



Written by [Michael Tennant](#) on August 28, 2024

## Biden-Harris Hiring Bureaucrats to Stymie Potential Second Trump Administration

The Biden-Harris administration is employing an obscure-but-legal hiring practice to load the federal bureaucracy with career appointees that a future president — say, Donald Trump in a return to the White House — will have difficulty dislodging, a watchdog group warns.

Protect the Public's Trust (PPT) revealed in a [press release](#) Tuesday that the

Department of Justice (DOJ) is using "Schedule A" hiring authority to appoint hundreds of attorneys and judges to career civil service posts without competition from other candidates. According to the Office of Personnel Management (OPM), Schedule A authority can be used to hire people with "severe physical disabilities, psychiatric disabilities, and intellectual disabilities" but can also be used for hiring certain roles such as chaplains, scientists, and attorneys. Unlike other non-competitive appointments, such as the relatively small number of political appointments that Presidents can make, Schedule A positions last beyond the term of that President.



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### Migrant Magistrates

PPT noted that although "federal law bars Schedule A appointments from being 'policymaking or confidential in nature' ... the offices that the administration is staffing up are some of the most politicized at DOJ."

For example, under Schedule A, the DOJ has hired well in excess of 100 judges for its Immigration Review Division, according to [documents obtained by PPT](#) and shared with the [Daily Caller](#). These judges will, of course, be deciding the fate of noncitizens.

"At the end of the 2020 fiscal year, around when [President Joe] Biden took office, immigration courts had a backlog of roughly 1.3 million cases, according to the DOJ," the Daily Caller wrote. "That number had ballooned to 3 million under the Biden-Harris administration, PBS reported in January."



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More immigration judges may, therefore, be needed. But given the policies of [Biden](#) and [Vice President/"Border Czar" Kamala Harris](#), it's a safe bet that these Schedule A judges will rule in favor of immigrants who are expected to vote reliably Democratic.

### **Leftist Lawyers**

Schedule A also enabled the DOJ to bring on "at least 104 trial attorneys at the Environment and Natural Resources Division (ENRD)," PPT found. According to its [website](#), ENRD "is the nation's environmental lawyer, and the largest environmental law firm in the country." The division is not merely concerned with clean air and water, however. It also "prioritizes actions to address greenhouse gas emissions and the impacts of climate change" and "resolve[s] enforcement actions that help communities with environmental justice concerns."

"The ENRD is a vital office in advancing the Biden-Harris administration's energy and climate policies, and the placement of Biden-Harris loyalists is a means to defend those policies even if a future Trump (or other) administration seeks to change them," averred PPT.

The DOJ also hired over 150 attorneys for its Anti-Trust Division. "Until recently, anti-trust enforcement was a relatively technical and non-partisan division," wrote PPT. "But the Biden-Harris administration's increasingly aggressive implementation has sparked complaints of politicized enforcement." Indeed, as the Daily Caller pointed out, "Federal Trade Commission Chair Lina Khan has adopted an aggressive stance to antitrust enforcement, bringing action against Amazon, Meta, Kroger, Microsoft and Nvidia, among others."

And those are just the major Schedule A appointments in certain divisions of the DOJ. It's difficult to say how many such appointments the administration has made throughout the bureaucracy because other agencies, notably the DOJ's Civil Rights Division and the Bureau of Alcohol, Tobacco, Firearms and Explosives, denied PPT's records requests.

Still, the hirings that PPT uncovered likely represent "another step in the administration's attempts to 'Trump-proof' agencies and prevent the former president from enacting his agenda if he wins in November," the organization contended.

### **47-Proof Perfidy**

Such a move would hardly come as a surprise. In early May, [Politico](#) reported that the chief executive was seeking to "Trump-proof his legacy" by spending "*hundreds of billions* of dollars that Congress has already approved but which haven't yet been spent. If Trump wins in November and the money hasn't yet left the government's coffers, he'll aim to cancel almost all of it." (Emphasis in original.)

In addition, penned the Daily Caller:

The Biden-Harris administration has advanced a federal rule that would make it more difficult for the president to fire career bureaucrats. Employees at the Environmental Protection Agency agreed to a new contract in May that will allow them to avoid being fired so long as their work is conducted with "scientific integrity," Politico reported.

An army of left-of-center civil society organizations, like the American Civil Liberties Union and National Immigration Law Center, are also rapidly drafting litigation to counter actions taken by a possible second Trump administration.

This has been tried before, but with limited success. As President Barack Obama prepared to turn the



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keys to 1600 Pennsylvania Avenue over to Trump, he did [all he could](#) to ensure his successor could not undo his actions. He, too, appointed dozens of bureaucrats. He also “churned out rules, regulations and policies several times a week,” reported [McClatchy](#). Nevertheless, Trump was able to “dismantle huge swaths of the unconstitutional ‘climate’ regime imposed on Americans by his predecessor,” [The New American](#) reported.

“The Biden-Harris administration and its allies have already signaled their intent to hamstring their successor and prevent a future president from reversing their agenda,” said PPT Director Michael Chamberlain. “Exploiting non-competitive hiring authorities to fill career civil service positions could be just another component of this scheme. It’s no wonder that the public’s trust in its government has all but disappeared.”



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