

## Trump's 'Schedule F' Gambit Is Dangerous

By [James C. Capretta](#) | [Jack Rowing](#)

James C. Capretta is a [Contributor at RealClearPolicy](#), a [senior fellow at the American Enterprise Institute](#), and the author of [US Health Policy and Market Reforms: An Introduction](#) (AEI Press 2022).

Jack Rowing is a Research Associate, Health Policy at the American Enterprise Institute.

Link: [RealClearPolicy](#)

November 07, 2023

[Facebook](#)[Twitter](#)[LinkedIn](#)

As he campaigns for a return to the White House, former President Donald Trump is previewing a reenergized assault on the protected federal civil service — what he calls “the deep state” — to the delight of many individuals and organizations now populating the Trump-aligned corners of American politics. Their enthusiasm is another ominous signal for American democracy.

Attacks on unelected federal bureaucrats have been applause lines with Republican-leaning voters for years, but, as usual, Trump has injected a long-standing conservative complaint with [a whole new level of vitriol and discord](#). His plan to fire and replace thousands of federal workers with loyalists would push the country further toward the dysfunctions that characterize failing societies and away from the high standards a superpower responsible for leading the free world should maintain.

Sounding this alarm does not mean that worrying about unelected federal civil servants wielding excessive power is entirely illegitimate. Under the Constitution, presidents are supposed to exert control over policymaking within the agencies they oversee. However, it is also critical for federal offices to serve *all* citizens fairly and without regard to their political affiliations, to be free of corruption, and to cultivate the requisite professionalism and technical skills needed for critical functions. In other words, there are competing objectives in play, which require the kind of balance and perspective that Trump's approach lacks entirely. Schedule F

The centerpiece of the emerging Trump plan is the revival of a scheme — known as Schedule F — that he championed at the end of his original term, which the incoming Biden administration then promptly terminated.

In October 2020, the White House [announced](#) it was adding Schedule F to the Excepted Service (ES), [which is the slice of the federal workforce that operates outside of the competitive selection process](#). Prior to the Trump revision, the ES had five categories of workers, of which Schedule C, for political appointees below the level of agency heads, is the most well-known. Schedule F was created to allow appointments on a non-competitive basis outside of the range of presidential appointments for positions of a “confidential,” “policy-determining, policy-making, or policy-advocating character.”

Depending on how such terms are defined, there are potentially tens of thousands of federal workers who might be moved from protected to Schedule F status. That is the case even though, in January 2021, [most federal agencies chose to ignore or downplay the request from](#)

[the White House for a list of positions falling within Schedule F](#). Of those agencies that took the exercise seriously, only the Office of Management and Budget proposed to move a sizeable share of its workforce into the new employment category.

Upon taking office, the Biden administration recognized immediately the threat that Schedule F posed to long-standing civil service norms, and promptly [rescinded the Trump order](#).

In September of this year, the administration took the additional step of [promulgating a proposed rule](#) by the Office of Personnel Management aimed at making it more difficult for a future president to resuscitate Schedule F. The rule stipulates that federal workers would retain the protections they have today even if a future reclassification attempted to take them away. While this rule might create an additional hurdle for a resuscitation of Schedule F, it is unlikely to prevent it entirely. An incoming Trump administration could repeal the Biden rule and the protections it conferred — a process that would require several months — and then proceed with Schedule F. The effort would be delayed but not blocked.

### **Project 2025**

An additional warning of what might lie ahead can be seen in the detailed plans being laid by Trump-affiliated and friendly organizations. They have banded together to advance what is being called [Project 2025](#), which is a broad effort to prepare an agenda and governing playbook for a potential second Trump term. A major focus of the initiative is a personnel recruitment drive aimed at filling federal agencies with Trump-supportive workers in positions newly reclassified by Schedule F.

One might be tempted to dismiss Project 2025 as half-baked schemes put together by individuals with no real experience in policymaking or leading government agencies. And there is some truth in that comforting view. But dismissing the project entirely as a feckless sideshow would be unwise. Scores of organizations that have been working in and around federal policymaking for decades are now affiliated with it. One way or another, if Trump makes it back to the White House, it is a certainty that a major focus of the administration will be on pushing as far as the courts will allow to expand effective political control over the entire federal workforce.

### **Corruption and a Downward Spiral**

Early in the country's history, the norm was for incoming presidents to appoint large numbers of loyalists to key positions in federal agencies. In this "spoils" system of personnel policy, tax-funded employment was seen as a prize to be won in an election. The victors used their acquired powers to build and solidify their political coalitions by handing out plum jobs. The pattern was seen at all levels of government.

In the years after the Civil War, it became clear that such a staffing model was no longer fit for purpose in a country aspiring to achieve its full potential. As the economy expanded, so too did the need for the federal government to provide the necessary supporting services that would allow a market economy to thrive. Further, the spoils system had been an open invitation to corruption, which had undermined the effectiveness of more than a few federal, state, and local administrations.

The passage of the Pendleton Act in 1883 provided a clean break from rampant patronage in the federal workforce. Within a few decades, most federal employees were hired through a competitive, merit-based process, which also conferred protection from dismissal based on changing political control of the executive branch. Over the past century, the accepted norm has been for incoming presidents to appoint leaders to key positions who support what they are trying to achieve. However, the positions reserved for these appointments are small in number compared to the size of the federal workforce. In recent decades, [the appointees controlled by the White House personnel office totaled around 4,000](#), out of a total federal civilian workforce of around 2.1 million people.

Insulation of the professional civil service from political interference, along with promotion of expertise and competence in public administration, are characteristics of high-performing, mature democracies, including most of the U.S.'s closest western allies. In contrast, cronyism and rampant political patronage are seen in countries with ineffective public institutions and feeble democracies. Politicization of public services breeds cynicism and distrust, and yet also does not enhance the effectiveness of government as Trump loyalists claim it would. There is also a danger that a return to more extensive use of politically aligned appointments would be difficult to reverse even after the offending administration departed the scene. An incoming president and his supporters would be pressured by their supporters to fill the jobs previously held by their opponents with partisans of the new team. Once started, expanded patronage and corruption would feed on themselves and spread, and also become more entrenched and difficult to uproot.

### **The Non-Partisan Standard**

Protecting the federal workforce from political meddling does not mean it should be exempt from accountability. An appropriate concern is that employment protections for federal workers can be sources of abuse too, by allowing low-performing employees to remain in their jobs and leaving unstated but real political biases unchecked.

The answer to these problems is the opposite of Schedule F, however. There needs to be even less room in the professional civil service for politicization, not more, as would occur with the Trump scheme. And the politicization needs to be curtailed in all potential directions.

Ridding the workforce of bias will require stricter rules preventing federal employees from engaging in overt political activity while on the job and also new efforts to call out and correct subjective judgments from undermining the agendas of a president elected by the people.

What clearly will not work and would represent a large step in the wrong direction is to reintroduce rampant patronage into the staffing systems of federal agencies, as Trump so obviously wants to do. He has made it clear in countless ways that, if he were to win the presidency again, he would expect total loyalty — from cabinet secretaries down to the most junior agency employees. The threat he represents is all the more real because of the willingness of so many organizations to put their credibility and manpower behind making his plans a reality.