

The President Is Winning His War on American Institutions

How Trump is destroying the civil service and bending the government to his will



Photo rendering by Patrick White

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When Donald Trump came into office, there was a sense that he would be outmatched by the vast government he had just inherited.

The new president was impetuous, bottomlessly ignorant, almost chemically inattentive, while the bureaucrats were seasoned, shrewd, protective of themselves and their institutions. They knew where the levers of power lay and how to use them or prevent the president from doing so. Trump’s White House was chaotic and vicious, unlike anything in American history, but it didn’t really matter as long as “the adults” were there to wait out the president’s impulses and deflect his worst ideas and discreetly pocket destructive orders lying around on his desk.

After three years, the adults have all left the room—saying just about nothing on their way out to alert the country to the peril—while Trump is still there.

James Baker, the former general counsel of the FBI, and a target of Trump’s rage against the state, acknowledges that many government officials, not excluding himself, went into the administration convinced “that they are either smarter than the president, or that they can hold

their own against the president, or that they can protect the institution against the president because they understand the rules and regulations and how it's supposed to work, and that they will be able to defend the institution that they love or served in previously against what they perceive to be, I will say neutrally, the inappropriate actions of the president. And I think they are fooling themselves. They're fooling themselves. He's light-years ahead of them.”

The adults were too sophisticated to see Trump's special political talents—his instinct for every adversary's weakness, his fanatical devotion to himself, his knack for imposing his will, his sheer staying power. They also failed to appreciate the advanced decay of the Republican Party, which by 2016 was far gone in a nihilistic pursuit of power at all costs. They didn't grasp the readiness of large numbers of Americans to accept, even relish, Trump's contempt for democratic norms and basic decency. It took the arrival of such a leader to reveal how many things that had always seemed engraved in monumental stone turned out to depend on those flimsy norms, and how much the norms depended on public opinion. Their vanishing exposed the real power of the presidency. Legal precedent could be deleted with a keystroke; law enforcement's independence from the White House was optional; the separation of powers turned out to be a gentleman's agreement; transparent lies were more potent than solid facts. None of this was clear to the political class until Trump became president.

But the adults' greatest miscalculation was to overestimate themselves—particularly in believing that other Americans saw them as selfless public servants, their stature derived from a high-minded commitment to the good of the nation.

When Trump came to power, he believed that the regime was his, property he'd rightfully acquired, and that the 2 million civilians working under him, most of them in obscurity, owed him their total loyalty. He harbored a deep suspicion that some of them were plotting in secret to destroy him. He had to bring them to heel before he could be secure in his power. This wouldn't be easy—the permanent government had defied other leaders and outlasted them. In his inexperience and rashness—the very qualities his supporters loved—he made early mistakes. He placed unreliable or inept commissars in charge of the bureaucracy, and it kept running on its own.

But a simple intuition had propelled Trump throughout his life: Human beings are weak. They have their illusions, appetites, vanities, fears. They can be cowed, corrupted, or crushed. A government is composed of human beings. This was the flaw in the brilliant design of the Framers, and Trump learned how to exploit it. The wreckage began to pile up. He needed only a few years to warp his administration into a tool for his own benefit. If he's given a few more years, the damage to American democracy will be irreversible.

This is the story of how a great republic went soft in the middle, lost the integrity of its guts and fell in on itself—told through government officials whose names under any other president would have remained unknown, who wanted no fame, and who faced existential questions when Trump set out to break them.



Photo rendering by Patrick White

1. “We’re Not Nazis”

Erica Newland went to work at the Department of Justice in the last summer of the Obama administration. She was 29 and arrived with the highest blessings of the meritocracy—a degree from Yale Law School and a clerkship with Judge Merrick Garland of the D.C. Court of Appeals, whom President Obama had recently [nominated to the Supreme Court](#) (and who would never get a Senate hearing). Newland became an attorney-adviser in the Office of Legal Counsel, the department’s brain trust, where legal questions about presidential actions go to be answered, usually in the president’s favor. The office had approved the most extreme wartime powers under George W. Bush, including torture, before rescinding some of them. Newland was a civil libertarian and a skeptic of broad presidential power. Her hiring showed that the Obama Justice Department welcomed heterodox views.

The election in November changed her, freed her, in a way that she understood only much later. If Hillary Clinton had won, Newland likely would have continued as an ambitious, risk-averse government lawyer on a fast track. She would have felt pressure not to antagonize her new bosses, because elite Washington lawyers keep revolving through one another’s lives—these people would be the custodians of her future, and she wanted to rise within the federal government. But after the election she realized that her new bosses were not likely to be patrons of her career. They might even see her as an enemy.

Among career officials, fear set in. They saw what was happening to colleagues in the FBI who had crossed the president.

She decided to serve under Trump. She liked her work and her colleagues, the 20 or so career lawyers in the office, who treated one another with kindness and respect. Like all federal

employees, she had taken an oath to support the Constitution, not the president, and to discharge her office “well and faithfully.” Those patriotic duties implied certain values, and they were what kept her from leaving. In her mind, they didn’t make her a conspirator of the “deep state.” She wouldn’t try to block the president’s policies—only hold them to a high standard of fact and law. She doubted that any replacement would do the same.

Days after Trump’s inauguration, Newland’s new boss, Curtis Gannon, the acting head of the Office of Legal Counsel, gave a seal of approval to the president’s ban, bigoted if not illegal, on travelers from seven majority-Muslim countries. At least one lawyer in the office went out to Dulles Airport that weekend to protest it. Another spent a day crying behind a closed office door. Others reasoned that it wasn’t the role of government lawyers to judge the president’s motives.

Employees of the executive branch work for the president, and a central requirement of their jobs is to carry out the president’s policies. If they can’t do so in good conscience, then they should leave. At the same time, there’s good reason not to leave over the results of an election. A civil service that rotates with the party in power would be a reversion to the 19th-century spoils system, whose notorious corruption led to the [1883 Pendleton Act](#), which created the modern merit-based, politically insulated civil service.

In Trump’s first year an exodus from the Justice Department began, including some of Newland’s colleagues. Some left in the honest belief that they could no longer represent their client, whose impulsive tweets on matters such as banning transgender people from the military became the office’s business to justify, but they largely kept their reasons to themselves. Almost every consideration—future job prospects, relations with former colleagues, career officials’ long conditioning in anonymity—goes against a righteous exit.

Newland didn’t work on the travel ban. Perhaps this distance allowed her to hold on to the idea that she could still achieve some good if she stayed inside. Her obligation was to the country, the Constitution. She felt she was fighting to preserve the credibility of the Justice Department. That first year, she saw her memos and arguments change outcomes.

Things got worse in the second year. It seemed as if more than half of the Office of Legal Counsel’s work involved limiting the rights of noncitizens. The atmosphere of open discussion dissipated. The political appointees at the top, some of whom had voiced skepticism early on about the legality of certain policies, were readier to make excuses for Trump, to give his fabrications the benefit of the doubt. Among career officials, fear set in. They saw what was happening to colleagues in the FBI who had crossed the president during the investigation into Russian election interference—careers and reputations in ruins. For those with security clearances, speaking up, or even offering a snarky eye roll, felt particularly risky, because the bar for withdrawing a clearance was low. Steven Engel, appointed to lead the office, was a Trump loyalist who made decisions without much consultation. Newland’s colleagues found less and less reason to advance arguments that they knew would be rejected. People began to shut up.



After Erica Newland concluded that her work in the Justice Department involved saving Trump from his own lies, she resigned. Photographed at home in Maryland, February 11, 2020. (Peyton Fulford)

One day in May 2018, Newland went into the lunchroom carrying a printout of a White House press release titled “[What You Need to Know About the Violent Animals of MS-13](#).” At a meeting about Central American gangs a few days earlier, Trump had used the word *animals* to describe undocumented immigrants, and in the face of criticism the White House was digging in. *Animals* appeared 10 times in the short statement. Newland wanted to know what her colleagues thought about it.

Eight or so lawyers were sitting around a table. They were all career people—the political hadn’t come to lunch yet. Newland handed the printout to one of them, who handed it right back, as if he didn’t want to be seen with it. She put the paper faceup on the table, and another lawyer turned it over, as if to protect Newland: “That way, if Steve walks in ...”

Newland turned it over again. “It’s a White House press release and I’m happy to explain why it bothers me.” The conversation quickly became awkward, and then muted. Colleagues who had shared Newland’s dismay in private now remained silent. It was the last time she joined them in the lunchroom.

No one risked getting fired. No one would become the target of a Trump tweet. The danger might be a mediocre performance review or a poor reference. “There was no sense that there was anything to be gained by standing up within the office,” Newland told me recently. “The people who might celebrate that were not there to see it. You wouldn’t be able to talk about it. And if you’re going to piss everyone off within the department, you’re not going to be able to get out” and find a good job.

She hated going to work. In the lobby of the Justice Department building, six blocks down Pennsylvania Avenue from the White House, Newland had to pass under a large portrait of the president. Every morning as she entered the building, she avoided looking at Trump, or she used side doors, where she wouldn’t be confronted with his face. At night she slept poorly, plagued by regrets. Should she have pushed harder on a legal issue? Should she engage her colleagues in the lunchroom again? How could she live with the cruelty and bigotry of executive orders and other

proposals, even legal ones, that crossed her desk? She was angry and miserable, and her friends told her to leave. She continued to find reasons to stay: worries about who would replace her, a determination not to abandon ship during an emergency, a sense of patriotism. Through most of 2018 she deluded herself that she could still achieve something by staying in the job.

In 1968, James C. Thomson, a former Asia expert in the Kennedy and Johnson administrations, published [an essay in this magazine called “How Could Vietnam Happen? An Autopsy.”](#) Among the reasons Thomson gave for the war was “the ‘effectiveness’ trap”—the belief among officials that it’s usually wisest to accept the status quo. “The inclination to remain silent or to acquiesce in the presence of the great men—to live to fight another day, to give on this issue so that you can be ‘effective’ on later issues—is overwhelming,” he wrote. The trap is seductive, because it carries an impression of principled tough-mindedness, not cowardice. Remaining “effective” also becomes a reason never to quit.

As the executive orders and other requests for the office’s approval piled up, many of them of dubious legality, one of Newland’s supervisors took to saying, “We’re just following orders.” He said it without irony, as a way of reminding everyone, “We work for the president.” He said it once to Newland, and when she gave him a look he added, “I know that’s what the Nazis said, but we’re not Nazis.”

“The president has said that some of them are very fine people,” Newland reminded him.

“Attorney General Sessions never said that,” the supervisor replied. “Steve never said that, and I’ve never said that. We’re not Nazis.” That she could still have such an exchange with a supervisor seemed in itself like a reason not to leave.

But Newland, who is Jewish, sometimes asked herself: If she and her colleagues had been government lawyers in Germany in the 1930s, what kind of bureaucrat would each of them have been? There were the ideologues, the true believers, like one Clarence Thomas protégé. There were the opportunists who went along to get ahead. There were a handful of quiet dissenters. But many in the office just tried to survive by keeping their heads down. “I guess I know what kind I would have been,” Newland told me. “I would have stayed in the Nazi administration initially and then fled.” She thinks she would have been the kind of official who pushed for carve-outs in the Nuremberg Race Laws, preserving citizenship rights for Germans with only partial Jewish ancestry. She would have felt that this was better than nothing—that it justified having worked in the regime at the beginning.

Newland and her colleagues were saving Trump from his own lies. They were using their legal skills to launder his false statements and jury-rig arguments so that presidential orders would pass constitutional muster. When she read that producers of *The Apprentice* had had to edit episodes in order to make Trump’s decisions seem coherent, she realized that the attorneys in the Office of Legal Counsel were doing something similar. Loyalty to the president was equated with legality. “There was hardly any respect for the other departments of government—not for the lower courts, not for Congress, and certainly not for the bureaucracy, for professionalism, for facts or the truth,” she told me. “*Corruption* is the right word for this. It doesn’t have to be pay-to-play to be corrupt. It’s a departure from the oath.”

In the fall of 2018, Newland learned that she and five colleagues would receive the Attorney General’s Distinguished Service Award for their work on executive orders in 2017. The news made her sick to her stomach; her office probably thought she would feel honored by the award. She marveled at how the administration’s conduct had been normalized. But she also suspected that department higher-ups were using the career people to justify policies such as the travel ban—at least, the award would be seen that way. Newland and another lawyer stayed away from the ceremony where the awards were presented, on October 24.

On October 27, an anti-Semitic extremist killed 11 people at a synagogue in Pittsburgh. Before the shooting, he berated Jews online for enabling “invaders” to enter the United States from Mexico. That same week, the Office of Legal Counsel was working on an order that, in response to the “threat” posed by a large caravan of Central Americans making its way north through Mexico, temporarily refused all asylum claims at the southern border. Newland, who could imagine being shot in a synagogue, felt that her office’s work was sanctioning rhetoric that had inspired a mass killer.

She tendered her resignation three days later. By Thanksgiving she was gone. In the new year she began working at a nonprofit called Protect Democracy.

The asylum ban was the last public act of Attorney General Jeff Sessions. Trump fired him immediately after the midterm elections. Newland felt that Sessions—who had recused himself from the Russia investigation because he had spoken with Russian officials as an adviser in the Trump campaign—cared about protecting some democratic rights, but only for white Americans. He was eventually replaced by William Barr, a former attorney general with a reputation for intellect and competence. But Barr quickly made Sessions seem like a paragon of integrity. After watching him run her former department for a year, Newland wondered why she had stayed inside at all.

2. Cashing In

There’s always been corruption in Washington, and everywhere that power can be found, but it became institutionalized starting in the late 1970s and early ’80s, with the rise of the lobbying industry. The corruption that overtook the capital during that time was pecuniary and mostly legal, a matter of norm-breaking—of people’s willingness to do what wasn’t done. Robert Kaiser, a former *Washington Post* editor and the author of the 2010 book [*So Damn Much Money: The Triumph of Lobbying and the Corrosion of American Government*](#), locates an early warning sign in Gerald Ford’s readiness to “sign up for every nasty piece of work that everybody offered him to cash in on being an ex-president.” Cashing in—once known as selling out—became a common path out of government, and then back in and out again. “There was a taboo structure,” Kaiser told me. “You don’t go from a senior Justice Department position to a senior partner in Lloyd Cutler’s law firm and then go back. It was a one-way trip. That taboo is no more.”

Former members of Congress and their aides cashed in as lobbyists. Retired military officers cashed in with defense contractors. Justice Department officials cashed in at high-paying law firms. Former diplomats cashed in by representing foreign interests as lobbyists or public-relations strategists. A few years high up in the Justice Department could translate into tens of millions of dollars in the private sector. Obscure aides on Capitol Hill became millionaires. Trent

Lott abandoned his Senate seat early in order to get ahead of new restrictions on how soon he could start his career as a lobbyist. Ex-presidents gave six-figure speeches and signed eight-figure book deals.

Trump believed he had to crush the bureaucracy or else it would destroy him.

As partisanship turned rabid, making money remained the one thing that Democrats and Republicans could still do together. Washington became a city of expensive restaurants, where bright young people entered government to do some good and then get rich. Luke Albee, a former chief of staff for two Democratic senators, learned to avoid hiring aides he would lose too quickly. “I looked out for who’s going to come in and spin out after 18 months, to renew and refresh their contacts in order to increase their retainers,” he told me. The revolving door didn’t necessarily induce individual officeholders to betray their oath—they might be scrupulously faithful public servants between turns at the trough. But, on a deeper level, the money aligned government with plutocracy. It also made the public indiscriminately cynical. And as the public’s trust in institutions plunged, the status of bureaucrats fell with it.

The swamp had been pooling between the Potomac and the Anacostia for three or four decades when Trump arrived in Washington, vowing to drain it. The slogan became one of his most potent. Fred Wertheimer, the president of the nonprofit Democracy 21 and an activist for good government since the Nixon presidency, says of Trump: “He was ahead of a lot of national politicians when he saw that the country sees Washington as rigged against them, as corrupted by money, as a lobbyist’s game—which is a game he played his whole life, until he ran against it. People wanted someone to take this on.” By then the federal government’s immune system had been badly compromised. Trump, in the name of a radical cure, set out to spread a devastating infection.

To Trump and his supporters, the swamp was full of scheming conspirators in drab D.C. office wear, coup plotters hidden in plain sight at desks, in lunchrooms, and on jogging paths around the federal capital: the deep state. A former Republican congressional aide named Mike Lofgren had introduced the phrase into the political bloodstream with [an essay in 2014](#) and a book two years later. Lofgren meant the nexus of corporations, banks, and defense contractors that had gained so much financial and political control—sources of Washington’s corruption. But conservatives at *Breitbart News*, Fox News, and elsewhere began applying the term to career officials in law-enforcement and intelligence agencies, whom they accused of being Democratic partisans in cahoots with the liberal media first to prevent and then to undo Trump’s election. Like *fake news* and *corruption*, Trump reverse-engineered *deep state* into a weapon against his enemies, real or perceived.

The moment Trump entered the White House, he embarked on a colossal struggle with his own bureaucracy. He had to crush it or else it would destroy him. His aggrieved and predatory cortex impelled him to look for an official to hang out in public as a warning for others who might think of crossing him. Trump found one who had been nameless and faceless throughout his career.

3. “How Is Your Wife?”

Andrew McCabe joined the FBI in 1996, when he was 28, a year younger than Erica Newland was when she entered government service. He was the son of a corporate executive, a product of the suburbs, a Duke graduate, a lawyer at a small New Jersey firm. The bureau attracted him because of the human drama that investigations uncovered, the stories elicited from people who had crossed the line between the safe and predictable life of McCabe's upbringing and the shadow world beyond the law. His wife, Jill, who was training in pediatric medicine, encouraged him to apply. He took a 50 percent salary cut to join the bureau. At Quantico, it was almost a pleasure for him to be subsumed into the uniform and discipline and selflessness of an agent's training.

McCabe specialized in Russian organized crime and then terrorism. He rose swiftly through the ranks of the bureau and stayed out of the public eye. He had a reputation for intellect and unflappability, a natural manager. In early 2016—by then McCabe was in his late 40s, trim from triathlon competitions, his short hair going gray, the frames of his glasses black above and clear below—James Comey promoted him from head of the Washington field office to deputy director, the highest career position in the bureau, responsible for overseeing its day-to-day operations. In ordinary times the FBI's No. 2 remains invisible to the public, but McCabe's new job gave him a role in overseeing the investigation of Hillary Clinton's private email server, just as the 2016 presidential race was entering its consequential phase. By summer the FBI would be digging into Trump's campaign as well.

In July, Comey decided to announce the closing of the email case, calling Clinton's conduct "extremely careless" but not criminal. McCabe supported this extraordinary departure from normal procedure (the FBI doesn't comment on investigations, especially ones that don't result in prosecution) because the Clinton email case, played out on the front pages in the middle of the campaign, was anything but normal. Comey was a master at conveying ethical rectitude—he would rise above the din to his commanding height and convince the American people that the investigation had been righteous.

But Comey's statement created fury on both the left and the right and badly damaged the FBI's credibility. McCabe came to regret Comey's decision and his own role in it. "We believed that the American people believed in us," McCabe later wrote. "The FBI is not political." But he should have known. He had worked on the wildly overblown Benghazi case in the aftermath of the killing of the U.S. ambassador to Libya in 2012, which "revealed the surreal extremes to which craven political posturing had gone," and led to the equally overblown email case.



When Andrew McCabe, the deputy director of the FBI, found himself in the president’s crosshairs, his world turned upside down. Photographed in Washington, D.C., February 10, 2020. (Peyton Fulford)

Having spent two decades as an upstanding G-man in a hierarchical institution, McCabe didn’t understand what the country had become. He was unarmed and unready for what was about to happen.

Jill McCabe, a pediatric emergency-room doctor, had run for a seat in the Virginia Senate as a Democrat in 2015 in order to work for Medicaid expansion for poor patients. She lost the race. On October 23, 2016, two weeks before the presidential election, *The Wall Street Journal* revealed that her campaign had received almost \$700,000 from the Virginia Democratic Party and the political-action fund of Governor Terry McAuliffe, a Clinton friend who had encouraged her to run. “[Clinton Ally Aided Campaign of FBI Official’s Wife](#),” read the headline, with more innuendo than substance. McCabe had properly insulated himself from the campaign and knew nothing about the donations. FBI ethics people had cleared him to oversee the Clinton investigation, which he didn’t start doing until months after Jill’s race had ended. One had nothing to do with the other. But Trump tweeted about the *Journal* story, and on [October 24 he enraged a crowd in St. Augustine, Florida](#), with the made-up news that Clinton had corrupted the bureau and bought her way out of jail through “the spouse—the *wife*—of the top FBI official who helped oversee the investigation into Mrs. Clinton’s illegal email server.” He snarled and narrowed his eyes, he tightened his lips and shook his head, he walked away from the microphone in disgust, and the crowd shrieked its hatred for Clinton and the rigged system.

This was the first time Trump referred to the McCabes. He didn’t use their names, but the scene was chilling.

Within a few days, *The Wall Street Journal* was preparing to run a second story with damaging information about the FBI and McCabe—this time, that he had told agents to “stand down” in a secret investigation of the Clinton Foundation. The sources appeared to be senior agents in the

FBI's New York field office, where anti-Clinton sentiment was expressed openly. But the story was wrong: McCabe had wanted to continue the investigation and had simply been following Justice Department policy to keep agents from taking any overt steps, such as issuing subpoenas, that might influence an upcoming election. For the second time in a week, his integrity—the lifeblood of an official in his position—was unjustly maligned in highly public fashion. He authorized his counsel, Lisa Page, and the chief FBI spokesperson, Michael Kortan, to correct the story by disclosing to the reporter a conversation between McCabe and a Justice Department official—an authorization he believed to be appropriate, because it was in the FBI's interest as well as his own.

The leak inadvertently confirmed the existence of an investigation into the Clinton Foundation, and it upset Comey. The director was already unhappy with the revelations about Jill McCabe's campaign. He prepared to order McCabe to recuse himself from the Clinton email investigation, which the FBI reopened on October 28, 11 days before the election. Comey later claimed that when he'd asked McCabe about the leak, McCabe had said something like "I don't know how this shit gets in the media." (McCabe later said that he'd told Comey he had authorized the leak.)

This incident, so slight amid the large dramas of those months, set in motion a series of fateful events for McCabe.

When Trump won, the McCabes thought that the new president might drop the conspiracy theory about Jill's campaign and stop his attacks on them. "He got what he wanted," she told me recently, "so maybe he'll just leave us alone now. For, like, a moment I thought that."

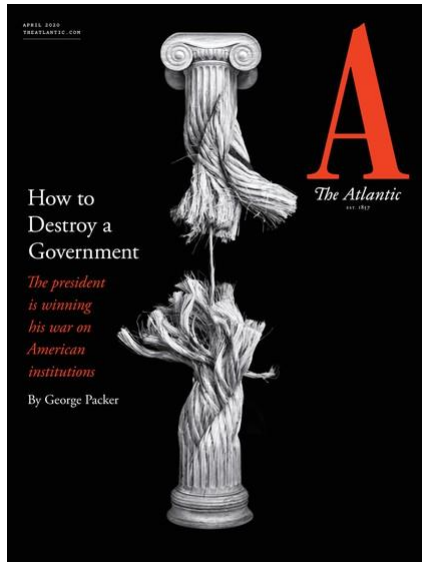
As Trump prepared to take power, the Russia investigation closed in on people around him, beginning with Michael Flynn, his choice for national security adviser, who lied to FBI agents about phone calls with the Russian ambassador. Trump made it clear that he expected the FBI to drop the Flynn case and shield the White House from the tightening circle of investigation. At a White House dinner for two, the new president told his FBI director that he wanted loyalty. Comey replied with a promise of honesty. Trump then asked if McCabe "has a problem with me. I was pretty rough on him and his wife during the campaign." Comey called McCabe "a true professional," adding: "FBI people, whatever their personal views, they strip them away when they step into their bureau roles."

But Trump didn't want true professionals. Either you were loyal or you were not, and draining the swamp turned out to mean getting rid of those who were not. His understanding of human motivation told him that, after his "pretty rough" treatment, McCabe couldn't possibly be loyal—he would want revenge, and he would get it through an investigation. In subsequent conversations with Comey, Trump kept returning to "the McCabe thing," as if fixated on the thought that he had created an enemy in his own FBI.

"We knew that we were doomed," Jill McCabe told me. "Our days were numbered. It was gradual, but by May we knew it could end really terribly."

On May 9, 2017, McCabe was summoned across the street to the office of Attorney General Jeff Sessions, who informed him that Trump had just fired Comey. McCabe was now acting director of the FBI.

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Trump wanted to see him that evening. Comey had told McCabe about Trump’s demands for loyalty, his attempts to interfere with the Russia investigation, and his suspicion of McCabe himself. McCabe fully expected to be fired any day. When he was ushered into the Oval Office, he found the president seated behind his imposing desk, with his top advisers—the vice president, the chief of staff, the White House counsel—perched submissively before him in a row of small wooden chairs, where McCabe joined them. Trump asked McCabe whether he disagreed with Comey’s decision to close the Clinton email case in July. No, McCabe said; he and Comey had worked together closely. Trump kept pushing: Was it true that people at the FBI were unhappy about the decision, unhappy with Comey’s leadership? McCabe said that some agents disagreed with Comey’s handling of the Clinton case, but that he had generally been popular.

“Your only problem is that one mistake you made,” McCabe later recalled Trump saying. “That thing with your wife. That one mistake.” McCabe said nothing, and Trump went on: “That was the only problem with you. I was very hard on you during my campaign. That money from the Clinton friend—I was very hard. I said a lot of tough things about your wife in the campaign.”

“I know,” McCabe replied. “We heard what you said.” He told Trump that Jill was a dedicated doctor, that running for office had been another way for her to try to help her patients. He and their two teenage children had completely supported her decision.

“Oh, yeah, yeah. She’s great. Everybody I know says she’s great. You were right to support her. Everybody tells me she’s a terrific person.”

The next morning, while McCabe was meeting with his senior staff about the Russia investigation, the White House called—Trump was on the line. This was disturbing in itself. Presidents are not supposed to call FBI directors, except about matters of national security. To prevent the kind of political abuses uncovered by Watergate, Justice Department guidelines dating back to the mid-’70s dictate a narrow line of communication between law enforcement and the White House. Trump had repeatedly shown that he either didn’t know or didn’t care.

The president was upset that McCabe had allowed Comey to fly back from Los Angeles on the FBI's official plane after being fired. McCabe explained the decision, and Trump exploded: "That's not right! I never approved that!" He didn't want Comey allowed into headquarters—into any FBI building. Trump raged on. Then he said, "How is your wife?"

"She's fine."

"When she lost her election, that must have been very tough to lose. How did she handle losing? Is it tough to lose?"

McCabe said that losing had been difficult but that Jill was back to taking care of children in the emergency room.

"Yeah, that must have been really tough," the president told his new FBI director. "To lose. To be a loser."

As McCabe held the phone, his aides saw his face go tight. Trump was forcing him into the humiliating position of not being able to stand up for his wife. It was a kind of Mafia move: asserting dominance, emotional blackmail.

"It elevates the pressure of this idea of loyalty," McCabe told me recently. "If I can actually insult your wife and you still agree with me or go along with whatever it is I want you to do, then I have you. I have split the husband and the wife. He first tried to separate me from Comey—'You didn't agree with him, right?' He tried to separate me from the institution—'Everyone's happy at the FBI, right?' He boxes you into a corner to try to get you to accept and embrace whatever bullshit he's selling, and if he can do that, then he knows you're with him."

McCabe would return to the conversation again and again, asking himself if he should have told Trump where to get off. But he had an organization in crisis to run. "I didn't really need to get into a personal pissing contest with the president of the United States."

Far from being the political conspirator of Trump's dark imaginings, McCabe was out of his depth in an intensely political atmosphere. When Trump demanded to know whom he'd voted for in 2016, McCabe was so shocked that he could only answer vaguely: "I played it right down the middle." The lame remark embarrassed McCabe, and he later clarified things with Trump: He was a lifelong Republican, but he hadn't voted in 2016, because of the FBI investigations into the two candidates. This straightforward answer only deepened Trump's suspicions.

But the professionalism that left McCabe exposed to Trump's bullying served him as he took charge of the FBI amid the momentous events of that week. "Once Jim got fired, Andy's focus and resolve were quite amazing," James Baker, then the FBI general counsel, told me. McCabe had two urgent tasks. The first was to reassure the 37,000 employees now working under him that the organization would be all right. On May 11, in a televised Senate hearing, he was asked whether White House assertions of Comey's unpopularity in the bureau were true. McCabe had prepared his answer. "I can tell you that I hold Director Comey in the absolute highest regard," he said. "I can tell you also that Director Comey enjoyed broad support within the FBI and still does to this day." He was saying to the country and his own people what he couldn't say to Trump's face.

“The president is going to be out for blood and it’s going to be mine,” McCabe said.

The second task was to protect the Russia investigation. Comey’s firing, and the White House lies about the reason—that it was over the Clinton email case, when all the evidence pointed to the Russia investigation—raised the specter of obstruction of justice. On May 15, McCabe met with his top aides—Baker, Lisa Page, and two others—and concluded that they had to open an investigation into Trump himself. They had to find out whether the president had been working in concert with Russia and covering it up.

The case was under the direction of the deputy attorney general, Rod Rosenstein. McCabe doubted that Rosenstein, whose memo Trump had used to justify firing Comey, could be trusted to withstand White House pressure to shut down the investigation. He urged Rosenstein to appoint a special counsel to take over the case. Then it would be beyond the reach of the White House and the Justice Department. If Trump tried to kill it, the world would know. McCabe pressed Rosenstein several times, but Rosenstein kept putting him off.

On May 17, McCabe informed a small group of House and Senate leaders that the FBI was opening a counterintelligence investigation into Trump for possible conspiracy with Russia during the 2016 campaign, as well as a criminal investigation for obstruction of justice. Rosenstein then announced that he was appointing Robert Mueller to take over the case as special counsel.

That night McCabe was chauffeured in the unfamiliar silence of the director’s armored Suburban to his house in the Virginia exurbs beyond Dulles Airport. Jill was making dinner while their daughter did her homework at the kitchen island. McCabe took off his jacket, loosened his tie, and opened a beer. Ever since Comey’s firing he’d felt as though he were sprinting toward a goal—to make the Russia investigation secure and transparent. “We’ve done what we needed to do,” he said. “The president is going to be out for blood and it’s going to be mine.”

“You did your job,” Jill said. “That’s the important thing.”

In the coming months, when things grew dark for the McCabes, Jill would remind Andy of that evening together in the kitchen.

The tweets abruptly resumed on July 25: “Problem is that the acting head of the FBI & the person in charge of the Hillary investigation, Andrew McCabe, got \$700,000 from H for wife!” By now Trump knew McCabe’s name, but Jill would always be the “wife.” The next day, more tweets: “Why didn’t A.G. Sessions replace Acting FBI Director Andrew McCabe, a Comey friend who was in charge of Clinton investigation but got ... big dollars (\$700,000) for his wife’s political run from Hillary Clinton and her representatives. Drain the Swamp!”

The tweets mortified McCabe. He had no way of answering the false charge without calling more attention to it. He went into headquarters and made a weak joke about the day’s news and tried to keep himself and his organization focused on work while knowing that everyone he met with was thinking about the tweets. Baker, who also became a target of Trump’s tweets, described their effect to me. “It’s just a very disorienting, strange experience for a person like me, who doesn’t have much of a public profile,” he said. “You can’t help having a physiological reaction, like

getting nervous, sweating. It's frightening, and you don't know what it's going to mean, and suddenly people start talking about you, and you feel very exposed—and not in a positive way.”

The purpose of Trump's tweets was not just to punish McCabe for opening the investigation, but to taint the case. “He attacks people to make his misdeeds look like they were okay,” Jill said. “If Andrew was corrupt, then the investigation was corrupt and the investigation was wrong. So they needed to do everything they could to prove Andrew McCabe was corrupt and a liar.”

Three days after the tweets resumed, on July 28, McCabe was urgently summoned to the Justice Department. Lawyers from the Office of the Inspector General who were looking into the Clinton email investigation had found thousands of text messages between McCabe's counsel, Lisa Page, and the bureau's ace investigator, Peter Strzok. Both of them had been central to the Clinton and Russia cases; Strzok was now working for Mueller. During the campaign, Page and Strzok had exchanged scathing comments about Trump. They had also been having an extramarital affair. Page and Strzok were among McCabe's closest colleagues; Page was his trusted friend. This was all news to him—terrible news.

The lawyers fired off questions about the texts. Because McCabe was a subject of the inspector general's investigation of the Clinton case, he told the lawyers in advance that he wouldn't answer questions about his involvement without his personal attorney present. In spite of this, their questions suddenly veered to the second *Wall Street Journal* article, with its suggestion that McCabe had been corrupted by Clinton. One of the lawyers wondered whether “CF” in a text from Page referred to the Clinton Foundation. “Do you happen to know?” he asked McCabe.

“I don't know what she's referring to.”

“Or perhaps a code name?”

“Not one that I recall,” McCabe said, “but this thing is, like, right in the middle of the allegations about me, and so I don't really want to get into discussing this article with you. Because it just seems like we're kind of crossing the strings a little bit there.”

“Was she ever authorized to speak to reporters in this time period?” a lawyer asked.

“Not that I'm aware of.”

This wasn't true. McCabe himself had authorized Page to speak to the *Journal* reporter. But he had stopped paying attention to the lawyers' questions, which weren't supposed to have come up at all—he wanted to put an end to them. He had to think through how he was going to deal with this new emergency. The Page-Strzok texts were bound to leak, and they would be claimed by Trump and his partisans as proof that the FBI was a cesspool of bias and corruption. Page and Strzok would be personally destroyed. In New York City that day, Trump made his remark about Central American “animals,” and he urged law-enforcement officers to rough up suspected gang members. The bureau would have to formulate a response and reaffirm its code of integrity. And the McCabes were back in the president's crosshairs.

McCabe had the sense that everything was falling apart. It's not hard to imagine the state of mind that led him to say, “Not that I'm aware of.” He had done it before, on the other terrible day of

that year, May 9, when a different internal investigation had blindsided him with the same question about the long-ago *Journal* leak, and McCabe had given the same inaccurate answer. A right-down-the-middle career official, his integrity under continued assault, might well make such a needless mistake.

That was a Friday. Over the weekend he realized that he had left the lawyers with a false impression. On Tuesday he called the inspector general's office to correct it. That same week the Senate confirmed Christopher Wray as the new FBI director, and McCabe went back to being the deputy. After 21 years as an agent, he planned to retire as soon as he was eligible, in March 2018, when he turned 50, and go into the private sector. But it was already too late.

On December 19, testifying before a House committee, McCabe confirmed Comey's account of Trump's attempt to kill the Russia investigation. Two days later, before another House committee, he was asked how attacks on the FBI had affected him. "I'll tell you, it has been enormously challenging," McCabe said. He described how his wife—"a wonderful, brilliant, caring physician"—had run for office to help expand health insurance for poor people. "And having started with that noble intention, to have gone through what she and my children have experienced over the last year has been—it has been devastating."

Two days before Christmas, Trump let fly a menacing tweet: "FBI Deputy Director Andrew McCabe is racing the clock to retire with full benefits. 90 days to go?!!!" No personnel issue was too small for the president's attention if it concerned a bureaucrat he considered an enemy. Another tweet that same day and one on Christmas Eve repeated the old falsehoods about Jill's campaign. She couldn't stop blaming herself for all the trouble that had come to her family.

Just after the holidays, McCabe learned that his part of the inspector general's report on the Clinton email investigation would be released separately. Instead of later in the spring, the McCabe piece would be finished in just a couple of months. In January 2018, Wray, the new director, forced McCabe out of the deputy's job. Rather than accept a lower position, he went on leave in anticipation of his retirement in mid-March. At the end of February, the inspector general completed his 35-page report with its devastating conclusion: McCabe had shown "lack of candor" on four occasions in his statements about the *Wall Street Journal* leak. The Office of Professional Responsibility recommended that he be fired. To some in the Justice Department, this represented accountability for a senior official.

McCabe received the case file on March 9. FBI guidelines generally grant the subject 30 days to respond, but the Justice Department seemed determined to satisfy the White House and get ahead of McCabe's retirement. He was given a week. On Thursday, March 15, he met with a department official and argued his case: He'd been blindsided by questions about an episode that he'd forgotten in the nonstop turmoil of the following months, and when he realized that he'd made an inaccurate statement, he had come forward voluntarily to correct it. McCabe thought he made a solid argument, but he knew what was coming.

On Friday night, watching CNN, McCabe learned that he had been [fired](#) from the organization where he had worked for 21 years. He was 26 hours away from his 50th birthday.

An hour after the news broke, Trump broadcast his delight: “Andrew McCabe FIRED, a great day for the hard working men and women of the FBI—A great day for Democracy.” It was his eighth tweet about McCabe; there have been 33 since then, and counting.

“There’s a lot of people out there who are unwilling to stand up and do the right thing, because they don’t want to be the next Andrew McCabe.”

“To be fired from the FBI and called a liar—I can’t even describe to you how sick that makes me to this day,” McCabe told me, nearly two years later. “It’s so wildly offensive and humiliating and just horrible. It bothers me as much today as it did on March 16, when I got fired. I’ve thought about it for thousands of hours, but it still doesn’t make it any easier to deal with.”

The extraordinary rush to get rid of McCabe ahead of his retirement, with the president buying for his scalp, appalled many lawyers both in and out of government. “To engineer the process that way is an unforgivable politicization of the department,” the legal expert Benjamin Wittes told me. McCabe lost most of his pension. He became unemployable, and “radioactive” among his former colleagues—almost no one at headquarters would have contact with him. Worst of all, the Justice Department referred the inspector general’s report to the U.S. attorney for Washington, D.C. A criminal indictment in such cases is almost unheard of, but the sword of the law hung over McCabe’s head for two years, an abnormally long time, while prosecutors hardly uttered a word. Last September, McCabe learned from media reports that a grand jury had been convened to vote on an indictment. He and Jill told their children that their father might be handcuffed, the house might be searched, he might even be jailed. The grand jury met, and the grand jury went home, and nothing happened. The silence implied that the jurors had found no grounds to indict. One of the prosecutors dropped off the case, unusual at such a crucial stage, and another left for the private sector, reportedly unhappy about political pressure. Still, the U.S. Attorney’s Office kept the case open until mid-February, when it was abruptly dropped.



Andrew and Jill McCabe (Peyton Fulford)

McCabe discusses his situation with the oddly calm manner of the straight man in a Hitchcock movie who can’t quite fathom the nightmare in which he’s trapped. Jill, who is more

demonstrative, compares the ordeal to an abusive relationship: Every time she feels like she can finally breathe a little, another blow lands. On any given night, a Fox News host can still be heard denouncing her husband. Just recently, a reporter for a right-wing TV network, One America News, announced on the White House lawn that McCabe had had an affair with Lisa Page. It was a lie, and the [network was forced to retract it](#), but not before McCabe had to call his daughter at school and warn her that she would see the story on the internet.

McCabe has written a book, and he appears regularly on CNN, and he volunteers his time with the Innocence Project, working on the cases of wrongly convicted prisoners. Jill is getting an M.B.A. while continuing to do the overnight shift at the emergency room. But they've come to accept that they will never be entirely free.

Every member of the FBI leadership who investigated Trump has been forced out of government service, along with officials in the Justice Department, and subjected to a campaign of vilification. Even James Baker, who was never accused of wrongdoing, found himself too controversial to be hired in the private sector. But it is McCabe's protracted agony that provides the most vivid warning of what might happen to other career officials if their professional duties ever collide with Trump's personal interests. It struck fear in Erica Newland and her colleagues in the Office of Legal Counsel. It chilled officials farther afield, in the State Department. "There's a lot of people out there," Jill said, "who are unwilling to stand up and do the right thing, because they don't want to be the next Andrew McCabe."

4. Ends and Means

Nothing constrained Trump more than independent law enforcement. Nothing would strengthen him like the power to use it for his own benefit. "The authoritarian leader simply has to get control over the coercive apparatus of the state," Susan Hennessey and Benjamin Wittes write in their new book, *Unmaking the Presidency*. "Without control of the Justice Department, the would-be tyrant's tool kit is radically incomplete."

When Trump nominated William Barr to replace Jeff Sessions as attorney general, the Washington legal establishment exhaled a collective sigh of relief. Barr had held the same job almost 30 years earlier, in the last 14 months of the first Bush presidency. He was now 68 and rich from years in the private sector. He had nothing to prove and nothing to gain. He was considered an "institutionalist"—quite conservative, an advocate of strong presidential power, but not an extremist. Because he was intimidatingly smart and bureaucratically skillful, he would protect the Justice Department from Trump's maraudings far better than the intellectually inferior Sessions and his ill-qualified temporary replacement, Matthew Whitaker. Barr told a friend that he agreed to come back because the department was in chaos and needed a leader with a bulletproof reputation.

Before Barr's confirmation hearings, Neal Katyal, a legal scholar who was acting solicitor general under Obama, warned a group of Democratic senators not to be fooled: Barr's views were well outside mainstream conservatism. He could prove more dangerous than any of his predecessors. And the reasons for concern could be found by anyone who took the trouble to study Barr's record, which was made of three durable, interwoven strands.

The first was his expansive view of presidential power, sometimes called the theory of the “[unitary executive](#)”—the idea that Article II of the Constitution gives the president sole and complete authority in the executive branch, with wide latitude to interpret laws and make war. When Barr became head of the Office of Legal Counsel under George H. W. Bush, in 1989, he wrote an [influential memo](#) listing 10 ways in which Congress had been trespassing on Article II, arguing, “Only by consistently and forcefully resisting such congressional incursions can executive branch prerogatives be preserved.” He created and chaired an interagency committee to fight document requests and assert executive privilege.

One target of Barr’s displeasure was the Office of the Inspector General, created by Congress in 1978 as an independent watchdog in executive-branch agencies. “For a guy like Barr, this goes to the core of the unitary executive—that there’s this entity in there that reports to Congress,” says Jack Goldsmith, a Harvard law professor who served as head of the Office of Legal Counsel under George W. Bush. When Barr became attorney general in 1991, he made sure that the inspector general’s office in the Justice Department had as little power as possible to investigate misconduct.

Barr has even expressed skepticism about the guidelines, established after Watergate, that insulate the Justice Department from political interference by the White House. In [a 2001 oral history](#) Barr said, “I think it started picking up after Watergate, the idea that the Department of Justice has to be independent ... My experience with the department is that the most political people in the Department of Justice are the career people, the least political are the political appointees.” In Barr’s view, political interference in law enforcement is almost a contradiction in terms. Since presidents (and their appointees) are subject to voters, they are better custodians of justice than the anonymous and unaccountable bureaucrats known as federal prosecutors and FBI investigators. Barr seemed unconcerned about what presidents might do between elections.

The Iran-Contra scandal that took place under Ronald Reagan shadowed Bush’s presidency in the form of an investigation conducted by the independent counsel Lawrence Walsh. Barr despised independent counsels as trespasses on the unitary executive. A month before Bush left office, Barr persuaded the president to issue full pardons of several Reagan-administration officials who had been found guilty in the scandal, in addition to one—former Defense Secretary Caspar Weinberger—who had been indicted and might have provided evidence against Bush himself. The appearance of a cover-up didn’t trouble Barr. But six years later, when the independent counsel Kenneth Starr was investigating President Bill Clinton for perjury and obstruction in a sex scandal, Barr, by then a corporate lawyer, [criticized the Clinton White House](#) for attacks on Starr that could impede the investigation and even intimidate jurors and witnesses.

Here is a glimpse of the second strand in Barr’s thinking: partisanship. Less conspicuous than the first, which sheathes it in constitutional principles, it never disappears. Barr is a persistent critic of independent counsels—except when they’re investigating a Democratic president. He’s a vocal defender of presidential authority—when a Republican is in the White House.

This partisanship has to be understood in relation to the third enduring strand of Barr’s thinking: He is a Catholic—a very conservative one. John R. Dunne, who ran the Justice Department’s civil-rights division when Barr was attorney general under Bush, calls him “an authoritarian Catholic.” Dunne and his wife once had dinner at Barr’s house and came away with the impression of a traditional patriarch whom only the family dog disobeyed. Barr attended

Columbia University at the height of the anti-war movement, and he drew a lesson from those years that shaped many other religious conservatives as well: The challenge to traditional values and authority in the 1960s sent the country into a long-term moral decline.

In 1992, as attorney general, Barr gave a speech at a right-wing Catholic conference in which he blamed “the long binge that began in the mid-1960s” for soaring rates of abortion, drug use, divorce, juvenile crime, venereal disease, and general immorality. “The secularists of today are clearly fanatics,” Barr said. He called for a return to “God’s law” as the basis for moral renewal. “There is a battle going on that will decide who we are as a people and what name this age will ultimately bear.” One of Barr’s speechwriters at the time was Pat Cipollone, who is now Trump’s White House counsel and served as one of his defenders during impeachment. In 1995, as a private citizen, [Barr published the same argument, with the same military metaphors, as an essay](#) in the journal then called *The Catholic Lawyer*. “We are locked in a historic struggle between two fundamentally different systems of values,” he wrote. “In a way, this is the end product of the Enlightenment.” The secularists’ main weapon in their war on religion, Barr continued, is the law. Traditionalists would have to fight back the same way.

What does this apocalyptic showdown have to do with Article II and the unitary executive? It raises the stakes of politics to eschatology. With nothing less than Christian civilization at stake, the faithful might well conclude that the ends justify the means.

Barr and Trump are collaborating to destroy the independence of anything that could restrain the president.

Barr spent the quarter century between Presidents Bush and Trump in private practice, serving on corporate boards, and caring for the youngest of his three daughters as she battled lymphoma. Barr and Cipollone also sat together on the board of the Catholic Information Center, an office in Washington closely affiliated with Opus Dei, a far-right Catholic organization with influential connections in politics and business around the world. During those years, the Republican Party sank into its own swamp of moral relativism, hitting bottom with Trump’s presidency.

Trump’s arrival brought Barr out of semi-retirement as a reliable advocate. When Comey reopened the Clinton email investigation 11 days before the election, Barr wrote an [approving op-ed](#). When Trump fired Comey six months later, supposedly for mishandling the same investigation, Barr published [another approving op-ed](#). The only consistent principle seemed to be what benefited Trump. Then, [in June 2018, Barr wrote a 19-page memo](#) and sent it, unsolicited, to Rod Rosenstein. The memo argued that Robert Mueller could not charge Trump with obstructing justice for taking actions that came under the president’s authority, including asking Comey to back off the Flynn investigation and then firing Comey. In Barr’s expansive view of Article II, it was nearly impossible for Trump to obstruct justice at all.

Writing that memo was a strange thing for a former attorney general to do with his spare time. Six months later, Trump nominated Barr to his old job.

After Barr assumed office, his advocacy for Trump intensified. When Mueller completed his report, in March 2019, Barr rushed to tell the world not only that the report cleared Trump of conspiring with Russia, but that the lack of an “underlying crime” cleared the president of obstruction as well—despite 10 damning examples of possible crimes in the report, which Barr

finally released, lightly redacted, three weeks later. Those extra weeks allowed Trump a crucial moment to claim complete exoneration. Then he turned his rhetorical gun on his pursuers. He wanted them brought down.

Two investigations of the investigators were already in the works—one by the Justice Department’s inspector general, focusing on electronic surveillance of a Trump-campaign adviser (Barr called it “spying”), and a broader review by John Durham, the U.S. attorney for Connecticut, under Barr’s supervision. In [an interview with CBS in May](#), Barr prejudged the outcome of Durham’s review, strongly implying that the Russia investigation had been flawed from the start. He located the misconduct in the deep state: “Republics have fallen because of [a] Praetorian Guard mentality where government officials get very arrogant, they identify the national interest with their own political preferences, and they feel that anyone who has a different opinion, you know, is somehow an enemy of the state. And, you know, there is that tendency that they know better and that, you know, they’re there to protect as guardians of the people. That can easily translate into essentially supervening the will of the majority and getting your own way as a government official.”

Even if this were true of the Russia case, the attorney general had no business foreshadowing the result of investigations. And when, in December, the inspector general released his [report](#), finding serious mistakes in the applications for surveillance warrants but no political bias—no “Praetorian Guard”—in the Russia investigation, Barr [wasn’t satisfied](#). He announced that he disagreed with the report.



President Donald Trump and Attorney General William Barr at the White House, November 26, 2019 (Doug Mills / *The New York Times* / Redux)

Barr uses his official platform to gaslight the public. In [a speech to the conservative Federalist Society](#) in Washington in November, he devoted six paragraphs to perhaps the most contemptuously partisan remarks an attorney general has ever made. Progressives are on a “holy mission” in which ends justify means, while conservatives “tend to have more scruple over their political tactics,” Barr claimed. “One of the ironies of today is that those who oppose this president constantly accuse this administration of ‘shredding’ constitutional norms and waging a war on the rule of law. When I ask my friends on the other side, ‘What exactly are you referring to?,’ I get vacuous stares, followed by sputtering about the travel ban or some such thing.”

The core of the speech was a denunciation of legislative and judicial encroachments on the authority of the executive—as if presidential power hasn’t grown enormously since 9/11, if not the New Deal, and as if Trump’s conduct in office falls well within the boundaries of Article II. In October, at Notre Dame, the attorney general [recycled his old jeremiad on religious war](#). For

Barr the year is always 1975, Congress is holding hearings to enfeeble the presidency, and the secular left is destroying the American family. He is using his short time remaining onstage to hold off the coming darkness, and if Providence has played the cosmic joke of vesting righteous power in the radically flawed person of Donald Trump, Barr will do what he must to protect him: distort the Mueller report; impugn Justice Department officials; try to keep the Ukraine whistleblower's complaint from Congress via spurious legal arguments; give cover to White House stonewalling of the impeachment inquiry; create an official channel for the delivery of political dirt on the president's opponents; overrule his prosecutors on behalf of Trump's friend Roger Stone.

Barr and Trump are pursuing very different projects—the one a crusade to align government with his idea of religious authority, the other a venal quest for self-aggrandizement. But they serve each other's purpose by collaborating to destroy the independence of anything—federal agencies, the public servants who work in them, even the other branches of government—that could restrain the president.

“Barr is perhaps the most political attorney general we've ever had,” a longtime government lawyer told me. He described the devastating effects on law enforcement of Trump's unending assault and Barr's complicity. “I know from talking to friends that many of the career people are distressed about two related things. One is the sense that legal decisions are being driven to an exceptional degree by politics.” The Justice Department, disregarding the views of career lawyers, has taken extreme positions—for example, that the White House could refuse to provide any evidence in the impeachment hearings, and that neither the House of Representatives nor the Manhattan district attorney can subpoena Trump's personal financial records. The other cause of distress, the lawyer said, is Barr's willingness to attack his own people, joining Trump in accusing government officials of conspiring against the president.

Even far afield from Washington, morale has suffered. A federal prosecutor in the middle of the country told me that he and his colleagues can no longer count on their leaders to protect them from unfair accusations or political meddling. Any case with a hint of political risk is considered untouchable. The White House's agenda is driving more and more cases, especially those related to immigration. And there's a palpable fear of retaliation for any whiff of criticism. Prosecutors worry that Trump's attacks on law enforcement are having a corrosive effect in courtrooms, because jurors no longer trust FBI agents or other government officers serving as witnesses.

As a result, many of the prosecutor's colleagues are thinking of leaving government service. “I hear a lot of people say, ‘If there's a second term, there's no possible way I can wait it out for another four.’ A lot of people feared how bad it could be, but we had no idea it would be this bad. It's hard to weather that storm.” What keeps this prosecutor from leaving is a commitment to his cases, to the department's mission, and to the thought “not so much that you could make a difference in this administration, because that doesn't seem possible anymore, but so you can be here in place when what we think will be a need to rebuild comes.”

Trump needed several years to figure out that the State Department could be as corruptible as the Justice Department, and as useful to his hold on power.

When Trump launched his campaign, he was suspected of seeking only to enrich himself. The point of the presidency was more high-paying guests at the Trump International Hotel, down the

street from the White House. If Trump’s tax returns and financial records are ever made public, we’ll know just how much the presidency was worth to him.

But Trump’s ambitions have swelled since the election. He hasn’t crushed the independence of the Justice Department simply to be able to squeeze more money out of his businesses. Financial self-interest “is why he ran,” Fred Wertheimer, of Democracy 21, says. “But power is a drug. Power is an addiction—exercising power, flying around in Air Force One, having motorcades, having people salute you. He thinks he is the country.”

5. “No Statement”

As a candidate, Trump learned that a foreign country can provide potent help in subverting an American election. As president, he has the entire national-security bureaucracy under his command, but he needed several years to find its weak spot—to figure out that the State Department could be as corruptible as Justice, and as useful to his hold on power.

When Mike Pompeo took over as secretary of state, in April 2018, the State Department was already ailing. Diplomacy has been an atrophying muscle of American power for several decades, and the status of Foreign Service officers has steadily diminished. In the mid-1970s, 60 percent of the positions at the level of assistant secretary and above were filled by career officials. By the time of the Obama administration, the figure was down to 30 percent, while ambassadorships had become a common way for presidents to thank big donors. “This wasn’t invented in the beginning of 2017 with this administration,” William Burns, a deputy secretary of state under Obama, told me. “Unqualified political appointees have been with us long before Donald Trump. As in so many areas, what he’s done is accelerated that problem and made it a lot worse.”

Rex Tillerson, Trump’s first secretary of state, bled the department dry. To purge it of bloat, he tried to gut the budget, froze hiring, and pushed out a large cadre of senior diplomats. Offices and hallways in the headquarters on C Street grew [deserted](#). When Pompeo became secretary, he promised to restore “swagger” to diplomacy. He ended the hiring freeze, promoted career officials, and began to fill empty positions at the top—but he brought in mostly political appointees. According to Ronald Neumann, a retired career ambassador who is now the president of the American Academy of Diplomacy, the politicization of the State Department represents “the destruction of a 100-year effort, from Teddy Roosevelt on, to build professional government separate from the spoils system.” The destruction, Neumann told me, is a “deliberate process, based on the belief that the federal government is hostile, and now you have to put in loyal people across the board in senior positions to control the bastards—the career bureaucrats. In the past it has been primarily a frustration that the bureaucracy is sclerotic, that it is not agile. But it was not about loyalty, and that’s what it’s about now.”

Under Pompeo, 42 percent of ambassadors are political appointees, an all-time high (before the Trump presidency the number was about 30 percent). They “are chosen for their loyalty to Trump,” Elizabeth Jones, a retired career ambassador, told me. “They’ve learned that the only way to succeed is to be 100 percent loyal, 1,000 percent. The idea that you’re out there to work for the American people is an alien idea.” Of the department’s positions at the level of assistant secretary and above, only 8 percent are held by career officials, and only one Foreign Service officer has been confirmed by the Senate to a senior position since Trump took office—the others

are in acting positions, a way for the administration to sap the independence of its senior officials. Many mid-level diplomats now look for posts outside Washington, in foreign countries that the president is unlikely to tweet about.

The story of how the first family, Rudy Giuliani, his two former business associates, a pair of discredited Ukrainian prosecutors, and the right-wing media orchestrated a smear campaign to force Ambassador Marie Yovanovitch out of her post in Kyiv because she stood in the way of their corrupt schemes has become famous as the origin of Trump's impeachment. The story of how Yovanovitch's colleagues in the State Department responded to the crisis is less well known. It reveals the full range of behavior among officials under unprecedented pressure from the top. It shows how an agency with a long, proud history can be hollowed out and broken by its own leaders.

Tom Malinowski, a Democratic congressman from New Jersey and former State Department official, was born in Communist Poland to a family that had lived through World War II. "I've often asked myself the alternative-history question of what might happen if the Nazis took over America," he told me. "Who would become, out of opportunism or maybe even shared outlook, one of them? Some people would. Most people would keep their head down. Some number of people would be courageous and do useful things. A smaller number would do recklessly useful things. And then some number, hopefully also small, would take advantage of the situation to help themselves."

Masha Yovanovitch, like Andy McCabe, had no public profile but was widely respected among colleagues. She joined the Foreign Service in 1986, when she was 28 years old, and rose through the ranks of the State Department to become the U.S. ambassador to Kyrgyzstan, then Armenia, and then, in 2016, Ukraine. At the embassy in Kyiv she became known as a dedicated fighter of the corruption rampant among Ukrainian political and business leaders. And, as with McCabe, her professionalism left her vulnerable when a gang of thugs set out to destroy her career. Corruption, the theme of her work in Ukraine, was also the theme of its abrupt end. "You're going to think that I'm incredibly naive," she told the House during her testimony, "but I couldn't imagine all the things that have happened."

In early March 2019, David Hale, the undersecretary of state for political affairs, paid a visit to the embassy in Kyiv. He asked Yovanovitch, who planned to end her tour that summer and then retire, to stay another year. With Ukrainian elections coming up, the embassy couldn't afford to be temporarily leaderless. She thought about it overnight and agreed.

Two weeks later, on March 20, *The Hill*, a Washington newspaper, published an interview with Yuriy Lutsenko, one of the dirty Ukrainian prosecutors who had been thwarted by Yovanovitch. Lutsenko accused her of trying to stop legitimate prosecutions. The article also reported that the ambassador was heard to have openly criticized Trump. The president retweeted the story, which was composed almost entirely of lies. It was followed by several more articles filled with conspiracy theories about Ukraine's interference in the 2016 election on behalf of Hillary Clinton. The reporter, John Solomon (who stands by his stories), was getting his information from Giuliani and his associates. Solomon had come to *The Hill* from *Circa News*, a right-wing site that had published an identical falsehood about McCabe—that he had openly trashed Trump in a meeting—two years earlier. The Russia and Ukraine scandals are best understood as a single web of corruption and abuse of office, and Solomon is one of many strands connecting them.

Another is Joseph diGenova, a right-wing Washington lawyer, former appointee of Barr, and friend of Giuliani's who had asserted in 2016 that FBI agents were furious with James Comey for closing the Clinton investigation. On the same day the first *Hill* story about Yovanovitch was published, diGenova appeared on Sean Hannity's Fox News show and said that Yovanovitch "has bad-mouthed the president of the United States to Ukrainian officials and has told them not to listen or worry about Trump policy because he's going to be impeached. This woman needs to be called home to the United States—" "Oh, immediately," Hannity interjected. Two nights later, Laura Ingraham repeated the story on her show. Victoria Toensing, diGenova's law partner (and wife) and a frequent Fox News guest, texted one of Giuliani's cronies: "Is the Wicket [*sic*] Witch gone?" On March 24, in a tweet, Donald Trump Jr. called Yovanovitch a "joker."

The State Department called *The Hill's* original story a "complete fabrication." But as the lies spread among conservative media, triggering a barrage of attacks, Yovanovitch found herself in a crisis. Hale, the department's No. 3 and its senior career diplomat, sent an email to two colleagues: "I believe Masha should deny on the record saying anything disrespectful and reaffirm her loyalty as Ambassador and FSO to POTUS and Constitution." Gordon Sondland, a Trump donor who, with no relevant experience, had been made ambassador to the European Union, gave her the same advice directly. "Tweet out there that you support the president, and that all these are lies," Yovanovitch recounted him saying during her impeachment testimony. "You know the sorts of things that he likes. Go out there battling aggressively and praise him."

Yovanovitch felt that she couldn't do it. Like Erica Newland, she had taken an oath to defend the Constitution, not the president. Instead of tweeting allegiance to Trump, Yovanovitch recorded a public service announcement urging Ukrainians to vote in that country's upcoming presidential election. She tried to connect this civic duty to her role as a nonpartisan government official. "Diplomats like me make a pledge to serve whomever the American people, our fellow citizens, choose," she told the camera. Presidents Bush and Obama had both appointed her to ambassadorships, "and I promote and carry out the policies of President Trump and his administration. This is one of the marks of a true democracy."

Whatever impression this civics lesson made on Ukrainians, it did nothing to stop the vicious campaign against her back home. The United States was no longer the democracy that American diplomats hold up as a model to foreigners.

On March 24, unable to function in her post, Yovanovitch wrote a desperate email to David Hale. She asked for a statement from the secretary of state saying that she had his full confidence, that she spoke for the president and the country. Hale called Yovanovitch that afternoon and asked her to put her concerns in writing. She sent a longer email, describing the figures who were attacking her—including Giuliani and Lutsenko—and attempting to interpret their motives.

The next day, at a weekly meeting of senior officials in the secretary's office, Hale brought up Yovanovitch's request. Pompeo was confronted with a dilemma—stand up for his people or appease the White House. He solved it by punting, saying that no statement would be made on her behalf until Giuliani, Hannity, and others were asked for their evidence. Later that week Hale sent word to the European bureau: "No statement."

Yovanovitch herself never got an answer from Hale. "Basically, we moved on," Hale said during his testimony at the impeachment inquiry. "For whatever reason, we stopped working on that—at

least, I stopped working on that issue. I was not involved in doing it, so I wasn't paying a great deal of attention to it." Expressing support for Yovanovitch might have made things worse, he noted. "One point of view was that it might even provoke a public reaction from the president himself about the ambassador."

A couple of bureaucratic levels below Hale, George Kent, the deputy assistant secretary of state for Europe, was fighting on behalf of the besieged ambassador. Kent had been her second in command at the embassy in Kyiv, where corruption had been his major focus. He knew all the Ukrainian players involved in the campaign against her, and he was outraged by the slanders, which had begun to tar his name as well. He had strengthened the original State Department response to the first *Hill* article, inserting the phrase *complete fabrication*, and when the attacks intensified he told Hale that the department needed to stand behind Yovanovitch. He spoke up despite his vulnerable status as a mid-level officer in line for a promotion to a senior position.

"Moments like this test people; they bring out one's true character," said Malinowski, who, as a member of the House Foreign Affairs Committee, heard days of testimony from ex-colleagues during the impeachment inquiry. "In normal times, it's hard to know who would do what under those circumstances." Kent's first impulse was to prevent American policy from being corrupted in Kyiv and Washington. Hale, in a more powerful job, put bureaucratic hierarchy and his own secure place in it first. As a result, Yovanovitch had no one to press the urgency of her case with her leadership.

"I believe moral courage is more difficult than physical courage," Ronald Neumann, the retired ambassador, told me. "I was an infantry officer in Vietnam. Some courageous officers on the battlefield became very cautious bureaucrats." Physical courage in battle is made easier by speed, adrenaline, comrades. "Moral courage—you have, in many cases, lots of time, it's a solitary act," he said. "You are fully aware of potential repercussions to your career, and it's harder. It shouldn't be harder—you're not going to get killed—but that's the way it is."

Things quieted down for a few weeks. On April 21 Volodymyr Zelensky, who ran on an anti-corruption platform, was elected president of Ukraine in a landslide. Right away, the White House let Pompeo know that Trump wanted Yovanovitch gone. The media storm kicked up again. On the evening of April 24, Yovanovitch hosted an embassy event to honor a young Ukrainian woman, an anti-corruption activist who had died after a sulfuric-acid attack and whose murder remained unsolved. After midnight, a call came in from the State Department: Yovanovitch was to get on the next plane home. She asked for a reason but was given none, other than concern for her security.

She was back in Washington on April 26. That was the day Pompeo, with great fanfare, [unveiled his "Ethos" initiative](#), which included a new mission statement that the secretary himself recited before hundreds of Foreign Service officers: "I am a champion of American diplomacy ... I act with uncompromising personal and professional integrity. I take ownership of and responsibility for my actions and decisions. And I show unstinting respect in word and deed for my colleagues and all who serve alongside me." Pompeo didn't meet with his ambassador to Ukraine after summarily recalling her, or ever again, nor did he say a public word on her behalf. Other officials told Yovanovitch that she had done nothing wrong but had somehow "lost the confidence of the president." The department found her a temporary teaching post at Georgetown, but her career as a diplomat was over.

“I, on a personal level, felt awful for her,” Kent told the impeachment inquiry, “because it was within two months of us asking her—the undersecretary of state asking her—to stay another year.” When, in late May, Giuliani resumed his campaign of lies, telling Ukrainian journalists that Yovanovitch and Kent were part of a plot against Trump led by George Soros, there was no rebuttal from the State Department. Hale sent word that Kent should keep his head down and lower his profile on Ukraine. Kent canceled several scheduled appearances at Washington think tanks.

By then America’s Ukraine policy had fallen out of the regular State Department channels and into the hands of the “three amigos”—Ambassadors Gordon Sondland and Kurt Volker and Energy Secretary Rick Perry. Volker, the special envoy to Ukraine, wanted to arrange a meeting between Zelensky and Trump, and in July he told Kent that he was going to see Giuliani to discuss Ukrainian investigations of former Vice President Joe Biden’s family and the 2016 election. Kent later said that when he asked Volker why he would do that, Volker replied, “If there’s nothing there, what does it matter? And if there is something there, it should be investigated.” Kent told him, “Asking another country to investigate a prosecution for political reasons undermines our advocacy of the rule of law.” But if this principle had ever had currency in the Trump administration, it no longer did.

More than 1,000 scientists have left the Environmental Protection Agency, the Department of Agriculture, and other agencies.

On July 25, after Ukraine’s parliamentary elections, Trump called Zelensky and asked for “a favor”—an investigation of the Bidens that was tantamount to Ukrainian interference in the U.S. presidential campaign in exchange for the release of American military aid and a personal meeting in the Oval Office. A day or two later, Kent heard about the call from Lieutenant Colonel Alexander Vindman, the top Ukraine expert in the White House, who had been among those—including Pompeo—listening in. Vindman told Kent that Trump had called Yovanovitch “bad news,” and that the conversation had gone into highly sensitive matters—so sensitive that Vindman couldn’t share them with his colleague. Kent didn’t try to learn more. For all his outspokenness in Yovanovitch’s defense, Kent wasn’t the type of official who wanted “to be in the middle of everything.” In his impeachment testimony, he never mentioned writing a dissenting cable, or speaking to the inspector general. He carefully avoided the media.

The professional code of Foreign Service officers nearly kept the story of Trump’s attempted shakedown of Zelensky a secret. “It’s not in their DNA” to go public, Tom Malinowski said. Only one bureaucrat—the whistle-blower—made it possible for the American people to find out about the quid pro quo. The complaint surfaced on September 9, just days before Zelensky was scheduled to meet CNN’s Fareed Zakaria to discuss an interview, during which he likely would have announced the investigations that Trump wanted.

On September 25, the White House released a rough transcript of the July 25 call. In it, Trump said that “the former ambassador from the United States, the woman, was bad news” and “she’s going to go through some things.” During the impeachment inquiry Hale explained, in high bureaucratese, “That was not an operational comment that had been operationalized in any way.”

At the State Department, Ambassador Michael McKinley read the transcript and had a visceral, almost physical reaction: He was appalled. McKinley was Pompeo’s senior adviser, having been

brought back from his post in Brazil to serve as a link between the secretary and the Foreign Service. He and Hale were the only career officers among the department's leadership, but he never made it into the secretary's inner circle of political appointees, which included Pompeo's former business partners. Until September 25, McKinley hadn't paid enough attention to connect the dots of the Ukraine story. Now he found that Trump's words spoke for themselves.

The next day, McKinley picked up where Kent had left off the previous spring. According to his impeachment testimony, he went to see Pompeo and asked, "Wouldn't it be good to put out a statement on Yovanovitch?" Pompeo listened, and then he said, "Thank you." The conversation lasted about three minutes.

In the last days of September, McKinley kept pushing for a statement praising Yovanovitch's professionalism and courage. He heard from eight or 10 colleagues that the State Department's silence in the face of an ugly presidential attack was demoralizing. On September 28 he emailed five senior colleagues, including Hale, insisting that the department needed to say something. Four wrote back agreeing. Hale didn't reply; he told a colleague that he didn't think McKinley's effort would go anywhere. A few hours later Pompeo's spokesperson informed McKinley that, in order to protect Yovanovitch from undue attention, the secretary would not release a statement.

The next day, a Sunday, McKinley told his wife that, after 37 years in the Foreign Service, he had to get out right away. Though he never spoke publicly until he was subpoenaed to appear before the House during the impeachment inquiry, his departure was so sudden that it had the quality of a [resignation in protest](#). Pompeo, known in the department for his temper and bullying, spent 20 minutes on the phone from Europe with McKinley and gave him a tough time. Later, the secretary lied in an interview with ABC, saying that McKinley could have come to see him about Yovanovitch anytime but never had.

Before leaving, McKinley paid a visit to Hale and told him, one Foreign Service officer to another, that the department's silence was having a terrible effect on morale. Hale flatly disagreed—he asserted that morale was high. Afterward, Hale met with Pompeo and identified a different threat to morale—McKinley's negativity.

"I was flying solo," McKinley told the House during the impeachment inquiry. "I didn't know what the rules of engagement were. But I did know that, as a Foreign Service officer, I would be feeling pretty alone at this point." So he got in touch with Yovanovitch, whom he knew, and with Kent, whom he didn't. McKinley wanted to find out how they were doing. He was surprised to learn that he was the first senior official to contact them about the transcript of the Ukraine call. Kent was picking apples with his wife in Virginia when McKinley reached him. Afterward, he had to Google McKinley to find out who he was. "He appeared to me ... to be a genuinely decent person who was concerned about what was happening," Kent said in his impeachment testimony.

In early October, after House committees issued subpoenas for documents and scheduled depositions, the State Department ordered its personnel not to cooperate. Pompeo sent a letter to Congress calling the requests "an attempt to intimidate, bully, and treat improperly the distinguished professionals of the Department of State." He also said publicly that Congress had prevented Foreign Service officers from talking to the department's lawyers, which wasn't true—the lawyers wouldn't talk to Kent, who had received a subpoena and was willing to testify. Kent felt bullied not by Congress, but by his own agency.

On October 3, the State Department's European bureau met to discuss how to respond to the subpoenas. When Kent noted that the department was being unresponsive to Congress, a department lawyer raised his voice at Kent in front of 15 colleagues, then called him into the hall to yell some more. He was putting Kent on notice not to cooperate. Kent wrote a memo about the encounter, which he gave to McKinley, who sent it to Hale and others ... and then the memo disappeared into the files with all the other documents that the department refused to turn over to Congress.

Four years of Trump is an emergency. Eight years is a permanent condition.

The career people testified anyway. None of them had ever received this kind of public scrutiny. Some were being regularly attacked by name on social media and right-wing websites. All of them were facing steep lawyers' bills. (Former colleagues set up a legal fund and raised several hundred thousand dollars.) Pompeo and his State Department continued to say nothing in their defense. But one after another they came forward. Marie Yovanovitch, whose mother had just died, didn't lose her composure when Representative Adam Schiff read aloud a nasty tweet Trump had just written about her. George Kent testified in a bow tie and matching pocket square like a throwback from an era of great diplomacy, saying with a wry smile, "You can't promote principled anti-corruption action without pissing off corrupt people." David Hale, pale and terse, also testified. Toward the end of his testimony, Democratic Representative Denny Heck of Washington begged Hale to say that Yovanovitch was a courageous patriot and that what had happened to her was wrong. Hale's voice faltered as he replied, "I believe that she should have been able to stay at post and continue to do the outstanding work—"

Heck wasn't having it. "What happened to her was *wrong*?"

"That's right," Hale said.

"Thank you for clarifying the record. Because I wasn't sure where it was that she could go to set the record straight if it wasn't you, sir, or where she could go to get her good name and reputation back if it wasn't you, sir."

Tom Malinowski, listening to his former colleagues, thought that their testimony said something about what has happened to the State Department. "There's a lot of pent-up anger and trauma, and this was an outlet for the institution," he said. "These men and women were speaking for their colleagues about more than just what happened with Ukraine."

Bureaucrats never received such public praise as they did during the weeks of the impeachment inquiry. But the hearings left a misleading impression. The Ukraine story, like the Russia story before it, did not represent a morality tale in which truth and honor stood up to calumny and corruption and prevailed. Yovanovitch is gone, and so is her replacement, William Taylor Jr., and so are McKinley and others—Lieutenant Colonel Vindman was marched out of the White House in early February—while Pompeo is still there and, above him, so is the president. Trump is winning.

In his fourth year in power, Trump has largely succeeded in making the executive branch work on his personal behalf. He hasn't done it by figuring out how to operate the bureaucratic levers of power, or by installing leaders with a vision of policy that he shares, or by channeling a popular

groundswell into government action. He's done it by punishing perceived enemies, co-opting craven allies, and driving out career officials of competence and integrity. The result is a thin layer of political loyalists on top of a cowed bureaucracy.

Justice and State were obvious targets for Trump, but the rest of the executive branch is being similarly, if more quietly, bent to his will. One of every 14 political appointees in the Trump administration is a lobbyist; they largely run domestic policy. Trump's biggest donors now have easy access to agency heads and to the president himself, as they swell his reelection coffers. In the last quarter of 2019, while being impeached, Trump raised nearly \$50 million. His corruption of power, unprecedented in recent American history, only compounds the money corruption that first created the swamp.

Within the federal government, career officials are weighing outside job opportunities against their pension plans and their commitment to their oaths. More than 1,000 scientists have left the Environmental Protection Agency, the Department of Agriculture, and other agencies, according to *The Washington Post*. Almost 80 percent of employees at the National Institute of Food and Agriculture have quit. The Labor Department has made deep cuts in the number of safety inspectors, and worker deaths nationwide have increased dramatically, while recalls of unsafe consumer products have dropped off. When passing laws and changing regulations prove onerous, the Trump administration simply guts the government of expertise so that basic functions wither away, the well-connected feed on the remains, and the survivors keep their heads down, until the day comes when they face the same choice as McCabe and Yovanovitch: do Trump's dirty work or be destroyed.

Four years is an emergency. Eight years is a permanent condition. "Things can hold together to the end of the first term, but after that, things fall apart," Malinowski said. "People start leaving in droves. It's one thing to commit four years of your life to the institution in the hope that you can be there for its restoration. It's another to commit eight years. I can't even wrap my head around what that would be like."

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