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## **Politics, Cronyism Beset Our Civil Service System**

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I was saddened, but not surprised, to hear that a career civil servant in the state Department of Administration had been indicted on charges of fraudulently manipulating a bidding process. Allegedly the employee's motive was to politically benefit her superiors, who are political appointees.

I don't know whether Gov. Doyle and his staff were involved in the specific actions leading to this indictment, but I do know that it doesn't really matter. This bidding scandal is simply the natural and logical product of a politicized, crony-laden civil service in which the term "public interest" is a quaint anachronism.

But it wasn't always so.

I started working for state government in the mid-1970s as a budget analyst in the Department of Administration. When I left state government in the 1990s to pursue a career in law, I was a career executive and had been a staffer in or administrator of several programs. During that 20-year period I watched the erosion of the professional, nonpartisan civil service that I, and most of us, had once been proud of.

The politicization of Wisconsin civil service began under Gov. Pat Lucey in the 1970s but was completed (some would say perfected) by Tommy Thompson.

In the 1970s, Lucey instituted what is known as a Cabinet form of government. Until then, most state agencies were run by commissions. Commission members were appointed by the governor and the Legislature. Neither the governor nor the Legislature had a direct line into the agencies. The agencies were staffed, at the highest levels, by civil servants who had worked their way up the professional ladder. Generally, these civil servants were experts in their field; they knew their programs. Was the system cumbersome and slow to change? Yes. But it was also highly professional, and perhaps most important, it was nonpartisan. Line staff knew that their job was to prepare independent analyses of policy choices based on data, not feelings and not politics.

Lucey was an innovative and intelligent governor. But he was also impatient with the admittedly moss-backed career civil servants who often found reasons not to implement his programs or directions.

So, with legislative approval, he converted most state agencies to

Cabinet agencies. The commissions were abolished and were replaced by agency heads whom the governor directly appointed. These people served at the pleasure of the governor. And the old saying was, if you serve at the pleasure of the governor, you keep the governor pleased.

By the time Lucey left office, the governor appointed most of the agency heads. But the remaining cadre of civil servants were not, at that time, politically appointed.

Tommy Thompson changed all that. By the time he left office, Thompson had extended the governor's reach deep into the civil service: Not only were agency heads appointed by the governor, but also division administrators and some bureau chiefs. By the time I left state government in 1994, I was required to get approval from the politicians higher up before I could hire a head housekeeper at one of our state institutions.

Is there a problem when politics intrudes into the civil service? You bet. When narrow political interests replace the general public interest (there's that quaint term again), we, the public, suffer in two major ways. First, bad government costs more. Second, and more important, real people in need don't get served when political hacks run the programs we depend on. Remember Katrina?

So to me, it doesn't really matter whether the Doyle administration was actively and affirmatively involved in this particular bidding process. You see, they didn't have to be actively involved. The atmosphere inside state agencies has become so polluted that overt political influence peddling is not even necessary anymore. Civil servants don't need to be told how to please their political bosses -- they just know.

\* If Doyle is interested in restoring some credibility to state government (something he has not shown much interest in to date), he can start with the mundane and, yes, boring task of structural civil service reform. Like the related need for substantive campaign finance reform, it may not be sexy, but it's absolutely vital.

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# ***INSIST ON TRANSPARENCY***

***State government must be open and very accountable***

After the State Engineering Association sought documents from the Wisconsin Department of Transportation on its outsourcing practices, DOT Secretary Frank Busalacchi admitted in a 2006 deposition that he never takes notes at meetings. He also testified that he does not insist that anyone on staff take them. The documents in question were disturbing enough. They revealed that DOT's own analysis showed outsourcing state highway work cost 18 percent more on average than doing it in-house. More troubling than that, however, was the secretary's startling testimony. It was Wisconsin government's equivalent of a federal administration that deletes public emails and otherwise deliberately seeks to forget its own history, for political convenience.

Busalacchi's words suggest that while in charge of a \$2 billion per year state agency, he never documents the decisions he makes. Legislators and government watchdogs need to ask whether this represents the type of accountability that the public expects when their tax dollars are being spent. And it's likewise fair to ask every elected representative this question:

**Does such a casual approach to public documentation meet your expectations?  
The public's expectations?**

Nor is this an isolated matter. The behavior is not limited to the DOT. There is reason to believe a similar laissez-faire approach to record keeping occurs in all state agencies. That leads to another disturbing question, namely whether this is a policy implicitly or explicitly approved by the Office of the Governor. The laws of this state say, in effect, that sunlight is the best disinfectant, and that secret government is not good government. How are taxpayers to know if the state is spending and investing wisely if the basic details are not, in essence, an open book?

Taxpayers expect that all levels of government should be good stewards of their dollars. They expect decisions to be made based on the public interest, by professionals who employ solid principles and actually make use of supporting data. Taxpayers also expect that public input will be a standard component of such decision-making -- and by "input" they don't mean hearings that are held after the decision has been made in private.

The foundation of public trust in government is openness and transparency. Without those two components, public faith declines and it becomes increasingly difficult to win support for necessary programs. Unless the underlying goal of policymakers is to wreck government, they need to do business in ways that reassure the public, which will in turn bolster their own credibility. Rhetoric alone is not enough. Secrecy is at best only a corrosive and delaying tactic.

Open records laws in theory are a big solution to the transparency problem, but they are often only useful after the fact. Also, it's very hard to obtain certain kinds of documents concerning top-level policies and decision-making processes that have led to any particular employee's assignments (or lack of them, as outsourcing continues).

SEA found that out when it required more than two years and court involvement to obtain the DOT's outsourcing report – a document theoretically belonging to the public. State law says such documents shall be produced promptly and not unreasonably withheld. And yet, that is not always the case. Indeed, a no-paper-trail attitude at the executive level is being pushed deep into the ranks of the entire DOT. Directors, section chiefs and supervisors regularly “encourage” staff not to document decisions or policy directives.

This custom is in direct opposition to the Wisconsin ideal of clean and open government. It amounts to no less than an end run around state open record laws. Through hearings and document requests and other means – even up to and including audits – legislative leaders need to reinvigorate and enforce a process by which leaders of state agencies are compelled to document the decisions they make. It's supposed to be the norm for publicly traded corporations, and it should also be the norm for government. To allow otherwise is to ensure the next Enron scandal, or its government equivalent. The basic information that should be documented in the public record includes:

- \* The purpose of the project or description of the issue**
- \* What information was considered in formulating the decision, and what information was rejected**
- \* The final basis of the decision -- what factors or items were discussed that lead to a plan of action.**
- \* Who made the decision**
- \* What direction was provided to staff**
- \* Time-line for the action, discussed or directed.**