# How Trump Can Undermine Fauci By Executive Orders

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## Introduction

The original essay was written in October 2020, when President Donald Trump issued Executive Order 13957 and public conflict with Dr. Anthony Fauci had become a symbol of tension between political leadership and scientific expertise during the COVID-19 emergency. The title asks how Trump could undermine Fauci through executive orders, but the legal and factual answer is more complicated than a president directly rewriting one scientist's job. Fauci was a career physician-scientist who led the National Institute of Allergy and Infectious Diseases, while his removal authority, employment protections, advisory roles, and public visibility involved several institutions. Schedule F was designed for a category of policy-influencing career positions across the executive branch, not as an order naming Fauci. The policy was revoked in 2021, reinstated and renamed Schedule Policy/Career in 2025, and implemented through a final Office of Personnel Management framework in 2026. Fauci retired from federal service in December 2022, so the current framework cannot now be used to remove him. ("Executive Office of the", 2025)

## The 2020 Conflict Between Trump and Fauci

Trump and Fauci sometimes appeared together in White House pandemic briefings, but they differed publicly over risk communication, masks, reopening, treatments, and the likely course of the pandemic. These disagreements were not simply a contest between a president and an apolitical machine. The president had constitutional and statutory responsibility for executive policy, while federal scientists had professional obligations to communicate evidence accurately and advise within their expertise. Public confidence was damaged when policy messages changed without clear explanation or when scientific uncertainty was presented as incompetence or disloyalty. The conflict therefore raised a broader governance question: how should elected leaders direct policy while preserving the capacity of career experts to provide unwelcome evidence?

## What Schedule F Originally Did

Executive Order 13957, signed on October 21, 2020, directed agencies to identify career positions of a confidential, policy-determining, policymaking, or policy-advocating character and place them in a new Schedule F category of the excepted service. Employees moved into that category could lose some of the notice and appeal protections ordinarily associated with adverse personnel actions under chapter 75 of title 5. The order did not convert every scientist or civil servant into a political appointee, and implementation was incomplete before the administration ended. Its practical importance lay in the possibility that agencies could classify a large group of career employees as policy-influencing and make removal easier.

# Why Fauci Was Not Automatically Covered

The original essay assumes that Schedule F could straightforwardly be used to fire Fauci. That conclusion was uncertain. A position would first need to be identified and formally placed in the new schedule through the applicable process. Fauci's duties included scientific administration, research leadership, public communication, and policy advice, but whether his specific position met the order's criteria would have depended on agency and presidential action and could have produced legal and institutional challenges. He also served at different times as an adviser to the White House while remaining director of an institute within the National Institutes of Health. An executive order can change personnel classification within legal limits, but it does not erase every statute, regulation, whistleblower protection, discrimination law, or constitutional claim.

# Revocation in 2021 and Fauci's Retirement

President Joe Biden revoked Executive Order 13957 on January 22, 2021, before Schedule F was broadly implemented. The federal government consequently returned to the preexisting classification framework. Fauci continued serving as NIAID director and as Biden's chief medical adviser until he left federal service in December 2022. This chronology matters because later discussion sometimes treats the 2020 order as though it had already transformed the civil service or directly ended Fauci's career. It did neither. Fauci's retirement also means that the 2025–2026 framework should be analyzed as a general civil-service policy, not as an active mechanism against him personally. ("Congressional Research Service", 2025)

# The 2025 Return as Schedule Policy/Career

On January 20, 2025, Trump reinstated and amended the earlier order, replacing the name Schedule F with Schedule Policy/Career. The amended order stated that covered positions remain career positions and that employees are not required to support the president personally or politically. It also stated that they must faithfully implement lawful administration policies to the best of their ability, consistent with their constitutional oath, and that failure to do so may be grounds for dismissal. This language attempts to distinguish policy responsiveness from partisan loyalty, but critics argue that the practical boundary may be difficult to enforce when disagreement concerns evidence, legality, professional standards, or the interpretation of an order.

## The 2026 Final Rule and Implementation

The Office of Personnel Management issued a final rule in February 2026 and subsequent implementation guidance. OPM describes Schedule Policy/Career as an excepted-service category for career, nonpolitical, policy-influencing positions filled on merit. The framework preserves prohibitions against discrimination, retaliation, nepotism, whistleblower reprisal, and other prohibited personnel practices, while changing performance and adverse-action procedures for covered employees. Agencies must identify positions, provide notices, and apply the governing rules. The result is not identical to patronage appointment, but it reduces some procedural protections and expands management discretion over a class of career officials. (Office of Personnel Management, 2026)

## Executive Authority and Its Legal Limits

The president possesses broad authority to supervise the executive branch and has statutory authority under title 5 to regulate aspects of the civil service. That authority is not unlimited. Congress creates agencies, assigns duties, protects particular offices, funds programs, and establishes personnel rights. Courts may review whether executive action complies with statutes, administrative procedure, constitutional protections, and due process. The president may direct policy, but an employee cannot lawfully be required to falsify data, violate appropriations restrictions, disregard a court order, or engage in prohibited discrimination. A conflict between a career official and an administration must therefore be assessed by the content of the disputed instruction, not merely by labeling the employee responsive or resistant.

## Scientific Advice Versus Policy Choice

Scientific advisers do not possess final democratic authority simply because they have expertise. Epidemiology can estimate transmission, hospitalization, and mortality; it cannot by itself decide how society should balance health, education, liberty, employment, and distributional effects. Elected officials must make policy choices and remain accountable for them. Conversely, political control does not change the underlying evidence. A responsible system separates scientific findings, uncertainty, values, and final decisions. Leaders should be able to reject an expert recommendation, but they should explain the reasons without forcing the expert to present a political decision as a scientific conclusion.

## Risks to Public-Health Independence

Reducing removal protections may increase responsiveness, but it may also discourage experts from raising inconvenient facts. Public-health agencies depend on surveillance, candid internal debate, peer review, and consistent communication. If employees reasonably fear dismissal for reporting evidence that conflicts with political messaging, information may be delayed or softened. The resulting harm is not limited to one administration: future presidents of any party could use broad policy classifications against officials whose analysis is politically costly. Institutional design should therefore protect both lawful direction and a documented channel for professional dissent.

# Arguments Supporting the Policy

Supporters contend that elected presidents cannot implement a democratic mandate if policy-influencing employees can delay, dilute, or refuse lawful directives without meaningful accountability. Existing disciplinary procedures may be slow and difficult to use, especially when performance problems involve judgment rather than simple misconduct. A career workforce should be neutral, but neutrality does not authorize employees to substitute their own policy preferences for those of elected leadership. From this perspective, Schedule Policy/Career clarifies responsibility: career officials provide expertise and execute lawful decisions, while voters judge the administration that made those decisions.

# Arguments Opposing the Policy

Opponents argue that broad classification criteria can convert professional disagreement into alleged disloyalty and weaken a merit-based civil service built to resist patronage. Policy work occurs throughout agencies, so the number of potentially covered positions could be large. Easier removal may produce turnover, self-censorship, loss of institutional memory, and pressure to tailor analysis to presidential preferences. Critics also question whether reduced appeal rights are necessary when managers already possess tools to address poor performance or misconduct. The strongest objection is not that career officials should control policy, but that evidence and law may become less reliable when job security depends heavily on political satisfaction.

# Whistleblowing, Ethics, and Professional Duties

Schedule Policy/Career does not lawfully authorize retaliation for protected whistleblowing or discrimination. Employees still have obligations under ethics laws, records rules, appropriations law, and their constitutional oath. Health professionals may also face professional duties concerning accurate communication and patient welfare. Agencies need clear procedures that distinguish refusal to carry out a lawful policy from reporting illegality, scientific manipulation, waste, or danger. Documentation is essential: instructions, objections, evidence, legal review, and final decisions should be recorded so later oversight can determine whether a personnel action addressed performance or punished protected conduct.

# Communication Lessons from the Pandemic

The Trump–Fauci conflict demonstrated how quickly technical uncertainty can become a partisan identity marker. Early pandemic recommendations changed as evidence, supply conditions, and knowledge changed, but agencies did not always explain those changes effectively. Political leaders sometimes overstated certainty, while media coverage simplified complex disagreements into personal rivalry. Better practice would use joint briefings that separate confirmed evidence, uncertainty, alternative scenarios, and the policy decision. Scientists should avoid presenting value judgments as purely technical, and political officials should avoid attacking expertise merely because its conclusions are inconvenient.

# Institutional Safeguards

A balanced framework can preserve presidential control while reducing abuse. Agencies should define covered positions narrowly and transparently, publish aggregate classification information, train managers on prohibited personnel practices, provide meaningful notice, preserve records, and maintain independent review for whistleblower and discrimination claims. Scientific agencies should protect publication integrity and allow experts to state methodological conclusions without prior political rewriting. Congress can conduct oversight and legislate clearer limits if it believes executive classification authority is too broad. Inspectors general, the Office of Special Counsel, courts, professional associations, and the press also contribute to accountability.

# Conclusion

Schedule F did not directly fire Anthony Fauci, and the current Schedule Policy/Career framework cannot target him because he retired from federal service in 2022. The enduring issue is broader: how much removal authority should a president have over career employees whose work influences policy? The 2025 order and 2026 OPM rule define covered positions as career and merit-based while reducing some procedural protections and emphasizing faithful implementation of lawful presidential policy. Supporters see necessary democratic accountability; opponents see a risk to expertise, continuity, and independent warning. A sound system must allow elected leaders to govern, career officials to provide candid evidence, and employees to refuse illegality without converting professional disagreement into partisan insubordination.

## References

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