

Who Rules the United States?

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Column: How bureaucrats are fighting the voters for control of our country

Donald Trump was elected president last November by winning 306 electoral votes. He pledged to “drain the swamp” in Washington, D.C., to overturn the system of politics that had left the nation’s capital and major financial and tech centers flourishing but large swaths of the country mired in stagnation and decay. “What truly matters,” he said in his Inaugural Address, “is not which party controls our government, but whether our government is controlled by the people.”

Is it? By any historical and constitutional standard, “the people” elected Donald Trump and endorsed his program of nation-state populist reform. Yet over the last few weeks America has been in the throes of an unprecedented revolt. Not of the people against the government—that happened last year—but of the government against the people. What this says about the state of American democracy, and what it portends for the future, is incredibly disturbing.



President Donald Trump pauses while speaking during a news conference, Thursday, Feb. 16, 2017, in the East Room of the White House in Washington. (AP Photo/Andrew Harnik)

There is, of course, the case of Michael Flynn. He made a lot of enemies inside the

government during his career, suffice it to say. And when he exposed himself as vulnerable those enemies pounced. But consider the means: anonymous and possibly illegal leaks of private conversations. Yes, the conversation in question was with a foreign national. And no one doubts we spy on ambassadors. But we aren't supposed to spy on Americans without probable cause. And we most certainly are not supposed to disclose the results of our spying in the pages of the *Washington Post* because it suits a partisan or personal agenda.

Here was a case of current and former national security officials using their position, their sources, and their methods to crush a political enemy. And no one but supporters of the president seems to be disturbed. Why? Because we are meant to believe that the mysterious, elusive, nefarious, and to date unproven connection between Donald Trump and the Kremlin is more important than the norms of intelligence and the decisions of the voters.

But why should we believe that? And who elected these officials to make this judgment for us?

Nor is Flynn the only example of nameless bureaucrats working to undermine and ultimately overturn the results of last year's election. According to [the New York Times](#), civil servants at the EPA are lobbying Congress to reject Donald Trump's nominee to run the agency. Is it because Scott Pruitt lacks qualifications? No. Is it because he is ethically compromised? Sorry. The reason for the opposition is that Pruitt is a critic of the way the EPA was run during the presidency of Barack Obama. He has a policy difference with the men and women who are soon to be his employees. Up until, oh, this month, the normal course of action was for civil servants to follow the direction of the political appointees who serve as proxies for the elected president.

How quaint. These days an architect of the overreaching and antidemocratic [Waters of the U.S. regulation](#) worries that her work will be overturned so she undertakes extraordinary means to defeat her potential boss. But a change in policy is a risk of democratic politics. Nowhere does it say in the Constitution that the decisions of government employees are to be unquestioned and preserved forever. Yet that is precisely the implication of this unprecedented protest. "I can't think of any other time when people in the bureaucracy have done this," a professor of government tells the paper. That sentence does not leave me feeling reassured.

Opposition to this president takes many forms. Senate Democrats have slowed confirmations to the most sluggish pace since George Washington. Much of the New York and Beltway media does really function as a sort of opposition party, to the degree that reporters celebrated the sacking of Flynn as a partisan victory for journalism. Discontent manifests itself in direct actions such as the Women's March.

But here's the difference. Legislative roadblocks, adversarial journalists, and public marches are typical of a constitutional democracy. They are spelled out in our founding documents: the Senate and its rules, and the rights to speech, a free press, and assembly. Where in those documents is it written that regulators have the right not to be questioned, opposed, overturned, or indeed fired, that intelligence analysts can just call up David Ignatius and spill the beans whenever they feel like it?

The last few weeks have confirmed that there are two systems of government in the United States. The first is the system of government outlined in the U.S. Constitution—its checks,

its balances, its dispersion of power, its protection of individual rights. Donald Trump was elected to serve four years as the chief executive of this system. Whether you like it or not.

The second system is comprised of those elements not expressly addressed by the Founders. This is the permanent government, the so-called administrative state of bureaucracies, agencies, quasi-public organizations, and regulatory bodies and commissions, of rule-writers and the byzantine network of administrative law courts. This is the government of unelected judges with lifetime appointments who, far from comprising the “least dangerous branch,” now presume to think they know more about America’s national security interests than the man elected as commander in chief.

For some time, especially during Democratic presidencies, the second system of government was able to live with the first one. But that time has ended. The two systems are now in competition. And the contest is all the more vicious and frightening because more than offices are at stake. This fight is not about policy. It is about wealth, status, the privileges of an exclusive class.

“In our time, as in [Andrew] Jackson’s, the ruling classes claim a monopoly not just on the economy and society but also on the legitimate authority to regulate and restrain it, and even on the language in which such matters are discussed,” writes Christopher Caldwell in a brilliant essay in the Winter 2016/17 *Claremont Review of Books*.

Elites have full-spectrum dominance of a whole semiotic system. What has just happened in American politics is outside the system of meanings elites usually rely upon. Mike Pence’s neighbors on Tennyson street not only cannot accept their election loss; they cannot fathom it. They are reaching for their old prerogatives in much the way that recent amputees are said to feel an urge to scratch itches on limbs that are no longer there. Their instincts tell them to disbelieve what they rationally know. Their arguments have focused not on the new administration’s policies or its competence but on its very legitimacy.

Donald Trump did not cause the divergence between government of, by, and for the people and government, of, by, and for the residents of Cleveland Park and Arlington and Montgomery and Fairfax counties. But he did exacerbate it. He forced the winners of the global economy and the members of the D.C. establishment to reckon with the fact that they are resented, envied, opposed, and despised by about half the country. But this recognition did not humble the entrenched incumbents of the administrative state. It radicalized them to the point where they are readily accepting, even cheering on, the existence of a “deep state” beyond the control of the people and elected officials.

Who rules the United States? The simple and terrible answer is we do not know. But we are about to find out.

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