

“The ... basic goal of the Republican Party is ... making vigorous use of the legitimate machinery of government to achieve their goals.”

Antonin Scalia, 1981¹

Introduction

The arrival of a new conservative administration in Washington DC is commonly equated with the “rolling back” of the federal government. Yet as Donald Trump’s tenure confirms, his presidential administration harbors few anxieties about a strong State, contentedly wielding the institutional power of the American State to secure his pledge to “Make America Great Again.” Because his administration has used executive power so aggressively, most scholars and pundits place Trump outside the tradition of American conservative thought, and many regard him as a disruptive force inside conservatism’s institutional vessel, the Republican Party. We disagree. We argue that the association of conservative Republicanism and retrenchment elides a critical change in the relationship between party politics and executive power, which Donald Trump is determinedly nurturing.²

Partisanship in the United States is no longer a struggle over the size of the State. It is a struggle for the services of national administrative power. Despite rhetorical appeals to “limited government,” since the late 1960s conservatives have sought national administrative power as ardently as liberals. Trump has tapped into the conservative affirmation of State power several decades in the making. His administrative aggrandizement extends this trend in American politics. Consequently, while liberals seek to build administrative capacity to design and implement social welfare policies, conservatives have sought to redeploy and extend that power

in service of their own partisan objectives in areas such as national and homeland security, immigration, climate change, criminal justice, education, and civil rights.

From this perspective, the Trump administration is consistent with long-term conservative objectives. Much of Trump's campaign rhetoric and his governing tactics emphasize his desire to dismantle many liberal institutions and programs, to induce the "deconstruction of the administrative state" as his former chief strategist, Steve Bannon, once touted. In celebrating the State's demise, Trump perpetuates the symbolic attack against administrative government, which has been the hallmark of conservative rhetoric for a century. Yet Trump's presidency is likely to be consequential for American politics not because he will denigrate national administration, but rather, because he will reconstruct its fiscal, administrative, and human resources to augment his vision of a strong American State. Trump has endeavored forcefully to advance a *conservative* statism.

The American State first gained legitimacy with the New Deal in the 1930s under Franklin D. Roosevelt and during the Cold War. Contested by conservative Democrats and Republicans as an existential threat to constitutional government, national enforcement gained acceptance on the right as liberalism expanded throughout the 1960s. Goldwater's 1964 campaign summoned a messianic conservatism, rooted in the all-encompassing struggle against Communism. Goldwater's crusade marked a precursor, but it was Nixon's presidency that first advanced an alternative form of administrative power. Since Nixon, self-styled conservative administrations have sought to *redeploy* rather than dismantle or roll back State power. With "redeployment," conservative presidents sustain State activity, but in service to the new administration's ideology.

To understand contemporary power and America's partisan rancor, scholars must assess the State as an aspect of the enduring liberal-conservative struggle. We offer redeployment as a new framework, one that sheds light on the ascent of Donald Trump, but does not treat him as a novel or ephemeral phenomenon. His presidency marks the culmination of developments in the battle between liberals and conservatives to seize and command national administrative power.

This contest to control the administrative state, forged during the New Deal and the Great Society, has not yielded a Weberian state. The redeployment framework points to the tendency of both liberals and conservatives to rely on the executive. We contend that the election and first term of Donald Trump dramatically confirms that executive power is the vanguard of an enervating contest between liberal and conservative policy demands that weakens the system of checks and balances, diminishes the integrity of decentralizing constitutional institutions like Congress and the states, and erodes citizens' trust in the competence and fairness of the national government.

The Persistent American State

Given Republicans' rhetorical attack on government, it is not surprising that scholars and public commentators equate conservatism and anti-statism. "In this present crisis, government is not the solution to our problem," Reagan declaimed in his first inaugural address: "government is the problem."³ However, key indicators of State activity suggest that such rhetorical tropes disguise an enduring commitment to national administration.⁴ Limited State retrenchment across multiple administrations and periods of unified Republican governance exposes a discrepancy between conservative rhetoric and conservative governance.

[INSERT FIGURE 1 ABOUT HERE]

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The conservative promise to retrench fails with an uncontentious measurement of State size – the number of people working for the State. Regardless of the president’s party, the number of employees working at all levels of government since the 1960s has gradually risen (Figure 1). The growth of state and local government is particularly noteworthy because it has often been in response to the increased number of demands liberals and conservatives alike place on subnational governments.⁵ As a percent of the total American workforce, the federal civil service has declined since the late 1960s, but gains in local and state employment offset these reductions (Figure 2). The pattern of growth and decline do not fit neatly with partisan changes in governing authority.⁶

[INSERT FIGURE 3 ABOUT HERE]

[INSERT FIGURE 4 ABOUT HERE]

The State also projects power through the expansion or redistribution of program funding. A similar pattern emerges. The trajectory of government spending has plainly been insulated from periodic transfers in partisan power (Figure 3). Even at the height of the Reagan “Revolution,” total government spending at all levels represented 34.07 percent of GNP (FY1984, the lowest percentage for Reagan). In 2016, local, state, and federal outlays composed 34.12 percent of GNP. Finally, assessing how each administration has contributed to the federal debt reveals no discernible difference across nearly-50 years of Republican and Democratic governance. Figure 4 documents the year-to-year change in the federal deficit, as a percent of discretionary expenditures. In 2009, for example, Obama’s first year in office, the discretionary deficit was 22.5 percentage points greater than it was in 2008. Yet, Republican administrations, including Reagan in 1982 and 1983, also oversaw annual increases in the federal deficit. In fact,

of the ten fiscal years where the deficit grew the largest, Republican presidents were at the helm for eight.⁷

These trends are surprising, not least because this stable pattern coincides with fierce partisan and ideological polarization, often portrayed by scholars as conflict over whether to expand or roll back State power.⁸ We argue that these figures represent, at least in part, the emergence of a conservative statism, rooted in the joining of centralized administration and partisanship. Republicans no less than Democrats have engaged in executive aggrandizement, exploiting personnel, revenues, and regulatory authority – both at the federal and state levels -- to achieve their objectives.

This is not to suggest that the conservative attack on, and decline of trust in government is un-important. In fact, both liberals and conservatives have frequently denigrated government since the 1960s even as they continue to rely on it. In Hugh Heclo's account, even as they lambast government, Republicans and Democrats, liberals and conservatives, have become "policy-minded." Despite the easily mobilized fear of centralized power in American political culture, Heclo argues that the fierce, enduring battles over civil rights and the Vietnam War gave rise to a novel animus to public authority. During the Sixties, "the emphasis shifted from traditional suspicion of power" to a defiance of all authority. The coexistence of distrust in institutions and a willingness to use institutional power has led each side to clash, not only on principle but also to deny the legitimacy of the opposition.⁹ The redeployment of State power has thus become a disruptive and fractured endeavor with liberals and conservatives simultaneously championing selective instruments of State power, while disparaging its whole.

Conceptually the relationship between partisan rancor and conflict about national administrative power is obscured by the perennial confounding of government and the State. If

those concepts are untangled, it makes more sense why the State can endure, even when political leaders curry favor by deprecating governing institutions. The emergence of ideological conflict pitting programmatic objectives against institutional balance sheds light on the wayward path of what scholars theorize as a “policy state.”¹⁰ Most expansively, Karen Orren and Stephen Skowronek argue that with the demise of rights and structure that constrained government activism, “the Constitution’s intricate division of labor has come to operate over time less as a containment structure than as an opportunity structure.” Correspondingly officials in all branches and levels of government now act as “policy entrepreneurs, advancing programs to secure their positions and enhance their power.”¹¹ The scale of policy demands has eroded faith in traditional constitutional norms, the “violence of faction” that James Madison feared and hoped the framers had proscribed. By the 2000s, Orren and Skowronek argue, faith in expertise and neutral competence had succumbed to raw and disruptive conflict about the legitimacy of the policy state itself: one side defends the problem-solving ethos of the policy state; the other, invoking first principles and limited government, “rejects the primacy of policy, with its insatiable plea ‘to do something.’”¹²

In contrast, we identify a merging of executive power and partisanship that has aroused a battle for the services of the policy state. The keenest defenders of the policy state are “locked in the Democratic Party”; but, the policy state has many defenders on the right and within the Republican Party.¹³ Self-styled conservatives have developed constitutional arguments and political strategies that presuppose recasting national administrative power in their own image.

The Origins of Conservative State-Building

America's national State emerged from a series of high stake struggles over domestic and foreign policy, animated by a contest over what it means to be American. As manifest in the 2016 Presidential Election, partisan conflict is steeped in disagreement over patriotism, joined to competing conceptions of national identity.¹⁴ These contests over American identity have historical roots but they have become a routine part of politics in the United States. The legislative creation of civil rights and the expansion of national administrative power in the mid-20th Century created a new arena for contesting and deploying State power. Consequently, it is more clearly the case now than ever before that the political conflict over the service and management of governing institutions takes on more significance than pressure politics or rent-seeking by various interest groups. As the modern presidency has come to anchor both national administrative power and the symbolic significance of the American creed itself, both liberals and conservatives have embraced an expansive notion of State power – so long as State power is used on behalf of those who are legitimately perceived members of the national community.

The idea of a “State” therefore cuts more deeply than suggested by Max Weber's definition of “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.”¹⁵ Beyond the powers of government, the State represents a centralizing ambition to cultivate, or impose, a vision of citizenship.¹⁶ In Randolph Bourne's words, the State is a “concept of power” that comes alive in defense of or in conflict with an ideal of how such foundational values of Americanism as “free and enlightened” are to be interpreted and enforced. It is symbolized not by the Declaration and the Constitution but rather in rallying emblems such as the flag and Uncle Sam. A key mobilizing force is patriotism, a concept at once centralizing and conflictual.¹⁷

The development of the modern American State during the Great Depression and World War II, therefore, involved not just the creation of new programs and administrative agencies but a new public philosophy. As FDR argued in his iconic State of the Union message of 1941, traditional freedoms like speech and religion needed to be “supplemented” by two new rights: “freedom from want” and “freedom from fear.” This was not mere rhetoric. These new freedoms, the charter of the modern American State, were given institutional form by the welfare and national security states. The “Four Freedoms” speech ushered in a new understanding of rights, under which domestic programs like Social Security and international causes like the Cold War called not for partisanship, but for “enlightened administration” (as Roosevelt had described the New Deal aspiration in his 1932 Commonwealth Club address) – for the creation of an executive-centered administrative state that would supplant limited constitutional government and the decentralized party politics that accommodated it. Politics became about pragmatic solutions to the challenging responsibilities that America had to assume, at home and abroad, in the wake of the Great Depression and World War II.¹⁸ The enactment of the 1939 Executive Reorganization Act, which created the White House Office (the West Wing) and strengthened the president’s control over the expanding administrative core, can be viewed as the organic statute of the New Deal political order.

The consolidation of executive power under Franklin Roosevelt was contested; nonetheless, the rise of an executive-centered administrative state reflected a fragile consensus that for a time obscured partisan conflict over national administrative power. Beginning in the Progressive era, reformers collectively scorned the political practices and institutions built during the nineteenth century, which were dominated by local issues and a spoils system that supported a highly-decentralized “state of courts and parties” as Skowronek terms it.¹⁹ At the high tide of

the liberal State from the beginning of World War II through the Great Society, partisan politics reached a low ebb. Indeed, the “New Deal Party System,” as the period’s dominant alignment has been labeled, featured a widely shared faith in Progressive ideals: public trust in government, belief in the standard of expert-driven “neutral competence,” and consensus about the direction of domestic and foreign policy, all of which overlay a racist political order with partial civil rights.

Dwight Eisenhower, the first Republican President elected during the New Deal regime, for a time epitomized the bipartisan legitimacy that underpinned the liberal political order. Two years after his 1952 campaign victory he worked with the Congress to pass an expansion of Social Security, thereby rendering America’s nascent welfare state more inclusive.²⁰ More telling of a bipartisan commitment to the fledgling national state was the creation of a national highway system, first proposed in 1944, which Eisenhower celebrated as “the biggest peacetime construction project ever undertaken by the United States or any other country.”²¹ Against the powerful strain of isolationism in the Republican Party, Eisenhower also retained Roosevelt and Truman’s commitment to liberal internationalist institutions like NATO, the United Nations, and global financial institutions.

Although Eisenhower’s two terms in office bestowed a measure of bipartisan legitimacy on the liberal State, many GOP loyalists and Democratic conservatives detested his “modern Republicanism.” Old Guard stalwarts such as “Mr. Republican,” Robert A. Taft, as Melvyn Leffler has observed, “seemed little concerned with conditions abroad; their intent was to crush communism at home, besmear the New Deal, and thwart the activist state.”²² Western conservatives, fueled by the population boom in the Sunbelt states, rallied around a libertarian creed that denounced federal intervention in land management, business regulation, and civil

rights enforcement. Southern Democrats feared that Roosevelt's 1941 order to prohibit racial segregation in war industries was the opening wedge of an assault on Jim Crow, a fear confirmed by Harry Truman's decision to integrate the armed services and issue an *amicus curia* in support of the NAACP's suit against forced segregation in education. Republicans made deep inroads into the South throughout the 1950s, challenging the dominance of one-party rule and enhancing the prospects of a vote-rich, multi-region party.

Barry Goldwater's 1964 nomination neither resolved the intra-party conflict, nor set the Republican Party on a single ideological course. To be sure, Goldwater's campaign galvanized an anti-establishment insurgency that denigrated Eisenhower's efforts to build a more accommodating Republican Party. In 1964, however, most Republicans still scorned the modern presidency as the vanguard of New Deal liberalism. By 2016, a conservatism remade by Southern influence and social activists mobilized by the Christian Right and Tea Party, embraced a "unitary executive" as an essential instrument of national renewal. Trump's provocative claim at the Republican national convention, "I alone can fix it," did not come out of nowhere. It marked the culmination of developments that began to take institutional form during the Nixon administration.

The Liberal State and Freedom from Want

Civil rights leaders and anti-war protesters rejected the working arrangements of the New Deal State for its egregious accommodation of racism, sexism, corporate greed, and the imperialism it pursued under the banner of protecting global freedom. The election of John F. Kennedy and his pursuit of a New Frontier appeared to sanctify the pragmatic administration governing the welfare and national-security states. Addressing a White House Conference on

National Economic Issues in May 1962, Kennedy declared: “Most of us are conditioned for many years to have a political viewpoint – Republican or Democratic -- liberal, conservative, moderate. [But] most of the problems or at least many of them that we now face are *administrative problems*. They are very sophisticated judgments which do not lend themselves to the great sort of ‘passionate movements’ which have stirred the country so often in the past.”²³ Reifying these developments, the Harvard sociologist, Daniel Bell ideologically heralded the “end of ideology.”²⁴ Inured to America’s simmering racial divisions and inequalities, neither Kennedy nor Bell foresaw that a civil rights movement, a woman’s liberation movement, and anti-war activists would soon pressure the presidency to abandon incremental reform.

Post New Deal liberals envisaged the American State in a cosmopolitan, pluralistic society whose government would protect the rights of African-Americans, women, immigrants, and later the LGBTQ community at home, and pursue “global” policies of trade and diplomacy abroad to advance human rights not imperialism. This ideal manifested itself most fully in the social causes championed by Johnson’s Great Society. The attempt to realize the Great Society exposed the liberal State’s central fault lines, and with violent upheaval in Vietnam and in the nation’s urban core, the pragmatic center that buttressed the New Deal disintegrated. Although the social activists’ and antiwar agitators’ alienation from the “establishment” would be tempered during the 1970s, their crusade against bureaucratic indifference was carried on by “public-interest” advocacy groups that aimed thoroughly **to** reform American political institutions.²⁵ Remaking the executive branch, congressional institutions, and the courts, liberal activists extended the New Deal emphasis on economic security to encompass social causes and programs in the areas of civil rights, immigration reform, environmental and consumer protection, and education. As Paul Pierson argues, these policies gave rise to an activist and

polarized State centered on “a range of profoundly contentious issues... The character of these issues made compromise difficult, and created incentives for polarizing forms of mobilization.”²⁶

The “new” liberals’ also transformed the presidential selection process, affirming E.E Schattschneider’s insight that “new policies create new politics.”²⁷ Between the late 1960s and early 1970s, the old local and state party based convention system of presidential nomination was upended by a candidate-centered, media-driven primary system. The new system made South Dakota’s antiwar Senator George McGovern the Democratic presidential candidate in 1972. McGovern’s acceptance speech at the Democratic Convention that year laid out the vision for a new liberal State: “It is the time for this land to become again a witness to the world for what is just and noble in human affairs. It is time to live more with faith and less with fear.”²⁸ Senator McGovern lost a landslide election to Richard Nixon, winning only Massachusetts and Washington, D.C. The trajectory of civil rights reform combined with demographic shifts in the racial and ethnic characteristics of the electorate matured into a progressive coalition; and the centrist politics of Jimmy Carter and Bill Clinton ultimately gave way to the election of America’s first African American President. As important as economic issues were to the insurgent candidate of 2008, Barack Obama, and to 2016’s putative revolutionary, Bernie Sanders, these concerns were imbued with a commitment to what Jesse Jackson called a “rainbow” coalition including minorities, millennials and educated professionals, especially single women.²⁹

The Conservative State and Freedom from Fear

With his call for a more militant conservatism during the 1964 campaign, Arizona Senator Barry Goldwater advanced the contemporary conservative movement’s rightward shift.

Fellow crusaders rejected the liberal State as an insidious form of despotism that would destroy “rugged individualism” at home and America’s “exceptional” global place. As the Republican presidential candidate Goldwater framed the stakes in the battle between liberalism and conservatism apocalyptically: “I would remind you that extremism in the defense of liberty is no vice.” “And let me remind you also,” Goldwater intoned, “that moderation in the pursuit of justice is no virtue.”³⁰

It fell to Nixon to tie the conservative anti-communist crusade to the powers of the modern presidency. Goldwater’s bestseller, *The Conscience of a Conservative*, argued that communism had to be defeated, not by the further aggrandizement of executive power, but by recovering a sense of American exceptionalism. NATO and the U.N. both drained American resources and abetted presidential unilateralism - an institution mollified by its ambitions to seek “peace” and “negotiate” with the “Soviet menace.”³¹ Goldwater recycled the conservative argument that associated presidentialism with the diminishment of liberty. In a speech on the “Return to Liberty,” given several months after World War II, Senator Taft upbraided the a complacent Congress for delegating to the president carte blanche authority to negotiate tariffs, control the State Department, and confer with other countries through the U.N.’s Security Council. “Almost the only restraint upon him today is the power of the purse,” Taft remarked in 1946. “Unlimited delegation of discretion to the President,” he warned, “in all foreign affairs can easily lead to a complete absence of freedom at home.”³²

Such faith in limited constitutional government had faded considerably by the time Nixon took office. The modern presidency was inextricably linked with the quagmire in Vietnam, which severely tested the nation’s resolve. Invoking the scholar who coined the phrase “constitutional dictatorship” during the 1968 campaign, Nixon dismissed the traditional

conservative view that foreign policy, no less than domestic affairs, should be constitutionally constrained. “The tasks confronting the next President abroad are among the most complex and difficult ever faced,” he argued in a 1968 radio address, “And, as Professor Clinton Rossiter has observed, ‘Leadership in foreign affairs flows today from the President— or it does not flow at all’.”³³ Upon entering office, Nixon reorganized rather than curtailed the executive aggrandizement of the Johnson years.³⁴ He further centralized foreign policy-making in the National Security Council and ordered covert bombing raids in Cambodia and Laos. Even the flashpoint of the Watergate scandal – the firing of special prosecutor Archibald Cox – was defended as a measure to prevent the president looking weak in the eyes of Soviet leader Leonid Brezhnev.

Along with communism, a principal demon of conservatives’ alarmist vision was urban unrest and rioting during the “long hot summers” of the 1960s. To conservatives, these riots threatened the fabric of a Constitution founded on their idea of ordered and racially hierarchical liberty. “Security from domestic violence, no less than from foreign aggression,” Goldwater reflected, “is the most elementary and fundamental purpose of any government,” a condition of citizens’ loyalty. Goldwater thus preached the gospel of law and order that would become a rallying cry for conservatives’ redeployment of State power.

As with foreign policy it was Nixon, not Goldwater, who sutured the promise of law and order to State power. Goldwater viewed domestic unrest as a disease of heightened expectations, blaming the welfare state as an agent of government dependence inimical to free society. In contrast, Nixon prescribed conservative management of social welfare policy: “The next President must unite America.. and bring its people together once again in peace and mutual respect...This requires leadership that believes in law, and has the courage to enforce it...”³⁵ The

first Republican president to presume leadership of the “silent majority,” he imprinted the “law and order” brand on his party in his address before the 1968 Republican convention in Miami, Florida. “Let those who have the responsibility to enforce our laws and our judges who have the responsibility to interpret them be dedicated to the great principles of civil rights,” he adumbrated before a party whose 1964 presidential candidate had voted against the 1964 civil rights bill. But, he continued, “the first civil right of every American is to be free from domestic violence, and that right must be guaranteed by this country.”

Nixon secured his pledge through a robust administrative reconfiguration of inherited domestic commitments. To the surprise of many, he did not immediately dispense with LBJ’s signature Model Cities program, but rather reconstituted it to give business interests greater influence over the deployment of federal funds while diminishing the role of poverty advocates in urban planning. Moreover, he transformed the Budget Bureau into the Office of Management and Budget, adding a cadre of presidentially appointed assistant directors of policy who stood between the OMB director and the bureau’s civil servants. Consequently, the budget office became a key instrument in the presidency’s planning for new programs, administering old ones, and setting the public agenda. Finally, mirroring his empowerment of National Security Council, Nixon established a Domestic Council to centralize policymaking in the White House. Nixon’s commitment to politicizing the executive branch doubled the White House’s full-time staff of 203 under Johnson to 522 comparable employees.³⁶ Although Nixon’s efforts to further consolidate presidential power by overhauling executive departments and agencies during his second term were thwarted by a Democratic Congress and Watergate, his efforts to deploy conservative administrators in a revamped structure that would be more responsive to the expanded White House Office paved the way for Reagan’s conservative administrative

presidency. As Bert Rockman has observed, “it was the Nixon presidency, particularly in the aborted second term, that became celebrated for its deployment of the [administrative presidency],” but “the Reagan Presidency intended to perfect the strategy and to do it from the beginning.”³⁷

Goldwater and Nixon thus laid the groundwork for a conservative State. As Goldwater’s nomination and campaign showed, conservative activists scorned the social welfare policies of the Great Society. Viewing populist insurgency as a force that could disrupt the liberal political order, conservatives sought to install policies that would remedy the New Deal State’s failure to uphold private property, to protect “family” values, or to effectively fight communism. Consequently the frame of partisanship was transformed by the late 1960s, setting the stage for a battle over the direction of the national State. Nixon coupled that insurgency to the promise of presidential power – an institution originally designed to protect and extend the vision of programmatic, liberal State. Ideologically, he believed, the modern presidency could be a two-edged sword. “The days of a passive presidency belong to a simpler past,” he foretold. “Let me be very clear about this: The next president must take an activist view of his office. He must articulate the nation's values, define its goals and marshal its will. Under a Nixon Administration, the presidency will be deeply involved in the entire sweep of America's public concerns.”³⁸

Executive-Centered Partisanship

The weakened traditional decentralized party system has had the two-fold effect of nationalizing policy debate and centering that debate on the ends the newly empowered national State should serve. By the early 1970s, the locus of party politics shifted from the cities, counties, states, and Congress to the presidency. Tip O’Neill, the ebullient Democratic Speaker

of the House during the Reagan era, famously declared, “All politics is local” but in fact by the beginning of Ronald Reagan’s two terms, that refrain was vacuous. Democrats and Republicans came to depend on presidents and presidential candidates to raise funds, mobilize grassroots support, articulate the party’s message, and advance party programs.³⁹ Likewise, by that time, Democrats and Republicans no longer fought over whether there should be a large national government, tasked with extensive responsibilities. That struggle, dominating the Roosevelt years, was replaced by a battle for the services flowing from the national administrative state.

Put simply, conservatives embraced the national security state—freedom from fear—while liberals devoted more attention to the welfare state—freedom from want. But the terrorist attacks of September 11, 2001 and the subsequent “war on terrorism” brought the foreign and domestic executive closer than they had ever been before, blurring though not eliminating the distinction. Democrats neither ignore public anxieties nor are Republicans indifferent to the individual’s insecurities. The terrorist attacks fostered a permanent condition of crisis that posed novel threats to civil liberties and the rule of law.⁴⁰ A marginal term, “homeland security” became ubiquitous. As a result, Republicans have accepted this state of perpetual war. George W. Bush exploited his party’s ideology and organization to extend the conservative administrative state into a preventative war against terrorist states, or the “axis of evil”. Obama’s adoption of a “surge” strategy in Afghanistan in 2009 and use of covert drone strikes reveals resemblance rather than contrast with his predecessor. The partisan rancor over Obama’s refusal to define his objectives as a War on Terror and the enemy as “Radical Islamic Terrorism” indicates that the Democrats took a different approach and strategy to national and homeland security – multilateralism and diplomacy over brinkmanship, and surgical strikes rather than massive troop deployments. Historically, the partisan conflict over homeland security that

reached a fevered pitch in the 2016 election shows that the wounds festering since the 1960s have become all-encompassing, even for a self-styled political outsider.

THE DEMENSIONS OF REDEPLOYMENT

The idea that recent party politics is a conflict about the “policy state” builds onto a prodigious scholarly literature about American State development – one that delineates the numerous stems of expanded activism including regulations, spending, revenue raising, rule standardizing, and State building through war mobilization.⁴¹ An array of adjectives describe the dimensions of federal activism since the middle of the twentieth century.⁴² However, the redeployment thesis, with its analytical claim that both modern parties seek to harness the State to their ends, proffers an explanation for how the policy state affects partisanship. Redeployment, although animated by polarizing cultural conflicts, is a political strategy most suited to the particularities of presidential management. Regulation writing, grant administration, budget planning, personnel selection, and rhetorical prowess are consequential forms of power in the modern American State. As former Nixon aide Richard Nathan, recognized, “operations is policy.”⁴³

Mobilizing the Base through Redeployment

The legacy of social movements in the 1960s is one source of redeployment. Social movements, including, but not limited to feminism, environmentalists, welfare rights advocates, and the LGBTQ community, spawned public interest groups during the 1970s and developed institutional partnerships with bureaucratic agencies, Congressional Committees and the Courts over the next four decades.⁴⁴ Institutionalized partnerships between social movements and the

State sit outside the textbook policymaking process of Congressional deliberation and the creation of new law. By the late 1970s, administration and presidential pronouncement had become the new battle grounds of social movement reform. When a former community organizer sat in the White House, social activists pressured Obama to use State power on behalf of marginalized groups – voices representing those who had not yet become full members of the American community.

Conservative social movements also strategically depend on State power. Conservative anti-liberalism evolved from an attack on the administrative state to a strategy that involved the creation of parallel institutions to redeploy the levers of national power. Rather than eliminate Social Security, conservatives settled on a plan that would tie it to market forces. Rather than restrain an activist federal court, conservative legal advocates established the Federalist Society and equivalents to pursue judicial rulings that would abet business, Christian conservatives, and expansive executive power in defense and homeland security.⁴⁵ Inside the White House, Ronald Reagan used the Office of Public liaison effectively to tie the president's political fortunes to the emergent, but powerful forces of anti-abortion, "family values" conservative activists. George W. Bush, in a range of decisions on abortion access, stem-cell research, and LGBTQ-rights, sought to harness the grassroots base and sustain their energy.

Camouflaged Redeployment

Seeking to reconcile distrust of government and ambition to deploy it, executive partisan mobilization over the past 40 years has coincided with efforts to blur the public-private distinction.⁴⁶ The use of State power to subsidize markets and private associations is not new. As William Novak argues, "the long tradition of public underwriting of property, contract and

enterprise in law,” should induce skepticism about the conventional thinking that the American State is “somehow retreating...to a ...pattern of privatization, deregulation, and laissez-faire.”⁴⁷

Starting with the Reagan “Revolution,” policy makers devised ways to remake the administrative state through privatization and out-sourcing.⁴⁸ Contracts comprise a measure of State presence often overlooked - what John Dilulio labels the “federal bureaucracy by proxy.” The federal government, he notes, spends as much on defense contractors *alone* as it does on the entire Federal government’s civilian workforce. And that number is on the rise: between 2000 and 2010, federal spending on all service contracts (defense and domestic) more than doubled.⁴⁹ Rhetoric aside, the Reagan presidency’s “privatization” of public policy is a telling example of how conservative administrations have used State resources accumulated during the New Deal and Great Society for the augmentation of national security. Significantly, privatization peaked during the presidency of self-styled Reagan heir George W. Bush. The wars in Iraq and Afghanistan and the use of contractors like Blackwater to provide essential war-time functions further blurred the lines between public and private, to challenge classic definitions of State authority and its monopoly on the use of violence.

Contracts and privatization schemes sprawl from defense spending into a vast “delegated welfare state.”⁵⁰ Much can be learned about State redeployment from Kimberly Morgan and Andrea Campbell’s study of how a 2003 amendment to the Medicare Modernization Act made prescription drug benefits part of Medicare. Costing more than \$50 billion annually, the George W. Bush administration viewed the Medicare drug benefit as a first step in generating public support for the further diversion of Medicare services to the private sector in the future.⁵¹ It delegated delivery of the program to competing, private insurance companies to enhance their power. The policy was designed this way to hide the visibility of government activism.

Delegation to private actors subtly redeploys State power to recast rather than dismantle this social program. Bush's effort to "reform" Social Security during his second term had a similar aim. This reform, the president claimed, would yield beneficiaries a better rate of return on their contributions, but the federal government would still force people to save, restrict the investment choices they would make, and regulate the pace at which they could withdraw their money at retirement. The plan foundered after Democrats won control of Congress in the 2006 midterms -- indeed, Republican members of Congress, remembering Reagan's embarrassing failure to reform the "third rail" of American politics, showed little interest in taking on this cause. But Bush's effort to overhaul of Social Security as the principal domestic achievement of his second term signifies how redeployment has become an important strategy to Republican presidents in their attack on liberal entitlements.

Suzanne Mettler identifies a "submerged" State activity that does not rely on contracting, but which drastically redistributes government largesse through tax exemptions to citizens on a range of programs: retirement savings, college loan interest, mortgage interest payments, and employer-provided health contributions. Such "tax expenditures" are implemented unobtrusively to put them outside the purview of State activity for many voters. They create a barrier in voters' perceptions between submerged measures such as mortgage tax relief versus visible income assistance and housing benefit type schemes, mirrored in an overlapping racial dichotomy between these submerged state (primarily white consumed) and visible state (primarily associated by white voters with African Americans) activities.⁵²

Delegating to the 50 states has been another tactic used since the Nixon administration to camouflage the deployment of national administrative power. Re-classifying federal grants from categorical into block grants enhances states' discretion about how to use this income. Over time

this shift has been accompanied by increasing autonomy to states as to what sorts of conditions they attach to the expenditure of federally sourced funds – as for instance the major welfare reform that the Clinton White House and a Republican-controlled Congress enacted in 1996, replacing cash payments for low-income households with temporary, strict work requirement based assistance.

Institutional Trajectories and Redeployment.

The expansion and consolidation of core State functions such as revenue raising, regulation, and spending create the policy and legal framework for State activity.⁵³ Since presidents shoulder many pre-existing commitments, both parties find common cause in using variegated forms of power to privilege their vision of the State. Consequently, Democrats and Republicans have been complicit in the weakening of constitutional restraints on administrative power. The joining of executive prerogative and partisanship fuels State action that rarely retrenches.

Take taxing and revenue raising powers. The federal income tax became permanent feature under the New Deal as Roosevelt's 1942 Revenue Act enlarged the income tax base to 42.6 million by 1945, from the mere 3.9 million paying in 1939.⁵⁴ Since then, neither party has been very successful in bringing taxing and spending into line. This lack of fiscal discipline is partly attributed to partisan jousting between one party wedded to entitlements and the other unalterably opposed to paying for them. This was evident during the Reagan years when income tax levels were reduced while the administration's effort to cut back certain features of Social Security failed miserably. But in line with the redeployment imperative, instead of engaging a sustained battle to roll back the federal government, the Reagan administration and its

conservative allies resorted to deficit spending to sustain the State's capacious activities, notably enhanced defense spending. Most striking was the George W. Bush administration after September 11, 2001. With his party in control of both the House and Senate, Bush simultaneously pursued an aggressive "supply side economics" – passing the largest tax cuts in history in 2001 and 2003 —and an increase in the national government's programmatic responsibilities: the expansion of Medicare in a way that attended to conservative objectives; the creation of a new department of government, Homeland Security, which Republicans sought to make their signature commitment; and consistent with this ambition, the launching of wars in Afghanistan and Iraq.

America's separation of powers and the constitutional role accorded Congress to appropriate money should curb the fiscal irresponsibility that partisan combat over State power encourages. But these nominally formal rules fail to capture the working arrangements of the modern American State. Increased federal spending has gone hand-in-hand with the delegation of authority to the executive branch.⁵⁵ As the Weidenbaum Center has documented, since the 1970s the amount of money the federal government spends on writing and enforcing regulations has skyrocketed, even when adjusted for inflation.⁵⁶ Over \$69 billion will be spent in FY 2018 on administering the administrative state; in 1968, the federal government spent just \$1.1 billion (in current dollars). Despite measures intended to circumscribe the discretion of administrative agencies and departments such as the 1946 Administrative Procedures Act and the 1974 Budget and Impoundment Control Act, executive control and deployment of the American State continues to evade Congressional control.⁵⁷ To write of a vulnerable State that is prey to conservative leaders' intent on weakening administrative power misunderstands the rise of executive-centered action, which both conservatives and liberals have embraced.

Donald Trump and the Redeployment of the American State

Our central point is that alternative visions of the state, joined to executive-centered partisanship, animate contemporary American politics. Beyond its distributional effects, redeployment opens up possibilities for partisan control and contestation. Trump, despite his relative inexperience, recognizes the importance and relishes the exercise of partisan administration.

Trump's presidency builds on Obama's sustained reliance on executive administration. During the final six years of his presidency, especially, Obama surpassed the institutional strategies of the Bush administration in combining programmatic achievement and partisan calculation. Many of Obama's administrative actions in the service of environmental protection, women's rights and criminal justice reform appealed to the rainbow coalition that had been forming since the Great Society. Similarly, the administration's direction to the Justice Department in February 2011 to stop defending the Defense of Marriage Act (DOMA), which barred federal recognition of same sex marriage, against constitutional challenges, sealed the White House's partnership with the LGBTQ movement. The most significant action the Obama administration took to strengthen support of this coalition was in immigration. Absent any agreement with the Republican Congress, Obama provided deportation relief and work authorizations to more than five million undocumented immigrants. These immigration initiatives defined the lines of partisan conflict in Congress, the courts, and the 2016 election campaign.

Trump is therefore not a Republican aberration. In his determination to "erase Obama's legacy" he frequently invokes the alliance he has formed with right-leaning advocacy groups that

previous Republican presidents and congressional leaders have courted. His plebiscitary politics, forming a direct link with the conservative base, is a harsher, more unfiltered version of the partisanship that Reagan, Bush and Obama pursued.

Redeployment as Mobilization

Placing himself at the head of a “movement” dedicated to “Making America Great Again,” President Trump’s administration envisages a renewed conservative offensive that has been battling for control of the State since the Nixon administration. Despite Republican control of both house of Congress, Trump resorted to administrative aggrandizement immediately. His early redeployment measures included executive actions that would impose a moratorium on migration from seven countries deemed to harbor “radical Islamic terrorists,” begin building a wall on the Mexican border, strip federal grant money from “sanctuary” states and cities that harbor undocumented immigrants and often refuse to cooperate with federal authorities, and – on his first day in office – instructing federal officials to ease regulations associated with the Affordable Care Act (ACA) by directing agencies “to waive, defer, grant exemptions from or delay the implementation of any provision or requirement of the Act that would impose a fiscal burden.” Administrative action such as waivers can be used to redeploy State power, albeit not without recrimination from the Congress and States.

Trump’s America First populist message has created a visceral relationship with his base. The rhetorical tone is harsh. Democrats and Republicans have clashed since the 1980s over whether government programs should be “color blind” or designed to assist minority groups that have suffered from the deleterious effects of racial injustice.⁵⁸ Trump’s campaign displaced the conservative emphasis on freedom with the atavistic fears of authoritarian nationalism. He and

his strategists view him as the steward of a “coalition of restoration” comprised of blue-collar, evangelical, and non-urban whites who are frightened and resentful about demographic change and restoring their allegiance to the State.⁵⁹

Denouncing conservative internationalism as a catastrophe, Trump’s America First program distances America from its traditional allies, while cosyng up with Russian President Vladimir Putin’s authoritarian ambitions. Trump’s unforgiving positions on immigration, trade and national security has not won over Washington, but it resonates with the GOP’s base.. A March 2018 NBC News/Wall Street poll found that 59 percent of registered Republican voters considered themselves more a supporter of Trump than the Republican Party. Confirming the executive-centered character of contemporary partisanship, a Quinnipiac University poll revealed that 58 percent of the Republican voters supported Trump’s imposition of tariffs on steel and aluminum, demonstration of how Trump had transformed Republican loyalists’ position on trade policy during the 2016 campaign.⁶⁰

Trump has thus sought to consolidate the Republican Party’s conservative base whose foot soldiers demand government support for their social causes. Both the sectarian Christian Right, which Reagan and George W. Bush made a core constituency of the Republican Party, and the anti-Obama Tea Party, courted by conservative stalwarts like Ted Cruz (R-TX) and Senator Marco Rubio (R-FL), mobilized deep anti-liberalism to support “traditional” values.

Law and order remains a primordial commitment of conservative State ambitions. As the Trump campaign advertised, their candidate’s acceptance speech in Cleveland was inspired by Richard Nixon’s in 1968. Channeling his supporters’ fear of terrorism and immigration, as well as their resentment of the Movement for Black Lives, Trump’s Cleveland speech echoed Nixon’s: “In this race for the White House,” he thundered, “I am the law-and-order candidate.”⁶¹

Trump's choice for Attorney General, Jeff Sessions, affirmed the administration's commitment to federal activism in pursuit of a law-abiding citizenry. Trump has used his executive power to encourage state and local police officers "to do their job." On March 31 2017, the Department of Justice announced that it would drastically curtail its use of consent decrees, which had become a major instrument under the Obama administration for investigating civil rights complaints levied against police departments.⁶² In August, Trump announced an executive order revoking an Obama order prohibiting the sale of military-grade munitions and equipment to local and state police forces.⁶³ He overturned another Obama-era order that would have slowly ended the federal government's reliance on for-profit prisons.⁶⁴

Trump's "Hidden Hand" Administration

President Trump once denounced the Obama administration's "major power grabs of authority." But Trump has not only used that executive authority to overturn many Obama-era actions, but to redirect them towards conservative ends. The abrogation of several Obama-era guidance directives – Title IX on college campuses, restroom accessibility for transgender students, worker protections for government contractors – are all noteworthy instances of redeployment's inherent mutability. By the stroke of the presidential pen, policy was converted.

Trump also has taken action in the States, most of which are controlled by Republicans, to redeploy resources for conservative objectives. Complementing conservatives' remaking of welfare policy, the Trump administration has issued waivers for Medicaid work-requirement rules. Failing to make good on his pledge to end Obamacare, Trump relied on the tools of the administrative presidency to transform a centerpiece of the Affordable Care Act: the extension of Medicaid benefits to those with annual incomes below 138 percent of the federal poverty level.

Almost one year after taking office, the Trump administration informed each state's Medicaid office of a new demonstration project, encouraged by Republican Governors' demands. With agency permission, the new guidance allows states to restrict Medicaid benefits for state residents who are unemployed, or who fail standards of "community engagement." In re-defining the eligible population of beneficiaries, the guidance letter represents the most significant change to the program since the legislative expansion of benefits under the Affordable Care Act. Yet the redeployment of the most redistributive feature of "Obamacare" was achieved, not through legislation, but by executive decree. Within one day, the Centers for Medicare and Medicaid (CMS) approved Kentucky's plan to impose work requirements and remove 95,000 state residents from Medicaid roles, saving an estimated \$2 billion over the course of five years (a measure now in the courts). The fiscal and partisan upshot is that the new waiver allowances might persuade the 17 states that refused to expand Medicaid under the Affordable Care Act to do so if CMS grants them waivers to remake health care for the poor into a more conservative program.⁶⁵

President Trump and the Republican Party aim to redeploy State power even in public education, disrupting what seemed to be a consensus forged during the Obama presidency to restore policymaking authority to the States. After Congress enacted No Child Left Behind (NCLB) in 2002 with bipartisan support (Senator Ted Kennedy was co-sponsor), a battle erupted over how to administer the controls it imposed on elementary and secondary education. Even though NCLB's legal authority expired in 2007, the Obama administration capitalized on the broad acts of discretion given to the Department of Education: through a combination of waivers, bureaucratic regulations, and an innovative grant program, Race to the Top, redefined the federal approach to education policymaking, with virtually no consultation with Congress. Although

Congress attempted to reassert its authority and restore local and state control under the 2015 Every Student Succeeds Act, a partisan battle continued during the first 18 months of the Trump administration over what objectives these unprecedented federal government interventions in public education should serve.⁶⁶ Department of Education (DOEd) Secretary, Betty DeVos is an advocate of local discretion; but once ensconced, DeVos began to pursue an aggressive federal policy that stressed the “privatization” of public schools, by expanding charter schools and vouchers aided by the Department of Education.⁶⁷ Inside the department, DeVos has weakened the authority of some divisions, while retooling and empowering others. Not surprisingly, DOE’s Office of Civil Rights has lost much of the independent regulatory authority it built for itself over the last decade. Trump issued an executive order in April that called for a review of the department’s regulations and guidance documents;⁶⁸ four months later, DeVos rescinded the Obama-era “dear colleague letter” that universities and colleges used to adjudicate Title IX complaints.⁶⁹ While DeVos has curbed the Office of Civil Rights’ authority, she has creatively used the department’s student loan division to support for-profit colleges and universities, and protect student loan providers. By rewriting the gainful employment regulations and contracting with private collection agencies to more aggressively recoup student loan debt, the Department has not been weakened; rather, it has been retooled to provide State support for market-driven education providers.⁷⁰

The commitment to “privatize” public education motivated the Trump administration’s proposal, announced in June 2018, to merge the DOEd and Department of Labor and to create a new Department of Education and the Workforce. The Education Department’s mandate to enforce federal civil rights in schools would be further diminished if such a plan was

implemented, and DeVos 's objective to treat schools as places that train future workers embellished.

Redeploying Inherited Legacies

President Trump campaigned on a promise to “drain the swamp” and dismantle the federal bureaucracy. The imposition of a hiring freeze just three days after his Inauguration would appear to epitomize the conservative emphasis on retrenchment. Yet, this hiring freeze exempted all military personnel and gave broad discretion to exempt any job construed as having a national security purpose.⁷¹ This emphasis on national security fit a pattern of partisan redeployment. Just a few weeks after the freeze, for example, the Trump administration released its annual budgetary requests to Congress. Although largely symbolic until Congress begins appropriating money, Trump’s first budget request encapsulates the dynamics of conservatives’ administrative ambition. Far from demolishing the State, federal outlays would have swollen under his plan. Increases to the departments of Veterans Affairs (\$4.4 billion), Homeland Security (\$2.8 billion), and Defense (\$52 billion) would have been offset only partially by cuts in the EPA, State Department and the Agriculture Department.⁷² In the end, the total size of the federal government, redeployed to serve conservative objectives, would, in fact, grow.

Trump did not get his budget, but the tax “reform” bill enacted along strict party lines at the end of 2017 will raise the deficit by at least one and a half trillion dollars, thus marking a continuation of conservatives’ sacrifice of budget austerity for the opportunity to deploy administrative power as a partisan tool. For over 100 years, the federal government allowed individuals to deduct the amount they paid in state and local taxes (SALT) from their overall tax burden. By limiting the deduction for SALT on federal income filings, the Republican tax reform