immigration to crime.[2] However, Sessions' decision to leave the Senate backfired for President Trump and the Republican Party. Defying Alabama's strong Republican leanings, Democrat Doug Jones won the special election to replace Sessions in December 2017. Former Alabama Attorney General Luther Strange, initially appointed to fill Sessions's old seat until the special election, lost the Republican primary to former Alabama State Supreme Court Chief Justice Roy Moore. Moore, a highly controversial politician who had twice been removed as chief justice, subsequently lost the general election amid allegations that he had committed sexual assault and harassment against a number of teenage girls decades earlier.[3] The election of Jones, who was the first Democrat to win an Alabama Senate election in twenty-five years, reduced Republicans' already-narrow Senate majority from 52-48 to 51-49, thus preventing Republicans from repealing the Affordable Care Act after the death of Senator John McCain (R-AZ), who famously had cast the deciding vote against repeal in July 2017.[4]

Although appointing elected officials from the president's party can result in the loss of seats as happened in Alabama in 2017 and can therefore cause negative consequences to the president's policy agenda, presidents have still frequently appointed such officials to serve in their cabinets. In addition to Jeff Sessions, President Trump appointed then-Representatives Tom Price (R-GA) and Ryan Zinke (R-MT) to his cabinet.[5,6] In both cases, Republicans only narrowly held these seats in special elections and Democrats won Price's seat in the 2018 midterm elections. The practice of appointing partisan elected officials to the cabinet is not limited to President Trump; President Joe Biden's first cabinet includes four politicians who were serving in partisan elective office at

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the time of their selection. President Barack Obama appointed seven elected politicians to his cabinet during his time in office, and President George W. Bush appointed three. Although there are good reasons for including elected politicians in the cabinet, not least of which is that many of these officials make excellent cabinet secretaries due to their political experience and connections, the negative consequences of such appointments, and thus the question of whether these appointments are worth the risk, merits consideration.

In this article, we carry out a historical analysis of the appointment of elected officials to the president's cabinet throughout American history and consider these negative consequences, particularly the negative electoral effects and subsequent policy ramifications that can result from appointing elected officials to the cabinet, a phenomenon we refer to as "clearing the bench." We begin by considering the motivations and rationales behind the selection of elected officials to the cabinet as well as the risk of potentially losing the seats held by these officials. We then present historical data from every successful cabinet appointment in American history, which demonstrate that past presidents and their parties likely suffered negative electoral and policy consequences due to these appointments. Moreover, we document that concerns about seats falling to the other party are as old as the first modern mass political party, having been considered by Martin Van Buren as long ago as 1828.

While "clearing the bench" was a relatively rare phenomenon before the universal direct election of senators required by the Seventeenth Amendment in 1914, almost 30 percent of all seats vacated by elected officials who joined the president's cabinet since the start of Woodrow Wilson's first term flipped to the opposing party by the next regular general election. Our findings demonstrate that the appointment of sitting elected officials to the cabinet, while often beneficial in the short-term for the president, is not cost free for the president's long-term policy agenda or their party. We end by considering that presidents are certainly aware that there is some political risk to appointing sitting elected officials to the cabinet and yet have continued to do so anyway. This suggests that presidents may (correctly or incorrectly) view this risk as worthwhile despite the apparent costs, perhaps revealing a discord between the president's goals in staffing the executive branch and the broader objectives of their party.

II. MOTIVATIONS BEHIND CABINET APPOINTMENTS

Our examination of the perils of appointing elected officials to the cabinet fits into a broader literature surrounding who presidents appoint to serve as cabinet secretaries and lower-level officials in the federal government and

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why they appoint them. This literature starts with the Founders, who designed the federal appointments process. In *Federalist 76*, Alexander Hamilton argued that the appointments process contained within the new Constitution was the best available option.[7] Hamilton framed the argument as a choice between endowing an assembly or a single individual with the power to appoint, claiming that it was better to give one person, the president, this power—as the Constitution does—as "[t]he sole and undivided responsibility of one man will naturally beget a livelier sense of duty and a more exact regard to reputation."[8] In Hamilton's view, the many disparate private interests and concerns in an assembly would inevitably result in an appointment of someone who could either unite one majority faction around them or whose supporting faction was engaged in the trading of appointments with other factions within the assembly. In either case, the common good would not be served according to Hamilton, and therefore an assembly was not best suited to make appointments.

By giving the president this power instead, Congress could not make these unseemly appointments. There was still the danger that the president would choose individuals who would serve his private interests rather than the common good. Therefore, the president was not given total appointment power but rather the power to nominate. The Senate could then confirm or reject nominees. Because the Senate could not put forward one of its own preferred nominees, it would have less incentive to submit to its own private interests in rejecting the president's nominee and ideally would judge on the merits and fitness for office of each nominee. Moreover, the mere threat of a rejection by the Senate on these grounds would act as a deterrent against the president nominating someone unfit for the administration.[9] In this way, the Founders designed the federal appointments process as a system of checks and balances that uses opposed private interests to produce an outcome that benefits the common good. Hamilton's thought illustrates that, by design, there are multiple considerations at play in the appointment of cabinet secretaries. Presidents must balance their desire for someone loyal to them with someone acceptable to the Senate, theoretically resulting in a cabinet secretary who works for the common good.

When Hamilton wrote this *Federalist Paper*, national political parties as we now understand them did not exist, so it was unlikely he also considered whether a cabinet appointment would affect whether a party would continue to hold another office as a result of the appointment. Decades later, however, there is clear evidence that then-Senator Martin Van Buren did make this consideration. After the 1824 election, which saw John Quincy Adams win the

presidency and Van Buren rival DeWitt Clinton defeat a Van Buren ally for New York governorship, Van Buren sought to establish a national party that would "restore the Jeffersonian alliance of New York and Virginia." [10,11,12] Andrew Jackson and Martin Van Buren ultimately became unlikely allies to form what would become the first *mass* political party. This party differed from older American parties in that it was "carefully planned" and that it was "not an instrument of the aristocracy, but brought to power a new breed of middle-class … personally ambitious men" for whom this party would help them win elections.[13]

As Jackson's primary New York ally, Van Buren would likely be appointed to the cabinet in the event of a Jackson presidency. However, this would also create clearing-the-bench problems for Van Buren as the new self-made leader of the new Democratic Party in New York state.[14,15,16] By this point, Van Buren had mended relations with Clinton (who had won reelection in 1826) and Clinton became the Van Buren faction's preferred choice for New York Governor against an Adams-backed candidate. However, Clinton died in 1828 and Lieutenant Governor Nathaniel Pitcher assumed the governorship. While Pitcher, also a member of Van Buren's faction, could have run for a full term in the fall of 1828, some party leaders worried that Pitcher could not defeat an Adams-allied candidate. Further complicating matters for Pitcher was the fact that anti-Masonic sentiment was on the rise in New York after the disappearance of William Morgan, who had threatened to expose the secrets of the Masonic order, meaning that there was a worry that anti-Masons might ally with the pro-Adams forces.[17] Van Buren engaged in a delicate act of political strategy that illustrates the importance of balancing the need to maintain power at the state level with the importance of high-quality cabinet appointments. Even though Van Buren knew that he would have to resign the post after only a few months if he joined Jackson's cabinet, he decided to run for the New York governorship himself anyway. Furthermore, to both assure his win and leave the governorship in the hands of a loyalist, Van Buren chose Judge Enos Throop, a trusted ally, as his running mate. Throop was from Western New York, one of the strongholds of the anti-Masons, and he had presided over the trial of Morgan's kidnappers giving him credibility with the anti-Masons for giving the kidnappers harsh sentences.[18,19] Van Buren won the New York governorship 49.5–39.5 percent over the pro-Adams candidate, with an anti-Masonic candidate receiving 12 percent of the vote.[20]

Van Buren became governor in January of 1829 and resigned just two months later. Interestingly, even after having won and ensured that another

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loyal Democrat would take his place, Van Buren's decision was still second-guessed in a letter from New York politician Joshua Forman. Forman wrote to Van Buren in February of 1829 that "without in the least derogating from the merrits (sic) of my worthy friend Leut. Govr. Throop, I must say that I do not think that he can" take on the task of both governing effectively and maintaining and building support for the Democratic Party in New York.[21] Forman also worried that the anti-Masonic groups would ally with the Adams forces in subsequent elections, allowing them to win the governorship. Nonetheless, Van Buren accepted Jackson's offer to become secretary of state and resigned the governorship. Throop immediately became governor and ultimately won reelection by a 51-48 percent margin in 1830.[22] Forman's concerns were not entirely unwarranted, as the Adams-aligned candidate Francis Granger did best in the 1830 election in Western New York where anti-Masonic sentiment was the strongest. Nevertheless, Van Buren's decision to pick a Western New Yorker likely paid off as someone else might have done even *worse* in the region and ultimately lost the election. Thus, Martin Van Buren was able to use the cabinet to advance his goals for the Democratic Party nationally while also securing his party's strength and ability to govern in New York state.

The Van Buren example is important because it demonstrates that the idea of bench clearing and concerns about loss of party strength are as old as the idea of the American mass political party. Van Buren was motivated at the same time by his own ambition in politics, a desire to advance his party nationally, and a concern about his party's ability to continue governing in New York. Although President Jackson himself did not seem to think much about these concerns, the "Great Magician" (i.e., Van Buren) who convinced him of the importance of political parties did.[23] Van Buren then used his cabinet spot as a springboard to the vice presidency and eventually the presidency itself. For his part, Van Buren did not appoint a single currently serving elected official to his cabinet while he was president from 1837 to 1841.

Concerns about the role of the cabinet in advancing party goals persisted throughout the 1800s after Van Buren had left the political scene. As a political scientist at Princeton University in the late 1800s, Woodrow Wilson (before becoming president himself) urged presidents to think first of partisan concerns when appointing officials to the cabinet to achieve the ideal of "harmonious, consistent, responsible party government."[24] Seeking to link the president to his party in Congress, Wilson even proposed that cabinet officials receive ex officio seats in Congress so that they could introduce legislation for the president. Wilson was principally concerned that the party system work effectively and therefore viewed cabinet secretaries not

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principally as administrators working toward the common good as such but as political officials whose goal was to amplify the president's political power. As a result, Wilson favored cabinet appointees who were savvy partisans because they could serve as a "connective link" between the party in the White House and in Congress.[25]

Although Wilson as a political scientist identified partisan political skill as the most important attribute for cabinet secretaries to possess, when he became president his thinking evolved and he began placing more emphasis on technical/administrative skill. For example, Wilson considered administrative ability in his appointment of David Houston, a professor and businessman, to be secretary of agriculture (and later treasury), and Lindley Garrison, a lawyer, to be secretary of war.[26,27] Presidents since Wilson have chosen cabinet members with a variety of backgrounds in an effort to gain technical skills and leadership ability—factors associated with effective management of governmental organizations—in addition to considering politics in these appointments.[28,29] The advantage of choosing an elected official to serve in the cabinet is that they potentially offer both the partisan savvy that Wilson the political scientist emphasized as essential *and* relevant administrative/technical skills that Wilson the president came to see as important. Elected officials often possess technical knowledge gained from work they performed prior to becoming a politician or while serving in office that is useful in policy making.[30,31] In addition, the process of running and winning a political campaign, as well as managing a staff while in office, may signal that the elected official possesses effective leadership skills useful in the cabinet.[32,33] Moreover, cabinet secretaries who used to be elected officials—particularly in Congress—have the potential to bring an important skill to the cabinet—namely, the ability to use their "legislative outlook" and reputation to sell the president's agenda with party leaders or former colleagues on important authorizing committees. They are also perhaps more likely to be confirmed by their colleagues in the Senate than someone else.[34,35,36]

A president may also choose to appoint an elected official to gain the benefit of pleasing a faction within their political party.[37] Presidents may want to reward their early supporters, to heal an intraparty rift by offering posts to rivals they defeated for the nomination or to improve relations between state and national parties.[38,39,40] Perhaps the best recent example of this sort of appointment is Barack Obama's appointment of defeated primary rival Hillary Clinton as secretary of state in 2008. By appointing Clinton, Obama achieved the dual purposes of pleasing Clinton's supporters as well as gaining her loyalty in the administration (or at least private disagreement) instead of

potentially having her second guess his administration from within Congress. Finally, relatively recent presidents may turn to elected officials to make sure that talented candidates from historically excluded (or underrepresented) groups in American society are reflected in government. For example, President Biden appointed Rep. Debra Haaland (R-NM), one of the first two Indigenous American women to serve in Congress, whose success as a lawmaker in her first term in Congress gave her bipartisan support; for example, Republican Representative Don Young (R-AK) publicly backed Haaland when President Biden nominated her for interior secretary.[41] The appointment of Haaland—a progressive—also pleased those who supported Senators Elizabeth Warren (D-NM) and (to a somewhat lesser extent) Bernie Sanders (I-VT) during the primaries.

Despite these potential benefits, nominees who are currently serving elected officials from the president's party may be of greater value to the president and their party as elected officials than as cabinet secretaries. Fenno noted that President Franklin D. Roosevelt decided against appointing several members of Congress to his cabinet because he "needed them where they were" to advance his agenda in Congress.[42] Connelly and Pitney argued that the departure of party leaders in Congress to serve in presidential cabinets can sap the party of its most effective leaders in Congress.[43] For example, House Minority Whip Dick Cheney (R-WY), who left to serve as secretary of defense in the George H.W. Bush administration, was widely viewed as one of the Republican Party's most effective leaders in Congress at the time.

Elected officials will not always agree to serve if asked by the president. Service in the cabinet is frequently viewed as a career ender that is less prestigious than continuing to serve in elected office because many secretaries do not continue to serve in government once they leave the cabinet.[44,45] The typical cabinet secretary spends less time (often far less) serving in the cabinet than they do serving as a member of Congress or another legislative chamber.[46] This is exacerbated by the fact that a relatively few former members of Congress have won an election again after having served in the cabinet.[47]

III. WHAT HAPPENS WHEN AN ELECTED OFFICIAL JOINS THE CABINET?

Consistent with the concerns of Martin Van Buren in the 1820s, one potential negative consequence of appointing elected officials to the cabinet is the possible loss of their seats to the other party. Although it is impossible to know for sure the counterfactual in this situation—that is, whether any

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particular elected official who is appointed to the cabinet would have continued to win elections if they had not been appointed—the incumbency advantage of elected officials in general is well documented. Several of these officials were term-limited governors, but the vast majority could have sought another term.[48,49,50]

When an elected politician leaves office partway through their term, they are replaced in one of several ways, each of which has important implications for a party's ability to retain the seat. First, a special election might be held in which both parties may field candidates (e.g., how U.S. Representatives must be replaced). The seat is then up again during the next regular general election. Second, as is the case for most Senate vacancies in the post–Seventeenth Amendment era and some state offices, an appointment is made. In the case of the Senate, a special election is typically held after the appointment and no later than the next general election. The governor of the state in which a vacancy occurs usually (but not always) holds the power to make a temporary appointment.[51] Third, the official may be replaced through succession, a predetermined process in which it is known ahead of time who will take over the seat in the case of a resignation or death (e.g., governors replaced by lieutenant governors). Often, no special election is held and the successor has the opportunity to run as an incumbent in the next regular general election.

Each of these processes introduces the potential peril of the seat previously held by the cabinet secretary flipping to the other party, a result that will diminish the political power of the president's party and therefore their control over policy. Special elections may be particularly prone to seats flipping to the other party because politicians picked to serve in the cabinet are likely to be more politically talented than average. This is because presidents often wish to appoint cabinet secretaries who have experience building electoral support, a skill that may allow them to better achieve the Wilsonian ideal of effectively connecting the president to his party in Congress.[52] As a result, there may be a drop-off in the two-party vote share (that is, vote share when only looking at the two major parties) captured by the politician from the president's party who runs in the special election (and lacks the incumbency advantage) relative to the two-party vote share captured by the former elected official in their last election before they resigned to join the cabinet.[53,54] Voters from the out-party may be especially motivated to vote in special elections and the next general election after having previously faced electoral defeat, making it harder for the president's party to hold the seat.[55] Even if the president's party does not lose the seat in the special election, it may have to spend a considerable amount of money to retain it, the national media may

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focus on a poor result, and a large vote swing away from the president's party compared with previous elections may motivate high-quality candidates from the out-party to run for other offices in the next general election.[56]

The second process to replace an elected official who resigns to join the cabinet, appointment, introduces the risk that the person with the power to appoint may not be from the president's party and will therefore appoint a member of the opposition party instead, causing the seat to flip. Of course, the president knows who will appoint a replacement and can avoid selecting politicians from seats that would be filled by a member of the other party. Nonetheless, even an appointed replacement from one's own party can cause electoral weakness. Appointed senators hold a smaller incumbency advantage than do elected senators and therefore might be less likely to win the subsequent election.[57]

Finally, the process of succession (e.g., a lieutenant governor succeeding a governor) introduces the possibility of the seat flipping if the person in line to succeed the elected politician is not from the president's party. Unlike the president and vice president who run on the same ticket and so will almost certainly be from the same party, state-level elected offices like governor and lieutenant governor are sometimes elected separately meaning that the next person in the line of succession sometimes comes from the other party. If the person next in the line of succession is from the president's party, they still do not have the same incumbency advantage as the former elected official.[58] Even if the politician selected for the cabinet is term limited (as is the case with governors in some states), the cabinet official is still being removed from the party's "bench," meaning they are not available to run for other offices (e.g., senator) while serving in the cabinet, as some recent governors have (e.g., Joe Manchin in West Virginia in 2010).

IV. HISTORICAL DATA ON CABINET APPOINTMENTS AND BENCH CLEARING

To explore the concept of bench clearing, we examine historical data on the cabinet to determine how common it is that seats vacated by those appointed to the cabinet end up flipping to the other party. We use the Woodrow Wilson administration as a dividing line for our analysis because this is the first administration after the Seventeenth Amendment required the universal direct election of senators (starting in 1914). In collecting the data, we are interested in cabinet Secretaries who were *partisan* elected officials at any level of government when appointed to the cabinet.[59] Whereas past examinations

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of the cabinet that discuss elected officials tend to focus on members of Congress (e.g., Fenno 1959), we include all partisan-elected officials because much policy making occurs at the state and local levels, often with partisan undercurrents, and also because state politicians often run for federal offices—and vice versa—suggesting that a party's future pool of talent is not confined to the national level. We only count the cabinet secretaries who actually held elected office when they were appointed to the cabinet, not those whose terms had ended days or weeks before being appointed or those who resigned to join the cabinet but had lost reelection the previous year or chose not to run.

Once we have identified a cabinet secretary as being a partisan-elected official when appointed, we determine how their replacement was chosen (i.e., special election, appointment, and/or succession). To determine if the seat flipped to the other party, we collect data on whether the person who takes over the vacated seat is of the president's party. We examine each method of replacement described above because it is theoretically possible for the seat to flip during each process and for there to be multiple processes of replacement for each elected office that is being filled. For example, if a president were to appoint a sitting senator to their cabinet, the senator could be replaced by appointment initially and then by a special election later. Therefore, there are two opportunities for the seat to flip to the other party (or flip and then flip back like Jeff Sessions's seat, although this is extremely rare). We also document whether the seat is held by a member of the president's party during the first general election after the seat is vacated because this is yet another opportunity for the seat to flip. Collecting the data in this way assumes that the president only appoints members of his own party to the cabinet when nominating elected officials. Although presidents may wish to clear the bench of the other party by appointing elected officials from the other party, we do not find occurrences of this phenomenon in the post-Wilson era.

We also compare the two-party vote share for the cabinet member's last election with the two-party vote share for the new candidate in the special election to replace them (if applicable), as well as the two-party vote share of the new candidate in the first regular general election following the cabinet appointment. This data will show whether there is a drop-off in vote share from the former elected official who becomes a cabinet secretary to the person who replaces them. Finally, we examine if cabinet secretaries (whether a former elected official or not) run for office after leaving the cabinet. We determine whether the former cabinet secretary ran for at least one partisan elected office after leaving the cabinet, and, if so, whether they won at least one partisan elected office (i.e., "replenished the bench").[60,61]

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V. DATA ON BENCH CLEARING IN THE PRE-WILSON ERA

The Pre-Jackson Era

Our data on bench clearing begins with George Washington's first administration. Partisan politics as we now understand it did not exist in the early republic. Rival factions certainly existed (Federalists vs. anti-Federalists or, later, the Democratic-Republicans), organized around what Aldrich called "the great principle"—that is, disagreement about the strength of the federal government.[62] However, President Washington eschewed party labels, and, even after he left office and politics became increasingly contentious, the parties "fell far short of the modern mass political party."[63] These early parties lacked the electoral focus of mobilizing voters to support candidates up and down the ballot that would become a defining feature of the next era.

Nevertheless, a complete accounting of the phenomenon of bench clearing requires a consideration of the elected officials appointed to the pre-Jacksonian cabinet. In this era, there were roughly 50 cabinet secretaries who were not "carryover" secretaries from one administration to another (i.e., those who were already serving in that role and did not require Senate confirmation). Of these 50, six were serving in partisan elected office at the time of their appointment (i.e., 12 percent of all cabinet secretaries), one each under the presidents from Washington through John Quincy Adams.[64] Given the lack of modern mass parties and the fact that the Federalist Party started to disintegrate toward the end of this era, it is often difficult to determine whether a true seat flip occurred. The clearest instance of a seat flip potentially occurring in this era transpired with President John Adams's appointment of Federalist Representative (and future Supreme Court Chief Justice) John Marshall as secretary of state. Marshall had just won election to the U.S. House, narrowly flipping Virginia's 13th District from Democratic-Republican to Federalist.[65] His seat immediately flipped back to the Democratic-Republicans in the subsequent special election and remained with them in the next general election.

The other five cabinet appointments were less clear in terms of their partisan influence. George Washington appointed Virginia State Delegate Charles Lee to his cabinet near the end of the 1795 legislative session. However, records show that both Lee and the other delegate who represented Fairfax County had been replaced by other representatives in 1795 so it is difficult to determine who replaced whom or which factions they represented.[66] Furthermore, the antiparty Washington almost certainly would

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not have placed much weight on the down ballot effects of his cabinet appointments. President Jefferson later appointed Connecticut State Representative Gideon Granger to his cabinet. Based upon records maintained in *Green's Almanack and Register*, it appears that Hezekiah Huntington took Granger's spot in the legislature during the next regular session.[67] Although Huntington's party is not listed, he later served as a U.S. Attorney under Jefferson and his three successors, suggesting that Granger's seat did not flip to a political rival (and regardless, a single state legislative seat in a large body is unlikely to have a high cost).[68] Both Madison and Monroe's appointees saw their seats remain with Democratic-Republicans. Finally, John Quincy Adams famously appointed House Speaker Henry Clay as secretary of state after Clay backed his bid for the presidency when the 1824 election went to the House; Clay's seat appears to have remained with an Adams loyalist.[69,70] Thus, the only clear seat flip was Marshall's House seat. Overall, seat flips following cabinet appointments were not common in this early era.

At this time, presidents often appointed senators to the cabinet with five of 50 noncarryover secretaries coming from the indirectly elected upper body.[71] The Senate, having the reputation of being the more distinguished and temperate chamber, was a natural body from which to select cabinet secretaries, and presidents in this era were almost as inclined to select a senator as all other elected offices combined.

From Jackson to Wilson

With the election of President Andrew Jackson in 1828, America entered the era of the mass political party. The first instance of bench clearing during this era, as previously discussed, was that of Martin Van Buren, the (very) newly minted New York governor whose seat remained Democratic, with Lieutenant Governor Enos Throop taking over and winning the next general election. Van Buren's appointment, however, was the exception in this era. Of the 240 noncarryover secretaries in this era, only twelve (i.e., 5 percent) came from a partisan-elected office. Three of these seats were initially filled by succession, one by appointment, and eight by special election; only one resulted in a flip to the other party. Two of these appointments occurred during the John Tyler administration and featured an odd dynamic. Tyler, a former Democrat, had changed parties recently to run on the Whig ticket with William Henry Harrison. Harrison died after only a month in office and was succeed by Tyler. Although Tyler initially seemed intent on continuing the Whig policies of Harrison, he vetoed Whig Speaker Henry Clay's bill to establish a National

Bank, and soon after every Whig in his cabinet save Secretary of State Daniel Webster resigned.[72] Tyler came to be viewed as a weak "accidental" president and ultimately turned to Democrats to fill some of the seats in his cabinet. Two of these Democrats, Representatives William Wilkins (D-PA) and Thomas Walker Gilmer (D-VA), saw their seats filled through special elections that were both won by Whigs. Given the odd circumstances of these appointments, we have excluded them from the overall summary statistics of this era. Six other special elections occurred during this period to replace an elected official who had joined the cabinet. Of these, one resulted in a seat flip. Moreover, of the 10 non-Tyler appointees, three (i.e., 30 percent) eventually flipped to the other party by the next general election. Although the *percentage* of flips mirrors those of later eras, the raw numbers are low due to how few elected officials were appointed to the cabinet.

Presidents routinely drew from the Senate to fill their cabinet during this era as well. During this period, 26 senators were appointed to the cabinet, a full 10.8 percent of all appointees. The cabinet was a natural place for an ambitious politician to go to advance their career. Presidents Thomas Jefferson through John Quincy Adams, Martin Van Buren, and James Buchanan all served as secretary of state before becoming President. Additionally, the Senate and cabinet were often viewed as a "two-way street" during this time because a senator who took a cabinet spot could be reasonably confident that they could return to the Senate by taking the "next available Senate seat."[73]

VI. BENCH CLEARING SINCE THE SEVENTEENTH AMENDMENT

We now turn to the modern era of cabinet appointments in which both bench clearing and seat flipping apply to directly elected senators. There have been 447 Senate-confirmed cabinet secretaries from Woodrow Wilson's first administration through Joe Biden's current administration (as of December 2022). Of these, 48 were carryover secretaries. Of the 399 non-carryover cabinet secretaries, approximately 13 percent were elected officials when appointed to the cabinet (52 total), and about 11.5 percent were *partisan*-elected officials (46 total). As Figure 1 below shows, the cabinet has trended toward a greater number of former partisan-elected officials since the Seventeenth Amendment. Of the 46 partisan elected officials, only nine were U.S. Senators at the time of their appointment, meaning that although the fact that senators now must be directly elected has certainly contributed to the rise in partisan-elected officials entering the cabinet, the appointment of senators does not explain all of this increase. Furthermore,

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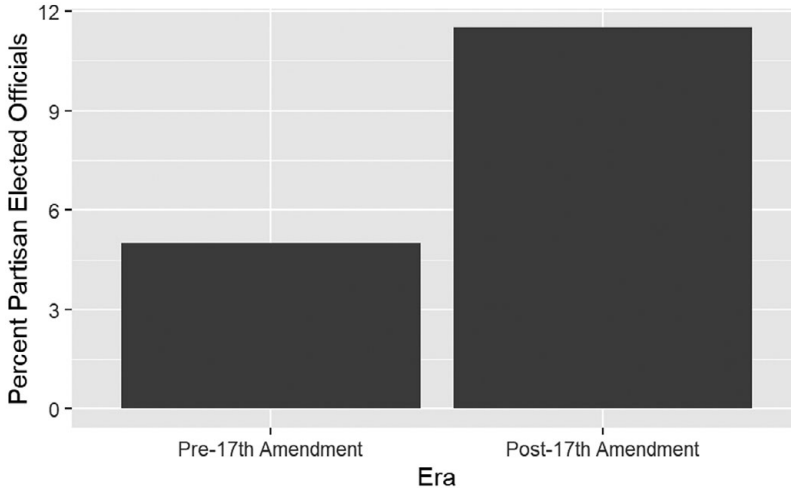

Figure 1. Cabinet Appointees from Elected Office before and after the Seventeenth Amendment.

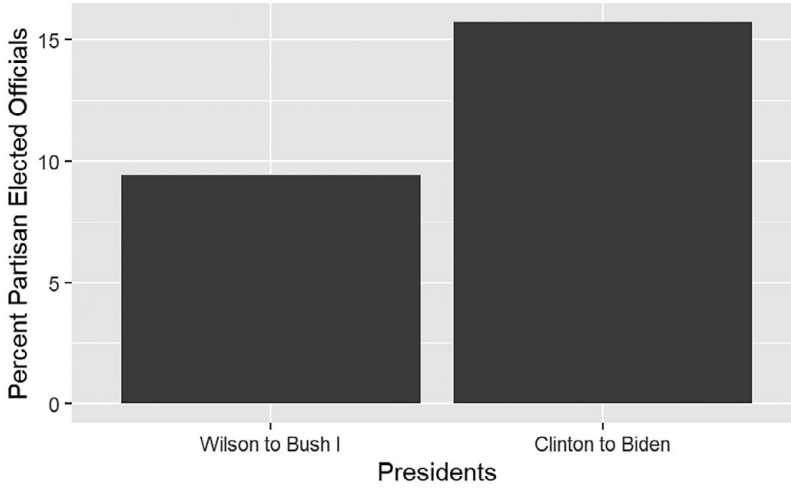

Figure 2. A Recent Increase in Cabinet Appointees from Elected Office.

in the most recent administrations there has been a marked increase in the appointment of partisan elected officials as shown in Figure 2 below. The percentage of the cabinet composed of partisan elected officials averaged a little over 9 percent from the Wilson to the George H.W. Bush

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Table 1. Methods of Replacement and Party Control

	President's party does NOT control seat after		President's party controls seat after	
Replacement Process	*n*	%	*n*	%
Appointment (*n* = 14)	1	7.14	13	92.86
Succession (*n* = 12)	1	8.33	11	91.67
Special election (*n* = 24)	4	16.67	20	83.33
Regular election (*n* = 41)	12	29.27	29	70.73

Note: Data Collected by the authors.

administrations and has since jumped to an average of almost 16 percent from the Clinton to Biden administrations.

Since 1914, there have been 15 appointments, 13 successions, and 27 special elections following an elected official resigning to join the cabinet (see Table 1 below). There have also been 46 regular general elections for these seats following one of the replacement processes, most recently in November 2022 for the four Biden appointees.

The president's party held all but one of the 14 seats at stake after an appointment was used to replace the new cabinet secretary. Similarly, it kept all but one of the twelve seats at risk during successions. However, a larger percentage of seats flipped in special elections or during the next general election. After a special election, the president's party failed to control five of the 25 seats that were subject to the special election (i.e., 20 percent). When accounting for the two cases in which a seat flipped to the other party during a special election but flipped back during the next regular election, by the next regular election about 26 percent of all seats flipped (i.e., 12 of 46 seats) or had already flipped and did not flip back, to the other party. Table 2 below documents each of these flips and at exactly which stage these former seats flipped to the other party (and if it flipped back at a later stage).

Even when the seat did not flip to the other party, there was still a drop-off in average vote share for the president's party in the special election (if applicable) and next regular election relative to the last election the cabinet appointee won before resigning to join the cabinet (see Figure 3 below). The 46 cabinet secretaries who were partisan-elected officials before joining the cabinet and whose seats have since faced a general election won their last elections before joining the cabinet with an average two-party vote share of

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Table 2. All Post-17th Amendment Flips of Seats Previously Held by Cabinet Officials. All seats that have flipped to the other party after the elected official resigned to join the Cabinet

President	Term	Department	Cabinet Secretary Name	Replacement Process	Replacement Process Results in "Flip"	Regular Election Results in "Flip"
Woodrow Wilson (1913-1921)	2nd	Secretary of Commerce	Joshua Willis Alexander	Special Election	No	Yes
Warren G. Harding (1921-1923)	1st	Secretary of the Interior	Albert Bacon Fall	Appointment	No	Yes
Special Election	No					
Richard M. Nixon (1969-1974)	1st	Secretary of Defense	Melvin Robert Laird	Special Election	Yes	Hold
Richard M. Nixon (1969-1974)	1st	Secretary of the Interior	Walter Joseph Hickel	Succession	No	Yes
Richard M. Nixon (1969-1974)	2nd	Attorney General	William Bart Saxbe	Appointment	Yes	Hold
Jimmy Carter (1977-1981)	1st	Secretary of Agriculture	Robert Selmer Bergland	Appointment	No	Hold
Special Election	Yes					
Jimmy Carter (1977-1981)	1st	Secretary of Transportation	Brockman Adams	Special Election	Yes	** Flip Back **

Continued

Table 2. *Continued.*

President	Term	Department	Cabinet Secretary Name	Replacement Process	Replacement Process Results in "Flip"	Regular Election Results in "Flip"
William J. Clinton (1993-2001)	1st	Secretary of the Treasury	Lloyd Millard Bentsen, Jr.	Appointment	No	Hold
Special Election	Yes					
William J. Clinton (1993-2001)	1st	Secretary of Defense	Leslie Aspin, Jr.	Special Election	No	Yes
George W. Bush (2001-2009)	1st	Secretary of Health and Human Services	Tommy George Thompson	Succession	No	Yes
Barack Obama (2009-2017)	1st	Secretary of Health and Human Services	Kathleen Gilligan Sebelius	Succession	No	Yes
Barack Obama (2009-2017)	1st	Secretary of Homeland Security	Janet Napolitano	Succession	Yes	Hold
Donald J. Trump (2017 - 2021)	1st	Attorney General	Jeff Sessions	Appointment	No	** Flip Back **
Special Election	Yes					
Donald J. Trump (2017 - 2021)	1st	Secretary of Health and Human Services	Tom Price	Special Election	No	Yes

Note: Data collected by authors.

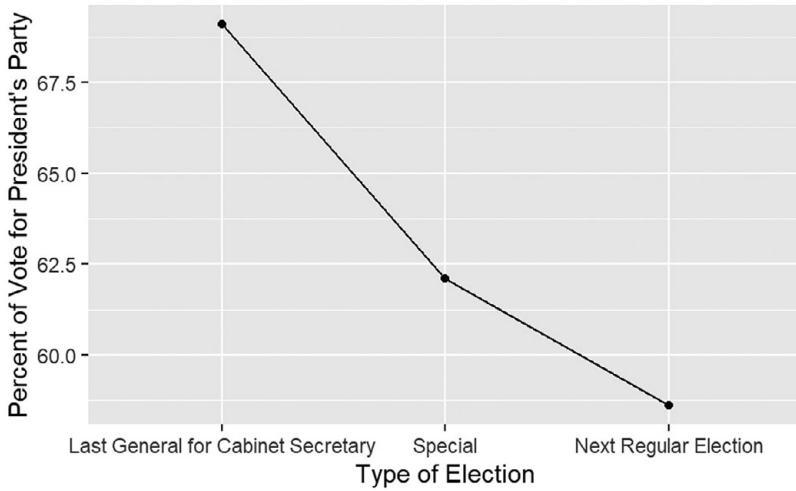

Figure 3. Drop in Vote Share by Election for President's Party.

about 69 percent. This dropped for the replacement candidate from the president's party in the special elections to approximately 62 percent and dropped still further during the next regular general elections to about 59 percent. As a point of comparison, this vote drop-off is greater than that of the national two-party House popular vote for Democrats in the 2010 Republican wave election relative to the previous election, the 2008 Democratic wave.[74]

Despite the risk of competitive seats flipping, cabinet secretaries who came from partisan-elected office sometimes represented relatively electorally competitive districts or states. In total, five of these 46 (10.9 percent) secretaries received less than 55 percent of the vote in their most recent election and 14 of 46 (30.4 percent) received less than 60 percent of the vote (which are the two cutoffs used by David Mayhew to indicate electoral vulnerability).[75] For districts such as these, the next election was almost sure to be competitive. The selection of cabinet nominees from such seats suggests that presidents may think that the risk of losing a competitive seat is sometimes worth the potential risk in order to have the talent of that official in their cabinet.

At the same time, in the vast majority of cases, presidents chose secretaries who represented very safe states or districts. Taking this strategy to the extreme, during the "Solid South" era, two of Woodrow Wilson's three appointees from elective office and both of Franklin Roosevelt's two appointees holding an elective office came from the South. In the South at this time,

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there was no Republican bench to speak of, with the Democratic nominee winning unopposed in three of the four special elections to replace these cabinet officials. In other regions and periods where at least some modicum of competition existed, presidents often sought to appoint officials who represented districts that were so lopsided that the other party's nominee would be a sacrificial lamb who had little chance of winning. Yet even in generally uncompetitive seats such as these, the out-party can still sometimes flip the seat in the special election or the next general election, with special election results often being especially idiosyncratic. In total, only one of the five seats that flipped in a special election had seen the previous cabinet secretary win with under 60 percent of the vote in the last election. Furthermore, five of the 12 that the president's party did not control after the next general election had been won with more than 60 percent of the vote the last time the cabinet secretary won the seat. These statistics demonstrate that, apart from the absolute safest seats (e.g., those held by Democrats in the South during the "Solid South Era"), presidents can reduce the risk of seats flipping, but are unable to eliminate such risk entirely.

VII. REPLENISHING THE BENCH

In the early years of the republic, cabinet secretaries frequently used their position as a springboard to higher elected office. This was particularly true of the secretary of state position, which was a common pipeline to the presidency, but other cabinet departments also opened pathways to elected office. For example, Judson Harmon, attorney general in the first Cleveland administration, later became Governor of Ohio, and Philander Knox, who served as attorney general in the McKinley and Theodore Roosevelt administrations and as secretary of state in the Taft administration, went on to be elected to the U.S. Senate early in the era of popular election of Senators. In total, 62 of 228 noncarryover cabinet secretaries in the mass party pre–Seventeenth Amendment era who did not die in office ran for at least one elected office *after* leaving the cabinet (i.e., about 27 percent). Of these, 29 (i.e., almost 47 percent) won at least one election after leaving the cabinet. The Senate was a common landing place for former cabinet officials. According to our data, 46 former cabinet officials (or about 20 percent of those who did not die in office) served in the Senate after leaving office. In some cases, they returned to the upper chamber, whereas others joined it for the first time.

Former cabinet officials have also sought elected office in the post–Seventeenth Amendment era, although with somewhat less frequently than

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before. In the post–Seventeenth Amendment era, 51 of the 373 noncarryover secretaries (about 13 percent) who did not die while in office and have left the cabinet as of June 2022 have run for partisan elective office after leaving the cabinet.[76] Similar to the pre–Seventeenth Amendment era, 25 of these 51 secretaries (or just under 50 percent) won at least one election. Surprisingly, only 18 of these 51 former cabinet secretaries who ran for elected office after leaving the cabinet were partisan-elected officials when they joined the cabinet (although some of them were elected officials at some point in their careers even if not directly prior to joining the cabinet). Of these 18 former elected officials who sought to again win an elective office, nine won at least one election. Eleven of the 25 former secretaries who won another elective office won a seat in the U.S. Senate, six of whom had previously served in an elected office before joining the cabinet. The direct election of senators has made returning to the Senate much more difficult than in the pre–Seventeenth Amendment era as Jeff Sessions discovered when he lost a primary for his old seat in 2020.

The recent decline in the percentage of former cabinet officials seeking elective office, even as the winning percentage of those who do seek office remains high, may be a direct result of the increased number of departments and programs that the federal bureaucracy administers as well as the technical complexity of what the federal government is now called upon to do. This increasing complexity may make the job of cabinet secretary better suited to career bureaucrats or others who have no intention of ever seeking elective office. For example, the Department of Veterans Affairs, a massive agency that was created in 1989 and has faced administrative struggles in recent years, has never been run by a politician who came from partisan-elective office, nor has a former Veteran Affairs secretary yet sought elective office after leaving the cabinet. Instead, this office has either been run by career government officials or someone with experience in business and/or medicine who may not desire a career in elective politics or be high profile enough to win should they decide to run.

Additionally, a number of cabinet secretaries seek lucrative financial opportunities in the private sector after leaving government. For example, former Charlotte Mayor Anthony Foxx became chief policy advisor at Lyft in October 2018 after leaving President Obama's cabinet in early 2017. Foxx was sought after by North Carolina Democrats to challenge Senator Thom Tillis (R-NC) in 2020, but he ultimately declined to remain at Lyft.[77] Others have become university presidents after leaving the cabinet, such as Donna Shalala (University of Miami; years later she successfully ran for the House), Janet

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Napolitano (University of California system), and Sylvia Mathews Burwell (American University). These positions pay much more than the salary of a member of Congress or governor.

VIII. DISCUSSION AND CONCLUSION

Alexander Hamilton helped design a federal appointments process that required presidential considerations beyond simply who would serve the president most loyally. Mandating the consent of the Senate (but not allowing it to choose its own nominees) theoretically results in cabinet secretaries who are both valuable to the president and committed to serving the common good. A consideration that Hamilton likely did not think about in relation to federal appointments is what happens when the appointee is a sitting elected official. Instead, it was Martin Van Buren who considered this at the advent of the mass political party in 1828. Van Buren took great pains to make sure that when he joined the cabinet, the governorship of New York was left under the control of a loyalist. However, not all cabinet appointments have gone as well for the president's party. Whether due to flips in special elections or general elections, or to an automatic flip through an appointment (as happened to Bill Saxbe's Senate seat when he became Attorney General), or to succession (as happened to the Arizona Governorship when Janet Napolitano became secretary of homeland security), sometimes the president is not able to preserve the party's bench down ballot when appointing elected officials to the cabinet.

Such nominees are often valuable to presidents due to their political skill, and indeed the data do show that about 11.5 percent of all noncarryover cabinet secretaries since the Wilson Administration have been sitting partisan-elected officials at the time of their appointment. Yet, with this additional benefit comes the potential for additional costs, an issue that has received too little treatment in the literature. These potential costs especially include the danger of seats previously held by cabinet secretaries flipping to the other party, in addition to potential policy consequences resulting from these flips.

Although the appointment process detailed by Hamilton gives the president the ability to staff the executive branch, opposition to the president's agenda from *outside* the executive branch (either in Congress or in state or local offices) may increase due to flips of the seats held by the very officials who were appointed to help advance the president's agenda. As mentioned previously, when Doug Jones, a Democrat, won Jeff Sessions's former Senate seat in

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Alabama after Sessions resigned to serve in the Trump cabinet, this meant that Republicans could not restart their efforts to repeal the Affordable Care Act after John McCain (R-AZ) died.[78] Furthermore, when Janet Napolitano, a Democrat, became secretary of homeland security in the Obama Administration, she was replaced by Republican Jan Brewer who signed SB 1070 into law, widely considered to be one of the toughest laws on undocumented immigration in the country and the type of legislation that Napolitano had vetoed when she was governor of Arizona.[79] This law stood in direct opposition to President Obama's desire to pass nationwide comprehensive immigration reform, and after its passage national Republicans became less supportive of immigration reform with former supporter Senator John McCain (R-AZ), running an ad saying he would "complete the dang fence" on the southern border.[80]

These costs also address the difficulty of achieving Wilson's desire for responsible party government in the American constitutional system. A sitting elected official from the president's party presents a good option for a president wishing to appoint someone who will be a loyal partisan in carrying out their agenda. Yet, in doing so, presidents run the risk of undermining their party in Congress and the states through the loss of seats. Perhaps the new cabinet secretary can serve as the "connective tissue" with Congress that Wilson (1925) desired, but Congress (or the states) may now be less receptive to the president's policy agenda.[81]

We do not argue that presidents are unaware of the dangers that may come from appointing elected officials to the cabinet, yet the fact that the phenomenon of clearing the bench has occurred throughout the twentieth and twenty-first centuries suggests either that presidents have occasionally misjudged the risks or have judged them as worth it. In the first scenario, reporting how frequently clearing the bench has happened in the past indicates the misjudgment involved by presidents making cabinet appointments. The second scenario though raises questions for future research. For instance, to what extent do presidents balance the electoral good of their party with the need for experienced politicians in the cabinet when making risky appointments of sitting elected officials? Is there conflict between the president and their party over these appointments? Could presidents find the political skills they seek in less risky retired politicians rather than sitting elected officials?

Notably, many of the recent presidents who ran as "political outsiders" and had little if any experience in Washington appointed numerous elected politicians to their cabinet. After George H.W. Bush left office, each of the next four presidents had spent little if any time in federal elective office and, as

shown in Figure 2, the percentage of cabinet officials coming from elective office began to increase. Furthermore, each of these four presidents saw at least one seat previously held by a cabinet official flip to the other party. Although it is too early to know whether any of the seats held by Biden cabinet secretaries will flip to the other party, President Biden specifically avoided appointing senators such as Elizabeth Warren (D-MA) and Bernie Sanders (I-VT) to his cabinet due to the risk of their seats falling to the Republicans.[82] Even losing Warren's seat for a few months to an appointee by Republican Governor Charlie Baker, if not losing the seat for good in a special election, would have caused the 50-50 Senate to fall to Republican control. Those from elective office who Biden did appoint came from very safe House districts or from state office in extremely Democratic states where their immediate successor or appointed replacement would be a Democrat. Biden, who served in the Senate for 36 years before becoming vice president and also saw up close the ramifications of clearing-the-bench decisions made in the Obama administration, may have a Van Buren-like understanding of the risks that can come from appointing elected politicians to the cabinet or may be more sensitive to such risks given his razor-thin Democratic congressional majorities.

There is clearly much we do not yet understand about why presidents appoint certain people to the cabinet (or other executive branch positions) or what cost and benefit calculations are made regarding these appointments. By examining the electoral risks of appointing sitting elected officials to the cabinet in this paper, we have begun to explore why presidents may make appointments that risk endangering their agenda.

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NOTES

1. Niccolò Machiavelli, *The Prince*, ed. Quentin Skinner and Russell Price (1513; repr., Chicago: University of Chicago Press, 1998), 92.

2. Eric Lichtblau, "Jeff Sessions, as Attorney General, Could Overhaul Department He's Skewered," *New York Times*, November 18, 2016, https://www.nytimes.com/2016/11/19/us/politics/jeff-sessions-donald-trump-attorney-general.html.

3. Alexander Burns and Jonathan Martin, "Once a Long Shot, Democrat Doug Jones Wins Alabama Senate Race," *New York Times*, December 12, 2017, https://www.nytimes.com/2017/12/12/us/politics/alabama-senate-race-winner.html.

https://doi.org/10.1017/S0898030623000064 Published online by Cambridge University Press

4. Eric Levitz, "How John McCain's Death Will Reshape the Senate," *New York Magazine*, August 27, 2018, http://nymag.com/intelligencer/2018/08/how-john-mccains-death-will-reshape-the-senate.html.

5. Jonathan Martin and Alexander Burns, "Greg Gianforte, Montana Republican, Captures House Seat Despite Assault Charge," *New York Times*, May 25, 2017, https://www.nytimes.com/2017/05/25/us/montana-special-election.html.

6. Robert Pear,"Tom Price, Obamacare Critic, Is Trump's Choice for Health Secretary," *New York Times*, November 28, 2016, https://www.nytimes.com/2016/11/28/us/politics/tom-price-secretary-health-and-human-services.html.

7. Alexander Hamilton, "*Federalist* No. 76," Library of Congress, 1788, https://guides.loc.gov/federalist-papers/text-71-80#s-lg-box-wrapper-25493468.

8. Hamilton, "*Federalist* No. 76."

9. Hamilton, "*Federalist* No. 76."

10. Richard Holbrook Brown, "Southern Planters and Plain Republicans of the North: Martin Van Buren's Formula for National Politics," (PhD diss., Yale University, 1955).

11. Donald B. Cole, *Martin van Buren and the American Political System* (Princeton, NJ: Princeton University Press, 1984).

12. Cole, *Martin van Buren*, 142.

13. John H. Aldrich, *Why Parties: A Second Look* (Chicago: University of Chicago Press, 2011), 104–5.

14. Brown, "Southern Planters and Plain Republicans of the North," 181.

15. Cole, *Martin van Buren*, 35.

16. Mark Grossman, *Encyclopedia of the United States Cabinet: 1789-2010, Volume 2, Second Edition* (New York: Grey House Publishing, 2010).

17. Cole, *Martin van Buren*, 13, 29–30.

18. Cole, *Martin van Buren*, 31.

19. Brown, "Southern Planters and Plain Republicans of the North," 159.

20. Our Campaigns, "NY Governor," https://www.ourcampaigns.com/RaceDetail.html?RaceID=111824.

21. Joshua Forman, "Joshua Forman to MVB, 12 February 1829," *The Papers of Martin Van Buren*, February 12, 1829.

22. Our Campaigns, "NY Governor."

23. Cole, *Martin van Buren*, 11.

24. Woodrow Wilson, *The Public Papers of Woodrow Wilson*, ed. Ray S. Baker and William E. Dodd (New York: Harper and Brothers, 1925), 222.

25. Wilson, *The Public Papers*, 222.

26. Richard Fenno, *The President's Cabinet: An Analysis in the Period from Wilson to Eisenhower* (Cambridge, MA: Harvard University Press, 1959).

27. Grossman, *Encyclopedia of the United States Cabinet.*

28. Tracey Trottier, Montgomery Van Wart, and XiaoHu Wang, "Examining the Nature and Significance of Leadership in Government Organizations," *Public Administration Review* 68, no.2 (2008): 319–33.

29. Montgomery Van Wart, "Lessons from Leadership Theory and the Contemporary Challenges of Leaders," *Public Administration Review* 73, no.4 (2013): 553–65.

30. Jennifer Manning, "Membership of the 115th Congress: A Profile," Congressional Research Service, November 13, 2017, https://fas.org/sgp/crs/misc/R44762.pdf: 2-4.

31. Craig Volden and Alan E. Wiseman. *Legislative Effectiveness in the United States Congress: The Lawmakers* (New York: Cambridge University Press, 2014), 180.

32. John Sides, *et al.*, *Campaigns and Elections* (New York: W.W. Norton and Company, 2015). 274–81.

33. Robert H. Salisbury and Kenneth A. Shepsle, "Congressional Staff Turnover and the Ties-That-Bind," *American Political Science Review* 75, no.2 (1981): 381–96.

34. Fenno, *The President's Cabinet*, 61.

35. MaryAnne Borrelli, *The President's Cabinet: Gender, Power, and Representation* (Boulder, CO: Lynne Rienner Publishers, 2002), 49.

36. Michael Gerhardt, "Norm Theory and the Future of the Federal Appointments Process," *Duke Law Journal* 50, no.6 (2001): 1687–1715.

37. Fenno, *The President's Cabinet*, 1959.

38. Calvin G. Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981).

39. Anthony J. Bennett, *The American President's Cabinet* (New York: St. Martin's Press, 1996).

40. Jeffrey E. Cohen, *The Politics of the U.S. Cabinet: Representation in the Executive Branch, 1789-1984* (Pittsburgh, PA: University of Pittsburgh, 1984). 103–6.

41. Benjamin J. Hulac, "Why Pro-Drilling Don Young Came to Back Haaland for Interior," Roll Call, February 25, 2021, https://rollcall.com/2021/02/25/why-pro-drilling-don-young-came-to-back-haaland-for-interior/.

42. Fenno, *The President's Cabinet*, 61.

43. William F. Connelly, Jr. and John J. Pitney, Jr. *Congress' Permanent Minority? Republicans in the U.S. House* (Lanham, MD: Rowman and Littlefield, 1994).

44. Fenno, *The President's Cabinet*, 1959.

45. Bennett, *The American President's Cabinet.*

46. Cohen, *The Politics of the U.S. Cabinet*, 56.

47. Fenno, *The President's Cabinet*, 1959.

48. Andrew Gelman and Gary King, "Estimating the Incumbency Advantage without Bias," *American Journal of Political Science* 34, no.4 (1990): 1142–64.

49. Gary Jacobson and Jamie Carson, *The Politics of Congressional Elections* (Lanham, MD: Rowman and Littlefield, 2015).

50. One could argue that presidents might choose to appoint elected officials because they are unpopular/embattled and are therefore unlikely to win their next election. However, this seems unlikely because we see no evidence to suggest that presidents are nominating unpopular politicians to Cabinet-level positions. It could be they are appointing them to other positions, but we do not investigate that here.

51. NCSL, "Vacancies in the United States Senate," https://www.ncsl.org/research/elections-and-campaigns/vacancies-in-the-united-states-senate637302453.aspx.

52. Borrelli, *The President's Cabinet*, 2002.

53. Borrelli, *The President's Cabinet*, 2002.

54. Gelman and King, "Estimating the Incumbency Advantage."

55. This is similar to the phenomenon of "surge and decline"; see Angus Campbell, "Surge and Decline: A Study in Electoral Change," *Public Opinion Quarterly* 24, no.3 (1960): 397–418.

56. Elaine Kamarck and Molly Reynolds, "What Does the Special Election in Georgia Mean for the 2018 Midterms? Two Perspectives," *Brookings Institution*, June 20, 2017, https://www.brookings.edu/blog/fixgov/2017/06/20/what-does-the-special-election-in-georgia-mean-for-the-2018-midterms-two-perspectives/.

57. Peter Tuckel, "The Initial Re-Election Chances of Appointed & Elected United States Senators," *Polity* 16, no.1 (1983): 138–42.

58. Tuckel, "Elected United States Senators," 1983.

59. We do not consider nonpartisan offices because the concept of seats flipping to the other party does not apply to these offices.

60. Most of the data on Cabinet secretaries through President Barack Obama's first administration come from the *Encyclopedia of the United States Cabinet* by Mark Grossman. For Obama's second term through Joe Biden's first term, we make use of contemporary journal articles and sources. For vote share, we use a combination of sources, primarily *CQ Voting and Elections Collection*, Michael Dubin's *Guide to House Elections*, the *Political Graveyard,* and Our Campaigns. In the next section, we report our findings from the historical data we collected.

61. See Grossman, *Encyclopedia of the United States Cabinet*; Alan D. Dean and Mark Grossman, *Encyclopedia of the United States Cabinet: 1789-2019*, 3rd ed. (New York: Grey House Publishing, Inc., 2019).

62. John H. Aldrich, *Why Parties: A Second Look* (Chicago: University of Chicago Press, 2011), 72.

63. Aldrich, "Why Parties," 99.

64. Additionally, Washington appointed Maryland State Senator James McHenry to his Cabinet; however, at this point in history, Maryland State Senators were indirectly elected through a kind of electoral college, see Maryland Manual On-line. "Senate," https://msa.maryland.gov/msa/mdmanual/05sen/html/senf.html.

65. Election data from Michael Dubin's official congressional election results, https://www.ourcampaigns.com/RaceDetail.html?RaceID=282235.

66. List of Virginia State Delegates from 1795 session, https://llmc-com.proxy.lib.duke.edu/docDisplay5.aspx?set=99953&volume=1795&part=114l; List of all delegates, https://history.house.virginia.gov/members?session=92/. According to the Virginia Constitution, elections took place annually in October (see http://vagovernmentmatters.org/archive/files/draftvaconstitution1776_0be98353c9.pdf).

67. Connecticut State Register and Manual, *Green's Almanack and Register, for the State of Connecticut for the Year of our Lord, 1802*, https://collections.ctdigitalarchive.org/islandora/object/30002%3A21905483#page/46/mode/2up; Connecticut State Register and Manual, *Green's Almanack and Register, for the State of Connecticut for the Year of our Lord, 1803*, https://collections.ctdigitalarchive.org/islandora/object/30002%3A21905788#page/46/mode/2up.

68. United States Attorney's Office, District of Connecticut, "About the Office," https://www.justice.gov/usao-ct/office.

69. Aldrich, "Why Parties," 279.

70. Find a Grave, "James Clark," https://www.findagrave.com/memorial/19299462/james-clark.

71. Similarly, the governorship of Virginia was selected by state legislators in this era when James Madison selected James Monroe to be his Secretary of State; see Our Campaigns, "VA Governor," https://www.ourcampaigns.com/RaceDetail.html?RaceID=715406.

72. The White House, "John Tyler: The 10th President of the United States," https://www.whitehouse.gov/about-the-white-house/presidents/john-tyler/.

73. U.S. Senate, "From the Senate to the Cabinet," https://www.senate.gov/artandhistory/history/minute/From_the_Senate_to_the_Cabinet.html.

74. Brookings Institution, *Vital Statistics on Congress*, https://www.brookings.edu/wp-content/uploads/2017/01/vitalstats_ch2_tbl2.pdf.

75. David Mayhew, "Congressional Elections: The Case of the Vanishing Marginals," *Polity* 6, no.3 (1974): 295–317.

76. Elizabeth Dole, later elected to the U.S. Senate from North Carolina, served in different Cabinet positions in the Ronald Reagan and George H.W. Bush administrations that required separate confirmation processes so is counted twice here.

77. Lyft (blog), "Anthony Foxx, Secretary of Transportation under President Obama, Joins Lyft," *Lyft*, October 9, 2018, https://www.lyft.com/blog/posts/anthony-foxx-secretary-of-transportation-under-president-obama-joins-lyft; Cillizza, Chris, "Why the 2020 Senate Map Looks Better Than It Actually Is for Democrats," *CNN*, May 14, 2019, https://www.cnn.com/2019/05/14/politics/senate-2020-mcconnell/index.html.

78. Eric Levitz, "How John McCain's Death Will Reshape the Senate," *New York Magazine*, August 27, 2018, http://nymag.com/intelligencer/2018/08/how-john-mccains-death-will-reshape-the-senate.html.

79. Randal Archibold, "Arizona Enacts Stringent Law on Immigration," *New York Times*, April 23, 2010, http://www.nytimes.com/2010/04/24/us/politics/24immig.html.

80. Goldman, Russell, "John McCain Border Shift: 'Complete Danged Fence,'" ABC News, May 11, 2010, https://abcnews.go.com/Politics/john-mccain-immigration-reversal-complete-danged-fence/story?id=10616090.

81. Woodrow Wilson, *The Public Papers of Woodrow Wilson*, 222.

82. Vanessa Romo, "Biden: It Would Be 'Difficult to Lose Sanders, Warren from Senate for Cabinet," *NPR*, November 24, 2020, https://www.npr.org/sections/biden-transition-updates/2020/11/24/938713150/biden-says-it-would-be-difficult-to-lose-sanders-or-warren-from-senate-for-admin.