

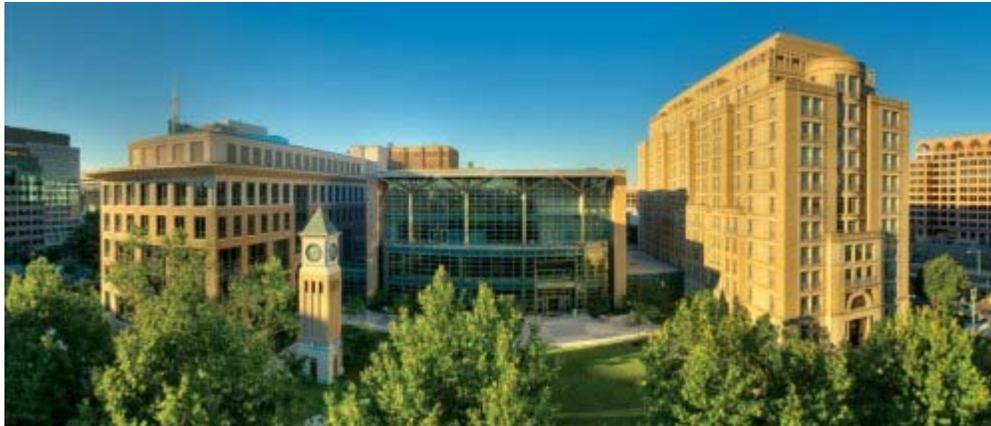
## Georgetown Law Weekly

Georgetown Law's Student-Run Newspaper

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### 3Ls React to Trump Hiring Freeze

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On January 23, 2017, President Donald Trump signed his “Presidential Memorandum Regarding the Hiring Freeze,” directing the executive branch to implement an across-the-board hiring freeze on civilian employees. Exempted from the freeze are military personnel and positions deemed necessary to national security or public safety. The memorandum ordered the Office of Management and Budget (OMB) to develop a long term plan to reduce the federal work force within 90 days. The freeze expires upon implementation of OMB’s plan.

Two days later, OMB released a memorandum providing slightly more guidance. No new positions will be created, nor empty positions filled. Any job offer with a start date before February 22, 2017 will not be affected by the freeze; any offer with a start date after February 22, 2017 or not yet determined will be under the discretion of the Agency head.

The federal hiring freeze was part of Trump’s “Contract with the American Voter” which detailed his campaign platform. Sean Spicer, White House Press Secretary, in a press conference on January 23, said the goal is to eliminate spending on jobs that are “duplicative” in light of the “dramatic expansion of the federal workforce in recent years” – a claim that has been heavily debated in the media. J. David Cox Sr., National President of the American Federation of Government Employees, said the freeze will, instead, disrupt crucial federal services and programs, and will increase government spending through increased reliance on contractors.

Regardless its impact on a macro level, the freeze is causing anxiety among the many Georgetown Law students who have received post-graduate federal employment and are unsure about the security of their offers. OPICS is in contact with recruiters from many federal agencies trying to get more information; any updates will be posted on their website, or announced in Career Clips. OPICS has said while the actual breadth of the freeze is still being determined, they cannot recall one with more robust implications in the past. The freeze is not expected to affect unpaid Spring or Summer internships, but OPICS recommends contacting your particular agency for certainty. With regard to post-graduate employment, the Department of Justice, at least, has informed OPICS that past hiring freezes have not

jeopardized the Attorney General Honors Program, but is still currently awaiting more guidance before going on the record about current Honors hires. It is recommended that anyone with a post-graduate employment offer with a federal agency make an appointment with OPICS to strategize and plan for alternative employment, on the chance that the positions do fall through due to the freeze.

In addition to this logistical barrier to federal employment, many who were offered a post-graduate position within the executive branch have been grappling with an ethical dilemma, re-evaluating their confidence in the resiliency of our democratic institutions, and considering the role that an entry level attorney of a different ideology than the new administration may be asked to play. I sat down with many of these 3Ls this week in order to get a better idea of the perspectives and mechanics that were guiding their decision making in light of both the freeze, and the Trump Administration. They generally fall into two categories: those trying to find the Silver Lining in working in a Trump Administration, and those running as far from it as they can.

### **The Silver-Linings**

Many 3Ls are optimistic that they can “preserve [their] sense of integrity and pursue justice” under the Trump Administration. The unifying sentiment among this group seems to be that it is important to have advocates on the inside of an opposing administration, to ensure a diversity of viewpoints. Some said that they were concerned that the job would go to someone more in line with the administration and pose a further threat to their interests, if they did not accept their federal position.

One individual – fairly comfortable in his offer, as it is related to public safety – is “cautiously optimistic” about working in the Trump Administration. While he does fear the implications of the Trump Administration, he finds comfort in the prospect of “ensur[ing] continuity and reasonableness.” Having had ample federal experience prior to and during law school, he is also concerned that a hiring freeze “prevents you from hiring good people ... you have institutional knowledge leaving.”

One 3L I spoke to accepted an offer from an administrative Immigration Court. They acknowledged that administrative courts are partially “insulated” from the administration, which gives them hope that their personal work may not be materially affected by the Trump administration. They do acknowledge, however, that there are ways the administration can challenge Immigration Judges that may present difficulties for the Immigration Court. Former Attorney General John Ashcroft had a very contentious relationship with Immigration Judges in the aftermath of September 11, which resulted in the National Association of Immigration Judges petitioning Congress to remove control over Immigration Courts from the Justice Department.

### **The Runners**

Many Runners seemed to more afraid than the Silver-Linings that they are not apolitical enough to work in this particular administration. Some felt comfortable working in a hypothetical Rubio or Kasich Administration, but could not say the same about the Trump Administration. Three individuals I spoke to were in the pipeline for federal employment, but had also been offered positions at firms specialized in their area of interest. Each opted to accept their firm offer, citing a fear of being too political, and not wanting to assist in what they perceive to be the destruction of the interest they wish to protect.

One 3L decided at the last minute not to apply for the DOJ honors program, and was “uneasy” about the decision for months thereafter. While watching the election results roll in he recalled thinking “Man, I am so glad I decided not to

apply. The very idea of working as a federal prosecutor under policy and enforcement priorities set by Trump sent shivers down my spine.” This sentiment was echoed by another 3L who had considered federal employment as a viable backup plan to his original plan of working internationally. In the aftermath of the election he started to feel that “working in the Trump Administration – even at a low level – is not something I feel I could do and maintain my integrity.” He is now doubling down on his plan A, and is “hyper focused” on international employment.

Other individuals are unsure about the protections available for executive employees who disagree with the administration. While the Hatch Act is meant to prevent federal employees from openly endorsing a candidate at work, implied endorsements based on professed policy opinions may still be a threat. Furthermore, the termination of former acting-Attorney General Sally Yates, and Press Secretary Sean Spicer’s rebuke of the State Department employee’s using the “Dissent Channel” to oppose immigration policy, instills fear of retaliation in current and prospective federal employees. According to Spicer, dissenting employees need to “either get with the program, or they can go.”

### “Complaining from a place of privilege”

Everyone conceded that in the grand scheme of things, the impact of the Trump Administration on their planned career trajectory is minimal as compared to the administration’s impact on other members of the community. Said one 3L, “I have an enormous amount to be thankful for and I have plenty of other [options] that I’m pursuing.” Many stated that the bigger concern is the threats they foresee to the issues that compelled them to attend law school. Should they not continue with their executive agency, all wish to continue in the field they would have been in prior to the freeze, just perhaps through non-profits or the private sector. Some acknowledged, however, that they are currently much more inclined, if need be, to enter fields like immigration, civil rights, and other areas that they feel are under greater threat due to the Trump Administration.

Despite the different approaches these individuals have towards their role in the Trump Administration, there is one resounding similarity: every last one of them is hopeful. Regardless what thought processes, arguments, and justifications have led to their individual decisions, each one made the decision needed for them to personally make the most positive impact they can. There is no right or wrong choice when it comes to these job offers. The only choice is to double down on their ideologies and activism, and there are many different ways to do it. The Trump Administration may be drawing them a new career path, but, in the beliefs of this group of 3Ls, the destination is the same.

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