Obama’s Empty Cupboard: Contending with Administrative Vacancies and the Threat to Neutral Competence

Justin S. Vaughn, Cleveland State University
José D. Villalobos, University of Texas at El Paso
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Justin S. Vaughn
Department of Political Science, Cleveland State University, Cleveland, Ohio, USA

José D. Villalobos
Department of Political Science, University of Texas at El Paso, El Paso, Texas, USA

Abstract: In this essay, we focus on the public administration challenge concerning the rising number of politically motivated administrative vacancies resulting from George W. Bush’s tenure in office with which President Barack Obama must now contend. We argue that the hyper-politicization of personnel decision-making during the presidency of George W. Bush left many parts of the federal bureaucracy understaffed, yet more densely populated by staffers chosen more for ideological and political congruence than administrative competence. For President Obama to achieve key aspects of his policy agenda, he must first attend to fixing these staffing problems and then to reforming the personnel process to prevent similar problems from plaguing future presidential administrations.

Keywords: politicization, executive, presidency, vacancies, neutral competence

INTRODUCTION

When Barack Obama took the oath of office on January 20, 2009, he inherited an almost limitless number of challenges to face and problems to solve, from rising unemployment and mortgage foreclosures to turbulent scenarios on Wall Street and in Afghanistan. The situation inside the Beltway was hardly more positive, with numerous lingering controversial Bush-era inter-governmental practices to either rebuke and reform or justify and extend. Issues ranging from secrecy to signing statements to warrantless wiretapping and the legal status of enemy combatants demanded the new president’s attention as he

Address correspondence to Justin S. Vaughn, Department of Political Science, Cleveland State University, Rhodes Tower 1756, 2121 Euclid Avenue, Cleveland, OH 44115, USA; E-mail: j.s.vaughn@csuohio.edu
began his relationships from the White House with other key branches of government.

Within the Executive Branch itself, President Obama has faced no shortage of administrative challenges. Not only has the new president had to assign managerial responsibility for the new programs he proposed during his campaign, he also has had to cope with the structural and political deficiencies of the bureaucratic regime he inherited. In this essay, we focus on one specific public administration challenge that President Obama must contend with: the plague of administrative vacancies in essential bureaucratic agencies throughout the federal government.

We argue that the hyper-politicization of personnel decision-making during the presidency of George W. Bush left many parts of the federal bureaucracy understaffed, yet also increasingly populated by staffers chosen more for ideological and political congruence than administrative competence. As public administration scholars have long argued, an organization with insufficient personnel and a diminishing reliance on the philosophy of neutral competence is ill-equipped to perform at optimum levels (see, for instance, Heclo, 1975; Moe, 1985; Moe, 1990; but see Pfiffner, 1991). Specifically, we document the staffing plight of a particularly important bureaucratic entity, the Department of Homeland Security (DHS), and show how Bush-era personnel politics created a situation that left the DHS simultaneously under-populated and politicized. We conclude with a call for President Obama to reverse the course of politicization and vacancies in bureaucratic organizations like the DHS and to create a process that guarantees managerial consistency and constancy across future administrations and transitions.

POLITICIZATION AND VACANCIES IN THE GEORGE W. BUSH ADMINISTRATION

In the aftermath of the 9/11 terrorist attacks, the Bush administration moved to make sweeping changes to the nation’s defense capabilities. To do so, the administration focused most of its efforts on expanding the tools and powers available to law enforcement for counter-terrorism through passage of legislative bills such as the Patriot Act, as well as a number of executive orders. With respect to the federal reorganization of the bureaucracy, however, President Bush initially opposed the idea of unifying 22 federal bureaucratic entities and their communication networks under a single umbrella. Instead, it took legislative leadership to bring the Department of Homeland Security to life, with Senators Joseph Lieberman and John McCain co-sponsoring a proposal to create the department and campaigning vigorously for the president’s support in its creation. Eventually, President Bush embraced the new department along with the introduction of a new cabinet position to help coordinate and report upon its activities.
Beneath the Surface: Congressional National Security Oversight Findings

From the time of its operational start under the leadership its first secretary, former Pennsylvania Governor Tom Ridge, in the spring of 2003, the Department of Homeland Security has since developed into a steadfast institutional construct within the executive branch. Media coverage and congressional oversight of the department have helped to keep the public attuned to its development and progress, which has generally been viewed in a positive light. Some congressional oversight reports, however, have pointed out weaknesses concerning the department’s ability to keep up with the demands of national security.

One particular report, “Critical Leadership Vacancies Impede United States Department of Homeland Security”,¹ prepared by the House Committee on Homeland Security, was released in July 2007 and received prominent media attention for its troublesome findings.² The report examined the problem of vacancies within the DHS and how such vacancies weakened the nation’s current and future defense capabilities. The report’s main findings indicated that as of the summer of 2007, the Bush administration had failed to fill nearly a quarter of top Homeland Security leadership posts (a total of 138 vacancies out of 575 positions), many occurring within the policy, legal, and intelligence sections of the department, including a significant number of vacancies in immigration, the Federal Emergency Management agency (FEMA), and the Coast Guard (see Figure 1, Table 1). As presidential administration expert Paul Light noted at the time, the vacancy rate observed in the Bush presidency was unprecedented in its scope and stood to impede greatly the next administration (Shenon, 2007).

According to Homeland Security Committee Chairman, Rep. Bennie G. Thompson, “the over politicization of the top rank of Departmental management” contributed significantly to lower morale among agency personnel and over-reliance on contractors in the Department of Homeland Security (Hsu, 2007). Compounding the problem, many DHS officials at the management level began to seek more lucrative opportunities in the private sector, with many departmental staff worried that the Bush presidency was to be followed

![Pie chart showing the status of vacant DHS executive resources](image)

**Figure 1.** Status of vacant DHS executive resources (total vacant executive resources = 138).
Table 1. Department of Homeland Security Executive Resources

<table>
<thead>
<tr>
<th>Agency of component</th>
<th>Abbreviation</th>
<th>Total executive resources</th>
<th>Filled executive resources</th>
<th>Total vacant executive resources</th>
<th>% Vacant executive resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Assistant Secretary for Policy</td>
<td>POLICY</td>
<td>23</td>
<td>12</td>
<td>11</td>
<td>48%</td>
</tr>
<tr>
<td>Office of the General Counsel</td>
<td>OGC</td>
<td>19</td>
<td>10</td>
<td>9</td>
<td>47%</td>
</tr>
<tr>
<td>Office of the Assistant Secretary for Intelligence</td>
<td>IA</td>
<td>22</td>
<td>14</td>
<td>8</td>
<td>36%</td>
</tr>
<tr>
<td>Citizenship and Immigration Services</td>
<td>CIS</td>
<td>47</td>
<td>31</td>
<td>16</td>
<td>34%</td>
</tr>
<tr>
<td>Federal Emergency Management Agency</td>
<td>FEMA</td>
<td>77</td>
<td>53</td>
<td>24</td>
<td>31%</td>
</tr>
<tr>
<td>Office of the Inspector General</td>
<td>IG</td>
<td>13</td>
<td>9</td>
<td>4</td>
<td>31%</td>
</tr>
<tr>
<td>U.S. Immigration and Customs Enforcement</td>
<td>ICE</td>
<td>62</td>
<td>43</td>
<td>19</td>
<td>31%</td>
</tr>
<tr>
<td>U.S. Coast Guard</td>
<td>USCG</td>
<td>14</td>
<td>10</td>
<td>4</td>
<td>29%</td>
</tr>
<tr>
<td>Director, Nuclear Detection Office</td>
<td>DNDO</td>
<td>9</td>
<td>7</td>
<td>2</td>
<td>22%</td>
</tr>
<tr>
<td>Office of Operations Coordination</td>
<td>OPS</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>Customs and Border Protection</td>
<td>CBP</td>
<td>100</td>
<td>81</td>
<td>19</td>
<td>19%</td>
</tr>
<tr>
<td>Office of the Under Secretary for National Protection &amp; Programs</td>
<td>PROTECTION</td>
<td>23</td>
<td>19</td>
<td>4</td>
<td>17%</td>
</tr>
<tr>
<td>Under Secretary for Management</td>
<td>MGMT</td>
<td>41</td>
<td>34</td>
<td>7</td>
<td>17%</td>
</tr>
<tr>
<td>Office of Health Affairs/Chief Medical Officer</td>
<td>OHA/CMO</td>
<td>7</td>
<td>6</td>
<td>1</td>
<td>14%</td>
</tr>
<tr>
<td>Federal Law Enforcement Training Center</td>
<td>FLETC</td>
<td>9</td>
<td>8</td>
<td>1</td>
<td>11%</td>
</tr>
<tr>
<td>Office of the Secretary, Deputy Secretary, and Immediate Offices</td>
<td>OS</td>
<td>20</td>
<td>18</td>
<td>2</td>
<td>10%</td>
</tr>
<tr>
<td>Office of the Under Secretary for Science and Technology</td>
<td>ST</td>
<td>34</td>
<td>31</td>
<td>3</td>
<td>9%</td>
</tr>
<tr>
<td>U.S. Secret Service</td>
<td>USSS</td>
<td>47</td>
<td>44</td>
<td>3</td>
<td>6%</td>
</tr>
<tr>
<td>Gulf Coast Reconstruction</td>
<td>GCR</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>575</td>
<td>437</td>
<td>138</td>
<td>24%</td>
</tr>
</tbody>
</table>

Vacancies as of 05 01, 2007 (Note: Agencies or Components above the Department Average of 24% are in bold italics.)

by a new administration demanding a “wholesale turnover of political appointments” (Shenon, 2007).

Given the unprecedented number vacancies in the DHS at that time, the Bush administration did fill some of its upper level vacancies, but turned mostly to temporary “interim head” appointments. Among key DHS positions filled by acting administrators towards the end of Bush’s term were acting general counsel, acting under secretary for national protection, and acting assistant secretary for strategic plans (United Press International, 2007). The growth in interim head appointments provided the Bush Administration a way to fill 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. This practice led to personnel holding important positions “for up to 210 days with the full legal authority they would otherwise have with Senate confirmation,” but lacking “the clout to make decisions that come with a permanent appointment endorsed by the Senate,” and thus damaging the legitimacy of the post and the policy decisions made therein (Shenon, 2007).

George W. Bush’s Persistent Hyper-Politicization: Fallout and Implications

Despite the calls for alarm from congressional committees and journalistic observers, the Bush administration continued to increase the number of political appointee positions, allow civil servant slots to remain vacant, and employ an interim heads strategy of undermining the legislative branch’s nomination confirmation authority while supporting the practice of “burrowing” by allowing political appointee positions to convert to civil servant positions after Barack Obama’s electoral victory over John McCain (Eilperin & Leonnig, 2008).

In addition to having deleterious effects on DHS staff morale, Bush’s hyper-politicization efforts have also significantly hindered the government’s ability to manage continuing homeland security threats. In the wake of a reorganization effort in 2005 led by then-Secretary Michael Chertoff, the nation witnessed firsthand the government’s inability to respond effectively to a national emergency that August when Hurricane Katrina hit Louisiana and Mississippi, leaving much of the city of New Orleans destroyed in its wake. This again was a problem exacerbated by an over-politicization of management personnel, one that continued to persist long after the ousting of former FEMA director Michael D. Brown.

In a December 2006 letter to Secretary Chertoff, Senator Joseph Lieberman, a ranking member of the Homeland Security and Governmental Affairs Committee, joined with key congressional colleagues in reporting their concerns regarding ongoing, insufficient progress being made to overhaul FEMA.³ In
particular, the letter cites DHS failures made evident by the fact that none of the transfer, reprogramming, or budget requests required by the Post Katrina Emergency Management Reform Act were implemented or even beginning to be implemented in a timely manner, failures due at least in part to the growing dearth of staffers available to manage the reform process.

In February 2008, testimony to the Subcommittee on Homeland Security in the House of Representatives by Comptroller General David M. Walker pointed out several grave and continuing management problems tied directly to personnel deficiencies, including challenges related to providing contractor oversight, improving financial and information technology management and controls, implementing a performance-based human capital management system, facilitating trade, securing the border and enforcing immigration laws, improving transportation security, and improving the overall responsiveness of the department to national emergencies. Should another national disaster occur, whether terrorist or natural in cause, the weaknesses made evident in the wake of Hurricane Katrina would very likely be compounded by the additional burden of the unprecedented number of subsequent unfilled vacancies and burrowed-in former political appointees.

OBAMA’S OPTIONS: REVERSING PAST POLITICIZATION AND PREPARING FUTURE INSTITUTIONS

Barack Obama’s campaign pledge to take the nation in a different direction suggests that major changes will come in due time to address George W. Bush’s previous efforts to hyper-politicize the executive branch and increase agency control by starving bureaucracies of necessary personnel. As Obama fills the vacancies left by the Bush Administration in the DHS, there are a number of problems that such personnel may encounter. Presumably, incoming personnel will have little guidance for assuming their positions given the lack of outgoing staff available for consultation and the presence of recently converted Bush political appointees holding traditionally expertise-laden civil service positions. Concerning the interim appointees placed at the tail end of Bush’s term, their own lack of experience and policy knowledge will make it difficult for Obama’s incoming staff members to adopt the wisdom of policy expertise normally reserved from years of policy learning.

A Formidable Challenge: Filling the Vacancy Void

The absence of objective experts for the Obama Administration to rely upon in the DHS will require the new president and his advisors to manage creatively. In doing so, President Obama’s tasks are essentially two-fold: reverse the course of the hyper-politicization that has resulted in diminished competence and staff
morale, both essential to strong agency performance, and prepare in advance an institutional mechanism to ensure that essential administrative entities such as the DHS are not undermined by personnel politics that prioritize the political agenda of future presidents over the competent performance of key agencies.

As of late February 2009, a significant number of DHS positions were still being held by Bush administration appointees, including that of “acting” deputy secretary Rand Beers, the assistant secretaries in charge of the Office of Policy Development and state and local law enforcement, and Undersecretary for Management Elaine Duke (see Wilson & Swanson, 2009). Given the plethora of challenges facing President Obama concerning the economy and other aspects of the national agenda, a full staffing overhaul of the DHS will likely occur in phases over the course of Obama’s term.

In trying to fill the vast number vacancies in the DHS and reverse Bush’s efforts to politicize civil servant slots, Obama should go one step further to make politicized interim head appointments and burrowing policies illegal for national security agencies. Making such permanent institutional changes would not only help improve managerial consistency and constancy for his and future administrations, it would also help insur the government’s long-term capacity to protect its citizens from the threat of foreign enemies and domestic dangers.

CONCLUSION

Clearly, the efforts required to reverse the damage done to government performance by the politics of strategic vacancies and agency politicization will be immense, and perhaps impossible to achieve. After all, political necessity and ideological preferences nearly always provide the motivation to politicize the bureaucracy, and no amount of institutional reform is likely to erase such timeless imperatives. Still, for generations, scholars and practitioners have realized the need for neutral competence in bureaucratic affairs; the task that remains for President Obama is to continue that practice by taking reform steps that ensure insulation for key agencies necessary to the safety and security of the nation for his and future administrations.

NOTES

2. See, for instance, Hsu (2007) and Gaudin (2007). The report was also covered by Anderson Cooper’s AC360 show on CNN, which aired on July 9, 2007 (see http://www.cnn.com/CNN/Programs/anderson.cooper.360/blog/2007/07/hot-links-stories-were-watching-today.html [Accessed January 27,
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2009]). Other news outlets and organizations, such as U.S. News and World Report and the watchdog group, Citizens for Responsibility and Ethics, provided links to the full report as well as to Hsu’s (2007) Washington Post article (see http://www.usnews.com/usnews/politics/bulletin/bulletin_070709.htm and http://www.citizensforethics.org/node/29375, respectfully [Accessed January 27, 2009]).


REFERENCES


