

Make America incompetent again? Trump wants to ruin our merit-based federal jobs system.

Trump wants to bring back a corrupt system of political patronage. Congress and Joe Biden must undo this attack on the capability of our government.

Max Stier Opinion contributor

Federal agencies across the government are quietly moving ahead with an 11th hour plan to fill vacant, nonpartisan career jobs with political appointees as well as fire and replace civil servants with individuals loyal to President Donald Trump.

With only two months to go before President-elect Joe Biden takes office, agencies are rushing to implement an executive order that would undermine the merit-based, nonpartisan civil service system, eviscerate employee due process rights and replace professionals with partisans.

Although the Oct. 21 executive order has brought congressional scrutiny and legal challenges, and would most likely be rescinded by Biden, Trump administration appointees are hoping to place as many allies as possible into key government positions as they head for the exits.

Loyalty would replace competence

While the conversion of political appointees to career positions, often referred to as “burrowing,” has long been a concern during presidential transitions, such conversions have been rare and ordinarily undergo a rigorous review process.

The Trump executive order sidesteps this process and has created a new job classification for “career employees in confidential, policy-determining, policy-making and policy-advocating positions,” stripping these individuals of long-standing civil service protections and allowing politically appointed leaders to fire them at will. It is a stunning exercise of executive power and calls into question whether such a dramatic change is — or should be — permitted without a change in law.

There are literally tens, if not hundreds of thousands of positions in the career civil service that could be considered of a “policy-advocating” character. The American people depend on scientists, policy analysts, attorneys, managers, inspectors general and other

nonpartisan career employees to evaluate current or proposed governmental policies and make relevant recommendations.

Under the executive order, career public servants who have raised alarms about major problems on the horizon, given honest but unwanted advice or proposed uncomfortable solutions could lose their jobs and be replaced by political appointees selected for their loyalty, not competence. All of this could be done out of public view, making the government less accountable and less effective.

Cabinet: *The Cabinet is a graveyard for presidential dreams. So why do senators want these jobs?*

A career Food and Drug Administration expert could be punished for making recommendations regarding a coronavirus vaccine that run counter to the promises made by politicians. A Federal Aviation Administration employee could be sidelined for recommending that an unsafe aircraft be grounded, or an Environmental Protection Agency employee could be penalized for suggesting a new chemical contaminant in drinking water poses a health hazard.

In other words, it allows political appointees to shoot the messenger and weakens the principle that federal employees must be secure in their jobs and feel free to speak truth to power.

Late last week, it was reported that Russ Vought, the director of the Office of Management and Budget, has reclassified 88% of that agency's career 425 employees, making them vulnerable to arbitrary ouster and replacement.

The Trump administration has argued that the executive order will help agencies address long-standing problems with current disciplinary procedures and provide "flexibility to expeditiously remove poorly performing employees." Contrary to the myth and the administration's rationale, it is possible to remove federal employees for poor performance or misconduct — more than 9,500 federal employees were terminated in 2019. And, there are much better ways to address these issues than destroying the merit-based foundation of the civil service.

Return to a corrupt and failed system

Besides dealing a blow to expertise of the professional civil service, this executive order takes us back to the corrupt and failed system of the 1880s by proliferating public sector

jobs that can be used for political patronage.

Our government already has 4,000 politically appointed positions, more than any other major democracy, and includes more than 1,200 requiring Senate confirmation. We should have fewer, not more appointees, including those requiring Senate approval, and those individuals need to be held to the highest standards of ethics and competence.

While our civil service is the envy of the world, it is by no means perfect and must be strengthened in a variety of ways.

Harry S. Truman's grandson: The messy, impolite history of presidential transitions

We need to improve leadership and stewardship of the public trust. Our government should do more to attract skilled and diverse talent, make better use of technology, foster a climate of innovation and work collaboratively across agencies, state and local government, and the private sector to address our nation's difficult challenges.

But this new executive order, drafted secretly without informing or consulting with Congress and relevant employee groups and other stakeholders, is an assault on our civil service, the core to our system of government and democratic institutions. Congress should act now on a bipartisan basis to reassert its legislative authority and stop this irresponsible executive order, and the incoming Biden team should prioritize undoing this attack on the capability of our government.

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