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**CIVIL SERVICE SYSTEM, IN ITS CURRENT FORM, DEPRIVES U.S. PRESIDENT
OF HIS CONSTITUTIONAL EXECUTIVE POWER**

**Essays By Common Good Chair Philip K. Howard Recommend That The President
Replace The Current System By Executive Order**

New York, NY – January 30, 2017 – In two newly published articles, Common Good Chair Philip K. Howard argues that the civil service system, as currently structured, deprives the President of his executive power under Article II of the Constitution. An author and critic of modern legal structures, Howard describes the capture of civil service by its employees, explains the vital need to restore accountability, and recommends that the President replace the current system by executive order.

In an op-ed in *The Wall Street Journal* today – titled [“The President’s Right to Say ‘You’re Fired’”](#) – Howard writes: “President Trump wants to overhaul the civil service. Even ardent liberals agree it needs to be rebuilt, but past efforts at reform have withered in Congress under union power and public indifference. There’s a more direct path: Mr. Trump can repudiate civil service in its current form as a violation of the Constitution’s mandate that ‘the executive power shall be vested in a President.’... Because of civil-service laws passed by Congress...the president has direct authority over a mere 2% of the federal workforce. The question is whether those laws are constitutional. Does Congress have the power to tell the president that he cannot terminate inept or insubordinate employees? The answer, I believe, is self-evident. A determined president could replace the civil-service system on his own, by executive order. The move would doubtless be challenged in court, but it would likely be upheld, especially if the new framework advances legitimate goals, honors principles of neutral hiring and is designed to foster a culture of excellence.”

In a 5,000-word article in *The American Interest* on January 28 – titled [“Civil Service Reform: Reassert the President’s Constitutional Authority”](#) – Howard expands further: “In 2014 the Partnership for Public Service issued a report describing civil service as ‘a relic of a bygone era,’ and called for ‘a new civil service framework,’ including ending the presumption of lifetime careers. Like other good government reports, however, it treated accountability with kid gloves. But once the power of accountability is restored, designing a new civil service system requires no genius. The basic elements are: 1) neutral hiring, without the endless red tape of the current system; 2) a safety net to treat public employees fairly if they are let go; and 3) a neutral body

(perhaps the current Merit System Protection Board) with responsibility to guard against unfairness.”

For more information or to speak with Common Good Chair Philip K. Howard, please contact Emma McKinstry at 203-912-7174 or emckinstry@highimpactpartnering.com.

Common Good (www.commongood.org) is a nonpartisan reform coalition that believes individual responsibility, not rote bureaucracy, must be the organizing principle of government. It presents proposals to radically simplify government and restore the ability of officials and citizens alike to use common sense in daily decisions. The Founder and Chair of Common Good is Philip K. Howard, a lawyer and author of [The Rule of Nobody](#) (W. W. Norton) and [The Death of Common Sense](#) (Random House), among other books.