The Trump Administration has adopted new hiring procedures that will impose ideological litmus tests in federal hiring. Job applicants will be graded on essays about their allegiance to “America’s founding principles” and their commitment to implementing Trump’s executive orders. These new essay questions have little to do with the jobs of most government employees and more to do with ideological conformity.

I’ll go into more detail below about these questions, but it’s important to keep in mind two key legal principles. The first is actually a congressional mandate. Hiring into the Civil Service is supposed to be “determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition.” Whether someone believes in America’s founding principles, or how they interpret those principles, has nothing to do with whether they have the ability, knowledge, and skills to do a particular job. Congress has also prohibited any personnel action “on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others,” so even overtly “Unamerican” conduct can’t be considered unless it’s job related.

The second is a constitutional mandate. That principle was set forth in one of the most famous statements in the Supreme Court’s history: “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.” The Court rejected an effort in the middle of World War II to require all students to recite the pledge of allegiance. What Trump is doing is worse: not just requiring a pledge of allegiance to the flag, but a pledge of allegiance to the president.

And now for the details:

According to a directive from Trump, the new plan is supposed to ensure the hiring only of “Americans dedicated to the furtherance of American ideals, values, and interests.” OPM’s new hiring plan implements that by requiring that job applicants write short essays on four topics. Here are two of them:

“How has your commitment to the Constitution and the founding principles of the United States inspired you to pursue this role within the Federal government? Provide a concrete example from professional, academic, or personal experience.”

“How would you help advance the President’s Executive Orders and policy priorities

in this role? Identify one or two relevant Executive Orders or policy initiatives that are significant to you, and explain how you would help implement them if hired.”

These questions apply to GS-5 and above. GS-5 includes entry-level firefighters, administrative assistants, and lab techs.

In line with these questions, job announcements will include standard language emphasizing that “candidates should be committed to improving the efficiency of the Federal government, passionate about the ideals of our American republic, and committed to upholding the rule of law and the United States Constitution.” This language is lifted directly from one of Trump’s January 20 executive orders.

Deciding to hire only people who “believe in America’s founding principles” may sound fine —at least until you stop to think about it. Remember that these questions are going to be graded, so someone will need to decide if the applicant has correctly defined America’s founding principles. One big problem is that there’s no way to separate the answers from politics and ideologies. People may have very different ideas about the meaning of America’s founding principles. You can even see that in Supreme Court opinions. Who is to decide which founding principles are the worthiest, how they are to be interpreted, or which Trump initiatives are most “significant”?

The second problem is that merit hiring is supposed to be picking people with the most ability and willingness to do the job, not the people with the best personal characteristics. Why does a VA doctor, a firefighter, or government scientist have to be passionate about America’s “founding principles” to do a good job? Isn’t it more important that they be passionate about doing their job?

There are similar problems with the other question, the one about implementing Trump’s agenda. Can we assess the answers without considering whether a candidate is enthusiastic about those executive orders? Will two otherwise similar answers get the same score if one person says, “I’m excited to work on Trump’s agenda,” and another says, “It’s the job to implement even administrative policies I hate”? Isn’t the real question, are they’re willing to follow agency policy whether or not they agree? Given the large number of executive orders, it’s also not clear how to grade people on whether they pick the right ones, or whether they’re interpreting those policies correctly.

It’s also not clear how relevant Trump’s policies are to the bulk of federal

employees, who aren’t making discretionary decisions relating to policy. What do Trump’s 150 executive orders really mean to someone whose job is fielding calls from Social Security recipients, treating sick veterans, or running a government cafeteria? (In fact, how is the ability to write good answers to essay questions relevant in the first place to these positions?) The fact that Trump is requiring answers to this question from people even when it has no relevance to their jobs confirms that this is a kind of loyalty test rather than a gauge of job performance.

Also notice that this question is about implementing Trump’s agenda. There’s nothing about implementing the agency’s mission. And let’s face it, the two are far from being the same. That’s particularly clear in the environmental area, where Trump’s emphasis is on expanding fossil fuel production and use at all costs. People who care about EPA’s mission — environmental protection — will be discouraged from applying by the need to fit Trump’s definition of patriotism and to show enthusiasm for his executive orders.

To get a government job, you shouldn’t have to convince a political appointee that you’ve got the right take on patriotism or that you’re on board with a particular president’s agenda. Even the old patronage system only judged people on their party affiliation, not their personal political philosophy. You might even say that Trump’s approach violates America’s founding principles.