One of the strangest aspects of the current era is that the president of the United States seems to have little interest in running the country’s government. A political novice with no fixed ideology or policy agenda, Donald Trump took office as if orchestrating a hostile corporate takeover. In his first six-plus months as president, he has followed his own counsel, displaying open contempt for much of the federal work force he now leads, slashing budgets, rescinding regulatory rules, and refusing to follow standard operating procedures. This has cost him allies in the executive branch, helped spur creative (and increasingly effective) bureaucratic opposition, and, thanks to that opposition, triggered multiple investigations that threaten to sap party and congressional support.

Furious at what they consider treachery by internal saboteurs, the president and his surrogates have responded by borrowing a bit of political science jargon, claiming to be victims of the “deep state,” a conspiracy of powerful, unelected bureaucrats secretly pursuing their own agenda. The concept of a deep state is valuable in its original context, the study of developing countries such as Egypt, Pakistan, and Turkey, where shadowy elites in the military and government ministries have been known to countermand or simply defy democratic directives. Yet it has little relevance to
the United States, where governmental power structures are almost entirely transparent, egalitarian, and rule-bound.

The White House is correct to perceive widespread resistance inside the government to many of its endeavors. But the same way the administration’s media problems come not from “fake news” but simply from news, so its bureaucratic problems come not from an insidious, undemocratic “deep state” but simply from the state—the large, complex hive of people and procedures that constitute the U.S. federal government.

L’ÉTAT, C’EST TOI

Broadly speaking, the American state comprises the vast expanse of federal administrative agencies—the organizations and people responsible for making and enforcing regulations, designing and running social programs, combating crime and corruption, providing for the national defense, and more. These agencies function somewhat autonomously from their political masters, drawing on their own sources of legal authority, expertise, and professionalism. They oversee the disbursement of vast amounts of money to vast numbers of people for various things, and most of their day-to-day operations are largely unaffected by broad-stroke policy statements issued from the White House or even their department’s leaders.

Officials inside these agencies can defend environmental and workplace safety standards, international alliances, and the rule of law. They can investigate, document, and publicize instances of high-level government malfeasance. And they can do so, in no small part, because a good number of them are insulated by law from political pressure, enjoy de facto tenure, and have strong guild codes of professional behavior.
In some ways, the Trump administration—in truth, any administration—is right to see them, collectively, as a potentially dangerous adversary.

But unlike the deep states in authoritarian countries, the American state should be embraced rather than feared. It is not secretive, exclusive, and monolithic, but open, diverse, and fragmented. Its purpose is not to pursue a private agenda contrary to the public will but to execute that will—to deliver to the people the goods and services that their elected representatives have decreed, and to do so fairly and effectively.

In Europe, the upper reaches of the state are often dominated by a tight-knit group of graduates from the country’s most exclusive schools, such as Cambridge, Oxford, and the École Nationale d’Administration. Across Asia and the Middle East, ministries and state-owned enterprises are often controlled by clans and cliques and run for their private benefit. In the United States, however, the state is an amalgam of middle-class technocrats without any strong collective identity or financial incentives to profit personally from their jobs. In fact, one could make a good case that the bureaucrats (more numerous outside the Beltway than they are in Washington proper) are closer to and more in tune with median voters than the mostly rich, elite politicians who control them.

Throughout the developing world, and even in some developed countries, power is not only concentrated in the hands of a cohesive elite but also exercised largely in secret. In the United States, by contrast, government agencies are overwhelmingly transparent and accessible. (Within the United States, it is generally easier to get accurate and comprehensive information about the inner workings of
federal agencies than about the White House or Congress.) And when officials take the extraordinary step of opposing the choices of their political bosses, they often do so in a reasoned, public manner—as with the State Department’s exemplary Dissent Channel. Even their crimes are transparent: What is the offense Trump supporters are most outraged by? The unauthorized disclosure of accurate information.

What’s more, unlike in many nations where democracy presented itself as a late-arriving imposition on an already entrenched bureaucracy, in the United States, it is the administrative state that is seen as the intrusion. The American state therefore operates from a position of weakness and deference. It is disaggregated and siloed. True deep states involve powerful, elite factions that control multiple interlocking ministries and funding sources. By contrast, in the United States, the only actor with even a plausible ability to control many separate parts of the American state is the president, whose own powers and resources are limited by law and custom.

The American state should be embraced rather than feared.

U.S. administrative fragmentation makes it hard for things to get done—but it also makes the notion of a coordinated, secret conspiracy by multiple state actors laughable. Tree huggers in the Environmental Protection Agency live to enforce the Clean Air Act, and latter-day Eliot Nesses in the Treasury Department obsess about combating corruption and fraud. Neither group is professionally interested in or involved with the other’s agenda, or, for that matter, interested in or involved with health care, immigration, or foreign policy.
DIVIDE AND AVOID BEING CONQUERED

The American constitutional order is based on many different separations of powers, not just the division of the legislative, executive, and judiciary branches. There are splits between the two halves of the legislature; the federal, state, and local levels of government; the public and private sectors; and more.

Over the first half of the twentieth century, as Americans realized that they wanted government to play a larger role in economic and social affairs, Congress delegated large swaths of its own lawmaking power to federal agencies operating under the president’s control. This transfer of authority greatly destabilized the original, Madisonian separation of powers. But to prevent true presidential imperialism, the architects of the modern welfare and national security states generated new checks and balances, including the legal and cultural empowerment of an autonomous bureaucracy. And today, the enabling of that autonomy has positioned agency officials to challenge and resist efforts by the Trump administration that lack legal or scientific foundations.

Of course, the value (and advisability) of such a potent check depends on the quality of the state actors involved, and in the United States, agency officials are highly trained, relatively diverse, and demonstrably devoted to the public weal. They understand that they would forfeit their authority and legitimacy if they were captured by special interests working for private rather than public goods or if they conspired to undermine the will of the people’s representatives. Here again, however, whatever problems the bureaucracy poses are dwarfed by the much greater danger of special interests capturing those representatives. After all, the civil service
constitutes a relatively meritocratic technocracy operating under strict transparency rules and within careful guardrails that prevent tampering—compared with presidents and legislators who spend half their time setting policy and the other half desperately soliciting money from anybody willing to contribute.

RESTORING THE STATE

A healthy, high-quality bureaucracy is a national treasure.

Why is the American state so susceptible to vilification? The current efforts to delegitimize the state are not without precedent. For decades, certain groups in society have chipped away at the American state’s status, resources, and independence. Outsourcing, privatization, the conversion of civil servants into at-will employees—these and other attempts to sideline or defang the independent bureaucracy have taken their toll. Now more than ever, the state and its officials need to be supported and nurtured rather than demonized and starved. Two obvious efforts worth pursuing would be insourcing some previously outsourced responsibilities and safeguarding the civil service.

Recent administrations, Democratic and Republican alike, have increasingly turned to private-sector contractors for the provision of core government services relating to defense and intelligence, policing and incarceration, social welfare provision, and so on. Proponents of such shifts argue that contractors are cheaper and more efficient than federal employees. In practice, however, outsourcing and privatizing key government services have rarely produced the promised economic windfall.
But even if there are efficiency gains, they have come at the expense of democratic and legal accountability, as contractors operate more opaquely and without much oversight. And whereas tenured civil servants are legally and culturally positioned to subject administration proposals and policies to independent expert scrutiny, contractors rarely challenge the presidentially appointed agency leaders who write their checks. Outsourcing thus undercuts that new, and critical, internal check on modern administrative power.

In addition to circumventing a contentious civil service through outsourcing, recent administrations have tried to strip government personnel of their legal protections. This campaign, principally pitched in neutral, technocratic terms as bringing private-sector methods into public-sector workplaces, has already succeeded in reclassifying thousands of agency personnel as at-will employees. They are now subject to summary termination for any reason, including political disagreement or perceived disloyalty, clearly introducing a chilling effect and checking the autonomy that employees allow themselves to display.

Confident and capable presidents tend to recognize that a healthy, high-quality bureaucracy is a national treasure, a force multiplier that can use its skills, judgment, and hard-earned credibility to help an administration achieve responsible goals as effectively as possible. It is the insecure presidents, unable to hear honest technocratic feedback, who go to war with the state they nominally lead.