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Chapter 8

The Policy State and the Post-truth Presidency

Philip Rocco

Throughout the 2016 presidential campaign, Donald Trump repeatedly faced criticism for his lack of policy expertise and his obliviousness to the nuances of governance. While his political adversaries' campaigns were awash in policy intellectuals and seasoned government officials, Trump employed a lean staff composed largely of fringe figures and longtime loyalists, including some he derided as being “[not] so smart.”¹ Rather than defending himself for lacking what his opponents had, Trump went on the attack. Speaking to an enthusiastic crowd in La Crosse, Wisconsin, in the spring of 2016, Trump exclaimed: “You look at what China’s doing in the South China Sea, and they say, ‘Oh, Trump doesn’t have experts.’ Let me tell you, I do have experts but I know what’s happening. And look at the experts we’ve had, OK? Look at the experts. All of these people have had experts. . . . I’ve never said this before with all the talking we all do—all of these experts, ‘Oh we need an expert—’ The experts are terrible. Look at the mess we’re in with all these experts that we have.”²

Criticism of elites, policy experts, and technocracy is a hallmark of populist rhetoric.³ Yet Trump has not limited his attacks to experts alone. He has also assailed the numbers that experts produce. His surrogates disputed the results of multiple independent analyses suggesting that his tax plan would largely benefit corporations and high-income Americans while reducing revenue by \$6.2 trillion, but failed to provide any evidence to support their

claims.⁴ Nineteen times during the campaign, and again without evidence, Trump said that unemployment figures released by the Bureau of Labor Statistics were “totally fiction.”⁵ As he put it during one of his New Hampshire rallies, “Don’t believe those phony numbers when you hear 4.9 and 5 percent unemployment. The number’s probably 28, 29, as high as 35.”⁶ Even so, after the release of a positive February jobs report—just weeks after Trump took office—the president retweeted the *Drudge Report*’s headline “GREAT AGAIN.” White House Press Secretary Sean Spicer suggested that while the numbers were “fake before,” they were “real now.”⁷ More than a year into his presidency, Trump’s brawl with official statistics had not abated. In September 2018, Trump falsely claimed via Twitter that “3,000 people did not die in the two hurricanes that hit Puerto Rico” in the previous year.⁸ Two months later, he repeatedly lied about the existence of voter fraud in the 2018 mid-term elections.⁹

Trump’s apparent disregard for facts and numbers is not simply rhetorical bluster. Nor is his administration’s stance toward evidence, as journalist Michael Lewis suggests, merely the product of top advisers’ ignorance about government operations.¹⁰ As I argue in this chapter, Trump’s antagonistic relationship with expert knowledge exposes tensions in what Karen Orren and Stephen Skowronek characterize as the American “policy state,” a thickly institutionalized world dominated by the idea that government can and should solve problems, empowered by a prodigious set of legislative and bureaucratic institutions.¹¹ The Progressive Era ideas that underwrote the creation of the policy state emphasized expertise, rationality, and “trust in numbers” as tools for problem solving.¹² Yet whereas other advanced democracies employ policy expertise as a means of building consensus, the diffuse, decentered character of American governing institutions has the opposite effect.¹³ The growth of government and the subsequent conservative countermobilization have created competing cadres of experts and analytical infrastructures. Rather than serving as a problem-solving tool, policy knowledge has become a weapon in political battles. Interested parties pit their preferred experts, studies, models, and assumptions against one another—raising the costs of comprehensive action. The chief good produced by this “marketplace of ideas” is not consensus, but doubt. In a 2017 survey, only 13 percent of political scientists agreed with the view that political leaders in the United States share a “common base of facts.”¹⁴ Gallup polls consistently reveal that a plurality of Americans do not trust federal statistics.¹⁵

Within this fragmented institutional context, the president has incentives not merely to consume expert knowledge but also to produce, circulate, and contest it. As Walter Williams's study of the "anti-analytic presidency" shows, the Reagan administration politicized and retrenched federal agencies that produced statistics that threatened to undermine its agenda.¹⁶ Facing similar pressures, Trump has created an organizational culture hostile to expert knowledge production in many federal agencies and has attempted to engineer significant cuts to the federal statistical system. He has also used the ad hoc production of new information to reinforce his view of political reality. To be sure, institutional fragmentation has not always worked in Trump's favor; his efforts at analytic retrenchment have encountered pushback from other institutions within the policy state, including interest-group coalitions, congressional committees, and unions representing federal civil servants. Yet even if they do not result in comprehensive policy change, these actions—enabled by the policy state's fragmented knowledge-production regime—may restructure the political environment in which the Trump presidency itself is judged.

The Policy State and the President's Agenda

Expertise and policy analysis have been central to the development of the American state. The emergence of American social science is itself closely linked to Progressive Era projects of "rationalizing" politics at the local, state, and national levels.¹⁷ As schools of public administration developed, a growing cadre of experts, many of whom came to staff the executive branch, agitated for significant policy changes based on evidence and impartial analysis and ultimately for reforms that increased their own authority within the national state.¹⁸ During the New Deal, economists played a critical role in restructuring employment policy.¹⁹ The development of Cold War systems analysis redefined how government planned and budgeted both defense and domestic programs.²⁰ The growing ranks of policy analysts, both within government and at private think tanks, have altered public and elite perceptions of antipoverty efforts.²¹ The result of this process is that politics is often dominated by technical arguments about "means" rather than normative arguments about "ends."²² In this context, policy victories are harder to claim. Contemporary progressives face difficulties defending the effectiveness of federal programs against an onslaught of "performance" initiatives.²³ Simultaneously, conservatives find themselves at pains to justify their opposition to those programs in "policy rational" terms.²⁴

The presidency is exemplary of this trend. Beginning in the Progressive Era, the White House slowly transformed from a relatively minor player in American politics into an “institutional presidency,” buttressed by expert organizations—such as the Office of Management and Budget (OMB), the Council of Economic Advisers (CEA), and the National Security Council (NSC)—that aid in the planning and development of White House policy.²⁵ Yet while Progressives envisioned expert knowledge as a means of problem-solving, expertise has not always generated political dividends for presidents.²⁶ Although Franklin Roosevelt legitimated his policy accomplishments by pointing to newly developed indicators of economic growth, sluggish gross domestic product (GDP) figures threatened the reputations of future administrations.²⁷ Moreover, rather than generating consensus, expertise has often been used as a tool for institutional conflict. Plans for the Council of Economic Advisers emerged first from congressional opponents of full-employment legislation, who aimed to subject Keynesian economic planning methods to greater public scrutiny.²⁸ In response to Richard Nixon’s impoundment of funds, Congress passed the Congressional Budget and Impoundment Control Act of 1974, enhancing its power over the budgetary process and creating the Congressional Budget Office (CBO).²⁹

Ideological conflict has also stimulated the growth of private policy research organizations. Beginning in the 1970s, an organized conservative movement financed the creation of think tanks like the Heritage Foundation in part as a reaction to what it viewed as an “establishment” of liberal organizations like the Brookings Institution and the Urban Institute. While both government research organs and “establishment” think tanks remained, these new advocacy-oriented think tanks drew policy expertise and tacit knowledge away from government and toward the private sector. Their existence—supported primarily by private philanthropies rather than government contracts—helped to further undermine the authority of purportedly neutral, objective advice and fed a growing appetite among policy makers for knowledge that confirmed their preexisting beliefs.³⁰

Compared with democracies like Germany or Denmark, where state institutions either mediate or coordinate the production of policy knowledge, public and private research organizations in the United States compete with one another to shape the policy agenda.³¹ As a result, no *single* set of organizations plays a dominant role in the formulation of presidential policy ideas.³² For example, despite the growth of the institutional presidency, the CBO plays an important role in evaluating the effects of presidential budget proposals.

The CBO's suggestion that only about 40 percent of the items in President Barack Obama's 2010 stimulus plan would lead to economic growth by the end of the fiscal year led to significant changes in the package.³³

The diffuse, disjointed nature of the American state has often made policy expertise a source of doubt rather than certainty or consensus.³⁴ Especially as policy analysis became more precise, public problems revealed themselves as infinitely complex and ambiguous.³⁵ Such ambiguity has allowed politicians to wield analysis to advance partial solutions that match their partisan or group identities.³⁶ This practice is what Gabrielle Hecht calls *techno-politics*, the pursuit of political ends through technical means.³⁷ For example, congressional scrutiny of presidential budgets has given the CBO the "capacity to embarrass and even destroy top-priority legislation of the president and Congress."³⁸ Presidents and others have struck back.³⁹ The Reagan administration famously hid imaginary budget cuts in the small print of budget documents with the help of a "magic asterisk."⁴⁰ The Clinton administration unsuccessfully lobbied the CBO to adjust its assumptions when projecting the costs of comprehensive health reform.⁴¹ To pay for a proposed tax cut, George W. Bush's White House leveraged CBO's politically impossible assumption that the alternative minimum tax would remain in place.⁴²

In short, presidents operate in a highly fragmented and competitive context for policy knowledge. Conservatives' countermobilization against government growth has also underwritten what Walter Williams refers to as the "anti-analytic presidency."⁴³ This is a style of governance marked by severe retrenchment of the executive branch's analytical capacities. Perhaps the most notable display of the anti-analytic governance style occurred during the Reagan administration, which gave the OMB tighter control of policymaking and enacted major cuts in evaluation and R&D units. The result was the increasing prevalence of "quick fixes" for policy problems rather than the evaluation of long-term solutions. Presidents have also leveraged the power of the institutional presidency to challenge the decision-making autonomy of career civil servants. Among other things, recent presidents have attempted to centralize control of high-level administrators in the Senior Executive Service and have used cost-benefit analysis to block the development of new regulations.⁴⁴

Whereas presidents have strengthened political control over knowledge production, Congress has often divested itself of analytical capacity to challenge the White House. In the 1990s, Congress eliminated analytical units like the Office of Technology Assessment and made significant cuts to the

budget of support agencies like the Congressional Research Service and the Government Accountability Office.⁴⁵ These cuts are emblematic of a larger pattern of the deinstitutionalization of the legislative branch.⁴⁶ In short, while Donald Trump may have invented his own brand of populist contempt for experts, he has inherited a set of institutional conditions that allow him to translate that contempt into consequential action.

The Politics of Analytic Retrenchment

Since the moment he entered the presidential race, Donald Trump has been at odds with experts and official statistics. Yet has he been able to translate this rhetoric into analytic retrenchment, or what his one-time advisor Steve Bannon referred to as “the deconstruction of the administrative state”? The answer to this question depends in part on Trump’s ability to use the tools of the institutional presidency to defund key analytic agencies. Observers were thus rightly concerned when Trump’s OMB Director, Mick Mulvaney—a former member of the House Freedom Caucus—unveiled Trump’s initial budget proposal, titled “A New Foundation for American Greatness.” In addition to making deep cuts in social programs—including Medicaid and food stamps—the budget called for steep reductions in budget authority for government agencies devoted to statistical analysis, program evaluation, and scientific research.⁴⁷ These cuts were about more than deregulation; even low-profile sources of government information found themselves on the chopping block. In June 2018, the Agency for Healthcare Research and Quality announced that, as a result of budget cuts, it was eliminating its National Guidelines Clearinghouse—a central repository for evidence-based clinical guidelines widely used by medical professionals around the country.⁴⁸

A key site of the administration’s budgetary attack was the federal statistical system, a decentralized network of thirteen principal statistical agencies such as the Census and the Bureau of Labor Statistics, and more than one hundred statistical programs scattered across federal departments. This system produces the social and economic indicators on which the vast majority of federal policy is based. Prior to the Trump administration, statistical agencies were on a path of policy drift, with budgets and staffing flat for more than a decade and facing competition from universities and private research organizations, as well as rapid technological change.⁴⁹ Yet as Table 8.1 suggests, Trump’s 2018 budget proposal both ignored agency requests to increase support of critical infrastructures and made cuts to the majority of

Table 8.1. Proposed and Actual Changes in Funding for Principal Statistical Agencies, Fiscal Years 2016–2018

<i>Agency</i>	<i>Percent change versus FY 2016 (Trump proposal)</i>	<i>Percent change versus FY 2016 (approved by Congress in FY 2018 continuing resolution)</i>
Bureau of Economic Analysis	−7.71	−5.80
Bureau of Justice Statistics	0.00	17.07
Bureau of Labor Statistics	−0.20	0.49
Bureau of Transportation Statistics	0.00	0.00
Census Bureau	9.05	105.40
Energy Information Administration	−3.28	2.46
Economic Research Service (USDA)	−10.19	1.64
National Agricultural Statistics Service	10.27	13.84
National Center for Education Statistics	−1.09	−5.66
National Center for Health Statistics	−2.40	175.13
National Center for Science and Engineering Statistics	−3.37	0.00
Office of Research, Evaluation, and Statistics (SSA)	19.69	19.69
Statistics of Income (IRS)	−11.11	−7.41

Source: Author's calculations based on Steve Pierson, "FY18 Statistical Agency Budget Developments," *ASA Community*, March 16, 2017, <http://community.amstat.org/blogs/steve-pierson/2017/03/16/fy18-statistical-agency-budget-developments>; Steve Pierson, "FY19 Statistical Agency Budget Developments," *ASA Community*, February 12, 2018, <http://community.amstat.org/blogs/steve-pierson/2018/02/12/fy19-statistical-agency-budget-developments>.

Note: Cells reflect percentage change in total funding for principal statistical agencies relative to FY 2016. The first number represents the percentage change requested in the president's budget request for FY 2018; the second number represents the percentage change from FY 2016 to the FY 2018 continuing resolution level.

the principal statistical agencies. Outside the principal statistical agencies, agency-level statistical programs were also subjected to billions of dollars in cuts.⁵⁰ A similar pattern can be observed in Trump's proposals for more than \$29 billion in cuts to federal R&D funding across all federal agencies.⁵¹

The proposed cuts sent shock waves through the bureaucracy and its core constituencies. Interest groups soon sprang into action to defend the system before federal officials and congressional appropriators. Likely as a result of

their efforts, Congress increased funding relative to Trump's budget for ten statistical agencies (see Table 8.1). Perhaps the most ardent defense of the federal statistical system came in the form of the Census Project—a broad coalition of business associations, social scientists, civil-rights groups, and state and local officials—which urged Congress to include funding for the development of a full advertising campaign, outreach efforts, field tests in rural areas, and new operations costs.⁵² As a result of these efforts, Congress's final authorization for the census represented an improvement over the Trump administration's proposal.

Dodging this onslaught of interest-group constituencies proved difficult for the Trump administration. Yet, whether intentionally or not, even the president's budget *proposal* had measurable effects on the administration of federal statistics. The census is a perfect example of this pattern. Fearing an inadequate congressional appropriation, the Census Bureau canceled its 2017 field test and drastically reduced the scope of its 2018 "End to End Test"—making it difficult to discover major operational problems and limiting opportunities to make operational improvements prior to the 2020 count.⁵³ Further, a series of Government Accountability Office studies revealed that budgetary shortfalls limited the Bureau's efforts to enumerate hard-to-count populations by offering non-English language response options and recruiting partner organizations in local communities.⁵⁴ In 2019, the administration continued to look for ways to restrict funding available for census outreach activities.⁵⁵ Concerned about the possibility of an undercount, state and local governments were forced to redouble their efforts at census outreach.⁵⁶

The attack on the census was not limited to budget cuts alone, but also involved substantive policy changes that supported Trump's restrictionist position on immigration. In March of 2018, the Census Bureau announced the addition of a citizenship question on the 2020 census form, despite Census Bureau research showing that the addition of such a question could cause an undercount among both documented and undocumented immigrant populations.⁵⁷ And while Commerce Department Secretary Wilbur Ross had testified under oath that the purpose of the question was to better enforce the Voting Rights Act, it later became clear that the White House surrogates had pushed for the inclusion of the question because they believed that undocumented immigrants should not be counted toward congressional apportionment.⁵⁸ By the fall of 2018, the 2020 census was embroiled in a snarl of lawsuits regarding the addition of the question.⁵⁹ As in other policy areas, this litigation

created steep transaction costs for the Trump administration. Yet uncertainty about the status of the question placed severe strain on Census Bureau operations and enhanced public distrust of the census, especially among immigrant populations.⁶⁰

De-skilling Federal Agencies

Beyond budget cuts, the Trump administration has taken a number of actions to weaken the authority of policy experts in the federal civil service. During Trump's first State of the Union address, he asked Congress to enact legislation that would make it easier for him to fire career civil servants.⁶¹ Although Congress failed to act on this full-frontal assault on agency expertise, the administration leveraged the tools of the institutional presidency to the same end. In May 2018, Trump issued a suite of three executive orders intended to defang federal employee unions—rescinding collective bargaining agreements, curtailing union officials' capacity to represent bargaining-unit members, encouraging managers to authorize dismissals rather than suspension of employees, and weakening grievance procedures.⁶² Several months later, Trump issued another order allowing agency heads to pick whomever they wished to serve as administrative law judges (ALJs), short-circuiting the Office of Personnel Management's candidate-vetting process.⁶³

Ambiguous legal authority—a hallmark of the policy state—made these executive orders possible. For example, Trump justified gutting collective bargaining in Executive Order 13836 by citing Title 5 of the United States Code, which requires the “Federal-Labor Management Relations Statute . . . to be interpreted in a manner consistent with the requirement of an effective and efficient government.”⁶⁴ Similarly, the administration justified its end run around the process for vetting ALJ candidates by pointing to the Supreme Court's decision in *Lucia v. Securities and Exchanges Commission*, which held that the commission's ALJs were officers of the United States and thus subject to the Appointments Clause.⁶⁵ Further, while directed toward destabilizing agency expertise, the executive orders made strategic use of policy analysis within government, citing findings from the Federal Employee Viewpoint Survey to argue that federal agency performance was “unacceptable . . . burden[ing] good performers with subpar colleagues.”⁶⁶

Alternatively, statutory ambiguity created opportunities for other branches of government to block Trump's actions. Federal employee unions quickly sued to block Trump's trio of executive orders on the workforce. By August

2018, Judge Ketanji Brown Jackson of the D.C. District Court struck down most provisions in the orders, concluding that they violated the 1978 Civil Service Reform Act.⁶⁷ Meanwhile, both the Association of Administrative Law Judges and the Congressional Research Service raised doubts about the legality of Trump's ALJ executive order.⁶⁸ Before long, Senators Maria Cantwell (D-Washington) and Susan Collins (R-Maine) had assembled a bipartisan coalition on legislation to reverse this order.⁶⁹

Backlash notwithstanding, the administration engaged in more informal attacks on the civil service. By 2018, numerous reports had surfaced detailing how high-level civil servants at key agencies had been reassigned to rudimentary work, a tactic known as sending civil servants to the "turkey farm."⁷⁰ To some extent, such efforts to intimidate career civil servants echo earlier conservative battles with the administrative state.⁷¹ Yet under Trump, these tactics had a harder edge. Civil servants' appeals to the Merit Systems Protection Board languished in cardboard boxes, as the administration failed to nominate the number of board members necessary to satisfy a quorum rule.⁷²

Analytic retrenchment was also more successful when the experts in question did not enjoy union representation or civil-service protections. In May 2017, the Environmental Protection Agency (EPA) fired half of the members of an eighteen-person scientific advisory board that reviews the soundness of the agency's research methodology.⁷³ A week later, the Department of the Interior announced that it would suspend the operations of two hundred of its advisory panels.⁷⁴ By the fall of 2018, the administration had dissolved the EPA's Office of the Science Advisor.⁷⁵ The Department of Justice also announced that it would cease to use scientific guidance documents written by other federal agencies to enforce laws.⁷⁶ In June 2019, Trump took an even more dramatic step, issuing an executive order that required federal agencies to terminate "at least one third" of advisory committees created under the Federal Advisory Committee Act.⁷⁷

The effects of these policy changes are difficult to trace at the individual level. In aggregate, however, the Trump administration appears to have had an impact on civil servants' desire to remain in government. In 2017, more than fifteen hundred members of the Senior Executive Service (SES) opted to leave during the presidential transition, an 82 percent increase from the prior year.⁷⁸ During the first year of the Obama administration, just over a thousand senior executives departed, an increase of only 46 percent from the previous year.⁷⁹ Given the high rate of turnover among Trump's closest

advisers and the relatively low level of competence among political appointees, a coherent plan to “deconstruct” the administrative state seems unlikely to emerge.⁸⁰ A more likely scenario is persistent incremental efforts to de-skill the civil service.

The Presidency of Alternative Facts

A common misconception about anti-analytic governance is that it primarily involves fiscal retrenchment and the hollowing out of the professional civil service.⁸¹ Yet recent presidents have done more, using the flexible structure of the executive branch to alter the informational landscape. White House staff coordinate the publication of high-profile policy reports, the convening of advisory panels and task forces, and the administration of important federal statistics.⁸² Like past presidents, Trump has leveraged these tools to support his agenda. Yet Trump’s White House has also gone further, using research to attack the legitimacy of official statistics and to undermine the credibility of policy experts and journalists.

Under the leadership of conservative economist Keven Hassett, Trump’s Council of Economic Advisers (CEA) has been especially productive in this regard. During the first two years of the Trump administration, the CEA produced sixteen major reports, a 200 percent increase from the George W. Bush administration, and a 23 percent increase from the Obama administration.⁸³ To respond to criticisms that the Republican tax bill had not, as predicted, contributed to wage growth, the CEA released a thirty-two-page report that contradicted Bureau of Labor Statistics data showing that average weekly earnings for American workers, adjusted for inflation, grew at 0.1 percent in 2017. Actual wages, the report argued, rose by 1.4 percent when taking into consideration, among other things, inflation, new workforce entrants, and employment benefits like health insurance.⁸⁴ One month later, the CEA released a more outlandish report on the “Opportunity Costs of Socialism” that compared economists like Robert Frank and journalists like Sarah Kliff—both of whom argue that single-payer health-care systems are more efficient than the U.S. system—to “Lenin and Mao, who justified government takeovers on the basis of the virtues of single-payer programs.”⁸⁵

Trump has also restructured the informational environment by signing a number of executive orders (see Table 8.2). In some respects, these efforts resemble the efforts of prior conservative administrations to use information as a tool of deregulation. Trump has restricted federal agencies’ use of

existing policy analysis. Executive Order (EO) 13783, for example, directs the Environmental Protection Agency to ignore updated data on the “social cost of carbon” when scrutinizing regulations. This order parallels Trump’s disbanding of the advisory council for the National Climate Assessment and the halting of an Interior Department study on the health effects of coal mining.⁸⁶ More important, Trump has used executive orders to remake the regulatory review process. EO 13771, the capstone of Trump’s deregulation initiative, will replace the traditional cost-benefit analysis of agency rulemaking with a new type of analysis that focuses on regulatory costs alone.⁸⁷ In a major departure from regulatory review stretching back to the Reagan administration, agencies must now offset the costs of significant new rules by repealing a minimum of two existing rules. Because the monetized benefits of new rules are not taken into consideration in this process, some observers have referred to it as “cost-cost analysis.”⁸⁸ By 2018, rulemaking and the imposition of regulatory costs had declined across the board.⁸⁹

Trump has also leveraged executive orders to produce information that underwrites antidemocratic impulses, including Trump’s broadcasting of nativist myths about a torrent of immigrant crime.⁹⁰ In an executive order titled “Enhancing Public Safety in the Interior of the United States,” Trump created a new office for Victims of Immigration Crime Engagement (VOICE). The order mandated VOICE to create quarterly reports on the effects of “victimization by criminal aliens present in the United States.”⁹¹ Crime statistics released as a result of the order routinely included noncrimes and crimes committed by nonimmigrants.⁹²

A similar pattern can be seen in Trump’s construction of ad hoc organizations for policy analysis. Most notable in this regard was the energetic but short-lived President’s Advisory Commission on Election Integrity (PACEI), created to support Trump’s unfounded assertion that there had been massive voter fraud in the 2016 election.⁹³ As the commission’s vice chair, Trump appointed Kansas secretary of state Kris Kobach (R). Like Trump, Kobach had long made claims about widespread illegal voting by noncitizens in the United States, also without evidence. Like other commission members, he had also headed campaigns for tougher voter identification laws.⁹⁴ During its short lifespan, the PACEI held a chaotic series of meetings, encountered widespread opposition from state election officials, and faced litigation alleging that the commission had violated the Fifth Amendment, the Federal Advisory Committee Act, and numerous other laws.⁹⁵ Yet although Trump disbanded the commission in early 2018, its existence ensured the continued

Table 8.2. Policy Analysis Provisions in Trump Executive Orders

Orders altering use of policy analysis by federal agencies

- E.O. 13766: Expedites environmental review of “high priority” infrastructure projects
 - E.O. 13783: Prohibits agencies from using the “social cost of carbon” to monetize the benefits of greenhouse gas emission reductions
 - E.O. 13807: Limits environmental review time for infrastructure projects to two years
 - E.O. 13874: Revises regulatory framework for evaluating risk of agricultural biotechnology products
-

Orders requiring the production of new policy analyses

- E.O. 13771: Requires agencies to identify two regulations to be repealed for every regulation they publish; requires agencies to annually submit costs of all regulations to OMB
- E.O. 13780: Requires the Department of Homeland Security to report the number of foreign nationals in the United States who have been charged or convicted of terrorism-related offenses, the number of foreign nationals who have “radicalized” after entry into the United States, the number of “honor killings” in the United States by foreign nationals, and other information
- E.O. 13786: Requires omnibus report on trade deficits by U.S. trade representative
- E.O. 13788: Requires heads of all agencies to review implementation of and compliance with “buy American” laws
- E.O. 13789: Directs secretary of the treasury to identify regulations that place an undue burden on taxpayers, add undue complexity to federal laws, and exceed the statutory authority of the Internal Revenue Service
- E.O. 13792: Requires review of Department of Education regulations to ensure compliance with prohibitions on federal interference with state and local control over education
- E.O. 13791: Requires review of national monument designations under the Antiquities Act
- E.O. 13796: Requires performance review of international trade agreements
- E.O. 13806: Requires comprehensive review of defense manufacturing capabilities
- E.O. 13828: Requires comprehensive review of policies related to economic mobility
- E.O. 13832: Requires comprehensive review of employment opportunities for Military spouses
- E.O. 13834: Requires establishment of streamlined metrics to evaluate agency progress on energy and environmental performance standards
- E.O. 13839: Requires agencies to report on employee removals, reprimands, and adverse personnel actions
- E.O. 13847: Requires analysis of policy options to expand retirement security in small-business sector

- E.O. 13848: Requires federal agencies to assess, analyze, and report on possible foreign interference in U.S. elections
- E.O. 13858: Requires report identifying tools and techniques to maximize the use of “buy American” principles
- E.O. 13859: Requires agency investment in research and development of Artificial Intelligence
- E.O. 13865: Requires research and development on resilience of critical infrastructure to electromagnetic pulses

Orders creating or eliminating units for policy advice or analysis

- E.O. 13776: Establishes a Task Force on Crime Reduction and Public Safety
- E.O. 13777: Requires agencies to create Regulatory Reform Task Forces to identify regulations for repeal, replacement, or modification
- E.O. 13784: Establishes the President’s Commission on Combating Drug Addiction and the Opioid Crisis
- E.O. 13790: Establishes an Interagency Task Force on Agriculture and Rural Prosperity
- E.O. 13797: Establishes Office of Trade and Manufacturing Policy
- E.O. 13799: Establishes Presidential Advisory Commission on Election Integrity**
- E.O. 13806: Revives National Space Council
- E.O. 13805: Establishes Presidential Advisory Council on Infrastructure*
- E.O. 13801: Establishes a Task Force on Apprenticeship Expansion
- E.O. 13824: Establishes President’s Council on Sports, Fitness, and Nutrition
- E.O. 13826: Establishes Federal Interagency Council on Crime Prevention and Improving Reentry
- E.O. 13829: Establishes Task Force on U.S. Postal Service
- E.O. 13831: Reorganizes White House Office of Faith-Based and Community Initiatives, with emphasis on “leveling playing field” for faith-based organizations in grants, contracts, programs, and other federal funding opportunities
- E.O. 13836: Establishes Interagency Labor Relations Working Group
- E.O. 13840: Establishes Interagency Committee on Ocean Policy
- E.O. 13844: Establishes Task Force on Market Integrity and Consumer Fraud
- E.O. 13845: Establishes President’s National Council for the American Worker
- E.O. 13853: Establishes White House Opportunity and Revitalization Council
- E.O. 13861: Establishes Veteran Wellness, Empowerment, and Suicide Prevention Task Force
- E.O. 13873: Establishes President’s Advisory Commission on Asian American and Pacific Islanders
- E.O. 13875: Requires agencies to eliminate one-third of advisory committees established under section 9(a)(2) of the Federal Advisory Committee Act

Source: author’s analysis of all Executive Orders issued between January 20, 2017 and June 14, 2019 in the *Federal Register*.

*Later rescinded.

**Later rescinded and commission functions transferred to the Department of Homeland Security.

salience of his allegations of voter fraud and is likely to embolden efforts to purge voter rolls and mar efforts to improve ballot access.⁹⁶

The use of ad hoc institutions to undermine trust in elections sets Trump's advisory institutions apart from the efforts of other contemporary presidents.⁹⁷ Of course, Trump created other institutions—such as the Commission on Combating Drug Addiction and the Opioid Crisis—that bear a closer resemblance to past presidential initiatives (e.g., the Obama administration's White House Office of Health Reform or its Commission on Fiscal Responsibility and Reform). Yet whereas past presidents used these institutions to drive comprehensive legislative reforms, the Trump White House has demonstrated less interest in spearheading such efforts. Trump's opioid commission worked slowly and had minimal effects on public policy. Of its fifty-five recommendations, only six were addressed to Congress.⁹⁸ Although the commission's findings did support a presidential declaration of emergency on opioids, few resources followed to deal with the crisis.⁹⁹ Energy behind significant policy changes related to opioid addiction came, instead, from the legislative branch.¹⁰⁰

The Anti-analytic Presidency and “Post-truth” Politics

From one vantage point, Donald Trump's rhetorical war against experts, facts, and numbers has done him little good. During the fight over the repeal and replacement of the Affordable Care Act (ACA), Trump surrogates repeatedly criticized CBO's negative projections of the bill's effects. As White House spokeswoman Sarah Huckabee Sanders told reporters: “I think I know the gospel pretty well. I would say the CBO is not the gospel. They have been wrong before. They can certainly be wrong again.”¹⁰¹ Civil society actors nevertheless continued to challenge the administration's rosy evaluation of the legislation and ultimately helped to undermine it. Virtually every association of health-care professionals announced their opposition to the legislation. Talk show host Jimmy Kimmel lit into supporters of repeal for lying and tweeted to his followers that they should call their senators to register their disappointment.¹⁰²

Yet a developmental perspective reveals that there is more to Trump's war with the experts than the rhetorical appeals alone. The Trump administration has borrowed from prior presidents' playbooks of anti-analytic politics—coordinating a fiscal and organizational assault on executive-branch expertise. Trump's success in promoting his version of reality, however, has depended

on the fragmented and diffuse structures for knowledge production in the United States. The institutional presidency has given Trump a range of tools that allow him to both retrench knowledge production in federal agencies and to generate information that fits the administration's preferred narrative.

To be sure, institutional fragmentation has also made it difficult to fully *deconstruct* the administrative state. Federal statistical agencies have their own constituencies and resources that can be used to contest Trump's decisions. Even so, by constraining the resources and authority of the public officials who produce government knowledge, the Trump administration has intensified the atmosphere of doubt and left the critical infrastructure of American democracy, including the census, in jeopardy. Newly created White House commissions and task forces have also promoted false information about climate change, immigration, and election integrity. Where immigration specifically is concerned, this information has contributed to an extraordinarily hostile—even violent—political climate.

The consequences of the post-truth presidency are difficult to project. A single rhetorical attack on the Bureau of Labor Statistics may not move public opinion significantly. Yet the repetition and circulation of lies about unemployment figures and voter fraud, as well as efforts to retrench government knowledge production, should sound an alarm for observers of American democracy. If nothing else, Trump's presidency should cause us to reflect on how public trust in facts and numbers—which helps to constitute democratic governance—can, over time, be strengthened.

Chapter 8

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