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## **In Washington, Conservatives Are Never Really In Power**

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With the end of the Bush administration, and the beginning of the most liberal administration in American history, it is a good time to take stock of what happened over the past eight years.

Conservatives get very frustrated over the failure of Republican administrations in general to change the course of the federal government. They do not understand why an executive branch controlled by a Republican president continued to implement liberal policies and regulations. Examples abound over the past eight years — from the Department of Justice's all-out enforcement of foreign language ballots, to the Equal Employment Opportunity Commission's refusal to act against companies that engage in reverse racial discrimination on the basis of diversity, to the discriminatory awarding of federal contracts on the basis of race that continued in every federal department from Transportation to Commerce.

However, Republicans (much less conservatives) are not really in control of the executive branch even when they occupy the White House, something that most people (especially conservatives outside of Washington) do not fully understand.

Part of the problem can be a failure of presidential leadership. After all, a president's advisors and political appointees are supposed to carry out what they perceive to be his views and direction. When a Republican president does not make it clear that he expects conservative principles to be followed throughout the executive branch, then no attempt will be made by his political appointees to change liberal policies at the Department of Education, the Department of Justice, or any other federal agency. Even when you have a conservative president, there are a number of other significant reasons why the federal government remains a champion of liberalism. These reasons are inherent in the structure of the executive branch, the employees who make up its ranks, and the occupants of the capitol, both inside and outside of government.

I came to Washington in 2001 to take a career job at the Department of Justice after spending many years in the private sector. I thought I could make a small difference in my particular corner of the executive branch, just like Jimmy Stewart's character did in Frank Capra's *Mr. Smith Goes to Washington*, one of my favorite movies. After I arrived in Washington, I developed a circle of conservative friends (both career employees and political appointees) who work in other federal departments. We all shared the same frustrations at the inability to get liberal policies changed in the government. Our experiences illustrate some of the reasons that the liberal course of the government did not change during the prior administration, and may never change.

First, most people do not understand the sheer magnitude of the executive branch. There are almost 3 million federal employees, 99 percent of whom are career civil servants over whom the president has virtually no authority. Seventeen states have fewer citizens than the federal government has bureaucrats. There are only a few thousand positions within the federal government that are subject to noncompetitive appointment, i.e., positions that the president

can fill through political patronage. Among these are 1,137 positions that can be filled by presidential appointment with Senate confirmation; 320 positions subject to presidential appointment without confirmation; and 701 positions in the Senior Executive Service (the top level of managers within the federal ranks) that can be filled by non-career appointments.

As these numbers illustrate, it is the career civil servants who pull the millions of levers of power, not the few political appointees at the top of every agency. It is very difficult for the appointees to even keep track of the policies being implemented by the career staff, much less change them.

This would not be a problem if the career ranks were really filled with nonpartisan individuals (as the *New York Times* unwaveringly claims) who impartially carried out the policies of the president. Of course, nothing could be further from the truth. From the State Department, to the Central Intelligence Agency, to the Department of Justice, and every agency in between, career employees are overwhelmingly partisan liberals, just like in the media and academic worlds. As Richard Perle has eloquently said, when George Bush tried to pull the levers of government, he never realized that they were disconnected from the machinery and the exertion was largely futile. The bureaucracies of these agencies have their own policies and they largely ignored President Bush's directives and his political appointees, a problem President Obama will not have.

Government service attracts few conservatives in large part due to basic philosophical differences between liberals and conservatives. Conservatives hate big government and do not want to be part of extending its power and control ever further into our lives. On the other hand, liberals love big government and believe the federal government has the power to regulate every facet of American life. Thus, applicants for career positions are overwhelmingly liberal in their political outlook. The makeup of the federal workforce is very similar to the nonprofit sector and academia, where liberals also predominate.

When it comes to hiring, these liberal career civil servants replicate themselves. They make sure conservatives do not get hired. In my case, I only found out later what a miracle it was that I was hired. Career employees will toss out the resumes of qualified applicants if they see anything that shows conservative leanings, such as being a member of the Federalist Society, which in their eyes is the equivalent of being a member of the KKK. The only way this can be stopped is when political appointees actually supervise or participate in the hiring process for career employees to prevent this kind of discrimination.

Unfortunately, this almost never happens. Most appointees do not understand the fundamental rule that personnel *is* policy or do not get involved in the hiring process for fear of being criticized for politicizing hiring. It is the rare Republican political appointee who pays any attention to the hiring of career staff within his agency. Thus, this kind of discriminatory hiring by liberal career managers continues even in Republican administrations.

Democratic administrations make a point of only hiring liberal career staff very aggressively with nary a peep of criticism from the *Washington Post*. When Republicans simply try to guarantee that conservatives will not automatically be considered unqualified by career staff, a firestorm of critical news coverage about politicizing the career hiring process will erupt, as well as

inspector general and congressional investigations. The Civil Rights Division at the Department of Justice had two dozen open career slots in December 2000. As soon as the *Bush v. Gore* case was decided, the Clinton appointees got busy. In a federal government that normally takes months to fill an open position, they had all of the slots filled by January 20, the day of the inauguration. The email traffic showed that the Clinton political appointees wanted to find applicants who would be loyal to them. They quickly hired people (including from organizations like the NAACP and NARAL) to fill the career positions and the same thing is already happening in the Obama administration.

The Democratic IG at the Justice Department showed no interest whatsoever in investigating this blatant political hiring just in the hiring procedures of the Bush administration. The hiring process has long been politicized by career managers, but no one cares when they are hiring liberals and blocking conservatives. In fact, the career staff that I met at the Department of Justice were some of the most intensely partisan liberals I have ever encountered, inside or outside of government.

These types of practices are one of the reasons there are so few conservatives in government, and why life can be very difficult for them. Being a conservative career employee (if you can get hired) is like being a Special Forces commando dropped into enemy territory. You are vastly outnumbered and surrounded by people who hate you and want to ensure that you are ineffective. I was shunned by my fellow employees when I started my job. I was a dreaded conservative who had somehow gotten through their screening process and had mistakenly been hired they made it clear that conservatives were unqualified to be public servants.