



Written by [William P. Hoar](#) on July 11, 2023

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The Review

Who's in Charge Here?

You Report to Me: Accountability for the Failing Administrative State, by David Bernhardt, New York: Encounter Books, 2023, 272 pages, hardcover.

You shouldn't blame the mess in Washington on one person: It takes real teamwork. Unfortunately, the denizens of the federal swamp play by their own rules and for their own team — regardless of whomever is elected.

What do they do? Pretty much what they want. Their numbers grow, they boast of their untouchability, and they are aided by many in the capital unable or unwilling to execute their constitutional duties to rein in the “civil servants” of the federal bureaucracy.

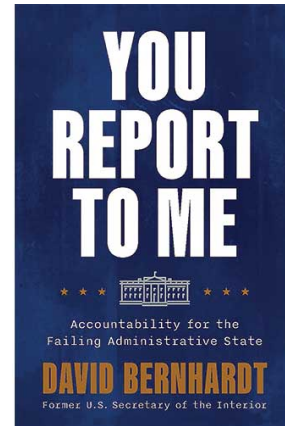
This is not a book of bombastic broadsides or ranting reproaches. This doesn't mean the author's criticisms are weak or toothless, but they come with first-person commentary that is more lawyerly and carefully delivered than most of the haranguing pervasive in D.C.

When insiders expose what is going on in our government — and that is what we have here — it is worth paying attention. And David Bernhardt was long inside the administrative state that he assesses and, frequently and deservedly, rebukes. *You Report to Me: Accountability for the Failing Administrative State* covers his personal experiences over the years, observations on the bureaucracy, and suggestions on restoring leadership and accountability.

Bernhardt served as interior secretary under President Donald Trump, as well as deputy secretary and solicitor of the Department of the Interior; he also spent nearly eight years as a political appointee at Interior within the George W. Bush administration, and served as the commissioner to the International Boundary, U.S. and Canada.

The book's title is drawn from the response made by President Trump when Bernhardt was tapped to act as Interior secretary following the resignation of Ryan Zinke. In the Oval Office, Bernhardt asked the chief executive a direct question. To whom does he really report? It was a logical query considering Bernhardt's previous experiences with many staff personnel who acted as intermediaries in the White House. Trump answered, and then repeated, “You report to me.”

During the Bush years, Bernhardt had found that it was “often a lengthy and difficult process for a cabinet secretary to get an idea or an initiative before the president. The process took even longer when the White House staff held a policy view different from that of the cabinet secretary.” His subsequent personal interactions with Trump in this regard were positive, per the book. Trump was “accessible when you needed his input, his counsel, or a decision, and he was more than able to contact you whenever he had an issue he wanted to be addressed.”





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State Grows, Becomes Less Answerable

On the other extreme is the accountability, or lack thereof, of a goodly segment of agency staff. As the author notes, the “federal bureaucracy is dominated by ideological liberals,” and, making matters worse, their superiors are aware that they are almost impossible to fire. The career staff, of course, know that too. According to official statistics (covering 2020), all federal agencies dismissed fewer than 4,000 out of 1.6 million tenured civil-service employees.

One favorite way for career staffers to ensure that they cannot be dismissed is to file a (usually bogus) complaint with the Equal Employment Opportunity Commission (EEOC). You might call this a protection racket. About 15,000 of these complaints are filed annually. But in 2019, we learn, actual discrimination was found in fewer than 200 of these. Bernhardt is on target when he notes that such complaints “have essentially become a form of de facto employment protection.”

In a chapter about unaccountable bureaucracy, Bernhardt lays out more of the facts of life in Washington:

Federal employees know that dismissing them for all but the worst offenses is prohibitively difficult. One result is that career employees can often pursue their own policy goals without repercussions. The ability of career civil servants to advance their own agendas and frustrate policy initiatives they dislike has been well documented.

Cited, for example, is staff being encouraged — as if they needed to be — to wear black because Hillary Clinton was beaten by Donald Trump. Even left-wing publications, both from this country and elsewhere, acknowledged that career U.S. employees were, for instance, “wondering how they can make life more difficult” for incoming President Trump; another reported that career staff “had found ways to obstruct, slow down or simply ignore their new leader, the president.”

While the book is not overly loaded with statistics, the ones it does include help give perspective of the makeup and growth of the federal government. Back when the author was first considering a career in public policy (1990), as he recalls, the national debt was \$3.2 trillion; when he was writing this book, the total (for 2022) was computed at \$29 trillion. The debt-to-GDP ratio over that period leaped from 54 percent to a staggering, frightening 123 percent. (As we were reviewing the book, the rapidly rising national debt topped \$32 trillion.)

As suggested above, the prose is not likely to give readers electric sparkles or indrawn gasps, leaving them nearly exploding with anticipation for the next paragraph. The author, after all, is a lawyer.



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David Bernhardt (AP Images)

Rather, this volume — a memoir/realpolitik rendering — does well what it intends: It exposes, with precision, a dysfunctional administrative state.

It reinforces what more Americans have discovered, to their dismay: A new election does not sweep clean, not by a long shot. Yes, the relatively smaller number of political appointees can usually be asked to leave at any time. But such appointees are, as we read, a very small fraction of the U.S. federal workforce. “At the Department of Interior,” writes Bernhardt, “we had about 65,000 full-time employees and about ninety political appointees. Across the government, there are about 3,800 political appointees out of 2.2 million civilian federal workers.”

Pomeranians on the Northern Border

As it happens, it was the disputed dismissal of a political appointee that led to a curious episode during the George W. Bush administration, and in turn serves as the source of an odd tidbit in the book. It involved Bernhardt’s appointment as commissioner of the International Boundary Commission, U.S. and Canada. The appointment word came from the White House at a time when Bernhardt was already Interior’s solicitor. Astonished, he was also about to become commissioner of a body that he had never heard of, when his Canadian knowledge “began and ended with the fact that my wife was born in Toronto.”

There was real concern that the new commissioner might have to “seize” the office from his predecessor. The incumbent, Dennis Schornack, didn’t want to be removed and was challenging the move legally. (As it happened, switching locks did the immediate job.) Apparently, we are told, the incumbent had “gotten sideways” with the administration while in this post. Without going into too many details here of what might be called a shaggy-dog story, Bernhardt summarizes the precipitating incident as follows: Schornack reportedly had told

an elderly woman in Blaine, Washington, that she had to tear down a small retaining wall she had built on her property. Schornack believed it encroached into an area known as the vista, a ten-foot-wide zone on either side of the border with Canada. The woman wanted a wall so that her many Pomeranians would not wander on the street across the border.



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The erstwhile commissioner, who was still insisting on hanging onto the title, sued the president's authority to replace him. Litigation was lengthy. Only in America, eh? Perhaps the ousted commish should have hired a legal-eagle border collie and barked about discrimination.

Federal Job: "I Speak for the Mice!"

Though *You Report to Me* involves a goodly number of major and important issues, some of the ostensibly humble events might prove more memorable and help to drive home the essential principles involved.

For instance, in a section where Bernhardt is emphasizing the need for the federal government to be closer to the people it serves, we read of a senior career official of the Bureau of Land Management (BLM), based in Washington, D.C., who seemed to be beside himself with excitement because he was going to take a trip to the West and would be able to see sagebrush. No, he wasn't personally saving some threatened sage grouse. He was said to be thrilled just to be able to look at the ecosystem — perhaps the West's most important native plant, covering around 165 million acres across more than a dozen states. That exhilarated him.

As it happens, Bernhardt eventually moved the BLM headquarters to Grand Junction, Colorado. (The previous secretary had tried to get that ball rolling, but recalcitrant staff who liked being in D.C. dragged their heels for two years.)

Not surprisingly, the Biden administration — as it did in response to multiple moves made by the Trump team — went the opposite way. As we read in *You Report to Me*, "In September 2021, my successor as secretary of the Interior, Deb Haaland, announced her intention to return the national BLM headquarters to Washington."

In a chapter about draining the federal bureaucratic swamp, the author recounts another example that represents an endemic problem. Words are on repeat in Bernhardt's brain during this 2020 episode — because he has just been talking with an "endangered species expert" at the Fish and Wildlife Service. The secretary asked the FWS employee what her job was, and she earnestly replied, "I speak for the mice! I speak for the mice!"

Civil Servants Undermine Elected Leaders

The cycle of delegation is well covered in *You Report to Me*. It produces unelected rulemakers. Then when lawmakers delegate, and the judiciary also delegates, this sequence creates more powerful agencies. Even at that agency level there is more delegation, with decisions being made within by true believers — in their own personal causes.

This book is certainly not an unceasing diatribe against those who work for the government as a career. Indeed, Bernhardt emphasizes that it is his belief that the "vast majority of these liberal civil servants set aside their policy views to serve their country honorably." Nor could this be considered a particularly partisan volume. As the author has found, the "status quo of the swamp has defenders in both parties." He also points the finger at the "political leaders of both parties" for their "longstanding failure ... to guide agency decision making in accordance with the law and to hold civil service members accountable for their job performance."

That said, there are numerous examples provided about how career employees did dig in to try to



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stymie policies of the Trump administration that they opposed. One of the chapters of *You Report to Me* citing such instances leans heavily on a report by the America First Policy Institute, where Bernhardt now serves as chairman of the Center for American Freedom.

Should you find yourself in a position to be a political appointee, *You Report to Me* has plenty of suggestions on how to do things better. Beyond those specific points, Bernhardt correctly insists that we already have “a blueprint for accountable government.” This is to be found in the U.S. Constitution’s “separation of powers and the oath taken by every career civil servant, every executive appointee, every member of Congress, and every federal judge. They each must start doing their respective jobs ‘well and faithfully.’ They report to you and me.”



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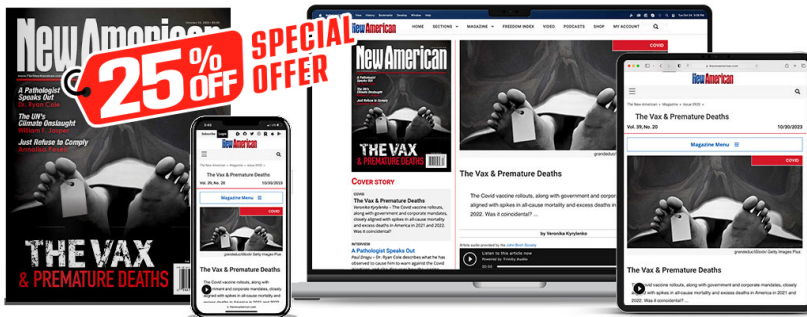
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