The Obama Administration's Challenges after the 'War on Science': Reforming Staffing Practices and Protecting Scientific Integrity in the Executive Branch

Justin S. Vaughn, Cleveland State University
José D. Villalobos, University of Texas at El Paso

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Justin S. Vaughn
Cleveland State University

José D. Villalobos
University of Texas at El Paso

Abstract
In this article, we examine the difficult leadership position President Barack Obama inherited as he took office with respect to science and technology policy making and implementation, particularly following the Bush administration and years of the so-called “war on science.” We contend that the Obama administration’s challenge is not only to take substantive policy action, but also to reform certain administrative practices, particularly in light of the previous administration’s practice of the politics of strategic vacancies, a managerial technique that rearranges an agency’s ideological inclinations not through the usual forms of active politicization (i.e., by filling the appointee ranks with like-minded ideologues) but instead by “starving” the agency of staff and co-opting its agenda that way.

KEY WORDS: politicization, executive, presidency, scientific integrity, vacancies, war on science

On March 19, 2009, the U.S. Senate confirmed with unanimous consent President Barack Obama’s choice for the directorship of the White House Office of Science and Technology Policy (OSTP), Dr. John Holdren, effectively giving the president’s top science adviser permission to begin work. Although Professor Holdren must have felt some degree of relief that the cut-throat nomination battle was behind him—a fight that featured questionable interpretations of textbooks written three decades earlier, institutional deference to a member of the Senate’s request for a hold, and the usual oppositional efforts to scuttle key appointments by incoming new presidents—his days of playing politics were far from over. If possible, Holdren stepped out of the frying pan of the U.S. Senate hearing rooms and into the fierce blaze of the fiery politics that have been waged for decades over the nation’s science policy and those individuals tasked with implementing it.

Indeed, ten days before Professor Holdren’s confirmation, President Obama released a presidential memorandum on scientific integrity, the primary purpose of which was to kick-start the president’s effort to “restore scientific integrity in government decision making,” namely, by charging the eventual OSTP director with the responsibility to develop a multifaceted program to guarantee this ethos of integrity permeate and persist throughout the executive branch within the first four months of service. Although directly related to a campaign trail promise, the roots of this directive lay not in the election day strategy, but rather, were a response to the perceived antiscience malfeasance of the new president’s predecessor in office.

For years, former President George W. Bush’s administration had stoked controversy and gained the enmity of many in the sciences by pursuing politically motivated policy initiatives that minimized and occasionally rejected the role of scientific inquiry in policy making and implementation. By the time of Obama’s
inauguration, a strong consensus among critics from the scientific community, academia, and in the mainstream press had been built that Bush’s presidency would go down as perhaps the most hostile to scientific inquiry since at least the resignation of former President Richard Nixon. From policy advocacy to regulatory regimes to fights over the very individuals charged with implementing federal legislation, the Bush administration’s record on the matter was primarily noteworthy in the unprecedented effort it made to undermine scientific authority in favor of the former president’s (and core components of his constituency’s) social-conservative and antiregulation agendas (see especially Bowen, 2008; Greenberg, 2005; Mooney, 2005; Shulman, 2006).²

Although the Bush administration’s efforts against the scientific establishment took many forms and followed numerous paths, we argue that perhaps the most subtle yet most persistently damaged aspect that still demands considerable reform and revitalization attention lies in the area of personnel politics. In particular, the Bush administration engaged in the practice of politicization with respect to science politics and policy at a level and frequency never before witnessed, and it did so through both active and passive mechanisms. In this article, we identify those mechanisms, explain how they created the difficult situation the Obama administration finds itself still struggling to cope with almost one year after inauguration, and outline significant reforms required in order to prohibit future political motivations trumping the role objective science plays in national policy making. We also address more broadly the overall increase in the number of political appointments across administrations, how such growth has limited the ability for presidents to fill key administrative slots (particularly at the subcabinet level), and how such politicization threatens the integrity of scientific information and other executive branch resources of agency input.

For Policy Change to Matter, the Players Must Be in Place

Although reality is admittedly somewhat more complicated, with each branch possessing quasi-institutional powers traditionally the domain of the others, the basic separation of powers explanation taught in elementary civics courses remains a relatively robust model for understanding how the American federal government operates. That is, Congress writes laws, the courts interpret the constitutionality of them, and the executive branch, headed by the president, implements them. Of course, although the president sits atop the executive branch, the actual work of policy implementation depends on an army of nearly 2 million citizen employees.³ The scope of the government’s effort is so vast that no president could oversee the entire federal operation, and steps have been taken through numerous civil service reform legislative efforts to remove the direct relationship between political considerations and bureaucratic staffing initiatives that characterized government employment in the nineteenth century. After decades of reform, the general level of independence enjoyed by the federal bureaucracy has prompted some scholars to refer to it as the fourth branch of government (Meier & Bohte, 2006).

Presidents, however, have not given up all efforts to exert political control of the bureaucracy, and by using a well-documented pincer tactic of politicization (i.e., the strategic use of political appointees to control more neutral subordinates in a
bureaucratic agency) and centralization (i.e., the movement of key bureaucratic responsibilities out of the larger federal bureaucracy and into agencies that report directly to the Office of the President), recent Oval Office holders have managed to maintain some control over the doings of the federal bureaucracy (see Rudalevige, 2002). By strategically deploying trusted political allies and moving bureaucratic activity within the institution of the Executive Office of the President (EOP), presidents are able to wage a stronger battle for control of the eventual outcome of policy initiatives.

There are many examples of what has been dubbed the politics of bureaucratic structure (see Moe, 1989), from Richard Nixon’s creation of the Environmental Protection Agency and the Office of Management and Budget to battles between George W. Bush and the U.S. Senate over whether the government’s post-9/11 Homeland Security office should be cabinet level (and thus responsive by charter to the president and Congress) or simply an agency within the EOP. In these cases and every other, the motivating principle has been greater control over policy outcomes. These actions, considered thusly, become prima facie evidence supporting the notion that in order for policy actions to yield the desired consequences, right-minded individuals must be in place to manage the flow of bureaucratic energy. From the president’s perspective, right minded equates to those individuals of shared political and ideological allegiance. In other words, for a president to effect policy change, the right players must be involved in the implementation process. Because of civil service reforms, modern presidents have increasingly had to find this allegiance in the form of political appointees who provide the essential linkage between White House preferences and field office action.

The existence of presidential politicization efforts and the consequences of these efforts have been creatively and thoroughly documented, and all available scholarship shows that the practice is as pervasive as it is pragmatic (see Lewis, 2008, for the most highly regarded and most recent exhaustive review of this literature). Furthermore, by exploiting their powers to design and staff federal agencies (Howell & Lewis, 2002; Lewis, 2003; Moe, 1989; Moe & Wilson, 1994), presidents “have significant influence over whether the managers who implement policies are chosen by the president or filled by the merit system” (Lewis, 2005, 497; see also Moe, 1985). Several studies demonstrate that politicization has become a core governing strategy of the administrative presidency. Since at least the early 1970s (Hart, 1995), presidents have employed politicization as a way of decreasing preference divergence between themselves and executive agencies (Lewis, 2005; Maranto, 1993). In examining the phenomenon of presidential politicization, scholars have identified external factors that condition presidential efforts to politicize federal agencies, including preference divergence, divided government, presidential time in term, and public opinion (Howell & Lewis, 2002; Lewis, 2005; Villalobos & Vaughn, 2009). These studies, however, only manage to examine direct examples of presidents placing political appointees in key personnel slots; what scholars currently fail to address is the less transparent yet equally manipulative staffing technique of strategic vacancies.

Assuming a president wants to influence the activity of a particular agency—an assumption that, given our knowledge that presidents are rational goal-oriented political actors, is an inherently reasonable one—there are two ways that the chief
executive can do so. First, he/she can engage in *active politicization* efforts, which are
those characterized by the strategic placement of key political allies into personnel
positions of managerial importance, positions that allow these allies to shift agency
energies and outputs. The rationale for attaching the label “active” on this phe-
nomenon is commonsensical, considering the action is direct and associated with
yielding a discernible consequence. For example, if a president wants to see
increases in the number of civil rights cases brought to federal court, he/she can
appoint individuals to key bureaucratic positions within the Department of Justice
that share his/her preference.

The second side of politicization, *passive politicization*, is murkier and less trans-
parent, and is characterized by presidential staffing strategies designed rather to
slow, blunt, or negate bureaucratic involvement in key policy areas. For example, if
a president wanted to see fewer civil rights-related prosecutions or environmental
regulation violation investigations, he/she could appoint a like-minded individual
charged with the task of diminishing agency productivity. Such actions, however,
would likely cause considerable controversy, particular among key interest groups
and relevant committees in Congress. Instead, the president can choose to avoid
wasting the political capital necessary to make the appointment and bring on the
subsequent controversy, and instead do nothing, thus leaving key positions in the
bureaucracy vacant. This “starve the beast” model of personnel management has
the same ultimate effect—declines in bureaucratic output—but manages to do so
with greater opacity and, thus, far less risk of a public scandal. The central argu-
ment of this article is that George W. Bush’s administration engaged in passive
politicization, as well as active politicization, to a point that crippled the science and
technology components of the federal bureaucracy, and it did so for strategic
considerations. Barack Obama’s administration must first contend with restaffing
these agencies after the malign neglect of the Bush years and then usher in further
civil service reform that guarantees continuation of staffing procedures in the event
that future presidents with political incentives similar to George W. Bush’s do not
also wreak havoc on the functionality and performance capacities of similar
agencies.

**Strategic Vacancies and the Bush Administration’s War on Science**

Entering office with the help of an electoral coalition largely composed of religious
conservatives and pro-corporate interests, former President George W. Bush pos-
sessed very good reason to pursue policy initiatives that were consistent with the
faith and profit-based preferences of his supporters. During his eight years in office,
Bush was quite successful at doing just that, making significant inroads for the
policy agendas of both groups. In doing so, however, the former president and his
aides consistently found themselves on the antiscience divide of major cleavages
in American politics and policy. On issues concerning religious conservatives, the
former president pursued initiatives that raised barriers for birth control and
abortion access and funding while lowering barriers for the inclusion of creationism
(dubbed “intelligent design”) in public schools, finding himself opposed by objective
scientific organizations and previously influential government scientists at each
step. On issues concerning corporate America, the former president was largely in
favor of reduced regulations of all stripes, from his championing of the 2001 Data Quality Act, which slowed regulatory policy action and made it easier for organized interests to defeat proposed regulatory enhancements, to his sidelining of proposed anti-obesity policies on behalf of the sugar cartel, which was a campaign supporter, up to the point of waging a multinational effort to omit linkages between sugar and obesity from national and international policy reports.

The Bush administration’s efforts to thwart the scientific establishment’s efforts on issues that diverged from the preferences of its conservative religious and corporate backers were zealous and multifaceted, perhaps nowhere more so than in the efforts it made to control the individuals responsible for processing information and making decisions regarding policy implementation in the lower and middle levels of the federal bureaucracy. Although extreme cases such as the censoring of Dr. James Hansen (see Bowen, 2008), the deliberate misrepresentation and occasional suppression of scientific evidence not consistent with administration goals (see Clayton, 2007; Waxman, 2003), and the dismissal of allegedly intransigent members of the Council on Bioethics, whose concerns about global climate change and stem cell research, respectively, were in direct opposition to aforementioned elements of the Bush constituency, came to light, the route toward strategic personnel management was frequently far more commonplace, although just as effective.

Through the previously discussed practices of politicization and centralization, the Bush administration was largely successful in its efforts to enforce policy change as it wished in the areas of greatest concern to its religious and corporate backers. Numerous studies have been published documenting the extent of the Bush politicization effort (see especially Shulman, 2006; Union of Concerned Scientists [UCS], 2004), which largely took the form of hiring former industry and interest group lobbyists to manage the official national effort related to the areas about which they were previously paid to petition the government. Furthermore, a second course of action, which we have referred to as passive politicization, ensured that those aspects of the federal bureaucracy not under the thumb of like-minded presidential appointees would remain understaffed to the point of dysfunction (see Vaughn & Villalobos, 2009). As a result, whether by manipulation through appointees or by “starving the beast” of employees to do the regulating and research that would offend core Bush constituencies, the administration was largely able to stave off scientific efforts that were not consistent with its broader agenda.

Before discussing the outcome of this dual strategy, a brief refresher in the history of federal bureaucracy personnel policy is merited.

Executive Branch Growth and Civil Service Reform: A Brief Overview

Growth of the executive branch dates back as far as the Lincoln presidency. At that time, Lincoln governed with an executive branch made up solely of a Foreign Affairs, War, and Treasury Department. During the Civil War, Lincoln championed the Department of Agriculture, with the express purpose to keep the northern army well fed (see United States Department of Agriculture, 2009). However, it was not until Franklin Delano Roosevelt’s tenure in the wake of the Great Depression and World War II that the executive branch began to grow in tremendous fashion,
in both size and influence, largely as a response to a growing public demand for more government leadership and responsibility for societal conditions (see Light, 1995).

The growth of the executive branch structure led naturally to a growth in government staff, both in serving the president directly and in serving the various departments and agencies throughout the bureaucratic hierarchy. In its early stages of development, presidents largely relied on the spoils system for packing the bureaucracy with political loyalists as a form of patronage. At that time, political appointees held about 90 percent of the bureaucratic positions. However, the Civil Service Reform Act of 1883 (also known as the Pendleton Act) provided a foundation for expunging the spoils system and instead using a merit system for filling bureaucratic positions (see, for instance, Johnson & Libecap, 1994). Ever since, the expectation has been that the president appoint only key political appointees for his cabinet and the uppermost positions in the federal bureaucracy, and that civil servants should be hired through the merit system to fill the vast majority of bureaucratic posts.

Recent Presidential Transition Staffing Woes and the Need for New Reforms

Despite the intentions of the Civil Service Reform Act, politicization, privatization, and devolution have hurt the ability for executive branch civil servants to perform to their full potential (see Johnson & Libecap, 1994; Kettl et al., 1996; see also Light, 2008). In lieu of true civil service reform, the size and influence of political appointments have grown at an expansive, perhaps alarming, rate. As Light (1995, 7) notes, “the total number of senior executives and presidential appointees grew from 451 in 1960 to 2,393 in 1992, a 430 percent increase.” Today, the Obama administration is in the midst of filling about 500 appointments requiring Senate confirmation, and over 3,000 positions overall (see Benac, 2009). Currently, the number of political appointees has swollen to such an extent that it now takes longer than the first full year in office for the president to fill all the necessary positions. As Paul Light noted in a March 9, 2009, interview with Judy Woodruff aired on the Public Broadcasting System (PBS):

You’ve got a very sluggish process that has become much more burdensome over the last 50 years. John F. Kennedy was in office with a full sub-cabinet and cabinet within about two-and-a-half months of election. Barack Obama will be lucky to have his last appointee in by the first of the year. It’s just a terrible process. (PBS, 2009)

By March 31, 2009, “Obama had 38 top-level officials confirmed, compared with 27 for George W. Bush, 37 for Clinton, and 27 for George H.W. Bush” (Benac, 2009). Although slightly outpacing his predecessors, Obama will nevertheless, as Terry Sullivan notes, function with “mostly empty desks for the first year,” making it difficult to move forward his ambitions agenda (Benac, 2009). As Obama struggles to complete the appointment process and move his ambitious agenda forward, civil servants across the federal bureaucracy are left waiting for leadership and wondering whether their expertise and concerns can, and will, be addressed effectively by the time the empty slots are filled.
In observing these troublesome developments, there are a number of important problems that need to be addressed. The rising number of political appointees makes it increasingly difficult for incoming presidents to carry out their transitions into office and have the necessary posts filled for them to be able to govern effectively, which subsequently impairs executive branch performance. For one thing, the absence of staff creates a gap between the president’s upper-level cabinet appointees and the middle- and lower-level departmental and agency career civil service personnel. Without a strong subcabinet staff in place, the ability for the president to transfer information on his/her policy agenda down to the civil service and, in turn, have agency personnel respond by moving policy ideas back up to the president becomes severely limited. Such problems may be further exacerbated when presidents engage in other acts of politicization, including the strategic use of vacancies. Consequently, too much politicization and staffing woes can erode the quality of information, including that which relies on scientific information, as well as other sources of agency expertise covering diverse policy spheres.

To this end, we argue that presidents may be better served by cutting back on political appointments and instead relying more on career civil servant input for making key policy decisions. Such an approach, we posit, may also help in the long term to protect the integrity of the factual and scientific-based information presidents seek from the bureaucracy for carrying out their policy agenda. After all, so much depends on the integrity of the scientific information presidential administrations use to make key policy decisions, particularly concerning bureaucratic entities such as the OSTP.

Strategic Staffing: Politicization and Vacancies during the Bush Administration

Congress created the OSTP in 1976 with a “broad mandate to advise the President and others within the Executive Office of the President on the effects of science and technology on domestic and international affairs” (OSTP, 2009). At the core of the OSTP’s mission is the need for insuring that policy decisions made by the president rely on sound scientific and technological information. Such information pertains to a plethora of policy arenas, including budgets, federal investments, the economy, the environment, and national security, at the national as well as at the state and local level. However, as previously noted, a major impediment to maintaining the integrity of sound scientific information has been the efforts of the George W. Bush administration to wage a so-called “war on science” and use strategic vacancies as an additional means for politicizing civil service staff.

In 2004, the UCS issued a comprehensive report addressing the Bush administration’s so-called “war on science” and a number of additional actions by the Bush administration that it charged to have violated the integrity of scientific-based information. Namely, the UCS charged the Bush administration with taking part in (1) appointing underqualified individuals to important advisory posts, (2) using political litmus tests in questionnaires for seeking nominees, (3) appointing nonscientists to senior positions normally reserved for highly qualified scientific experts, and (4) censoring and distorting scientific reports that contradicted administration policy goals (see UCS, 2004). In addition, the Bush administration actively sought
another method for politicizing the executive branch that has received far less attention—the use of strategic vacancies.

A congressional inquiry into George W. Bush’s engagement in personnel politics found that the Department of Homeland Security was left notably underpopulated and politicized, with nearly a quarter of its top posts still vacant well into the seventh year of the former president’s term in office (see Vaughn & Villalobos, 2009). In one example specifically pertaining to the OSTP, it was observed that the Office of the Under Secretary for Science and Technology still had about 9 percent of its executive resources vacant as of May 2007 (Vaughn & Villalobos, 2009, 795). However, other bureaucratic components fared far worse, with the Bush administration leaving nearly a third to half of its executive resources empty, including the Federal Emergency Management Agency (31 percent), the Office of the Assistant Secretary for Intelligence, the Office of the General Counsel (47 percent), and the Office of the Assistant Secretary for Policy (48 percent), respectively (795).

Toward the end of his term in office, former President Bush continued to leave many slots unfilled and otherwise relied on temporary “interim head” appointments as a way to fill key vacancies while “simultaneously circumventing the Senate confirmation process, which became more difficult to navigate following the Democratic Party’s takeover of Congress in the 2006 elections” (Vaughn & Villalobos, 2009, 796). Lastly, the Bush administration also turned to the practice of “burrowing” by allowing political appointee positions to convert to civil servant positions, including in the aftermath of Barack Obama’s 2008 election victory until the final changing of the guards thereafter (see Eilperin & Leonnig, 2008). Congressional reports over such actions noted that, along with the general over politicization at the top levels of departmental management, an overreliance on outside contractors had taken place to help make up for the vacancies in executive resources, both of which purportedly contributed to a significant drop in morale among civil service personnel across agencies (see Hsu, 2007).

Keeping in mind these examples on the use of strategic vacancies, as well as the other politicization tactics employed by the Bush administration in the so-called “war on science” and elsewhere, we revisit and delve deeper into Obama’s current struggle to staff and organize his administration. Therein, we incorporate the views of key observers of the transition process and experts on presidential bureaucratic management to help lay out the framework for what general changes need to be made for improving administrative staffing practices and protecting the integrity of factual and scientific-based bureaucratic input for the long term.

**Filling Vacancies and Protecting the Advisory Structure in the Executive Branch: Obama’s Struggle with a Double-edged Sword**

Since taking office, President Obama, as noted above, has experienced significant difficulties in having the full cadre of executive branch posts for his administration filled. Keeping his campaign pledge to change the way government works, Obama issued executive orders that instilled tougher ethical standards for filling administration slots, namely, by turning away any individuals with lobbyist ties (Eggen & Smith, 2009; see also White House, 2009). He continually expressed his determination to provide unprecedented transparency, conduct a rigorous oversight
process, and maintain clear accountability in forming his cabinet and filling out his staff. Under the scrutiny of the media spotlight, Obama’s actions not only received early praise for such efforts from pundits and watchdog groups (see, for instance, Reuters, 2009), but also raised questions concerning the additional hurdles such changes could create for filling government slots in a timely manner (see PBS, 2009; Williams & Montagne, 2009).

By raising public expectations and limiting his own ability to politicize the process, President Obama soon felt the limitations of his intentions. Many of his top picks for major administration positions quickly faced heightened levels of scrutiny over their records, leading to numerous delays in the nomination process and some subsequent nominee withdrawals (see Hall, Schouten, & Fritze, 2009). Tom Daschle’s nomination for health secretary failed because of problems with his tax records. Just hours earlier, Nancy Killefer, Obama’s pick to be the nation’s first chief performance officer in charge of overhauling the federal budget, also withdrew because of unspecified tax issues. Later, New Mexico Governor Bill Richardson withdrew his nomination for commerce secretary in the midst of a controversy involving a federal investigation over his inappropriate ties to a company dealing with his state. Meanwhile, Obama’s pick for treasury secretary, Tim Geithner, barely survived the nomination process amid his own tax problems and a controversy regarding the immigration status of his former housekeeper. Thereafter, much of the media’s focus has fallen on Geithner’s inability to meet expectations in announcing major plans for Obama’s economic agenda (see, for instance, Labaton, 2009), and some have faulted Geithner’s lack of surrounding staff as a key factor for his lack of preparedness (Calabresi, 2009).

In light of these circumstances, it is evident that President Obama has been hindered by a paradox of presidential expectations. Specifically, the president has been under constant pressure to fill the vacancies as quickly as possible and use them effectively to move forward his agenda, but simultaneously expected to go to great lengths to surround himself with the best qualified and most ethically suitable personnel for his administration. If the president speeds up the process, then he risks more nomination failures or the appointment of personnel perhaps unfit for their positions. However, each delay in the nomination process intended to ensure a proper vetting of personnel inevitably leads to criticism over administration vacancies and policy-making problems associated with gaps in the federal hierarchy. By instituting reforms to limit the influence of lobbyists and set higher ethical standards, Obama has seemingly fallen in the latter trap.

Jeff Zeleny of the New York Times recently put Obama’s difficulties and the compromises he is having to make in perspective:

The central theme of the Obama campaign was to change the way Washington works. Candidate Obama talked a lot about these tough rules on ethics and tough rules on lobbyists. “We will not hire lobbyists.” Well, when you want to fill this administration—I talked to an administration official this afternoon who said, look, we have an economic crisis on our hands and two wars. You don’t want people who haven’t worked in government before. Democrats have been in power for eight years, so of course some of them have worked in the lobby. So now some real jigsaw-puzzle action is going on here. Someone who once worked in the Defense Department, perhaps, or has been a lobbyist now may be looked at for an education job. The rules say you cannot work in the area.
where you lobbied, so the point of these rules seemed good, appealing to Democrats, appealing to voters on the campaign trail, but now they’re having real [negative] effects. (PBS, 2009)

With each of Obama’s major nominations facing new, increased levels of scrutiny over their records, the process is slowed even further. Adds Zeleny,

So, really, what’s happening here—I think one administration official I talked to today explained it best. It’s like when you show up to an airport, a security line, all these applicants are standing in line. And if one person doesn’t take off their shoes, the line grows and grows and grows. (PBS, 2009)

In the same interview, Paul Light notes subsequently,

That’s the real problem here, that you have this de facto sub-cabinet that operates out of the secretary’s office, but you don’t have your true sub-cabinet in place because it’s stuck on Capitol Hill or it’s still being audited. So you don’t have a middle vertebrae, the neck, if you will, of government. You just don’t have those vertebrae in place to transfer information on down and to move policy ideas on up. (PBS, 2009; see also Benac, 2009)

Such problems associated with a slowed confirmation process for major administration posts subsequently contribute to compounded problems with filling and being able to exercise the subcabinet positions. Concerning the Obama administration, Timothy Geithner’s lack of a subcabinet has had major negative ramifications for the Treasury Department’s ability to perform. As Paul Light notes, “he [Obama] doesn’t have the Senate confirmed appointees in place, and they are the coin of the realm. They’re the ones who can make decisions, execute policy. And the career civil servants who are absolutely terrific just really don’t feel that they have the authority to execute” (PBS, 2009). Similarly, Benac (2009) notes that even with the president’s cabinet in place, the absence of subcabinet staff can be stifling as they are “the people Obama needs to carry out all sorts of promised initiatives and policy shifts, and to assure that the nation stays safe along the way.” Benac (2009) also cites Darrell West of the Brookings Institution, who concludes that Obama’s lobbyist and ethical reforms, although well intended, essentially set “Mother Teresa standards in a city with very few saints . . . holding his people to such a high standard it is wounding his administration.”

The above insights present an intriguing question for scholars: how might the president streamline the appointment process in a way that maximizes the president’s ability to fill government vacancies in the most effective and timely manner possible, and in a way that helps ensure the integrity of the information-gathering process that relies on fact-based scientific evidence?

The answer, we argue, lies in three important reforms that the current Obama administration should employ in concert with Congress and with an eye toward future presidential transitions. First, the number of political appointees needs to be reduced. Second and subsequently, a new and permanent institutional mechanism should be put in place (through presidential executive order and appropriate legislation) to delegate more responsibility and authority to career civil servants, who have both greater experience and a more neutral competent perspective in meeting the information needs of presidential administrations by providing sound, fact-based scientific advice. Third, additional steps and institutional mechanisms
must be put in place to protect scientific information from other acts of politicization, particularly concerning the censorship and distortion of scientific information by upper-level political appointees, as well as the use of strategic vacancies as an alternate means of politicization of the executive branch.

Although presidential observers in the mainstream media have raised notable concern over the need for protecting scientific information, more attention should be given to the staffing problems associated with political appointments and how they can adversely affect the president’s ability to manage the executive branch information required for making the most informed decisions on developing and executing a policy agenda. More importantly, on the subject of how such problems might be avoided in the future, most political pundits have questioned President Obama’s reform efforts by implying that such reforms might best be abandoned. Rather than revert to the status quo, we herein propose significant reforms intended to benefit the public good for the long term.

Proposing Institutional Mechanisms and Other Reforms for Executive Branch Staffing and Protection of Scientific Information

To help deal with the problems and controversies surrounding staffing delays and politicization of executive branch staff, as well as claims of censorship and distortion of factual and scientific information, several steps should be taken by the president and Congress to ensure that future administrations can function more efficiently and effectively. Concerning the continually growing number of political appointees and the exceptionally sluggish nomination process that has resulted for incoming administrations therein, we propose institutional mechanisms be instituted—through presidential executive orders and appropriate legislation—to do the following:

1) impose a significant and permanent reduction—the extent of which Congress shall decide—in the number of presidential appointments, particularly those at the subcabinet level.

As noted above, the increase in the number of political appointments over the last 50 years or so has made the presidential transition of power into office a very sluggish and burdensome process. Partisan bickering over the growing number of political appointee nominations has created a highly negative and politically charged atmosphere that not only hurts each new administration’s ability to govern, but also creates a gap between the president’s cabinet and the executive branch civil service resources. Such problems effectively undermine the ability of presidents to make use of the federal bureaucracy’s vast resources of information, thus depriving them of the policy expertise and neutral competence that agency civil servants have to offer.5

In order to carry out such a reduction in appointments, it is incumbent upon President Obama to issue an executive order to both institute and make permanent such reductions. As Obama is in the midst of getting his staff organized, the problems he has faced and his openness to reform make him a viable candidate for seeking permanent changes to future staffing of the executive branch. By taking the first step of reducing the number of political appointees, the problems associated
with long delays in the appointment process—and presidential transition phases
more broadly—can be assuaged and provide an opening for the civil service to step
in and fill the need for policy leadership and information expertise. Thus, as Paul
Light suggested previously, “Cut the number of political appointees. Cut them in
half. Get Congress to decide which ones are important. Get the Senate involved and
cut the number of appointees. They’ll move faster. They’ll be better. And we’ll get
more career people involved in the day-to-day operations of government” (PBS,
2009).

In order to get more involvement out of career civil servants, particularly if the
number of political appointees is to be cut, additional permanent institutional
changes, or mechanisms, need to be put in place so that career agency input can
adequately advise and serve the president with clear levels of authority and respon-
sibility. Accordingly, we propose that

(2) an institutional mechanism be instituted to delegate more responsibility and
authority over policy information and decision making to career civil ser-
vants, who have both greater experience and a more neutral competent
perspective in meeting the information needs of presidential administrations
by providing sound, fact-based scientific advice.

Indeed, to fill the void left by a reduction in political appointees at the subcabinet
level and elsewhere, President Obama should subsequently delegate more respon-
sibility and authority over policy information and decision making to career civil
servants, again using the power of executive order. His executive order can refer to
the vacancies remaining at the subcabinet level and declare those positions should
be delegated to high-level civil service personnel across the departments and agen-
cies of the executive branch. Decisions over the precise manner of delegating such
positions should be made through congressional review. Congress should thereafter
conduct extensive oversight hearings to see that such changes are made in accord-
dance with the spirit of reform intended, and oversight committees should also
institute plans for further reductions in the number of political appointees for the
long term.

In delegating more responsibility to civil servants at the subcabinet level, Presi-
dent Obama and his successors stand to benefit from a greater degree of bureau-
cratic expertise in the information they choose, information that is more objective
than the advice of political appointees and which legislators—particularly partisan
opponents of the president—are therefore less likely to oppose. Such a change is
also beneficial for encouraging policy solutions that serve the public good in the
long term. Unlike political appointees who tend to serve the president for only a
couple of years, agency actors base much of their preferences on bureaucratic
expertise grounded in years of policy learning and institutional memory, which
provides them with an authoritative knowledge of government procedures and
folkways (see Weko, 1995; Wolf, 1999). Thus, presidents are keen to rely more
heavily on agency actors at the subcabinet level by virtue of their career involvement
and high level of expertise across diverse policy spheres.

Placing the best qualified and most ethically suitable personnel in key subcabinet
positions is vital to improving executive policy performance, but it is not in itself
sufficient to protect the integrity and ensure the adoption of scientific information in
the executive branch. Additional protections are required to guard against, among other things, the censorship and distortion of scientific information, as well as the use of strategic vacancies and other forms of politicization for co-opting executive branch resources. Because so much depends on the integrity of the scientific information presidential administrations use to make key policy decisions, it is vital that additional steps be taken to protect the integrity of scientific information used by presidents to carry out their policy agendas. Accordingly, we propose that

(3) additional steps and institutional mechanisms be put in place to protect scientific information from politicization, particularly concerning the censorship and distortion of scientific information by upper-level political appointees, as well as the use of strategic vacancies as an alternate means of politicization of the executive branch.

It is vital that the process of information gathering includes a means of protecting scientific report findings from being censored or distorted, which may occur when advisory panels are created and which may underrepresent, if not entirely exclude, the input and views of scientific experts. Just as importantly, agency personnel who fall prey to actions that undermine the integrity of scientific information must be able to communicate effectively their concerns to Congress in the form of public oversight hearings.

In the wake of the criticisms leveled at George W. Bush’s administration for allegedly setting out on a political movement at odds with the scientific community, Barack Obama has attempted to address some of the concerns leveled by the UCS and other related watchdog groups. In a progress report’ addressing Obama’s first 100 days in office, the UCS (2009a) cites evidence of progress being made by the new president in keeping promises to “stop political interference in science” and also some areas of weakness and issues remaining to be addressed, as well as “congressional action that has helped or hindered executive branch reform.” For instance, the report cites Obama’s rescinding of George W. Bush’s Executive Order 13422 on February 3, 2009, which “made science-based regulation more difficult and made science more susceptible to political interference” (UCS, 2009a). The report also cites Obama’s efforts (along with Interior Secretary Ken Salazar and Commerce Secretary Gary Locke) to strengthen “the scientific foundation of the Endangered Species Act, which was significantly weakened in the last days of the Bush administration” (UCS, 2009a). However, the report also criticizes President Obama for issuing a signing statement sending “mixed signals about his support for whistleblower protections for federal employees who report the misuse of science,” particularly because the statement asserted that “the president retains the authority to direct his agency heads to prevent the communication of certain confidential information to Congress” (UCS, 2009a).

In a separate report, the UCS (2009b) notes some additional issues of vital interest that the Obama administration has yet to address. Among other things, the UCS proposes that President Obama issue an executive order on regulatory review to “explicitly prevent the White House Office of Management and Budget from reviewing, selecting or critiquing the scientific information prepared by agencies in support of a regulation” (UCS, 2009b). Instead, the UCS suggests that reviews and editing of technical information “should be done by qualified scientists—either
agency experts or federal advisory committee members—through a transparent formal peer-review process” (UCS, 2009b). The report also suggests that the Obama administration should “work with Congress to reform and strengthen the federal scientific advisory committee system” by banning political litmus tests for membership on scientific committees and prohibiting individuals with financial conflicts of interest from gaining membership or influence over such committees (UCS, 2009b). As a final example, the UCS (2009b) stresses the need for the Obama administration to “radically improve its use of technology to share information with the public” through a more “searchable, shareable, and usable” system. Such a system, the UCS (2009b) argues, should incorporate important data from federal monitoring programs, such as “air pollution monitoring networks, satellite observations of Earth systems, and the collection of workplace injury statistics.”

Apart from the UCS reports on President Obama’s progress in protecting scientific integrity, we set forth an additional proposal—that Obama thoroughly address the problem of strategic vacancies. In particular, Obama should instill institutional mechanisms that ensure that essential administrative entities are not “undermined by the personnel politics that prioritize the political agenda of future presidents over the competent performance of key agencies” (Vaughn & Villalobos, 2009, 798). Half of the battle for solving this problem lies in our first two proposals for reducing the political appointments and relying more on career civil servant input for making key policy decisions. From a practical standpoint, replacing political appointees with more civil service personnel at the subcabinet level virtually assures that strategic vacancies will be avoided at such level. Moreover, by having more input and responsibility given to civil service personnel at higher levels of the bureaucracy, their influence would help ensure that vacancies at the lower levels of the bureaucracy be filled in a timely manner. In addition, we propose that the president (along with Congress) instill a commission (similar to an independent regulatory commission) to protect against the censorship and distortion of scientific information. Such a commission should be independent of direct presidential authority (although the president would reserve the right to appoint certain commission members who would then function without presidential oversight) and have as its main function the responsibility for ensuring that executive branch resources do not suffer from significant levels of vacancies. Whenever vacancies do occur, such a commission would help make sure that those slots be filled in a timely manner with highly qualified and ethically suitable personnel.

**Conclusion**

The United States of America finds itself in its most challenging position in generations, facing enormous pressure on multiple points from the economy to ongoing wars to deteriorating educational and social standards and an increasingly present global climate change dilemma. In the face of these challenges, the government needs not only access to all possible tools, but also for those tools to be wielded by the nation’s best and brightest. Under the previous administration, the role science was allowed to play in social progress and change was short-circuited for crass political motivations and short-term profit considerations, potentially at the expense of national security, health, and wealth.
Still in his first year in office, President Barack Obama has endeavored to reverse the damage done by his predecessor, and although his administration’s efforts are laudable, they are also imperfect and incomplete. Significant reform of the policy implementation and bureaucratic staffing processes must be undertaken. By following the steps outlined in this essay, the Obama administration can reverse the antiscience executive branch tide it came in against and position the government for successful defense against future efforts to manipulate and censor the neutral voices of scientific inquiry in our most important policy areas and with respect to our most vulnerable national problems.

Notes

1 http://www.whitehouse.gov/the_press_office/Memorandum-for-the-Heads-of-Executive-Departments-and-Agencies-3-9-09/

2 In the interest of fairness, it should be noted that at least one leading mainstream journalist has voiced concern that the science and politics regime under President Obama and Professor Holdren, along with Secretary of Energy Steven Chu, has also been characterized by certain ethical improprieties (see Tierney, 2009). Unlike in the case of former President George W. Bush, however, the scientific establishment does not seem to share this belief. Instead, a pair of recent reports released by the UCS indicate a generally supportive and optimistic perspective on President Obama’s actions concerning scientific integrity thus far, although it tempered some criticisms of political gamesmanship and the realization that considerably more work remains to be done (see UCS, 2009a, 2009b).


5 Friedrich (1940) defines bureaucratic expertise as advice that consists largely of technical knowledge regarding a certain public policy sphere (see also Gruber, 1987; Lipsky, 1980; Long, 1952; Meier & O’Toole, 2006). Neutral competence may be defined as a relatively objective perspective of the policy-making process that focuses on attaining effective policy prescriptions by placing institutional goals ahead of political ones (see Heclo, 1975, 1999; Rourke, 1992).

6 According to Rudalevige (2002, 150), “members of Congress know less about an item being crafted in the White House than they do about a departmental production, and have less reason to believe that the information they do receive from EOP sources is reliable.”

7 This report was noted as being updated as of April 29, 2009, at the time we accessed it from the UCS website (see http://www.ucsusa.org).

About the Authors

Justin S. Vaughn is an assistant professor of political science at Cleveland State University. His research on the presidency primarily focuses on presidential interaction with the American public and the organizational presidency.

José D. Villalobos is an assistant professor of political science at the University of Texas at El Paso. His research interests include presidential-bureaucratic policy making, presidential management, and public opinion and policy decision making.

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