

Equal Opportunity in Presidential Appointments

Staff Analysis

U.S. Commission on Civil Rights

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Introduction

Presidential appointees are generally high level Federal officials. They include department secretaries, undersecretaries, and assistant secretaries, other executive branch agency heads, ambassadors, U.S. attorneys, and judges. The appointment of minorities and women to these positions carries out the principles of equal employment opportunity, sets an example for the rest of the Nation, and helps increase the responsiveness of the Federal Government to the interests and needs of minorities and women.^{1/}

Table 1 summarizes the data which the Presidential Personnel Office has released about Presidential appointees as of October 6, 1980. Of 2,815 Presidential appointees, at least^{2/} 637 (23 percent) were women -- of all racial and ethnic backgrounds. At least 571 (20.3 percent) were minorities -- of both sexes.

Increased Minority and Female Appointments During Carter Administration

The total number of minority and female Presidential appointees appears sizeable when compared with high level civil service appointments. In 1977, the most recent year for which complete data are available,^{3/} there were

^{1/} The principle that equal employment opportunity can have a direct bearing on the nondiscriminatory provision of services is articulated in Federal agency Title VI regulations. See, e.g., the regulations of the Department of Agriculture, 7 C.F.R. § 15.3(c) and the Department of Health, Education, and Welfare, 45 C.F.R. §80.3(c)(3). This principle is discussed in U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort, Vol. VI, To Extend Federal Financial Assistance (1975).

^{2/} As discussed infra, the Presidential Personnel Office data do not contain a complete identification of the race, ethnic origin, and sex of all appointees.

^{3/} Phillip Etzel, Work Force and Analysis Division, Special Employment Programs Section, Office of Personnel Management, telephone interview, Oct. 17, 1979.

Table 1

Race, Ethnic Origin, and Sex of Presidential
Appointees (Full-Time and Part-Time)
October 6, 1980

	<u>Female</u>	<u>Male</u>	<u>Total</u>
Asian	9	29	38 (1.3%)
Black	96	238	334 (11.9%)
Hispanic	43	112	155 (5.5%)
Native American	18	26	44 (1.6%)
White	464	1,753	2,217 (78.8%)
Other	<u>7</u>	<u>20</u>	<u>27 (1.0%)</u>
Total	637 (22.6%)	2,178 (77.4%)	2,815 (100.1%)

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*Rounding error

Source: Presidential Personnel Office

6,629 people in general schedule positions grades 16 through 18. Of these only 230, or 3.4 percent, were women. Only 337, or 4.9 percent, were minorities. At the time of conversion to the Senior Executive Service (SES), covering grades 16 through 18 and some executive level IV and V positions, 336 (4.9 percent) of the 6,838 SES members were women; and 366 (5.6 percent) of the 6,502 SES members for whom the Office of Personnel Management had racial or ethnic identification were minorities.

President Carter has placed women and minorities in some important positions. For example, throughout his administration, his appointments have included a black female Secretary of Housing and Urban Development, who was subsequently appointed Secretary of Health, Education, and Welfare, and then, following the creation of a separate Department of Health and Human Services, named Secretary of that Department.^{4/} He appointed another black woman Chair of the Equal Employment Opportunity Commission.^{5/} He has appointed blacks as Solicitor General and Secretary of the Army.^{6/} Both United States representatives to the United Nations during the Carter administration have been black males.^{7/} He has appointed Hispanics as Director of the Community Services Administration, Staff Director of the Commission on Civil Rights, and Commissioner of the Immigration and Naturalization Service.^{8/} He has selected women as Secretary of Commerce and Secretary of Education.^{9/} Under Carter, for the first time in United States history, two women served simultaneously in the Cabinet.^{10/}

^{4/} Patricia Roberts Harris.

^{5/} Eleanor Holmes Norton.

^{6/} Wade H. McCree and Clifford Alexander, Jr., respectively.

^{7/} Andrew Young and Donald F. McHenry.

^{8/} Graciela Olivares, Louis Nunez, and Leonel J. Castillo, respectively.

^{9/} Juanita Kreps and Judge Shirley M. Hufstedler, respectively.

^{10/} Only seven women have been appointed Cabinet secretaries in United States history. Four of these appointments, Patricia Roberts Harris (two appointments), Shirley M. Hufstedler, and Juanita Kreps have been Carter's. See Sara Weddington, Honoring a Commitment to the People of America: The Record of President Jimmy Carter on Women's Issues, January 1980 [hereafter cited as The Record of President Jimmy Carter on Women's Issues].

The Carter Administration has appointed a record number of minorities and women to the Federal judiciary. As of November 1979, only 37 women had ever been appointed as Federal judges.^{11/} Thus, it is impressive that 42 of the 46 women serving as Federal judges or awaiting confirmation as of October 6, 1980, were appointed by President Carter. As of the same date, 10 of 11 women serving as judges in the United States Courts of Appeals were Carter appointees. As Table 2 shows, over 15 percent of Federal judiciary appointments have gone to women and 22 percent to blacks and Hispanics.

Data released by the Presidential Personnel Office about Mr. Carter's appointees place the President in a favorable light when compared with similar data released by previous administrations. According to White House figures provided during the Ford administration, 14 percent of President Ford's appointees were women, and Mr. Ford's appointments reflected progress for women.^{12/} His staff reported that he had made the highest number of female appointments of any previous administration.^{13/}

President Ford's staff also reported that under his administration, 59 high level Federal officials -- including both Presidential appointments and top civil service positions -- were Hispanic. The number of high level positions

^{11/} National Women's Political Caucus, Women in the Federal Judiciary: A Status Report (Nov. 9, 1979).

^{12/} President Ford's appointments of women are discussed in U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort, Vol. VII, To Preserve, Protect, and Defend the Constitution (1977), p. 48. See also ¹² Weekly Compilation of Presidential Documents 703 (Apr. 26, 1976).

^{13/} President Carter's staff concurs that President Ford has the best previous record for appointing women. President Carter's staff, however, report that only 12.9 percent of President Ford's appointees were women. The Record of President Jimmy Carter on Women's Issues.

Table 2

Race, Ethnic Origin, and Sex of Presidential Appointees
to the Federal Judiciary*
October 16, 1980

	<u>Female</u>	<u>Male</u>	<u>Total</u>
Asian	0	2	2 (0.7%)
Black	8	40	48 (16.0%)
Hispanic	1	17	18 (6.0%)
Native American	0	0	0
White	36	192	228 (76.0%)
Other	0	2	2 (.07%)
Undesignated †	<u>1</u>	<u>1</u>	<u>2 (.07%)</u>
Total	46 (15.3%)	254 (84.7%)	300 (98.2%)**

*Includes appointments pending confirmation

**Rounding error

Source: Presidential Personnel Office

held by Hispanics under the Carter Administration is even greater. As of October 6, 1980, the number of Hispanics in Presidential appointments alone was 155. If civil service positions were added to President Carter's list, undoubtedly it would be even larger.^{14/}

Progress Needed in Additional Areas

Despite the positive picture which appears when Mr. Carter's appointments are compared with civil service and past administration hiring, close scrutiny of the data on minority and female appointments reveals areas in which greater progress is needed. For example, more minorities and women are needed among full-time Presidential appointees. A sizeable proportion of the appointments reflected in Table 1, summary data from the Presidential Personnel Office, were not to full-time Federal employment but rather to membership on part-time advisory boards and commissions which meet only a few times each year. Table 3 shows that 1,202 of the 2,815 appointments as of October 6, 1980, were to full-time positions. Comparing Tables 1 and 3, it can also be seen that minorities and women were not as well represented among the full-time positions. For example, as of October 6, 1980, 38 of President Carter's appointments were to Asian Americans, but only 7 were to full-time positions. Although there were 44 American Indian appointments, only 4 were to full-time positions. Women constituted 30.2 percent of part-time appointments,

^{14/} See Richard Hernandez, Deputy Assistant to the President for White House Personnel, The Carter Administration and Hispanics: A Partnership to Progress (1979), which identifies 185 Hispanic appointments during the Carter Administration. This total includes high level civil service positions. See also a study by Edward Valenzuela, Equal Employment Opportunity Commission, An Analysis of Hispanic Presidential Appointments, August 1978.

 ----- Table 3

Race, Ethnic Origin, and Sex of Presidential Appointees
 (Full-Time)
 October 6, 1980

	<u>Female</u>	<u>Male</u>	<u>Undesignated</u>	<u>Total</u>
Asian	1	6		7(0.6%)
Black	22	122		144(12.0%)
Hispanic	4	45		49 (4.1%)
Native American	0	4		4 (0.3%)
White	116	862		978 (81.4%)
Other	<u>6</u>	<u>13</u>	<u>1</u>	<u>20 (1.7%)</u>
Total	149 (12.4%)	1,052 (87.5%)	1 (0.08%)	1,202 (100.1%)

*Rounding error

Source: Presidential Personnel Office

but as shown in Table 3 they comprised only 12.4 percent of the full-time Presidential appointments.

Further, minorities and women clearly continue to be underrepresented in many of the types of positions in which they have been underrepresented in the past. For example, in all previous administrations, only 25 women have served as ambassadors.^{15/} As Table 4 shows, Mr. Carter's appointments of U.S. ambassadors have also gone overwhelmingly to males, who account for 143 (90.5 percent) of the total of 158 ambassadorial appointments. As of October 6, 1980, three ambassadors (2.7%) were Hispanics, 9 (5.7 percent) were blacks, and 14 (8.9 percent) were women. As of the same date, no Asian Americans or American Indians were serving as ambassadors appointed by President Carter.

Similarly, women remain less than 6.6 percent of all Federal judges, despite President Carter's very positive record in appointing women as Federal judges. No woman has ever been appointed to the Supreme Court of the United States, and only 11 of the 132 circuit judges and 32 of the 508 district court judges are women.^{16/} No American Indians and only two Asian Americans have been appointed Federal judges by the Carter Administration.

Tables 5 and 6 show the percent of Presidential appointees, as of October 6, 1980, in each Cabinet department who were minorities and women, respectively, ranked in order of decreasing proportions of minorities and women. The overall picture is mixed.

^{15/} The Record of President Jimmy Carter on Women's Issues.

^{16/} National Women's Political Caucus, Women in the Federal Judiciary, October 1, 1980.

Table 4

Race, Ethnic Origin, and Sex of Presidential
Ambassadorial Appointments*

October 6, 1980

	<u>Female</u>	<u>Male</u>	<u>Undesignated</u>	<u>Total</u>
Asian	0	0		0
Black	2 (1.3%)	7 (4.4%)		9 (5.7%)
Hispanic	0	3 (2.7%)		3 (2.7%)
Native American	0	0		0
White	12 (7.6%)	131 (82.9%)		143 (90.5%)
Undesignated	<u>0</u>	<u>2 (1.3%)</u>	<u>1 (0.6%)</u>	<u>3 (2.7%)</u>
Total	14 (8.9%)	143 (90.5%)	1 (0.6%)	158 (101.6%)**

*Includes multiple appointments

**Rounding error

Source: Presidential Personnel Office

Table 5

Presidential Appointments of Minorities to Federal Departments

October 6, 1980

<u>Department</u>	<u>Number of Appointees</u>		<u>Minorities as a Percent of Total</u>
	<u>Total</u>	<u>Minorities</u>	
Housing and Urban Development	10	3	30.0
Interior	17	4	23.5
Education	18	4	22.2
Health and Human Services	18	4	22.2
Transportation	14	3	21.4
Justice	195	41*	21.0
Treasury	21	4	19.0
Defense	28	5*	17.9
Energy	17	3	17.6
Labor	12	2	16.7
Agriculture	12	1	8.3
State	182	14	7.7
Commerce	<u>23</u>	<u>0</u>	<u>0.0</u>
Total	567	88	15.5

*Does not include one person whose race is undesignated

Source: Presidential Personnel Office

Table 6

Presidential Appointments of Women to Federal Departments

October 6, 1980

<u>Department</u>	<u>Number of Appointees</u>		<u>Women as a Percent of Total</u>
	<u>Total</u>	<u>Women</u>	
Education	18	8	44.4
Labor	12	4	33.3
Treasury	21	4	19.0
Energy	17	3	17.6
Commerce	23	4	17.4
Health and Human Services	18	3	16.7
Transportation	14	2	14.3
Interior	17	2	11.8
Housing and Urban Development	10	1	10.0
State	182	17	9.3
Agriculture	12	1	8.3
Defense	28	1	3.6
Justice	<u>195</u>	<u>5</u>	<u>2.6</u>
TOTAL	567	54	9.5

Source: Presidential Personnel Office

Minorities comprised 30 percent of appointees at the Department of Housing and Urban Development and over 20 percent of appointees at the Departments of the Interior, Education, Health and Human Services, Transportation, and Justice. Women comprised 44.4 percent of the appointees at the Department of Education and 33.3 percent of the appointees at the Department of Labor. However, appointments to some departments continued to reflect serious underrepresentation of minorities or women. For example, only one of 12 Presidential appointments at the Department of Agriculture was a minority person and only one a woman. The Department of Agriculture has traditionally had few minorities and women in high level positions and frequently has been criticized for its inadequate equal employment opportunity performance.

Moreover, as shown in Table 6, only five (2.7 percent) of the 195 appointments to the Department of Justice were given to women. Of those 195 appointments, 87 were to the position of U.S. Marshal, and none of these appointments included a woman. There has never been a woman appointed by a President to the U.S. Marshals Service,^{17/} which has also been criticized for its failure to provide equal employment opportunity for women. Similarly, only four of 87 U.S. Attorneys appointed by President Carter were women, six were black, three were Hispanic, two were American Indian, and none was Asian American.

Table 5 shows that, as of October 6, 1980, there were no minority appointees at the Department of Commerce and only two or three at the Departments of Transportation, Energy, Housing and Urban Development, and Labor. Table 6 shows that there were only

^{17/} William Dempsey, Public Information Officer, U.S. Marshals Service, Department of Justice, telephone interview, Aug. 8, 1979. In the 1940's, a woman was court-appointed to fill a vacancy.

one or two female appointees at each of the Departments of Defense, the Interior, Housing and Urban Development, Transportation and, as noted, Agriculture.

Improved System Needed for Data on Presidential Appointments

There are several problems with the collection and storage of data on the race, ethnic origin, and sex of Presidential appointments. First, there has been little effort from administration to administration to gather and maintain such data for historical purposes.^{18/} Neither the White House nor the Office of Personnel Management, which maintains some data on some Presidential appointees as part of its responsibility for executive personnel management; has complete information for past Presidents' appointments.

Moreover, because the list does not distinguish between part- and full-time employees, it creates an inflated impression of the extent of Mr. Carter's minority and female appointments to major policy-making positions. Without further information on each position -- how much time it entails, whether it is salaried -- the public cannot easily determine the extent of the inflation.

The Presidential Personnel Office data do not include Presidential appointees on the White House staff. The Presidential Personnel Office staff has stated that the White House does not release information on the race, ethnic origin, or sex of those employees. Thus, the public is not given the opportunity to assess the extent to which equal employment opportunity is practiced in the selection of White House staff.

^{18/} Sally Greenberg, Associate Director, Executive Personnel and Management Development, Office of Personnel Management, telephone interview, Dec. 5, 1979.

There is some hope that these deficiencies will be corrected, however. The Office of Personnel Management is now working to implement by January 1982 an improved system for collecting and storing data on the race, ethnic origin, and sex of Presidential appointees.^{19/}

^{19/} Phillip Schneider, Agency Relations Group, Office of Personnel Management, telephone interview, Dec. 6, 1979.