

## Commentary

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# The Merit Principle in Crisis

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Make no mistake: In American government, far more than in the rest of the world, the merit principle is under fierce attack. And at the very time when some of the most fundamental issues of governance are in play, the field's experts have little to say about it. That isn't good for anyone.

Modern American governance in the United States has its roots in the Pendleton Civil Service Act of 1883. A Democrat who had run for vice president as a peace candidate during the Civil War, George H. Pendleton, joined with Republican President Chester A. Arthur to bring professionalism to American bureaucracy. Following the assassination of President James Garfield (shot by a disappointed office seeker), they framed legislation requiring federal workers be hired, supervised, and promoted on the basis of merit. It took a long time for this vision to become reality, but this was the first step in creating the modern American state, administered by professional and nonpartisan bureaucrats.

Fast-forward more than 130 years, as an anti-bureaucracy, anti-civil-servant movement has bubbled up. Paul Verkuil, the chairman of the Administrative Conference of the United States, an independent federal agency devoted to improving government procedures, has found that at least 28 states have stepped back from the merit-system tradition by creating some form of at-will employment for its employees. (In "at will" employment, employees can be fired by their employer without advance notice and without cause, which is a big departure from the protections in the civil service tradition.) In Wisconsin, Republican Governor Scott Walker championed legislation to weaken public employee unions. Walker characterized his attack as an effort to uproot the privileged protections that public employees had long enjoyed, in both job security and income, that most other citizens did not. Walker, now a presidential candidate, has said that "I think in Washington we need that even more."

The campaign to weaken employee protection has expanded to the federal level. When scandals over scheduling appointments for veterans rocked the Department of Veterans Affairs (VA) in 2014, the one remedy that members of Congress could agree on was to make it easier to fire miscreant federal employees—and, when the VA's problems did not quickly melt away, they called for firing more employees even faster. In the spring of 2015, Republican Senator John McCain discovered that just three VA employees had been fired and was furious. "This is unacceptable," he said. "Congress made sure that the VA reform bill passed last year specifically included provisions enabling swift accountability for employees, which have clearly not been utilized." He called for tougher action by VA Secretary Bob

McDonald and argued, "It is long past time that all VA employees responsible for this scandal be held accountable." Republican Representative Jeff Miller followed with a bill to make it even easier to fire VA employees and then, a few months later, proposed making it easier to fire rank-and-file employees throughout the government. Even Democrats began to agree that it ought to be easier to get rid of government employees.

Painting a bull's eye on the civil service system is part of a broader debate about government and how well it works. And that frames a first big question for scholars in public administration: Are the critics of the status quo correct—Has the civil service system, as it has evolved over the past century, lost the proper balance between protecting civil service employees and holding them accountable?

Then there's a second question: whether cutting the number of government employees would really help cut the size of government. In early 2015, several proposals surfaced to shrink the federal workforce by 10% in two years. Republican Representative Cynthia Lummis proposed legislation, endorsed by several presidential candidates, that would limit new federal hiring to one for every three retiring federal workers. Lummis called the federal bureaucracy "bloated" and said, "Instead of blindly filling empty desks, this bill forces agencies to take a step back, consider which positions are crucial, and make decisions based on necessity rather than luxury." But is the civil service really bloated—and, if so, does it make sense to slash it by limiting how many employees can be hired? Given the enormous increase in government programs managed through contracts, regulations, and other forms of proxy administration, cutting the number of bureaucrats risks weakening government's ability to steer on a far larger scale.

Consider a third question: Have government employees simply become the easiest target for government bashers? It's much easier to paint a target on the backs of bureaucrats than to stage a frontal assault on the government and the programs it operates. For example, the VA's problems stem from its struggle to deal with a flood of veterans it never expected, who are bringing back problems far more difficult than anyone planned, into a system without enough doctors and nurses to manage them. But rather than determining how to fund the care that vets deserve—and to understand why they are not getting it—it has been easier simply to attack those struggling to deliver the care. Are there civil service and employee performance problems at the core of the VA's issues, among many others? Undoubtedly. How much of the problem might the civil service and employee performance issues account for? No one knows, but a reasonable guess is 10 or 20%. How should we best solve the rest? There is no consensus and little debate about that.

Then there is a fourth and even more fundamental question: What kind of civil service system do we need to equip government with the skills it needs to deliver the services citizens demand? Behind the scenes in Washington, there is a clear consensus that the civil service system is broken. It is far too difficult for prospective employees to navigate the application process. Most agencies struggle to hire the people they need for the job to be done—and there is precious little strategic workforce planning to understand what people they need to begin with. The result is a growing collection of government performance problems, exemplified by the VA scandal. The nation is crippled in its ability to solve these problems, precisely

at the time when Baby Boomers will retire in large numbers from government agencies. Half of the air-traffic controllers are eligible to retire, for example—and the nation's aviation industry would not last long if just one of three retiring controllers can be replaced. Meanwhile, public employee unions, both in Washington and in the states, are fighting a rear-guard action against the incessant attacks. They have done little more than struggle to save the jobs of their members and secure protections against firings. But they have not been engaged in the underlying question of how best to get the workforce the government needs for jobs that have to be done.

The result is a boiling crisis largely hidden from public view, except when problems like the VA scandal surface. The bipartisan civil service tradition that grew out of the Pendleton Act is collapsing. We have a civil service system increasingly out of sync with the job it does. We have elected officials who have discovered that attacking government employees makes good politics. And we have a government that increasingly struggles to deliver. Most important, the government's strategic human capital system has gradually gotten out of sync with the problems it is responsible for solving, and the result has been troubled performance and declining trust in government. And that is a fifth, ultimate question about human capital: How does the role of people in government bureaucracy shape the role of government in society?

These are five very tough questions. They are harder in the United States than in most other industrialized nations because there is a stronger dislike of government and of those who perform government services—although there surely are high citizen expectations for what government does. In many other nations, there are rising problems of trust in government and deepening debates on its size. But there isn't the same visceral attack on public servants. The extra political heat that creates makes it far harder to shine light on the big questions.

To make matters worse, focusing light on the questions has proven far more difficult because the American scholarly community has paid scant attention to them. In the 1960s, every self-respecting school of public affairs had courses on the role of human capital in government. Some of the best minds in the field, like Frederick C. Mosher, produced cutting-edge scholarship on the relationship between the public service and democracy. But as the public policy schools arose, courses on the public service were pushed to the side as the big-strategy questions of implementation and the leadership-based questions of public management gained prominence. Then implementation and public management fought for oxygen as the even larger issues of policy design elbowed out the questions of how to produce results.

The consequence of this movement is that the research community has been largely asleep at the switch as the five mega-issues have arisen. That is a huge tragedy, because at the very time that the fundamental building blocks of a modern, professional government are most under attack, the field has little to say about it. Scholarly attention in the late 1800s and early 1900s helped to build the proud American state. Scholarly neglect in the 2000s could undermine it. We certainly aren't lacking big, fascinating questions that could engage the very best research and the most far-ranging thinking. These problems have enormous consequences, ranging from providing what citizens expect without draining their

pockets to building a government that can reliably deliver—and earn citizens’ trust. The field has drifted out of sync with these puzzles, but the puzzles have never needed the field’s insights more.

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