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AUTOCRACY VS. DEMOCRACY IN AMERICA: THE FIRST 100 DAYS



By Tom Joscelyn, Norm Eisen and Susan Corke

Autocracy vs. Democracy in America: The First 100 Days

A State Democracy Defenders Action Report

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State Democracy Defenders Action brings together a nonpartisan team to work with national, state and local allies across the country committed to upholding the rule of law, fighting against autocracy and defending the Constitution.

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INTRODUCTION BY NORM EISEN AND TOM JOSCELYN



Prior to the 2024 presidential election, Donald Trump said he would be a dictator on “day one” if he were elected. He persisted in that aspiration for his next 99 days as well – and is showing no signs of stopping. But he did not count on the massive pushback of democracy in court proceedings, at and in the polls, and in political leadership and popular protest alike. As a result, 100 days into his second administration, Trump has failed to achieve his goal. He is no dictator – at least not yet.

Trump and his administration and allies have launched an unprecedented assault on America’s democratic institutions, norms and the rule of law. But a coalition of pro-democracy leaders, groups and individuals has risen to stop Trump, working from the tree tops to the grassroots, winning key court decisions to block some of his worst transgressions and rallying by the millions against his dark vision for our country.

Still, the threat remains. We at State Democracy Defenders Action (SDDA) are proud to have been on the frontline during Trump’s first 100 days with a massive coalition including other non-partisan, nonprofit groups, labor and business, liberals and conservatives, government officials and ordinary people defending our democracy. That coalition is continuing to grow and we and our pro-democracy colleagues are doubling our efforts against authoritarianism. It is now clear that Trump will not surrender his desire for unchecked power. We and others will not surrender our commitment to stopping him in his quest to undermine our democracy.

And as this report shows, the pushback is working. It is with that threat in mind that we present this series of essays on Trump’s first 100 days in office. The essays are intended to capture the main ways in which the Trump administration has sought to sabotage the foundations of America’s democracy – and the pushback that has garnered. We have not attempted to retell the story of everything that has transpired in just a few short months. Instead we focus on five of the most important areas of contestation, how autocracy has been attempted and how it has failed.

Pro-democracy forces have and must continue to uphold the rule of law, as well as other long-established norms, to maintain checks-and-balances and oversight. Unsurprisingly, Trump has sought to subvert the rule of law in multiple ways during the first 100 days of his return to office. In the first essay, we explain how the president has **weaponized the Department of Justice** and the criminal justice system, attempting to turn it against his perceived personal and

political foes. In a second rule of law essay, we examine at length the Trump administration's **deprivation of due process** – a core constitutional right – to more than 200 migrants. The courts, from lower courts all the way up to the Supreme Court, have rejected the administration's arguments for ending due process.

Defending the integrity of electoral institutions so that voters may continue to express their will is essential for preserving our democracy. In the third essay, we explain how Trump has attempted to **gain control over America's elections process**. In a landmark ruling, a federal judge rejected components of Trump's plan, finding that he had infringed on the constitutional powers granted to the states and the U.S. Congress. We also discuss other challenges to free and fair elections being held at the state level.

Corruption is a central feature of autocracies and authoritarian regimes around the globe. Pro-democracy forces often must expose and root out cronyism and self-dealing to preserve representative forms of government that are accountable to the people. A fourth essay explores the ways in which Trump's regime has **ushered in a new era of government corruption**. While occupying the Oval Office, the president has marketed and personally profited from pseudo-crypto currencies even as his own administration crafts new policies for overseeing the industry. The Trump administration has also gutted key regulatory and oversight functions that were designed to keep corruption and foreign influence in check.

The pluralistic form of government crafted at America's founding envisioned diverse factions and interests competing with one another such that none of them gained too much power at the expense of others. The U.S. Constitution is based on a careful separation of powers, with three co-equal branches (executive, legislative and judicial) each having their own spheres of authority. Protecting this structure, as well as defending the most vulnerable in our society from scapegoating, are essential for defending pluralistic democracy. A fifth essay analyzes how Trump is seeking to **upend this constitutionally constructed balance of power**.

In the sixth essay, we explore the Trump administration's **comprehensive attack on the free press, as well as academic freedom and the collective bargaining power of labor unions**. Universities and organized labor are two cornerstones of civil society. And a free press is irreplaceable for holding those in power accountable for their misdeeds. So, it is no mystery why Trump has abused the power of the presidency to intimidate news outlets and universities, while also seeking to undercut the power of workers. Here, as elsewhere, there is significant resistance to Trump's autocratic moves, with the courts already rejecting some of his attempts to restrict freedom of speech.

In a final essay, we explain that Donald Trump's many and serious assaults on all these aspects of our democracy have so far failed to achieve their objective. He is a self-proclaimed dictator

who sought to transform America into an autocracy in the space of 100 days. But the pushback was even more furious in every dimension. We detail those vigorous counters. We argue that we have learned many lessons during Trump's return to power, but no lesson is more important than this: Autocracy is far from inevitable on American soil. There are many challenges ahead. But Trump and his team have suffered far more setbacks than they likely anticipated. The rule of law and the power of the people are potent antidotes for the poison of autocracy.

HOW TRUMP IS WEAPONIZING THE JUSTICE SYSTEM

Autocracy vs. Democracy in America: The First 100 Days



By Tom Joscelyn, Susan Corke and Allison Rice

On Mar. 14, President Donald Trump [delivered](#) a chilling speech at the Department of Justice's (DOJ's) headquarters in Washington, D.C. For decades, dating back to the Watergate scandal in the 1970s, an ethical wall has separated the White House from the halls of power in America's premiere law enforcement agency. That wall was intended to keep the president from abusing the DOJ's power for his own political or personal interests. As Trump made clear during his norm-shattering speech, that wall no longer exists.

The president [referred](#) to himself as the nation's "chief law enforcement officer" and pledged to use the DOJ's power to "expose" his enemies. Trump's speech was filled with his own personal grievances, specifically the entirely lawful cases that were brought against him. Former DOJ Special Counsel Jack Smith charged Trump with attempting to overturn the 2020 presidential election – a plot that culminated with the violent assault on the U.S. Capitol on January 6, 2021. Smith and his team also charged Trump with hoarding classified documents at his Mar-a-Lago estate in Florida after leaving office in 2021. Both cases, closed only after Trump won re-election in November 2024, were an attempt to hold Trump accountable for his own behavior. But the president and his supporters have turned reality on its head, portraying Trump as the victim-in-chief of the justice system.

"Our predecessors turned this Department of Justice into the Department of Injustice. But I stand before you today to declare that those days are over, and they are never going to come back and never coming back," Trump [said](#). "So now, as the chief law enforcement officer in our country, I will insist upon and demand full and complete accountability for the wrongs and abuses that have occurred."

For Trump, "accountability" means retribution. In one of his first Executive Orders, Trump [claimed](#) he was "Ending the Weaponization of the Federal Government." The opposite was true – he was just beginning an unprecedented campaign of weaponization against his enemies both inside the government and out.

At the end of the president's first week in office, the DOJ [fired](#) several career officials who worked on the special counsel's cases against Trump. The firings continued in the weeks that

followed, with the administration [dismissing](#) professional prosecutors who worked on cases involving January 6th defendants. Trump's loyalists also quickly moved to [purge](#) the Federal Bureau of Investigations (FBI), with senior executives at the bureau's field office, including leaders who work on national security, cyber and other top criminal cases, as well as the heads of multiple field offices around the country, being told to retire or resign. Thousands of FBI employees around the country were [forced](#) to answer questions about their participation in legal and necessary January 6th-related investigations.

Emil Bove, Trump's former defense lawyer, was installed as the acting deputy attorney general. Ominously, Bove [ordered](#) the then acting director of the FBI, Brian Driscoll, to identify and list all the FBI employees, both current and former, who worked on January 6th cases "at any time," so that a review could be conducted "to determine whether any additional personnel actions are necessary." Such a list would only invite retribution – especially if it were *released* or *leaked* to the public.

A group of FBI employees, representing [as many as 6,000](#) total agents and employees, sued to stop the DOJ from releasing such a list – and won. In early February, a federal judge [blocked](#) the DOJ from publicly publishing such a list.

In Trump's upside-down vision of justice, the agents, officials, prosecutors and members of Congress who pursued accountability for January 6th are the villains, while those who attacked the Capitol are victims. As one of his first acts in office, Trump [pardoned](#) nearly 1,600 people who had been charged or convicted of committing crimes related to the attack on the Capitol. Trump described these people, including extremists and rioters convicted of assaulting cops, as "hostages." Merriam-Webster [defines](#) the word hostage as "a person taken by force to secure the taker's demands." By describing January 6th rioters as "hostages," therefore, Trump was implying that the justice system under President Joe Biden charged and imprisoned these people merely to use them as bargaining chips. Nothing could be further from the truth – not one of the January 6th defendants or convicts was a "hostage." And the convicts pardoned by Trump [included](#) the leaders or senior members of rightwing extremist groups, as well as hundreds of people convicted of assaulting or obstructing police officers.

Prior to his inauguration, Trump also threatened members of the House January 6th Select Committee, [saying](#) in a December 2024 interview that they should "go to jail." The administration has not yet sought to investigate or prosecute members of the committee, but we should not rule it out in the months to come.

Below, we provide a sketch of some of the other ways Trump has already weaponized the DOJ and FBI, as well as sought to undermine the legal community's resistance to his aspiring

autocracy. We begin by providing some background information on key loyalists Trump has installed at the FBI and DOJ. We then summarize several ways Trump is abusing the DOJ's power on behalf of his own personal and political interests. For example, we explain how Trump has used executive orders and a presidential memorandum to target two former officials turned critics from his first administration (Chris Krebs and Miles Taylor), as well as the top fundraising platform for Democratic candidates. We also discuss the DOJ's decision to recommend dismissal of the corruption case against New York City Mayor Eric Adams, as well as the resistance from career professionals to the decision. Finally, we review Trump's campaign to extort the country's top law firms.

Trump has replaced professionals with loyalists

During his first administration, Trump repeatedly sought to convince the DOJ's senior personnel to [prosecute](#) his perceived political enemies. At the end of his first administration, Trump also [tried to use the power of the DOJ](#) to overturn the 2020 presidential election. However, the senior DOJ officials tasked with enforcing the rule of law often rejected Trump's attempts to corrupt the nation's justice system. For instance, Trump was [rebuffed by his own DOJ appointees](#), including then Attorney General Bill Barr, when he tried to overturn Joe Biden's victory. This is important context for what's happening now.

In his second administration, Trump has made sure that only loyalists who will carry out his bidding are in charge at the DOJ and FBI. Below is a list of some of these loyalists, and how they are already enacting Trump's agenda.

Attorney General Pam Bondi – Bondi's relationship with Trump dates back more than a decade. In 2013, when she was Florida's attorney general, a pro-Bondi group accepted a \$25,000 donation from the Trump Foundation. That contribution "[was illegal](#)," according to the *Washington Post*. "After the check came in," according to the *Associated Press*, "Bondi's office nixed suing Trump's company for fraud, citing insufficient grounds to proceed." However, prosecutors in Florida [declined](#) to bring bribery charges against her, citing insufficient evidence. In 2020, Bondi [served](#) on the legal team defending Trump during his first impeachment for improperly pressuring the president of Ukraine to investigate Joe Biden (Trump's political rival) and his son Hunter. Trump was convicted by the U.S. House of Representatives of the charges but acquitted by the Senate. Bondi also [supported](#) Trump's false claims of election fraud in 2020, falsely suggesting that "[fake ballots](#)" were being counted.

As Trump's Attorney General, Bondi established a "Weaponization Working Group" to [investigate](#) the prosecutions of Trump during his sojourn from office, including those overseen by Special Counsel Jack Smith, Manhattan District Attorney Alvin Bragg, and New York

Attorney General Letitia James. Bondi's working group is also reviewing the supposedly "improper investigative tactics and unethical prosecutions relating to events at or near the United States Capitol on January 6, 2021." In addition, Bondi [issued](#) a directive for conducting deportations under the 1798 Alien Enemies Act. As we discuss in a separate essay, those deportations have violated the due process rights for more than 200 individuals.

FBI Director Kash Patel – Patel is a loyalist who [worked](#) for the Republican-controlled House Permanent Select Committee for Intelligence (HPSCI) before joining the first Trump administration in multiple roles. As a lead staffer on HPSCI, Patel led the effort to discredit investigations into Russia's interference in the 2016 presidential election – even though the HPSCI Republicans themselves [concluded](#) that the Kremlin had [intervened](#).

Patel spent the years after Trump lost the 2020 election spreading conspiracy theories about the January 6th attack on the U.S. Capitol. He repeatedly [insinuated](#) that the FBI was responsible for the attack and floated the idea that a pipe bomb discovered outside of the Democratic National Committee's (DNC) headquarters was a "[government ruse](#)." In addition, Patel helped [produce](#) a track recorded by the so-called "J6 Prison Choir," a [group](#) that included men charged with or convicted of assaulting police officers at the Capitol. Patel wrote children's books [portraying Trump as King](#) and appeared on far-right podcasts, including [multiple times](#) on one hosted by a known white nationalist and others [affiliated](#) with QAnon conspiracy movement. In a book titled *Government Gangsters*, Patel decried the supposed "[government tyranny](#)" within the FBI, which he has described as part of a non-existent "[deep state](#)." Patel also [served](#) on the board for Trump's social media company.

In February, Patel became the first FBI director to be [confirmed](#) by Senators from only one of the two major political parties. Patel quickly ordered a [\\$100 million restructuring](#) of the bureau. On Apr. 25, Patel [announced](#) on X (formerly Twitter) that Milwaukee County Circuit Judge Hannah Dugan had been arrested and charged with obstructing justice for allegedly helping an undocumented immigrant avoid arrest. Patel [deleted](#) the post and then announced it once again.

FBI Deputy Director Dan Bongino – Throughout the first century of its bureau's history, the deputy director of the FBI [has been a career agent](#) with deep experience in law enforcement. But Trump appointed Bongino, a MAGA influencer, to the position. Prior to serving in one of the FBI's most senior positions, Bongino hosted a podcast. He [called](#) for the FBI to be "disbanded immediately," saying its agents were "thugs." Bongino also [called](#) for imprisoning top Democrats, such as former presidents Joe Biden and Barack Obama. Like Patel, Bongino spread conspiracy theories about the FBI before ascending to its most senior ranks. For example, he [asserted](#) that a pipe bomb found near the DNC's headquarters on January 6th was "an inside job," adding that the FBI "knows who this person is."

Interim D.C. Attorney Ed Martin - Trump installed Martin, another [loyalist](#), as the Interim D.C. Attorney. Martin [helped organize](#) the “Stop the Steal” movement, which falsely asserted that the 2020 presidential election was stolen. Martin, who has [acknowledged](#) that he was personally near the Capitol on January 6th, served as [defense counsel](#) for some of the convicted rioters. One of his [clients](#) was William Chrestman, a member of the Kansas City chapter of the Proud Boys who wielded a “[wooden axe handle](#)” at the Capitol. Chrestman [pleaded guilty](#) to two felonies, including threatening a federal officer, and was sentenced to 55 months in prison before being pardoned by Trump. In an August 2024 event at Trump’s golf club in Bedminster, N.J., Martin [hosted](#) a ceremony in which he presented an award to a man who was convicted of participating in the January 6th riot. Federal prosecutors [described](#) that same convict as a “white supremacist and Nazi sympathizer.” In late April, as he was awaiting a vote on his confirmation, Martin [apologized](#) for praising the man. But the *Washington Post* [reported](#) that Martin had “defended the man since at least 2023,” claiming he had been “slurred and smeared.”

Martin has abused his interim position in multiple ways. For instance, Martin [issued](#) a statement defending President Trump’s unconstitutional ban of the *Associated Press* (AP) after the wire service refused to rename the Gulf of Mexico as the “Gulf of America.” Martin’s statement suggested that the DOJ’s attorneys served as Trump’s personal lawyers – a complete inversion of norms. “As President Trumps’ [sic] lawyers,” Martin [wrote](#), “we are proud to fight to protect his leadership as our President and we are vigilant in standing against entities like the AP that refuse to put America first.” A federal judge subsequently ruled that the Trump White House’s ban of the AP was a “[constitutionally unacceptable](#)” violation of the news service’s First Amendment rights.

Martin has [threatened](#) a law firm that did pro bono work for Special Counsel Jack Smith, and [stated](#) that his office would not hire law students from the Georgetown University Law Center unless it removed its diversity, equity and inclusion program. As Interim D.C. Attorney, Martin [moved to dismiss](#) a January 6th defendant’s conviction on eight felonies and two misdemeanors while also representing that same defendant – an [alleged ethical violation](#).

Working with Emil Bove (discussed below), Martin [fired](#) approximately two dozen prosecutors who worked on January 6th cases. Martin also opened “[Operation Whirlwind](#)” to investigate statements made by two leading Democrats: Senator Chuck Schumer (D-NY) and Rep. Robert Garcia (D-CA). The inquiries were nakedly political. Martin portrayed a [comment](#) made by Schumer years earlier, at an abortion rally in March 2020, as a threat to Supreme Court justices. As part of his “whirlwind” inquiry, Martin sent a [threatening letter](#) to Rep. Garcia concerning comments he made about Elon Musk’s D.O.G.E., which was wreaking havoc on the U.S. government at the time.

Acting Deputy Attorney General Emil Bove - Bove, a [former prosecutor](#) in the U.S. Attorney's Office for the Southern District of New York, [served](#) as counsel on Trump's legal defense team. In his capacity as Acting Deputy Attorney General, Bove has been instrumental in enacting Trump's policies, including [threatening](#) local and state actors that they [must comply](#) with the administration's immigration enforcement, and reorganizing the DOJ. On Jan. 31, Bove [fired](#) dozens of prosecutors who worked on January 6 cases, [endorsing](#) Trump's claim that the prosecutions were a "[grave national injustice](#)." Bove also [fired](#) seven top FBI officials and, as discussed above, ordered that all FBI employees who worked on January 6th cases be identified on a list. After then Acting FBI Director Brian Driscoll resisted Bove's demand for a list of names, Bove accused Driscoll of "[insubordination](#)." As discussed more below, Bove also [ordered](#) DOJ prosecutors to dismiss the corruption charges against New York City Mayor Eric Adams.

Trump is abusing the power of the DOJ to exact personal retribution

Trump is abusing the power of the presidency and the DOJ to exact personal and political retribution. In April, the president signed executive orders demanding that two of his former officials be investigated by the DOJ and the Department of Homeland Security (DHS). The two men are [Chris Krebs](#), Trump's chief of the Cybersecurity and Infrastructure Security Agency (CISA) from November 2018 until November 2020, and [Miles Taylor](#), a former senior DHS official. Trump targeted both the men because they were critical of his first term as president.

Krebs simply would not lie for Trump and that is why he provoked the president's ire. After the 2020 presidential election, Trump [claimed](#) the election was stolen and that Dominion Voting System's electronic machines flipped votes cast for him to Biden. CISA oversaw cybersecurity during the election, so Krebs knew that the voting machines did not flip votes or otherwise alter the tallies. In fact, hand recounts [subsequently confirmed](#) that Dominion's machines did nothing other than tabulate ballots – just as they were supposed to do.

After Krebs refused to endorse Trump's lies, Trump [fired](#) him in November 2020. And now that Trump has regained power, the president has ordered Krebs be investigated for "[falsely and baselessly](#)" denying "that the 2020 election was rigged and stolen, including by inappropriately and categorically dismissing widespread election malfeasance and serious vulnerabilities with voting machines." It is an Orwellian allegation -- as Trump is the one who "falsely and baselessly" made up obviously erroneous claims about the 2020 election. Fox News even agreed to pay Dominion [nearly \\$800 million](#) in a settlement agreement after spreading the same fabrication. Indeed, during his first administration, Trump's own senior DOJ officials, including then Attorney General Bill Barr, [rebuffed his wild allegations](#) about Dominion's machines. Now, in his second term, Trump has ordered the DOJ to investigate one of the officials who stood up to his lies: Chris Krebs.

Trump not only ordered a Stalinist investigation of Krebs, the president also [stripped him and his coworkers](#) at a private cybersecurity firm of their security clearances, making it impossible for them to do sensitive government and military work. As a result, Krebs resigned his job, [stating](#): “For those who know me, you know I don’t shy away from tough fights. But I also know this is one I need to take on fully — outside of SentinelOne. This will require my complete focus and energy. It’s a fight for democracy, for freedom of speech, and for the rule of law. I’m prepared to give it everything I’ve got.”

The investigation of [Miles Taylor](#) has a similar Stalinist taint to it. As a DHS official in the first Trump administration, Taylor wrote an [anonymous piece](#) criticizing the president. Taylor went on to become a prominent critic of the president on [social media](#) and television. In America’s democracy, the freedom of speech is supposed to be paramount. But in Trump’s America, criticizing the president could lead to abusive investigations and other punitive measures.

Trump is abusing the power of the DOJ to investigate the rival political party

Trump has escalated his abuse of power by directly targeting the main fundraising apparatus of the Democratic Party. Using the power of the presidency to directly undermine one’s political opposition is supposed to be a practice confined to banana republics. But Trump is not restrained by any such norms.

In an Apr. 24 [presidential memorandum](#), Trump directed Attorney General Pam Bondi to investigate allegations that “online fundraising platforms” are accepting “straw donations” (which break larger contributions down into smaller increments) via “dummy” accounts in order to mask illegal political contributions, including from foreign donors. Trump’s main target in the presidential memorandum is ActBlue: the main online hub for donations to the Democratic Party.

Trump’s order to Bondi that she investigate ActBlue is another example of how the president has undermined norms. Since the Watergate era in the 1970s, presidents have been walled off from the prosecutorial and investigative decision-making process of the Justice Department. You’ll recall that in the introduction to the essay we wrote that Trump referred to himself as the country’s “[chief law enforcement officer](#)” during a speech at the DOJ’s headquarters in March. Trump’s meaning was clear: that wall no longer held. Now the president is no longer abstaining from the DOJ’s decision-making process. Instead, he is openly ordering investigations into his political rivals.

Make no mistake: the Attorney General has the power to investigate real crimes involving illegal campaign and political contributions. Trump’s own personal lawyer, Michael Cohen, [pleaded](#)

[guilty](#) to campaign finance violations in 2018. But the charges against Cohen were not brought in response to a presidential directive. In fact, the charges were filed, and he pleaded guilty, while his own former client, on whose behalf he committed the crimes, was president. The situation is entirely different with Trump's memorandum regarding ActBlue. It is a nakedly political hit job [orchestrated by Republicans](#) in Congress. Many of those same Republicans will be squaring off against Democratic candidates funded by donations collected via ActBlue in the 2026 midterm elections.

Trump's DOJ [may open](#) a politically motivated investigation into New York Attorney General Letitia James. On Apr. 14, Federal Housing Finance Agency Director William Pulte, [criminally referred](#) James in a letter to Attorney General Bondi. Citing media reports, Pulte claims James committed mortgage fraud – an allegation James's lawyer [strenuously denies](#). The political motivations for the referral are obvious. As the AG in New York, James sued Trump [multiple times](#) and even won a [\\$454 million judgement](#) against him in a civil fraud case. Trump has openly agitated against James for years.

A political “bargain” to dismiss corruption charges against New York City Mayor Eric Adams

Opening politically motivated investigations is just one way Trump is weaponizing the DOJ. The Trump administration has also dropped charges in exchange for political bargains.

For example, in [a Feb. 10 letter](#), Acting Deputy Attorney General Emil Bove ordered the Southern District of New York to drop corruption charges against New York City Mayor Eric Adams. Just days later, Danielle Sassoon, the interim U.S. attorney for the Southern District, and five other DOJ officials [resigned their posts](#) after refusing to dismiss the case. In a [letter](#) addressed to Attorney General Bondi, Sassoon explained that she had been directed “to dismiss an indictment returned by a duly constituted grand jury for reasons having nothing to do with the strength of the case.” That is, Bove's direction had nothing to do with defending the rule of law. Sassoon also noted that she had “clerked for the Honorable J. Harvie Wilkinson III on the U.S. Court of Appeals for the Fourth Circuit, and for Justice Antonin Scalia on the U.S. Supreme Court” – two of the leading conservative jurists of our time. So, the resistance to Bove's order was not coming from leftwing ideologues within the Justice Department. It came from professionals.

District Judge Dale Ho did [drop the case](#) against Adams at the DOJ's request in early April. The judge did so “with prejudice,” meaning the DOJ cannot bring the same charges against Adams once again. But Judge Ho [explained](#): “Everything here smacks of a bargain, dismissal of the indictment in exchange for immigration policy concessions.” To clarify: Trump's DOJ allegedly

sought to dismiss the charges [in exchange](#) for Adams' willingness to comply with the Trump administration's immigration policies.

On Apr. 22, three Assistant U. S. Attorneys in the Department of Justice sent a [remarkable letter](#) to Todd Blanche, the Deputy Attorney General. The letter was [first reported](#) by Erica Orden of *Politico*. All three – Celia V. Cohen, Andrew Rohrbach and Derek Wikstrom – had worked on the corruption case against Mayor Adams but were placed on administrative leave after refusing to dismiss the charges, as demanded by Bove. The authors allege that “one of the preconditions you have placed on our returning to the Office is that we must express regret and admit some wrongdoing by the Office in connection with the refusal to move to dismiss the case.” The authors decided to resign instead of complying with this precondition. “We will not confess wrongdoing when there was none,” they wrote.

It's clear that Trump's DOJ is in the business of currying favors and not truly enforcing the rule of law. As another example, the DOJ's pardon attorney, Elizabeth G. Oyer, was [dismissed from her job](#) after she refused to recommend that Mel Gibson, a world-renowned actor and vocal Trump supporter, have his gun rights restored. As [reported](#) by the *New York Times*, Gibson “lost his gun rights as a result of a 2011 domestic violence misdemeanor conviction.” Ms. Oyer explained her decision: “This is dangerous. This isn't political — this is a safety issue.”

The president has threatened top law firms

Trump has sought to neuter the legal opposition to his regime in a series of Executive Orders (EOs) targeting some of the nation's top law firms. The EOs are littered with references to Trump's personal, political and ideological grievances – none of which have anything to do with defending the rule of law. In multiple instances, the EOs specifically identify individuals who have worked against Trump or his interests. Some of the EOs also [reference](#) the firms' diversity, equity and inclusion (DEI) policies, which are completely within their right to implement, as a justification for targeting them. Trump has targeted the firms' [security clearances](#) in an effort to make it difficult to work on sensitive government-related matters – an obvious form of coercion. The administration has also revoked the [security clearances](#) of other lawyers the president has deemed his enemies.

As a result of the pressure, some leading law firms have buckled, preferring to cut a deal with Trump rather than oppose his blatant abuse of power. For example, three top firms – [Wilkie Farr](#) (which employs former Vice President Kamala Harris's husband, Doug Emhoff), [Milbank](#), and [Skadden Arps](#) – cut deals with the administration that exchanged [pro bono work](#) for assurances that Trump would not issue an EO targeting them. And Paul Weiss (discussed below) reached a settlement with the administration after an EO was issued.

But in other high-profile instances, top law firms have refused to cave to Trump's demands. And [many partners](#) around the country have rallied to the side of the firms that do fight.

Writing in *Just Security*, three leading legal experts [assess](#) that the EOs have been rightly challenged in the courts for violating the First, Fifth, and Sixth Amendments of the Constitution. They also assess that the EOs “offend the *Constitution's structure*” (emphasis in original) because they impose punishment on individuals and groups without trials, thus making them *bills of attainder*, which are “prohibited by the Constitution.”

Below is a list of some of the top law firms Trump has targeted – including the president's stated political, personal or ideological reasons for issuing an EO and the specific parties he seeks to punish.

Perkins Coie – Trump's EO specifically [cites](#) the firm's work for “failed Presidential candidate Hillary Clinton” during the 2016 campaign, stating that “Perkins Coie hired Fusion GPS, which then manufactured a false “dossier” designed to steal an election.” The “dossier” in question was compiled by Christopher Steele, a former British intelligence official. The document came under intense scrutiny because it contained unverified, salacious and often hard-to-believe or erroneous allegations. However, it was gathered opposition research – a common political tool. And it was not published online until *Buzzfeed News* [did so](#) on Jan. 10, 2017, meaning it was not released before the election Trump claims it was “designed to steal.” The EO continues by claiming that the dossier was “part of a pattern” on Perkins Coie's part, as it “has worked with activist donors including George Soros to judicially overturn popular, necessary, and democratically enacted election laws, including those requiring voter identification.” Soros is a bogeyman for the American right and the EO's reference to him is a further indication of its political and ideological motivations. Perkins Coie [sued the administration](#) in response to the EO, arguing it “violates core constitutional rights, including the rights to free speech and due process.”

Paul Weiss – Trump's EO [cites](#) pro bono work intended to bring accountability for January 6th as a reason to target the firm. It states that “a Paul Weiss partner and former leading prosecutor in the office of Special Counsel Robert Mueller brought a pro bono suit against individuals alleged to have participated in the events that occurred at or near the United States Capitol on January 6, 2021, on behalf of the District of Columbia Attorney General.” There is, of course, nothing criminal or wrong with bringing such a pro bono suit. The EO also states that the firm “hired unethical attorney Mark Pomerantz, who had previously left Paul Weiss to join the Manhattan District Attorney's office solely to manufacture a prosecution against me and who, according to his co-workers, unethically led witnesses in ways designed to implicate me.” Trump's EO claims that Pomerantz “engaged in a media campaign to gin up support for” an “unwarranted prosecution.” That prosecution led to Trump being [found guilty](#) by a jury of his peers on 34 felony counts related to his scheme to influence the 2016 presidential election by covering up an

alleged affair with and hush money payments to a former porn actress. Paul Weiss settled with the administration, agreeing to perform \$40 million in pro bono work for the White House.

Covington & Burling – Trump targeted Covington & Burling because its lawyers provided “former Special Counsel Jack Smith with \$140,000 in free legal services prior to his resignation from the Department of Justice.” The firm’s security clearances were suspended.

WilmerHale – Trump’s EO cites the firm’s willingness to hire former FBI Director Robert Mueller and members of his team after their investigation into Russia’s interference in the 2016 presidential election, as well as the putative ties between Russians, Wikileaks and the Trump campaign. The EO describes the investigation as “one of the most partisan investigations in American history,” claiming it “epitomizes the weaponization of government.” WilmerHale has sued to block Trump’s executive order.

Jenner & Block – Trump’s EO specifically mentions that the firm rehired Andrew Weissmann, a senior career prosecutor and official, “after his time engaging in partisan prosecution as part of Robert Mueller’s entirely unjustified investigation.” Jenner & Block has sued to block Trump’s executive order.

Susman Godfrey – Trump’s EO focuses on the firm’s work on elections and race-related issues, criticizing its DEI policies. Susman Godfrey has sued the administration to block implementation of the executive order.

VIOLATING THE RIGHT TO DUE PROCESS

Autocracy vs. Democracy in America: The First 100 Days



By Tom Joscelyn and Susan Corke

The Fifth Amendment to the U.S. Constitution [states](#) that “no person” shall be “deprived of life, liberty, or property, without due process of law.” America’s founders knew that the deprivation of due process was a path to authoritarian rule. In the Federalist Papers [No. 84](#), Alexander Hamilton, no critic of a strong executive branch, warned that the “practice of arbitrary imprisonments” has been, “in all ages,” one of “the favorite and most formidable instruments of tyranny.”

Within its first 100 days, the Trump administration violated the due process rights of hundreds of men it shipped off to the notorious Terrorism Confinement Center (CECOT) in El Salvador. The administration [declared](#) the men to be members of violent gangs, such as *Tren de Aragua* (TdA) and MS-13, or to have committed other immigration violations. The U.S. government did not present evidence of their gang membership or other alleged crimes before an immigration judge, or in a criminal court. Instead, it simply detained and deported the men without affording them the right to contest their arrest or removal from American soil – violating their right to due process.

One of the men is Kilmar Abrego Garcia, an El Salvadoran whom the administration accuses of being an MS-13 member involved in “[human trafficking](#).” The administration could have brought the evidence it claims demonstrates that Abrego Garcia is a member of MS-13 before an immigration judge. Attorney General Pam Bondi also could have charged Abrego Garcia with being a “[terrorist](#)” (as she alleges) or committing other gang-related crimes, just as the DOJ has done in the cases of other [alleged MS-13 members](#). She did not. Instead, the administration summarily detained Abrego Garcia and shipped him off to El Salvador, defying an immigration judge’s order against removing him to his native country.

Circuit Judge J. Harvie Wilkinson III, of the U.S. Court of Appeals for the Fourth Circuit, was shocked after learning the facts of Abrego Garcia’s case. Judge Wilkinson, a longtime conservative jurist, [wrote](#):

It is difficult in some cases to get to the very heart of the matter. But in this case, it is not hard at all. The government is asserting a right to stash away residents of this country in

foreign prisons without the semblance of due process that is the foundation of our constitutional order. Further, it claims in essence that because it has rid itself of custody that there is nothing that can be done.

This should be shocking not only to judges, but to the intuitive sense of liberty that Americans far removed from courthouses still hold dear.

The Supreme Court has also ordered the Trump administration to “[facilitate](#)” Abrego Garcia’s release from custody. Thus far, it is unclear if he will be released.

Kilmar Abrego Garcia is not the only person who has been deprived of his due process rights by the Trump administration. In mid-March, the Trump administration deported [261 total persons](#) (including Abrego Garcia) to El Salvador. Of these 261 people, 137 are Venezuelans who were [deported](#) under the 1798 Alien Enemies Act (AEA). President Trump invoked the AEA, claiming that they are TdA members and their presence on American soil constitutes a foreign invasion. It was a bizarre decision without historical precedent, as the TdA is not a foreign state at war with the United States.

Even so, the Supreme Court [intervened](#) to rule that, even under the AEA, deportees have the right to due process. Citing prior precedent (*Reno v. Flores*, 507 U. S. 292, 306 (1993)), the justices wrote in a unanimous decision: “‘It is well established that the Fifth Amendment entitles aliens to due process of law’ in the context of removal proceedings.” The justices added that “AEA detainees must receive notice...that they are subject to removal under the Act” and “must be afforded within a reasonable time and in such a manner as will allow them to actually seek habeas relief in the proper venue before such removal occurs.”

The Trump administration did not give the Venezuelans such notice, or the opportunity to seek habeas relief, before deporting them to El Salvador. In a partial dissent from the otherwise unanimous opinion, Justices Sonia Sotomayor, Elena Kagan, and Ketanji Brown Jackson stated that the “deportations violated the Due Process Clause’s most fundamental protections.” They wrote that the Trump administration had “engaged in a covert operation to deport dozens of immigrants without notice or an opportunity for hearings.” They explained that the Department of Homeland Security (DHS) had engaged in a “covert preparation to skirt both the requirements of the Act and the Constitution’s guarantee of due process” by relocating “Venezuelan migrants from Immigration and Customs Enforcement detention centers across the country to the El Valle Detention Facility in South Texas before the President had even signed the Proclamation” invoking the AEA on Mar. 14. Let that sink in: Three Supreme Court Justices found that the Trump administration engaged in a “covert” scheme to violate the due process rights of migrants.

President Trump and his loyalists have responded to the courts' decisions by focusing the public's attention on allegations that the deported men are gang members or other criminals. Make no mistake, the TdA and MS-13 are violent gangs, and their members should be brought to justice or deported in full accordance with the law. But there are [good reasons](#) to doubt the administration's claims in many cases. More importantly, such allegations are beside the point – a distraction from the very real constitutional violations committed by the administration in its first 100 days.

Even if all 261 men sent to their imprisonment in El Salvador are hardened gang members, the U.S. government does not have the constitutional authority to detain and deport them without due process. To make matters worse: The Trump administration is [reportedly paying](#) the government of El Salvador to imprison them even though [most of them](#) have not been convicted of any crime. *They were not merely deported but were imprisoned without due process.*

As Judge Wilkinson wrote in the Abrego Garcia case, Americans should be “shocked” by the administration's actions. The judge warned: “If today the Executive claims the right to deport without due process and in disregard of court orders, what assurance will there be tomorrow that it will not deport American citizens and then disclaim responsibility to bring them home?”

Indeed, Trump has already [said](#) he would “love to” send “homegrown criminals” to foreign prisons as well.

Trump invokes the Alien Enemies Act, a wartime power, during peacetime

On Mar. 14, President Trump signed a [Proclamation](#) invoking the Alien Enemies Act as a supposed justification for deporting Venezuelan nationals, who are alleged to be members of the *Tren de Aragua* (TdA) gang, to El Salvador. The presidential proclamation was based on the argument that the TdA is essentially a part of the Maduro regime, which controls the Venezuelan government, and therefore the presence of its members inside the United States constitutes an “invasion” by a hostile foreign power. For example, Trump asserted in the proclamation that the “TdA has engaged in and continues to engage in mass illegal migration to the United States ...supporting the Maduro regime's goal of destabilizing democratic nations in the Americas, including the United States.” The proclamation also asserts that the TdA is “closely aligned with, and indeed has infiltrated, the Maduro regime, including its military and law enforcement apparatus.”

There's just one problem with the assertions contained in Trump's proclamation: They are contradicted by Trump's own intelligence community.

Charlie Savage and Julian Barnes of the *New York Times* [reported](#) that U.S. intelligence agencies “circulated findings” on Feb. 26 “that the gang was not controlled by the Venezuelan government.” Only one agency within the intelligence community, the FBI, “partly dissented,” finding there was some connection between TdA and figures in the Maduro regime. And the overall assessment was reported with “moderate” confidence, as [opposed to “high”](#) confidence. But still, anonymous officials told the *Times* that the assessment concluded that the TdA “was not directed by Venezuela’s government or committing crimes in the United States on its orders,” contrary to what Trump claimed in his proclamation weeks later.

Michelle Price and Mary Clare Jalonick of the *Associated Press* [followed up](#) with another revelation. In early April, the National Intelligence Council produced a “classified assessment” that is “more comprehensive and authoritative than” the “earlier intelligence product” reported by the *Times*. There was a “consensus” among all 18 intelligence agencies that “there was no coordination or directive role between [the TdA] gang and [the Venezuelan] government.”

Regardless of the intelligence community’s assessments, the administration began deporting the Venezuelans within hours of President Trump invoking the Alien Enemies Act.

Several of the Venezuelans affected by Trump’s proclamation sued the government. And on Mar. 15, District Judge James E. Boasberg, in the District of Columbia, certified as a class all the non-citizens subject to Trump’s proclamation. Judge Boasberg also issued a Temporary Restraining Order (TRO) barring the Trump administration from deporting the Venezuelans. However, the administration apparently violated this TRO by following through with the deportations.

On Apr. 16, Judge Boasberg issued a [finding](#) that the government’s “actions on that day [Mar. 15] demonstrate a willful disregard for its Order, sufficient for the Court to conclude that probable cause exists to find the Government in criminal contempt.” Even though the Supreme Court [vacated](#) Judge Boasberg’s TRO in a 5-4 ruling on Apr. 7, the judge pointed out that the order was still in effect when the government violated it on Mar. 15 and “it is a foundational legal precept that every judicial order ‘must be obeyed’ — no matter how ‘erroneous’ it ‘may be’ — until a court reverses it.” (*Citing Walker v. City of Birmingham*, 388 U.S. 307, 314 (1967))

Boasberg wrote that “the Government does not dispute that after” his written TRO was issued on Mar. 15, “it temporarily landed two planeloads of class members in Honduras, flew them to El Salvador, deplaned them there, and then — critically — transferred them from U.S. to Salvadoran custody.” The Government also “does not challenge that this transfer of custody happened some five hours, at least, after the written Order was docketed.”

Judge Boasberg did not immediately move for criminal contempt proceedings. Instead, he writes, “courts typically allow the contumacious party an opportunity to purge its contempt — that is, to remedy its violation by voluntarily obeying the court order.” Judge Boasberg ruled that the deported individuals should be allowed to “avail themselves of their right to challenge their removability through a habeas proceeding.” Such proceedings could take place remotely, as the Trump administration does “not need to release any of those individuals, nor would it need to transport them back to the homeland.” Judge Boasberg also gave the government “an opportunity to propose other methods of coming into compliance,” which he “will evaluate.”

Should the government choose not to “purge” its contempt, the court would then move to identify the individuals responsible for defying the Mar. 15 TRO. Judge Boasberg outlined this process, which would begin with written declarations. Should those prove to be insufficient, the court would then hold “hearings with live witness testimony under oath or to depositions conducted by Plaintiffs.” Finally, “pursuant to the Federal Rules of Criminal Procedure,” the court would “request that the contempt be prosecuted by an attorney for the government.” Should the government refuse, then the court will appoint another attorney to prosecute the violation.

In his Apr. 16 [ruling](#), Judge Boasberg pointed to the Supreme Court’s decision in this case, which we discuss above. “Specifically, all Justices agreed that the Due Process Clause requires the Government to provide anyone it seeks to remove notice ‘that they are subject to removal under the Act,’ and to do so ‘within [a] reasonable time and in such manner as will allow them to actually seek habeas relief’ before being removed,” Judge Boasberg wrote. “In holding as much, the Court effectively said that the Constitution flatly prohibits the Government from doing exactly what it did that Saturday [Mar. 15], when it secretly loaded people onto planes, kept many of them in the dark about their destination, and raced to spirit them away before they could invoke their due-process rights.”

The Trump administration violated an immigration order and Kilmar Abrego Garcia’s right to due process

Twenty-three of the men deported CECOT are El Salvadorans whom the Trump administration accuses of being members of MS-13. Kilmar Abrego Garcia is the most high-profile figure among these 23 deportees. A review of the record shows that under Trump, the U.S. government violated an immigration order and failed to afford Abrego Garcia his due process right to contest his arrest and deportation.

On Oct. 10, 2019, a U.S. Immigration Judge granted Abrego Garcia a “[withholding of removal](#)” — meaning the U.S. government was barred from deporting him to El Salvador. The “withholding

of removal” did not grant Abrego Garcia asylum inside the United States but was instead intended to prevent the government from deporting him to El Salvador. The judge found that Abrego Garcia faced credible threats of persecution from El Salvadorian gang members. Even though the “withholding of removal” was issued in 2019, when Trump was president, the U.S. government [did not challenge](#) it at the time.

By deporting Abrego Garcia to El Salvador, the second Trump administration violated the immigration judge’s order, a fact admitted by the [U.S. Immigration and Customs Enforcement](#) and the [DOJ](#). “Through administrative error, Abrego Garcia was removed from the United States to El Salvador,” Robert Cerna, an ICE official, [admitted](#) in a court declaration.

On Apr. 4, District Judge Paula Xinis issued a [preliminary injunction](#), ordering the government to effectuate Abrego Garcia’s return to the United States. Judge Xinis explained her reasoning in an [opinion](#) published two days later. The judge noted that Abrego Garcia alleges that the Trump administration’s “forced removal to El Salvador without any process constitutes a clear constitutional violation.” She explained that the defendants (the U.S. government) “concede” the point, meaning the Trump administration conceded that it violated Abrego Garcia’s right to due process. Judge Xinis went on to explain why Abrego Garcia was likely to succeed in bringing his due process claim.

Abrego Garcia deprived of process to contest his deportation to El Salvador (which was prohibited by the “withholding of removal” issued in 2019), Judge Xinis wrote, he was deported without “*any procedural protections* due to him” and “nothing in the record suggests that Abrego Garcia received any process at all.” (emphasis in original)

As we discussed above, Circuit Judge Wilkinson evaluated Abrego Garcia’s case as well, finding that the Trump administration flagrantly violated his right to due process.

With respect to the Trump administration’s allegations concerning Abrego Garcia’s MS-13 membership, Judge Wilkinson wrote: “Perhaps, but perhaps not. Regardless, he is still entitled to due process.” The judge added: “If the government is confident of its position, it should be assured that position will prevail in proceedings to terminate the withholding of removal order.” In other words, the Trump administration could have presented its evidence against Abrego Garcia in an immigration proceeding but instead chose to deport him without any due process.

To date, it is unclear if the Trump administration has made any effort to “[facilitate](#)” Abrego Garcia’s release, as ordered by the Supreme Court. In an [order](#) filed on Apr. 22, Judge Xinis criticized the DOJ for its “continued mischaracterization” of the Supreme Court’s order. The administration continued to claim that the Supreme Court had not ordered it to “facilitate”

Abrego Garcia's release, when in fact it had. Judge Xinis also wrote that the DOJ had engaged in a "willful and bad faith refusal to comply with discovery obligations" in the matter.

Reasons to doubt the Trump administration's claims regarding the deportees

Fundamentally, due process means that American citizens or others residing inside the United States are not obligated to accept the government's word as fact. They are entitled to object to the government's allegations within a constitutionally mandated process. The 261 people deported to El Salvador in mid-March were deprived of that right.

Since then, the Trump administration has waged an aggressive information campaign, portraying the individuals deported in the worst possible light. The free press – which is a vital check on the government's abuses of power – has provided multiple reasons to doubt the administration's claims.

For example, *60 Minutes*, one of Trump's favorite media targets, [examined government documents](#) for the 238 Venezuelans deported to the CECOT prison in El Salvador. In 179 of the 238 cases – or 75 percent of the total – *60 Minutes* "could not find criminal records" for the men. In 22 percent of the cases, "men on the list have criminal records here in the United States or abroad." But the "vast majority are for non-violent offenses like theft, shoplifting and trespassing." In "about a dozen are accused of murder, rape, assault and kidnapping." And in another 3 percent of the cases, "it is unclear whether a criminal record exists."

One of the deported Venezuelans is a man named Andry Hernandez Romero, whose attorney [says](#) does not have a criminal record in either Venezuela or the United States and left his home country last year because he was being persecuted for being gay. Philip Holsinger, a photographer for *Time* magazine, was present at CECOT when the Trump administration's deportees arrived. Holsinger heard Romero [say](#): "I'm not a gang member. I'm gay. I'm a stylist."

Another of the deported Venezuelans is Neiyerver Adrián Leon Rengel, who was swept up in Trump's raids on Mar. 13 – Rengel's birthday. According to [NBC News](#), the Trump administration accuses Rengel of belonging to TdA, but has refused to make any of its supposed evidence or intelligence public. Like all of the other Venezuelans deported to CECOT, Rengel was not afforded the opportunity to contest his arrest and deportation. He was denied due process – a fundamental right. Rengel's family did not know his whereabouts for 40 days, before learning he was being held in a notorious terrorist detention facility.

In a related case, a federal judge has [ruled](#) that the Trump administration must "facilitate" the return of a 20-year-old Venezuelan man known as Cristian to U.S. soil. District Judge Stephanie A. Gallagher, of the Southern Division of Maryland, [found](#) that the Trump administration's

deportation of Cristian violated the terms of a settlement agreement previously negotiated between a class of migrants and the U.S. government.

Alexander Hamilton warned in the late 18th Century that the “practice of arbitrary imprisonments” was favored by tyrants. Due process is a safeguard against such tyrannical practices.

During its first 100 days, the second Trump administration has arbitrarily detained migrants, accused them of belonging to gangs or committing other crimes, and deported them to a prison in a foreign country. All without due process – an example of tyranny.

HOW TRUMP IS TRYING TO CONTROL ELECTIONS

Autocracy vs. Democracy in America: The First 100 Days



By Tom Joscelyn and Jacob Kovacs-Goodman

On Mar. 25, President Donald Trump [issued](#) an Executive Order (EO) with a misleading title: “Preserving and Protecting the Integrity of American Elections.” As is so often the case with Trump, the intent behind his proclamation was the opposite of how his administration marketed it to the American people. The order is part of Trump’s effort to *undermine* the integrity of America’s federal elections - not protect it. The president seeks to control the process by which Americans vote across the country. The U.S. Constitution does not grant him such authority. Instead, it specifically delegates power over elections to the states and the U.S. Congress. And a federal court has already intervened to halt parts of Trump’s unconstitutional power grab.

Below, we review how Trump’s EO has already suffered a significant setback in a landmark case. We also briefly discuss some of the other recent election-related challenges in Wisconsin and North Carolina. In the former, the people rejected an attempt by Elon Musk, Trump’s key ally and the [world’s richest man](#), to buy a seat on the Wisconsin Supreme Court. In the latter, an ongoing court battle threatens to invalidate the lawful ballots of thousands of voters.

But before moving on to our review, we would like to say a word about Trump’s persistent attempts to undermine Americans’ confidence in their elections. Despite winning a plurality of the vote for the first time in November 2024 – after losing the popular vote in two earlier elections – Trump and his movement insist on trafficking in disproven conspiracy theories that are intended to delegitimize the outcome of America’s free and fair elections. This is a part of the autocratic playbook, as authoritarian rulers around the world sow distrust in elections to justify their own rule.

Trump’s own Mar. 25 EO is based on phony pretexts – callbacks to the same debunked conspiracy theories that he trafficked in while attempting to overturn the November 2020 presidential election.

The text of the EO [disparages](#) electronic voting machines, while claiming that America somehow lags other countries when it comes to relying on virtuous paper ballots. These claims echo Trump’s lies about the 2020 election, when he repeatedly and falsely [asserted](#) that Dominion Voting System’s vote counting machines flipped votes from him to Biden. Ironically, Trump’s

lies about electronic voting machines were disproven by [hand recounts](#) of paper ballots. And [nearly all](#) the votes cast in the 2024 presidential election were cast on paper. The EO also repeatedly references the supposed threat of non-citizens voting in, or otherwise meddling with, with America's elections. This, too, has been debunked time and again, as it is [already illegal](#) for non-citizens to vote and the phenomenon is [negligible to non-existent](#). The EO is a continuation of Trump's rhetorical attacks on mail-in and absentee balloting. Although Trump [changed](#) his stance on mail-in voting during the 2024 presidential election, the EO returns to his earlier stance, repeatedly insinuating that there is something untoward about the practice, which has simply made voting easier for many Americans. Trump's claims about mail-in balloting have also been [disproven](#) time and again.

All of which is to say that countering disinformation is also a crucial part of protecting America's elections.

An unconstitutional executive order

The Elections Clause of the Constitution specifically grants state legislatures and the U.S. Congress with the power to conduct elections. It [reads](#):

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of [choosing] Senators.

The presidency and the executive branch are not mentioned in the Elections Clause. The nation's founders *did not* grant the president power over the times, places and manner of holding elections. But in his Mar. 25 EO, Trump tried to subsume this authority under the executive branch agencies he controls.

Wendy Weiser, an expert at the Brennan Center, has [provided](#) a helpful summary of the sweeping changes to America's elections envisioned in Trump's EO. The order would require voters "to produce a passport or similar document to register to vote," even though many eligible voters do not have a passport. It requires the Department of Defense (DOD) to add this same "show-your-papers" requirement and others to "the voter registration form used by military and overseas voters." It orders the Election Assistance Commission (EAC), an independent bipartisan federal agency that is not under the president's control, to "decertify all [voting] machines it previously certified, within 180 days," across 39 states – a nonsensical and costly directive that would only place unnecessary burdens on states ahead of the 2026 midterm elections.

As Weiser [explains](#), the order would give Musk’s D.O.G.E. and the Department of Homeland Security (DHS) “full access to voter files and voter list maintenance records from every state,” files and records that “contain sensitive private information about American citizens — data that should not be available to nongovernmental actors and businesses.” Granting them such access creates obvious privacy risks. The order purportedly prohibits states from counting valid ballots received after election day and seeks to coerce cooperation from the states – a direct assault on the constitutional balance of power – by threatening to withhold funds if they do not comply. Trump directed both the Department of Justice (DOJ) and the EAC to withhold federal funds if states do not acquiesce to his demands.

On Apr. 24, a federal judge for the U.S. District Court for the District of Columbia [issued](#) a preliminary injunction preventing the Trump administration from enforcing parts of the executive order.

Judge Kollar-Kotelly [halted](#) the administration’s implementation of two key parts of the EO, [ruling](#) that the administration had overstepped its constitutional bounds by attempting to enforce these new directives.

First, she preliminarily enjoined the Trump administration from enforcing section 2(a) of the EO. That section sought to require the EAC – again, an independent bipartisan agency outside of the president’s control – “to amend the standardized national voter registration form to require documentary proof of U.S. citizenship.” As Weiser [explains](#), this demand would potentially put “millions of eligible voters at risk of being blocked from voting,” disproportionately affecting “younger Americans, Americans of color, and lower-income Americans” who are less likely to have the required paperwork.

Second, the judge [preliminarily enjoined](#) the administration from enforcing section 2(d) of the EO, which “orders federal voter registration agencies to ‘assess’ the citizenship of individuals who receive public assistance before providing them with a voter registration form.”

“Our Constitution entrusts Congress and the States — not the President—with the authority to regulate federal elections,” Judge Kollar-Kotelly [wrote](#). “Consistent with that allocation of power, Congress is currently debating legislation that would effect many of the changes the President purports to order.” That legislation, the Safeguard American Voter Eligibility Act (or SAVE Act), contains many of the same voting restrictions contained in Trump’s EO. But the president cannot unilaterally dictate that those restrictions are now the law of the land. “And no statutory delegation of authority to the Executive Branch permits the President to short-circuit Congress’s deliberative process by executive order,” the judge explained.

Judge Colleen Kollar-Kotelly's order was especially critical of the Trump administration's arguments, saying it offered "almost no defense of the President's order on the merits."

Other election challenges during Trump's first 100 days

As explained above, Trump's Mar. 25 EO is based on the dishonest premise that the president is concerned about preserving the integrity of America's elections. Other actions taken by the administration during its first 100 days demonstrate just how disingenuous the president's claims really are.

For instance, as [reported](#) by *Politico*, the administration has placed a hold on the Cybersecurity and Infrastructure Security Agency's (CISA) "programs for securing elections — everything from scanning election system networks for safety to sharing data with the public on potential threats...pending a review by the Department of Homeland Security, with no guarantee they will start up again." The administration has also [shuttered](#) cross-agency efforts to track foreign disinformation and other influence operations aimed at America's elections.

The contest for voting rights at the state level

While Trump's effort to enforce his unconstitutional EO has suffered legal setbacks, other contests over how Americans vote are being waged across the country. While litigation has been a crucial part of the effort to stop Trump and his movement from undermining democratically held elections, the power of the people has also proven to be especially potent.

In Wisconsin, Elon Musk reportedly spent [approximately \\$25 million](#) in an effort to buy a Wisconsin Supreme Court seat. Musk claimed "[the future of civilization](#)" rested on the outcome. The multi-billionaire backed the Republican candidate, Brad Schimel, in his race against the Democratic candidate, Susan Crawford. But Musk failed. In early April, Wisconsinites rejected Musk's attempt to influence their votes. Crawford overwhelmingly won the race by [ten percentage points](#), maintaining the liberals' slim [4-3 majority](#) on the court.

The Wisconsin supreme court race was a test for democracy and the power of the people prevailed over the power of the world's richest man. Musk [handed out checks](#) for \$1 million as part of an entirely dubious effort to influence the election. The Wisconsin Supreme Court [declined](#) to stop Musk's cash giveaways, but in the end it didn't matter anyway. Musk claimed that he was [funding](#) the campaign because he was worried about the liberal court gerrymandering Wisconsin's congressional districts in favor of Democrats. But Musk's argument is the opposite of reality – liberals on the Wisconsin Supreme Court had just [reversed](#) more than a decade of gerrymandering by the Republicans.

Another battle over a state supreme court race is still ongoing in North Carolina. In November, North Carolina Supreme Court incumbent Justice Allison Riggs, a Democrat, won the election by just [734 votes](#). Riggs's victory was [confirmed](#) by subsequent recounts. But the Republican challenger, Judge Jefferson Griffin, has [sought](#) to reverse his defeat by having the courts toss approximately 65,000 ballots that had been cast and counted – invalidating the votes of tens of thousands of Americans.

As [explained](#) by the *New York Times*, Judge Griffin “argued that a majority of them were ineligible to vote because they did not supply certain required personal data — such as a driver’s license number — when they registered.” Still, Judge Griffin [conceded](#) that “the omissions, he admitted, were because of administrative errors, and not the voters’ fault.” Moreover, experts on voting rights “have described the issues raised by Judge Griffin as moot because even if the voters’ registration forms were missing driver’s license numbers, they would have been required to show ID when they voted.”

In early April, the conservative state supreme court partially agreed with Judge Griffin’s legal challenge, ordering that the affected voters be given [30 days](#) to “cure” their ballots or have them tossed. The affected votes include between [2,000 and 8,000](#) cast by U.S. military servicemembers or other overseas voters. According to the *Times*, Judge Griffin [argues](#) that these voters “should have submitted a photo ID or an ID exception form with their absentee ballots,” even though the state board of elections “had exempted such voters from the requirement before the election in a unanimous vote, and the rules commission of the Republican-controlled state legislature supported the exemption.”

On Apr. 22, the Fourth Circuit Court of Appeals [issued a 2-1 order](#) pausing the North Carolina Board of Elections from acting on the state supreme court’s instructions, granting a stay requested by Justice Riggs as part of her federal appeal. The order prevents the board from contacting voters or sending out photo ID notices before the federal district judge decides whether to grant a preliminary injunction.

Therefore, a winner in the North Carolina Supreme Court race has not been officially certified more than five months after the election was held. As in Wisconsin, the fate of gerrymandered congressional districts hangs in the balance. The Republican-majority state legislature has [rigged the maps](#) of the state’s congressional districts – move that was [endorsed](#) by the Republican-majority state supreme court.

Although Trump’s party is initiating numerous attacks on elections – from executive overreach to overt attempts to toss votes – civil society and the courts will continue to block unconstitutional

and unlawful attempts to strip Americans of the fundamental right to vote in free and fair elections.

CRYPTO, CORRUPTION, AND THE TRUMP PRESIDENCY

Autocracy vs. Democracy in America: The First 100 Days



By Virginia Canter and Tom Joscelyn

“As we gather today, our government confronts a crisis of trust,” President Donald Trump said during his second inaugural address on Jan. 20, 2025. “For many years, a radical and corrupt establishment has extracted power and wealth from our citizens while the pillars of our society lay broken and seemingly in complete disrepair.” Three days before Trump spoke those words, he launched an eponymous meme coin that raised hundreds of millions in proceeds in less than two months. It is a brazen example of Trump’s hypocrisy.

According to an analysis published by the *Financial Times (FT)* on Mar. 7, Trump’s “crypto project made at least \$350 [million] from the launch of the memecoin, a windfall that is likely to fuel concerns over conflicts of interest arising from the token.” The *FT* report explained that Trump’s meme coin, as well as one launched by his wife Melania, are “tokens with no practical use whose value is entirely based on speculation.”

Indeed, a disclaimer at the bottom of the website for the meme coins states that they “are intended to function as an expression of support for, and engagement with, the ideals and beliefs embodied by the symbol ‘STRUMP’ and the associated artwork” and “are not intended to be, or to be the subject of, an investment opportunity, investment contract, or security of any type.” While the disclaimer adds that memes are “not political” and have “nothing to do with any political campaign or any political office or government agency,” the meme coin’s launch was clearly timed for the beginning of Trump’s second term in office.

That is, as Trump took over the establishment in Washington, D.C., he “extracted...wealth” from his supporters by selling them a product “with no practical use.”

In our view, the second Trump administration is already the most corrupt in American history – and it’s just 100 days old. Below, we discuss Trump’s crypto-like offerings, as well as how his administration is radically overhauling the U.S. government’s posture toward the crypto industry by ushering in new lax policies and weakening enforcement of oversight. Simultaneously, the administration is comprehensively upending enforcement of anti-corruption, foreign bribery and consumer protection laws — a policy shift that only makes it easier for the new Trump-friendly establishment to extract power and wealth from American citizens.

All in on Crypto

In a stunning act reminiscent of pay-to-play corruption, Trump offered his top 220 \$TRUMP meme coin investors the opportunity to join him for a private dinner at his Trump National Golf Club and a White House tour. While other modern presidents mitigated against actual and apparent conflicts of interest by divesting their assets or rolling them into blind trusts, Trump created a new conflicts crisis when he began issuing \$TRUMP meme coins just days before his inauguration.

After taking office, Trump continued to promote \$TRUMP on social media in an apparent attempt to attract prospective investors. By Jan. 30, the \$TRUMP meme coin had generated trading fees worth an estimated \$86 million to \$100 million. But its value is highly volatile. As soon as the price goes up, it can come down causing some investors to lose money. According to the *New York Times*, traders have suffered more than \$2 billion in cumulative losses. On Apr. 7, after Trump announced a new set of worldwide tariffs, trading averaged under \$8. Following Trump's private dinner announcement on Apr. 23, it surged again by more than 60%.

The \$TRUMP meme coin is just one type of Trump crypto offering. The \$WLFI governance token was launched by a Trump affiliated business, World Liberty Financial Inc. (“WLFI”) in October 2024, shortly before the presidential election. By Mar. 17, 2025, WLFI said it had produced \$550 million in gross proceeds, even though it cannot be traded. In addition to these offerings, WLFI has announced plans to launch the “USD1” stablecoin. WLFI is targeting sovereign investors, thereby raising possible Foreign Emoluments Clause issues for Trump similar to when foreign dignitaries patronized the Trump-owned Old Post Office Hotel during his first administration.

Crypto Industry-Friendly Policies

As a crypto issuer with billions of dollars at stake, Trump will likely profit from industry-friendly crypto policies he and other members of his administration are pursuing. On Jan. 23, Trump issued Executive Order 14178, which includes a new regulatory framework promoting the growth of private sector stablecoins and other digital assets. On Mar. 6, he issued Executive Order 14233, promoting a bitcoin strategic reserve. There is no regulatory framework currently in place for digital assets, although Congress has a bill under consideration, the Guiding and Establishing National Innovation for U.S. Stablecoins Act of 2025 or “GENIUS Act,” that would enact a regulatory framework for the issuance and regulation of stablecoins. Yet, it would not require President Trump to divest his crypto assets or prevent him from using his executive powers to promote a regulatory environment and enforcement agenda that prioritizes his personal enrichment over the broader interests of U.S. stakeholders.

Weakened Crypto Enforcement

Trump's crypto businesses may benefit most from the weakened enforcement policies adopted by his own Department of Justice (“DOJ”) and other agencies for cases involving digital assets. On Apr. 7, Deputy Attorney General Todd Blanche issued a new criminal policy directing prosecutors not to pursue criminal charges involving digital assets unless they relate to unlawful conduct by drug cartels, transnational criminal organizations, foreign terrorists or “specially designated global terrorists.” However, reduced oversight could embolden terrorists and extremists, who have increasingly used crypto for anonymous financing. Blanche, who previously served as Trump's personal attorney, also announced that the DOJ would cease cryptocurrency enforcement by the Market Integrity and Major Frauds Unit and disband the National Cryptocurrency Enforcement Team, which was created in February 2022 to combat criminals who exploit digital assets to “fuel cyberattacks and ransomware and extortion schemes; traffic in narcotics, hacking tools and illicit contraband online; commit thefts and scams; and launder the proceeds of their crimes.” Blanche is also curbing prosecution involving digital assets under the Bank Secrecy Act. Trump recently pardoned several crypto actors who had pleaded guilty to “willfully” flouting anti-money laundering violations.

The Securities and Exchange Commission (“SEC”) likewise is pulling back on civil enforcement of federal securities laws against crypto actors. Most notably, crypto and blockchain entrepreneur Justin Sun obtained a stay in a market manipulation and unregistered securities trading case. The court granted the stay based on a joint request filed by Sun and the SEC. The stay request was filed within a few months of Sun making a \$75 million investment in \$WLFI governance tokens, which are backed by the Trump family. Since \$WLFI tokens cannot be traded and offer only limited voting rights, Sun's \$75 million investment raises obvious questions about corrupt influences behind the SEC's decision-making process.

Comprehensive Strategy to Upend Enforcement of Anti-Corruption, Foreign Bribery, and Consumer Protection Laws

At a time when Trump is wading deeper into pay-to-play schemes and weakening crypto enforcement, the president and his appointees appear to be implementing a broader strategy across the federal government to upend federal enforcement of laws designed to protect U.S. persons from various forms of fraud and corruption, including laws that combat foreign bribery, illicit financing, public corruption, and consumer protection fraud. The strategy is being carried out through a blend of presidential pardons, policy declarations, and interference in ongoing cases that, when combined together, shut down the ability of the federal government to effectively disrupt corrupt activity and hold bad actors accountable.

Fosters Foreign Corruption and Illicit Financing

Trump has disrupted the means by which federal law enforcement can hold corrupt actors accountable by halting U.S. efforts to combat foreign bribery and illicit financing. With Executive Order 14209, Trump ordered a temporary cessation of all new investigations and enforcement actions brought under the Foreign Corrupt Practices Act (“FCPA”), unless the Attorney General explicitly authorizes an exception, and a review of all pending FCPA cases. By thwarting the DOJ’s efforts to enforce foreign corruption cases, he is creating global uncertainty about the legitimacy of U.S. business transactions that threaten the integrity of the American financial system. Attorney General Pam Bondi issued a new DOJ policy on Feb. 5, her first day in office, to restrict “recourse to criminal charges under the Foreign Agents Registration Act (FARA) and 18 U.S.C. § 951” to “instances of alleged conduct similar to more traditional espionage by foreign government actors.”

On Mar. 2, the Department of the Treasury announced it was suspending enforcement of the Corporate Transparency Act. The Treasury Department indicated it would no longer enforce penalties or fines associated with failures by U.S. persons to report beneficial ownership information under that statute. The Corporate Transparency Act was enacted to combat illicit financing by providing law enforcement with beneficial ownership information that makes it “more difficult for criminals to exploit opaque legal structures to launder money, traffic humans and drugs, and commit serious tax fraud and other crimes that harm the American taxpayer.”

Disrupts Public Corruption Enforcement

The DOJ has been undermining its own public corruption cases by slashing the size of its public integrity unit and interfering in high-profile cases, including one brought against New York Mayor Eric Adams. Acting Deputy Attorney General Emil Bove directed the U.S. Attorney's Office for the Southern District of New York (“SDNY”) to dismiss without prejudice an ongoing public corruption case brought against Mayor Adams. The then-U.S. Attorney Danielle Sassoon resigned after raising serious concerns about the conduct of Mayor Adams's attorneys who “repeatedly urged what amounted to a *quid pro quo*.” In his opinion dismissing the indictment “with prejudice,” Judge Dale E. Ho explained, “everything here smacks of a bargain: dismissal of the Indictment in exchange for immigration policy concessions.” The Court rejected Deputy Attorney General Emil Bove's request for a dismissal “without prejudice,” as it would have allowed the prospect of reindictment to hang “like the proverbial Sword of Damocles over the accused.” Bove's interference resulted in the resignation of three other SDNY prosecutors involved in the matter after refusing to succumb to pressure by DOJ higher ups to “confess to wrongdoing when there was none.”

Pardons Felons Convicted of Narcotics Trafficking, Money Laundering, and Public Corruption

Trump is maximizing his use of executive authority to pardon high-profile felons convicted of narcotics trafficking, money laundering and public corruption charges. The day after his swearing in, Trump inexplicably granted a full and unconditional pardon to Ross Ulbricht, the Silk Road

creator of a dark web marketplace where illegal drugs and other unlawful services were sold anonymously until it was shut down by the federal government in 2013. Ulbricht had been serving a life sentence for narcotics and money laundering conspiracy. According to the DOJ, Ulbricht “designed Silk Road to include a Bitcoin-based payment system that served to facilitate the illegal commerce ... by concealing the identities and locations of the users transmitting and receiving funds through the site.”

President Trump also granted a pardon to former Illinois Governor Rob Blagojevich who had been convicted on 18 felony counts of corruption based on charges that he was trying to leverage his official authority to fill the U.S. Senate seat vacancy left by former President Barack Obama.

Pulls Back on Consumer Protection Enforcement

Trump's acting Director of the Consumer Financial Protection Bureau (“CFPB”) Russell Vought has thwarted enforcement of consumer protection laws. Vought has been found by a U.S. District Court to have engaged in an “unlawful effort to dismantle and eliminate the Consumer Financial Protection Bureau” by “firing all probationary and term-limited employees without cause, cutting off funding, terminating contracts, closing all of the offices, and implementing a reduction in force (“RIF”) that would cover everyone else.” If successful, Vought would have effectively shut down the agency created by Congress following the 2008 financial crisis to protect everyday Americans from fraudulent financial schemes and practices. According to Public Citizen, the Trump administration has halted or ended more than 45 cases brought by the CFPB.

In what can be viewed as a separate attack on consumer protection laws, President Trump fired two Democratic members of the Federal Trade Commission, the agency that regulates and enforces consumer protection measures, including protecting children's online privacy, and antitrust legislation.

Empowers Cronies Like Elon Musk

The president has brought his crony Elon Musk, who spent more than \$290 million backing Trump and other Republicans in the 2024 election campaign, unprecedented and unfettered access and influence over the federal government. By bringing Musk into the administration as the Special Advisor to the President and the de facto head of the controversial Department of Government Efficiency (“DOGE”), Trump seems to have handed him control of the federal government without any seeming regard for Musk's significant conflicts of interest involving billions of dollars in contracts and dozens of federal investigations and complaints pending against his Tesla, SpaceX, and Neuralink companies.

Trump oversaw a massive purge of inspectors general, firing key figures in agencies throughout the government who were responsible for regulatory oversight and investigations into fraud, waste and abuse, including officials responsible for pursuing allegations involving Musk's companies. According to Representative Jamie Raskin, the Ranking Member of the House Committee on the Judiciary, these firings included the Inspectors General for the U.S. Agency for International Development (SpaceX's Starlink); Department of Transportation (Tesla, SpaceX); U.S. Department of Agriculture (Neuralink); and Department of Defense (SpaceX). Other personnel fired who had regulatory oversight of Musk companies were: the Chair of the National Labor Relations Board (SpaceX); two Commissioners of the Equal Employment Opportunity Commission (Tesla); and the Director of the Consumer Financial Protection Bureau (Tesla).

In a letter to inspectors general at eight federal agencies, Representative Mikie Sherrill has called for investigations into possible Musk conflicts of interest and self-dealings arising from Tesla's and SpaceX's billions of dollars worth of government contracts with the Federal Aviation Administration, State Department, Department of Commerce, Department of Defense, National Aeronautics and Space Administration, and the General Services Administration.

Credible Allegations of Using Tariffs as a Means for Insider Trading Opportunities and Privileged Access

Suspicious market activity in the days and hours around President Trump's tariff announcements have led to credible accusations of insider trading. His Apr. 2 “Liberation Day” announcement triggered a 12 percent drop in the S&P 500. His pause a few days later, on Apr. 9, caused a market bounce back of 10 percent. Four hours before Trump paused the tariffs, he posted on social media, “THIS IS A GREAT TIME TO BUY!!!.” Market activity surrounding these events has prompted calls for investigations into insider trading based on reporting that some options traders had placed well-timed bets worth millions of dollars that the market would rebound. The suspicious call trades were logged in minutes before Trump posted the pause in tariffs on social media. Representative Marjorie Taylor Greene also engaged in well-timed trades the day before and the day after Trump announced his tariff pause. She traded between \$21,000 and \$315,000 in stocks on those days and sold between \$50,000 and \$100,000 in Treasury bills on Apr. 8. In response to questions about the her recent trades, Rep. Green stated she had "signed a fiduciary agreement to allow my financial advisor to control my investments. The market activity surrounding Trump's 90-day tariff pause prompted Democratic members of the Senate Banking Committee to request an SEC investigation into whether Trump, his donors, and other insiders engaged in market manipulation, insider trading or other violations of the securities laws.

President Trump's tariffs also create an opportunity for corruption by crony insiders. As explained by ProPublica, there is a list of more than a thousand products exempted from Trump's new tariffs,

but apparently there is no explanation for why one item — polyethylene terephthalate — appears on the exempt list. That product is used to make plastic bottles like those used by Coca-Cola bottlers. It is unclear whether Brian Ballard, one of the [lobbyists](#) registered to lobby the U.S. Senate and the Department of Commerce on trade and tariffs for Reyes Holdings, a large U.S. Coca-Cola bottling company, also lobbied the White House for the exemption.

HOW TRUMP IS TRYING TO SUBVERT THE CONSTITUTION'S SEPARATIONS OF POWERS

Autocracy vs. Democracy in America: The First 100 Days



By Tom Joscelyn and Jacob Kovacs-Goodman

“I have an Article II where I have the right to do whatever I want as president,” President Donald Trump [declared](#) during his first term. When he returned to power on Jan. 20, 2025, Trump immediately began acting as if that statement were true. It is not.

To make a long American story short: [Article II](#) of the U.S. Constitution, which enumerates the powers of the presidency, does not grant Trump “the right to do whatever” he wants. Of course, the nation’s founders also established two other coequal branches of government. [Article 1](#) enumerates the powers of the legislative branch (U.S. Congress), while [Article III](#) established the Judicial branch (Courts). As emphasized in the Supreme Court’s landmark *Youngstown* [case](#), “the President’s power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker.” Moreover, the “Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad.” And the “Constitution is neither silent nor equivocal about who shall make laws which the President is to execute.”

During his first 100 days in office, Trump has often governed as if Congress’s enumerated powers are of no consequence. His administration quickly moved to dismantle federal agencies created by Congress.

Trump’s sledgehammer for his attempted remaking of the federal government is the so-called Department of Government Efficiency (or D.O.G.E.), headed by his [largest donor](#), Elon Musk. As we explain below, Trump appointed Musk to a senior advisory position within his administration – a post that certainly appears to be as powerful as any cabinet secretary, if not more so – without submitting a formal nomination to the U.S. Senate. Trump thereby circumvented the Constitution’s Appointments Clause, which gives the Senate power of confirmation over such senior-level appointments.

D.O.G.E. has embedded its members throughout the federal government, dismantling and reshaping its departments and agencies. The actions of D.O.G.E. and others in the Trump administration have been contested in the courts. Plaintiffs around the country have challenged the executive branch’s overreach on the basis that it violates the constitutional principle of the

separation of powers, as well as the Administrative Procedure Act (APA), a key federal statute enacted by Congress that has regulated how federal agencies function for decades.

To date, [more than 200](#) lawsuits have been filed against the administration. The administration's actions have been frequently delayed by temporary restraining orders (TROs) and preliminary injunctions (PIs), as well as a handful of permanent injunctions and summary judgements, issued by the courts on behalf of the plaintiffs. According to an analysis by Ryan Goodman, a law professor at NYU and co-editor-in-chief of *Just Security*, [71 percent](#) of the suits in which the courts have ruled thus far resulted in a TRO or injunction barring the Trump administration from proceeding with its plans. Many of these cases are still winding their way through the court system and are subject to appeal.

Still, the rule of law has been a major impediment to the Trump administration's designs. Many of these cases do not involve the separation of powers or APA challenges referenced above, but [some of them](#) do. We discuss some noteworthy cases below, including judges' orders blocking the administration's efforts to dismantle the Consumer Financial Protection Bureau (CFPB) and the Voice of America (VOA).

Disturbingly, the president and others in his administration have lashed out at judges in response, [calling](#) for federal judges to be [impeached](#). Such statements and actions implicitly threaten to undermine the judicial branch.

During Trump's first 100 days in office, the courts and pressure from public sentiment have undoubtedly stalled some of the president's plans. But Americans should be forewarned: The president is seeking to accumulate even more power in the executive branch at the expense of both Congress and the Judiciary. Trump's actions are an unprecedented assault on the Constitution's carefully constructed separations of power - a balance that is intended to keep one man from becoming a king.

Challenging Elon Musk's role under the U.S. Constitution's Appointment Clause

Article II [requires](#) that the President nominate "Officers of the United States" – i.e. principal officers who wield substantial executive power – "by and with the Advice and Consent of the Senate." For hundreds of years, the president has always sent his nominees for top posts to the Senate for confirmation. While Trump submitted his nominations for Cabinet secretaries in this usual manner – e.g. Secretary of State Marco Rubio, Secretary of Defense Pete Hegseth, and Secretary of Health and Human Services Robert F. Kennedy, Jr., among others – he did not submit his nomination of Elon Musk to lead a new entity that operates across all the Cabinet secretaries' departments.

On his first day in office, Trump [issued an executive order](#) commandeering the U.S. Digital Service, renaming it D.O.G.E., and embedding its members in every single federal agency. Musk exercises such outsized power that Trump included him in the first cabinet meeting, where Musk [spoke more](#) than any individual besides the president. As the controversies over D.O.G.E.'s work grew, so did the White House's attempts to obfuscate Musk's role as an unconfirmed, *de facto* cabinet secretary. The Trump administration has gone so far as to [identify someone else as D.O.G.E.'s head](#).

Trump's appointment of Musk is still being litigated in the courts. In February, more than two dozen current and former employees of the U.S. Agency for International Development (USAID) [sued Musk and D.O.G.E.](#), alleging that Musk's actions violate the Appointments Clause. Prior to the Trump administration's swift dismantling of USAID, it [was](#) "the principal U.S. agency to extend assistance to countries recovering from disaster, trying to escape poverty, and engaging in democratic reforms." A district court judge [ruled in favor](#) of the plaintiffs' Appointments Clause claims, finding that Musk had assumed authorities that were not properly delegated to him, and issued a preliminary injunction temporarily blocking the administration's attack on USAID. A higher court [disagreed](#), claiming that news reports and social media posts (in which Musk openly [bragged](#) about [dissolving](#) USAID) were somehow not appropriate evidence, and the case is pending appeal. USAID remains effectively shuttered to this day.

Still, it's clear that Musk has played a leading role in the Trump administration's attempt to eviscerate the federal government. Musk's animosity for USAID and other federal agencies is well-known. Last year, USAID [launched a probe](#) into Starlink satellites in the war in Ukraine. And in early February, as USAID was being dismembered, Musk [announced](#) on his X account: "We spent the weekend feeding USAID into the woodchipper."

Challenging the Trump administration's actions based on the separation of powers

USAID was [initially created](#) by an Executive Order signed by President John F. Kennedy, Jr. But it was [later re-established](#) as its own independent agency by an act of Congress. And that reveals the fundamental problem with the Trump administration's actions: the executive branch is shutting down federal agencies created by Congress. This is a fundamental threat to the principle of *separations of power* enshrined in the Constitution.

The Consumer Financial Protection Bureau (CFPB) is another agency targeted by Musk and others in the Trump administration. In 2011, the CFPB was [established](#) by Congress as a part of the [Dodd-Frank Act](#) to serve as a watchdog group protecting American consumers. It was created in the wake of the 2007-2008 financial crisis, which was caused by "reckless practices in

the mortgage industry” that “trapped millions of homeowners in mortgages they could not afford.” The CFPB also [worked](#) to protect consumers in the crises that followed, including during the COVID-19 pandemic. Consumers [received](#) billions of dollars in relief thanks to the CFPB’s watchdog work.

On Feb. 7, Musk posted an ominous note on X: “[CFPB RIP](#).” Russell Vought, the Acting Director of the CFPB, [announced](#) on X the next day (Feb. 8) that the CFPB would not be taking “its next draw of unappropriated funding because it is not ‘reasonably necessary’ to carry out its duties” – meaning he wanted the agency’s funds to run dry. In an email that same day, Vought [ordered](#) the entire CFPB workforce to cease “all supervision and examination” and “all stakeholder engagement.” As [reported](#) by the *New York Times*, Vought’s instructions “effectively” shuttered the CFPB’s “operations.” Vought’s ideological animus for the agency is well-known, as he has referred to it as “[woke and weaponized](#).”

The National Treasury Employees Union (NTEU), which [represents](#) the CFPB and 36 other departments and offices, sued to block Trump and Vought from shuttering the CFPB. “In defiance of Congress’s role in our constitutional system and the separation of powers,” the NTEU [stated](#) in its announcement of the suit, “President Trump has openly declared his intent to ‘totally eliminate’ the CFPB, and the defendants are acting quickly to carry out that direction.”

On Mar. 28, District Judge Amy Berman Jackson [granted](#) the NTEU a preliminary injunction. The plaintiffs alleged that the Trump’s administration’s actions “violated both the separation of powers inherent in the Constitution and the statute that created the [CFPB],” Judge Jackson wrote. The judge evaluated the plaintiffs claims, [ruling](#) that they were likely to win on the merits. The administration pretended that it was not truly interested in closing down the CFPB entirely, but Judge Jackson rejected this as spin, finding that the government has “absolutely no intention of operating the CFPB at all.” In other words, the Trump administration was attempting to shutter an agency established by Congress under its Article I powers.

“It is fundamental to the separation of powers embodied in the Constitution that ‘[t]he President’s power . . . must stem from either an act of Congress or from the Constitution itself,’” Judge Jackson [wrote](#), citing the Supreme Court’s *Youngstown* decision. “Defendants [the Trump administration] do not even try to maintain that the Constitution or any statute accorded the President the authority to dismantle the agency.” The judge explained that the president “is free to propose legislation to Congress to accomplish this aim,” meaning shuttering the CFPB, but the administration is “not free to eliminate an agency created by statute on their own, and certainly not before the Court has had an opportunity to rule on the merits of the plaintiffs’ challenge.”

On Apr. 28, a three-judge appellate panel [voted](#) 2-1 to uphold Judge Jackson’s temporary ban on mass layoffs at the CFPB until at least the middle of May. The CFPB case is not the only lawsuit

challenging the administration's actions as an infringement of the constitution's separation of powers. For instance, also on Apr. 28, a "coalition of labor unions, local governments and nonprofits" [sued](#) the Trump administration on the same grounds, alleging that D.O.G.E.'s cuts to the federal workforce "violate the Constitution's separation of powers."

Such lawsuits highlight how the Trump team is acting with complete disregard for the enumerated powers of Congress.

Challenging the Trump administration's executive overreach under Administrative Procedure Act

In fact, The Trump administration's effort to remake the federal government and other radical policies have triggered [more than 200](#) lawsuits. Many of these suits [allege](#) that the administration's actions violate the [Administrative Procedure Act](#) (APA). Signed into law by President Harry S. Truman in [1946](#), the APA is a key statute, [governing](#) the "process by which federal agencies develop and issue regulations." The APA [sets](#) "forth rulemaking procedures" and "addresses other agency actions such as issuance of policy statements, licenses, and permits." Importantly, the APA also [established](#) "standards for judicial review if a person has been adversely affected or aggrieved by an agency action."

Through the first 100 days of the second Trump administration, plaintiffs have sued the administration [alleging](#) violations of the APA in a variety of cases. The courts have not relied exclusively on the APA when evaluating the administration's moves. Federal judges regularly examine multiple plaintiff allegations at once, such as that the administration's actions concurrently violated other statutes, as well as the aforementioned constitutional separation of powers principles. Still, challenging the government's actions under the APA is one of the principal ways in which plaintiffs have sought to stop the administration from taking a wrecking ball to federal agencies and other American institutions.

On Mar. 14, Trump [signed](#) Executive Order 14238, titled: "Continuing the Reduction of the Federal Bureaucracy." The order called for several "governmental entities," including the United States Agency for Global Media (USAGM), to "be eliminated to the maximum extent consistent with applicable law, and such entities shall reduce the performance of their statutory functions and associated personnel to the minimum presence and function required by law." The USAGM is the [umbrella entity](#) for well-known, government-supported media brands, including Voice of America, Radio Free Asia, and the Middle East Broadcasting Networks.

On Mar. 15, the White House published [an article](#) entitled, "The Voice of Radical America," making it clear that its reasons for shuttering the VOA and its affiliates were purely ideological. It reads: "President Donald J. Trump's [EO] on Friday will ensure that taxpayers are no longer on

the hook for radical propaganda.” The article also cited a former VOA journalist who accused it of having a “leftist bias.” As a result of Trump’s executive order, [more than 1,000 VOA employees](#) were placed on administrative leave. At the time, VOA’s content reached [more than 360 million people](#), many of whom lived under the yoke of repressive regimes. It then suddenly stopped broadcasting.

On Apr. 22, Judge Royce Lamberth [issued](#) a preliminary injunction barring the Trump administration from completing its dismantling of the USGAM. The judge’s order also requires the Trump administration to “take all necessary steps to return” the more than 1,000 employees placed on administrative leave to employment. Judge Lamberth relied heavily on the APA in his ruling.

As [summarized](#) by Judge Lamberth, the APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.” An agency is determined to have acted “arbitrarily and capriciously” when it does not “supply a reasoned analysis” for its policy changes. The judge found that the Trump administration’s actions were just that: arbitrary and capricious. Not only did the Trump administration fail to provide a “reasoned analysis” for its actions, but the judge also criticized the government for the “absence of any analysis whatsoever.”

Plaintiffs have alleged that the Trump administration’s actions violated the APA in a variety of other contexts as well, including cases involving the Trump administration’s: [attempt to strip birthright citizenship](#) from citizens, [deportation of migrants](#) under the Alien Enemies Act, [threat to withhold federal funds](#) if the state of Minnesota does not comply with the president’s ban on transgender athletes, withholding of [congressionally appropriated foreign aid](#), and [attempt to dismantle](#) the Congressionally-established Federal Mediation and Conciliation Service (FMCS). Recently, Harvard University also [sued](#) the administration on the same grounds, claiming that the administration’s threats to withhold \$2.2 billion in grants and other punitive actions violate the APA.

Defying the courts and attacking judges

On his first day in office, Trump ignored a Supreme Court ruling. Due to immense national security concerns, a very rare bipartisan cross-section of Congress [passed a law](#) that was intended to force TikTok’s parent company to sell its U.S. operations or face a ban. The [Supreme Court held](#) the law to be constitutional. Trump, who claims that he received “[billions of views](#)” [on TikTok](#) during the 2024 election campaign, has suspended the law from going into force not once, [but twice](#). Neither branch of government has protested Trump’s usurpation of their power.

The executive has defied other court orders. When a district judge [ordered the administration not to deport](#) migrants without notice and opportunity for due process, Trump's team ignored the order and deported them anyway. The administration has ignored judges' orders to shut down its improper impoundment of federal funds. A federal district judge in Rhode Island [found the administration violated](#) his order to lift its freeze on federal funds appropriated by Congress for a coalition of 22 states - an infringement on the legislative branch's Article 1 powers. "Federal law specifies how the Executive should act if it believes that appropriations are inconsistent with the President's priorities — it must ask Congress, not act unilaterally," U.S. District Judge John J. McConnell [wrote](#) in his decision ordering the administration to unfreeze the funds. Judge McConnell [found](#) that the administration's actions violated both the APA and the constitution's separation of powers.

The Trump administration similarly [ignored](#) an order by Chief Judge James Boasberg of the U.S. District Court of the District of Columbia. The judge [ordered](#) that planes taking deportees to El Salvador be turned around so that the detained people could be granted the most basic elements of due process. The executive has gone to such lengths to deceive Boasberg that he is the only judge so far to [find probable cause](#) that Trump's executive branch is in criminal contempt of court. His contempt order was subsequently [paused](#) by a motions panel of the appeals court.

The executive branch has attacked judges, including Boasberg, who attempt to enforce the rule of law against it. Trump [posted](#) that Boasberg "should be IMPEACHED!!!" Others across the executive branch have similarly expressed hostility to the judiciary. White House border czar Tom Homan [said on Fox News](#), "I don't care what the judges think." Musk, when D.O.G.E. faced setbacks in the courts, [posted](#), "A corrupt judge protecting corruption. He needs to be impeached NOW!"

In the country's history, only fifteen federal judges [have been impeached](#) either for criminal conduct, abuse of office, intoxication, or fighting for the Confederacy. Trump's call for Boasberg's impeachment led to a rare public rebuke from Chief Justice John Roberts, who issued a [statement](#): "For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose."

It appears that the Trump administration has also not complied with a Supreme Court ruling, or at least did not do so initially. The executive branch confessed to making an "[administrative error](#)" when it mistakenly deported Kilmar Abrego Garcia to El Salvador's terrorist prison, CECOT. Garcia is [married](#) to a U.S. citizen, a father of U.S. citizens, and worked in construction in Maryland. As explained in an earlier essay in this series, Garcia was one of 261 migrants deported with no due process. A unanimous Supreme Court [held](#) that "the Government should be prepared to share what it can concerning the steps it has taken and the prospect of further steps"

to comply with a lower court's order that "properly requires the Government to 'facilitate' Abrego Garcia's release from custody in El Salvador."

Trump's chief loyalists then proceeded to turn the contents of the Supreme Court's decision inside out. In their [meeting](#) with El Salvadoran president Nayib Bukele in the Oval Office, Attorney General Pam Bondi and Deputy Chief of Staff for Policy Stephen Miller pretended that the Supreme Court had unanimously ruled in the president's favor. "We won a case 9-0," Miller [said](#). The chief law enforcement officer of the country, Bondi, claimed that the Supreme Court had placed the responsibility for releasing Garcia solely on El Salvador. "The Supreme Court ruled President [Trump] that if, as El Salvador wants to return him, this is international matters, foreign affairs," Bondi said. "If they wanted to return him, we would facilitate it, meaning provide a plane," she added. The comments made by Miller and Bondi are clearly at odds with the [plain text](#) of the Supreme Court's ruling.

On Apr. 18, the Supreme Court [issued a rushed statement](#) enjoining the administration from deporting a class of migrants under the Alien Enemies Act. Only conservative Justices Samuel Alito and Clarence Thomas protested that move.

It's now up to the administration to comply, or not, with the courts' rulings in the cases described above – and many more. But the administration will undoubtedly continue to test and defy the constitutional principle of the separation of powers in the coming months.

TRUMP'S ASSAULT ON FREE SPEECH & LABOR: HOW THE MEDIA, UNIVERSITIES AND UNIONS ARE FIGHTING BACK

Autocracy vs. Democracy in America: The First 100 Days



By Tom Joscelyn, Gabe Lezra and Kerry Mackenzie

President Donald Trump portrays himself as a defender of free speech. Within hours of his inauguration on Jan. 20, he signed a flurry of executive orders, one of which – titled “[Restoring Freedom of Speech and Ending Federal Censorship](#)” – was supposedly intended to defend Americans’ First Amendment rights. Trump accused his predecessors in the Biden administration of “exerting substantial coercive pressure on third parties...to moderate, deplatform, or otherwise suppress speech that the Federal Government did not approve.”

The executive order was a stunning example of hypocrisy – even for Trump.

During the first 100 days of his second administration, Trump has abused the power of the executive branch to exert “coercive pressure” on the press, universities and even students – all with the goal of suppressing speech he does not approve of or finds threatening to his extreme agenda. He has also sought to end the collective bargaining rights of federal labor unions - a move that is intended to weaken organized labor, a key buttress of civil society. But the media, the universities and the unions are fighting back.

As we explain more fully below, a federal judge has already [found](#) that the Trump administration violated the First Amendment rights of the *Associated Press* (AP) by attempting to enforce a “constitutionally unacceptable” ban on the media outlet. The White House barred the AP, one of the world’s leading news services, from official events after it refused to adopt Trump’s childish attempt to rename the Gulf of Mexico as the “Gulf of America.” When the AP refused to comply with Trump’s demand, the White House barred its journalists and photographers from official events - a constitutionally prohibited form of “viewpoint discrimination” that has been [blocked](#) by the courts.

Another federal judge has ordered the Trump administration to [halt](#) its dismantling of Voice of America (VOA), a news outlet established by Congress [to combat Nazi propaganda](#) during World War II. On Mar. 14, Trump signed an executive order calling for the staff of the United States Agency for Global Media (USAGM), the parent agency of VOA and its affiliates, to be reduced “to the minimum presence and function required by law.” More than 1,000 employees and contractors were put on administrative leave as a result. And millions of the VOA’s were

deprived of its neutral, fact-based coverage. But the court has [ordered](#) the administration to “take all necessary steps to return” the employees to work.

These court successes have stymied Trump’s agenda for suppressing the freedom of the press. But the media remains under attack. The president has unleashed the Federal Communications Commission (FCC) on other leading news organizations, including PBS, NPR, ABC, CBS, and NBC. The FCC has launched “investigations” into the media companies’ diversity, equity and inclusion (DEI) policies in an attempt to coerce them into abandoning their multicultural values.

Trump is also seeking to undermine the academic freedom of America’s top universities. The administration has withheld research grant money, demanding that universities acquiesce to a series of demands before the funds are relinquished. The administration’s demands have often focused on the universities’ DEI policies. But here, once again, the courts have thrown a monkey wrench in Trump’s radical agenda. On Apr. 24, courts in three separate states [ruled](#) that the administration cannot cut off funds to the universities simply because of their DEI practices.

The Trump administration’s attempt to undermine the rights of union workers has been met with resistance in the courts as well. The National Treasury Employees Union (NTEU) [filed](#) a suit challenging an Executive Order that is intended to undermine the collective bargaining for federal employees. The NTEU has [earned](#) a preliminary injunction halting Trump’s ability to terminate agreements.

Below, we provide more details concerning each line of the Trump administration’s attacks on the media and civil society. But the picture we paint is merely a sketch – an outline of Trump’s 100-day assault on Americans’ First Amendment rights, press freedom, academic freedom and the democratic power of labor. The administration’s attacks have not gone unanswered. Instead, Trump is learning that civil society is far stronger than he anticipated.

A federal judge blocked the Trump administration’s “constitutionally unacceptable” ban of the Associated Press

A federal court has found that White House officials are likely guilty of violating the Associated Press’s First Amendment rights. That violation came about after the president began calling the Gulf of Mexico the “Gulf of America.” It’s tempting to dismiss Trump’s renaming as a gimmick, an example of his asinine jingoism. Even in this example, however, Trump’s desire for unchecked power becomes clear, as he has tried to force the press to comply with his new naming convention.

On Feb. 11, the Trump administration [barred](#) AP reporters from White House press events, including in the Oval Office, as well as from covering the president’s travels on board Air Force

One. Ten days later, on Feb. 21, the AP [filed suit](#) against several White House officials, claiming that the ban violated its Fifth Amendment right to due process and its First Amendment rights, as the outlet has covered the presidency “for over a century.” The matter came before U.S. District Judge Trevor N. McFadden in the District of Columbia.

On Apr. 8, Judge McFadden [issued](#) a preliminary injunction barring the White House from continuing to ban the AP from White House events. The judge found that the AP was likely to succeed in its First Amendment claim, namely that it had been harmed by the White House’s “viewpoint discrimination.” Judge McFadden was careful to explain how Trump’s White House had crossed the line into suppressing free speech. He made it clear that his injunction “does not limit the various permissible reasons the Government may have for excluding journalists from limited-access events.” For example, the judge did “not mandate that all eligible journalists, or indeed any journalists at all, be given access to the President or nonpublic government spaces.” Nor did Judge McFadden “prohibit government officials from freely choosing which journalists to sit down with for interviews or which ones’ questions they answer.” And the judge’s preliminary injunction “certainly does not prevent senior officials from publicly expressing their own views.”

However, Judge McFadden found “that under the First Amendment, if the Government opens its doors to some journalists—be it to the Oval Office, the East Room, or elsewhere—it cannot then shut those doors to other journalists because of their viewpoints. The Constitution requires no less.” And that’s what the evidence reviewed by the court shows in this case – the White House had barred the AP simply because it wouldn’t comply with Trump’s preferred name for the Gulf of Mexico. Indeed, the Trump administration offered “no other plausible explanation for its treatment of the AP.” According to testimony received by the court, White House Press Secretary Karoline Leavitt told AP Chief White House Correspondent Zeke Miller that, “at President Trump’s direction, the AP would no longer be permitted in the Oval Office as part of the press pool until and unless the AP revised its Stylebook” to replace Gulf of Mexico with “Gulf of America.”

Judge McFadden stressed that the AP “does not have a constitutional right to enter the Oval Office,” but it “does have a right to not be excluded because of its viewpoint” and the Trump White House’s “viewpoint-based criteria are constitutionally unacceptable.” McFadden made it clear the court’s injunction “merely declares that the AP’s exclusion has been contrary to the First Amendment, and it enjoins the Government from continuing down that unlawful path.”

Another federal judge has halted the administration’s dismantling of the VOA and its affiliates

Trump has targeted the VOA since his first administration. “If you heard what's coming out of the Voice of America, it's disgusting. What – things they say are disgusting toward our country,” Trump [said](#) during a briefing in the Rose Garden on Apr. 15, 2020. But Trump’s first attempts to gut the agency were [stopped](#) by a court injunction. When Trump returned to power in January, he also revisited his attempt to shutter the agency and its affiliates.

On Mar. 14, Trump signed an executive order that effectively dismantled the VOA. On Mar. 15, the White House published [an article](#) entitled, “The Voice of Radical America.” It reads: “President Donald J. Trump’s [EO] on Friday will ensure that taxpayers are no longer on the hook for radical propaganda.” The article also cited a former VOA journalist who accused it of having a “leftist bias.”

As a result of Trump’s executive order, [more than 1,000 VOA employees](#) were placed on administrative leave. At the time, its content also reached [more than 360 million people](#), many of whom lived under the yoke of repressive regimes. It then went dark.

More than a month later, on Apr. 22, U.S. District Judge Royce Lamberth [granted](#) a preliminary injunction to a group of VOA employees who sued the administration. The injunction barred the administration from taking any further action. Judge Lamberth also ordered the administration to “take all necessary steps to return” staff to the previous levels of employment. The judge [did not address](#) the plaintiffs’ First Amendment claims, [finding](#) that the administration violated the Administrative Protective Act and “constitutional separation of powers principles.” That is, the VOA and its affiliates were established and are funded by Congress, and the executive branch has no constitutional power to shutter it.

Still, the judge noted that the Trump administration’s First Amendment defenses were ludicrous. The administration’s lawyers claimed that shutting down VOA could not run afoul of “viewpoint discrimination” (and therefore violate the First Amendment) because the entirety of the agency was shuttered, not just part of it. Judge Lamberth explained that it cannot be the case that by shutting down all content at an agency, which current leadership has deemed ‘radical’ and ‘so far to the left’ that the administration had “avoided any First Amendment transgressions.”

Put another way, the Trump administration sought to close VOA to put an end to speech it does not approve of.

Abusing the regulatory power of the FCC to intimidate media companies

The Federal Communications Commission (FCC), [established](#) in 1934, has long been an apolitical institution. The FCC’s website [states](#) that it is an “independent U.S. government agency overseen by Congress” and is “responsible for implementing and enforcing America’s

communications law and regulations.” But under President Trump, the FCC has already deviated from its historical mission by using its regulatory power as a cudgel for the American right in the culture wars.

Since January 2025, the FCC has announced a series of investigations into media companies. The investigations have nothing to do with the agency’s traditional areas of inquiry, including competition or technology. Instead, Trump’s monocultural loyalists are using the FCC to undermine the multicultural values held by many Americans. The FCC has portrayed diversity, equity and inclusion (DEI) policies enacted at private companies as discriminatory, threatening to punish these same entities if they do not change their ways.

The FCC’s attack on DEI is a part of the Trump administration’s overall agenda to reshape America’s multicultural society. In one of his first executive orders, for example, Trump [ordered an end to DEI policies](#) across the federal government, describing them as “illegal and immoral discrimination programs.” The FCC is leading Trump’s anti-DEI campaign far outside the halls of government and into the private media sector. Although DEI policies were enacted by corporations to combat discrimination, the FCC now portrays them as a potential violation of the agency’s equal employment opportunity regulations.

President Trump’s FCC Chairman, Brendan Carr, has made no secret of his belligerent approach to the American media. In late November 2024, after Trump nominated Carr to be his FCC head, Carr [posted on X](#) (formerly Twitter): “Broadcast licenses are not sacred cows. These media companies are required by law to operate in the public interest. If they don’t, they are going to be held accountable, as the Communication Act requires.” Carr’s threatening comment came in response to a [post](#) by the *Los Angeles Times*, which linked to an article that explained how Carr could “make life more difficult for media companies.” Carr did not run from this allegation; he embraced it. And his phrasing – that companies are “required by law to operate in the public interest” – was ominous. Carr, who [authored](#) a chapter in the Heritage Foundation’s radical Project 2025 agenda for restructuring the government, would determine for himself what was in the “public interest.”

Carr’s first targets included National Public Radio (NPR) and Public Broadcasting Station (PBS), both of which are part of the Corporation for Public Broadcasting, a longtime bogeyman of the American right, which sees them as being too liberal and biased against conservative causes. In [a Jan. 29 letter](#) to both organizations, Carr wrote that he had “asked the FCC’s Enforcement Bureau to open an investigation regarding the airing of NPR and PBS programming across your broadcast member stations.” Carr claimed that he was “concerned that NPR and PBS broadcasts could be violating federal law by airing commercials” on behalf of for-profit entities. He informed the organizations that he was “providing a copy of this letter to relevant Members of Congress because I believe this FCC investigation may prove relevant to an ongoing legislative

debate” regarding public funding for both entities. “For my own part, I do not see a reason why Congress should continue sending taxpayer dollars to NPR and PBS given the changes in the media marketplace since the passage of the Public Broadcasting Act of 1967,” Carr wrote.

While Carr claimed that he was merely concerned about NPR and PBS “being used to support a for profit endeavor or an entity,” conservatives’ hostility to both broadcasters is well known. Mike Gonzalez, one of Carr’s co-authors in Heritage’s Project 2025, [called](#) on the “next conservative President” to “finally get this done,” meaning cut federal funding for the broadcasters, because “public broadcasting immediately became a liberal forum for public affairs and journalism.” Russel Vought, Trump’s director for the Office of Budget and Management (OMB), has [championed cuts](#) to both media entities. Vought also [authored a chapter](#) in the Project 2025 playbook, advocating for a conservative president to take a wrecking ball to the federal government’s bureaucracy. “We have known for decades that they put out liberal information,” Vought [said](#) during an Apr. 16 interview on Fox News. “We didn’t necessarily know...the extent over the last several years the way they are almost pioneering the cultural indoctrination of our kids, putting drag queens in children’s programs, doing documentaries on pushing for reparations and dividing a country on the basis of race,” Vought added.

That is, the FCC’s attack on NPR and PBS is part of the American right’s cultural war – and not a legitimate regulatory pursuit. President Trump [unsuccessfully tried](#) to cut federal funding for the corporations during his first term. With the FCC’s help, he is aggressively attempting to do so once again.

Carr has also sent such threatening letters to leading broadcast television companies such as [Disney](#) (which owns ABC) and [Comcast](#) (which owns NBCUniversal). In both instances, Carr targeted the companies’ DEI policies – another indication that the FCC’s regulatory interests under Trump are driven by culture war issues.

For example, in a Mar. 27, 2025 [letter](#), Carr informed Disney CEO Bob Iger that he had asked the agency’s enforcement bureau to “to open an investigation into Disney and ABC” to “ensure” that they “have not been violating FCC equal employment opportunity regulations by promoting invidious forms of DEI discrimination.” Carr repeatedly used the word “invidious,” which [can mean](#) “of a kind to cause harm or resentment” or “tending to cause discontent, animosity, or envy,” to describe Disney’s DEI policies. (Carr used the same phrasing throughout his letter to Comcast/NBCUniversal.) Nowhere in the letter did Carr identify which parties were supposedly harmed by the policies. Nor did he identify which parties were likely to be made resentful and envious by them. But the racial and gender undertones of Carr’s correspondence are obvious. “While I have seen reports that Disney recently walked back some of its DEI programs,” Carr wrote, “significant concerns remain.”

The Trump administration's campaign to eliminate DEI has already had consequences throughout the media industry. Thomson Reuters, the parent company of the wire service sharing the same name, has [already dropped](#) the word "diversity" to "[ensure ongoing compliance](#)" with Trump's anti-DEI executive orders. And PBS, much maligned by conservatives, has shuttered its DEI office. "In order to best ensure we are in compliance with the President's executive order around Diversity, Equity, and Inclusion we have closed our DEI office," PBS [explained](#) in a statement to its sister company, NPR.

Under Carr's leadership, the FCC also reopened a spurious investigation into CBS News and its parent company, Paramount. That inquiry involves a complaint that *60 Minutes* edited an interview with Vice President Kamala Harris during the 2024 presidential election to make her look better. A rightwing organization first [filed a complaint](#) with the FCC in October 2024, claiming that CBS was guilty of "news distortion." The charge is ridiculous - news organizations edit interviews all the time for brevity and clarity. But President Trump has repeatedly complained about *60 Minutes*' editing and other news coverage, [calling on the FCC](#) to revoke CBS News' broadcasting license.

Under the Biden administration, the FCC [dismissed the complaint](#) – finding it lacked merit and would chill free speech. But that didn't stop Carr from reopening it while threatening to use the FCC's power to block Paramount's corporate interests. Paramount Global (the parent company for CBS News) [needs](#) the FCC's approval to consummate a proposed merger with Skydance Media. "That news distortion complaint over the CBS '60 Minutes' transcript is something that's likely to arise in the context of the FCC's review of that transaction," Carr has [warned](#). Therefore, Carr is at least willing to hold up a business transaction because of President Trump's grievance against *60 Minutes* – an abuse of power.

Make no mistake: The FCC's actions are a threat to Americans' First Amendment rights. In a [parting letter](#), dated Jan. 16, 2025, outgoing FCC Chairwoman Jessica Rosenworcel (a Democrat) issued a warning for her fellow Americans. The title of her missive, "Preserving the First Amendment," is an indication of how dire the threat to free speech would become in just days after her departure. Rosenworcel warned that the FCC "should not be the President's speech police" and "should not be journalism's censor-in-chief."

It's clear that President Trump and new FCC Chairman Brendan Carr disagree.

How the Trump administration is attempting to undermine academic freedom

The Oct. 7, 2023 terrorist attack in Israel was horrifying. Hamas and its partners [murdered](#) approximately 1,200 people, including 40 Americans, and kidnapped 251 others, including 12 Americans. The aftermath revealed a shocking level of anti-Semitism on American college

campuses – a problem that has plagued universities. The response to the attack has also been controversial, as the Israelis leveled blocks of Gaza, displacing or killing countless civilians in the process.

Trump quickly moved to insert himself and his administration into the controversies – taking advantage of the rancor on college campuses to threaten academic freedom and the free speech rights of international students. Trump has vowed to “[reclaim](#)” universities. And his administration is using culture war issues – such as anti-Semitism on campus, DEI policies, and transgender rights – as pretexts to do it.

On Jan. 29, President Trump issued an [executive order](#) stating that his administration would use “all available and appropriate legal tools, to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.” The administration then [formed](#) a multi-agency Task Force to Combat Anti-Semitism. The task force includes representatives from the Department of Justice (DOJ), U.S. Department of Education, U.S. Department of Health and Human Services, and other agencies.

On Mar. 10, the Department of Education [announced](#) that it had “sent letters to 60 institutions of higher education warning them of potential enforcement actions if they do not fulfill their obligations under Title VI of the Civil Rights Act to protect Jewish students on campus, including uninterrupted access to campus facilities and educational opportunities.” The anti-Semitism task force also initiated inquiries into and/or cut off federal funds for several leading universities, including: [Brown](#), [Columbia](#), [Cornell](#), [Northwestern](#), [Princeton](#), and [Harvard](#). In total, the Trump administration froze *billions of dollars* in research grants. Although the administration cut off these funds in the name of fighting campus anti-Semitism, the grant money has [little to do](#) with campus activism, as much of it covered [medical](#) and [health research](#), or related [positions](#).

Columbia was the first major university to find itself in the Trump administration’s crosshairs. After the administration froze \$400 million in federal grants, the university agreed to a [series of concessions](#), including to change its policies concerning protests, security on campus and even to [appoint new leadership](#) to oversee its Middle Eastern department. What’s remarkable about Columbia’s concessions -- in addition to the cowardice displayed by the university’s leadership -- is that the crisis on campus had been largely quelled months earlier when police were called in to disband encampments, [arresting](#) more than 100 pro-Palestinian protesters in the process. One can criticize Columbia’s slow response to the protesters’ lawlessness, but that crisis had largely abated long before Trump was inaugurated for a second time.

While Columbia folded under pressure, other leading universities, including [Princeton](#), [Harvard](#) and [Tufts](#) have fought back. And more than 220 academic leaders have [published a statement](#)

opposing the Trump administration's attacks on Harvard and higher learning. Writing for [*The Atlantic*](#), Chris Eisgruber, the president of Princeton described the Trump administration's attack on Columbia as the "greatest threat to American universities since the Red Scare of the 1950s." He added: "Every American should be concerned." In an interview with [*The New York Times*](#), Eisgruber explained that even before Trump's anti-Semitism task force got to work, the administration began making "precipitous threats to funding streams," freezing research funding and imposing "severe caps on what are known as facilities and administration recoveries or overhead cost charges," which "apply to very real costs of research."

Put simply: The Trump administration wants to gut America's university system.

Harvard University has filed suit against the Trump administration to halt its attack. On Apr. 11, the Trump administration [sent](#) the university a [list of demands](#), including that it discontinue DEI policies, reform programs that supposedly have "[e]gregious [r]ecords" of anti-Semitism, audit professors for plagiarism, report to the government any international students accused of wrongdoing, and ensure that departments were "viewpoint diverse." The administration also announced a [freeze of \\$2.2 billion](#) in research grants to Harvard, money that has little to [nothing to do](#) with campus activism, and [considered](#) revoking the university's tax exempt status.

Harvard swiftly rejected the Trump administration's demands. Harvard's president, Alan Gruber, [issued a statement](#) that reads in part:

The administration's prescription goes beyond the power of the federal government. IT violates Harvard's First Amendment rights and exceeds the statutory limits of the government's authority under Title VI. And it threatens our values as a private institution devoted to the pursuit, production, and dissemination of knowledge. No government—regardless of which party is in power—should dictate what private universities can teach, whom they can admit and hire, and which areas of study and inquiry they can pursue.

In its [suit](#), Harvard claims that the administration's actions "flout not just the First Amendment, but also federal laws and regulations." Harvard pointed to Trump's own statements, which make it clear that his administration is waging a culture war on America's multicultural universities. In an Apr. 16 statement on Truth Social, Trump [wrote](#): "Harvard has been hiring almost all woke, Radical Left, idiots and 'birdbrains' who are only capable of teaching FAILURE to students and so-called 'future leaders.'" Obviously, none of those criticisms have anything to do with combating anti-Semitism on college campuses.

The Trump administration has sought to undermine the freedom of universities in other ways as well. For instance, on Mar. 14, the Department of Education [announced](#) that it had opened

investigations into 45 universities as part of an effort “to end the use of racial preferences and stereotypes in education programs and activities.” That language was an obvious reference to DEI policies. The administration also [froze \\$175 million](#) in federal funding for the University of Pennsylvania because it allowed a transgender woman to compete in women’s sports nearly three years earlier. And the administration has [paused federal funding](#) for the University of Maine system after the state’s governor, Janet Mills (D), refused to bow to Trump’s prohibition on transgender athletes. While the administration is using the Department of Education’s power as a weapon in the culture war, it is also simultaneously seeking to shut it down.

Some of the administration’s attacks are being thwarted in the courts. For instance, on Apr. 24, federal judges in three states - Maryland, New Hampshire and Washington, D.C. - all [ruled](#) that the government cannot withhold federal grants in protest to universities’ DEI policies.

Well-funded universities may be able to weather Trump’s storm, but the human costs of the administration’s actions within the first 100 days should not be discounted. According to [Inside Higher Ed](#), more than 1,800 “international students and recent graduates” have had “their legal status changed by the State Department” since the administration began cracking down on academic freedom and immigration. In many cases, it appears the administration is kicking students out of the United States of America purely for their speech.

For instance, immigration officials [detained](#) and sought to deport Rümeyza Öztürk, even though the State Department [found no evidence](#) that she engaged in anti-Semitic activities or supported terrorist organizations, including Hamas. It appears the administration is punishing Ms. Öztürk purely for an [op-ed she co-authored](#) that was critical of Israel’s actions. That same op-ed contains no mention of Hamas. And the administration has moved to [deport Mahmoud Khalil](#), a Palestinian activist who engaged in protests at Columbia, [without alleging](#) that he committed any crimes.

Trump claims that he is a defender of free speech. His actions tell a very different story – one of an aspiring autocrat who seeks to suppress the speech of anyone who disagrees with him and his policies.

Trump’s war on unions

President Trump also portrays himself as a defender of unions. His record, once again, tells a very different story. During the 2024 presidential election, the International Brotherhood of Teamsters was reportedly [considering](#) endorsing Trump after a meeting in which the presidential candidate boasted that he had won the support of a significant chunk of union voters. While the Teamsters ultimately [declined](#) to endorse either presidential candidate, union leader Sean O’Brien [was given](#) a prominent speaking slot at the Republican National Convention – a significant break in the union’s historical political alignment.

Despite this seeming realignment, Trump has spent his first 100 days in office launching a full-scale offensive against labor unions, guided in part by [plans laid out](#) in the conservative Heritage Foundation's Project 2025. Buoyed by [chainsaw wielding](#) Department of Government Efficiency (D.O.G.E.) leader Elon Musk, Trump has set his sights on destroying federal employee unions, targeting union contracts and aiming to strip workers of their collective bargaining rights. The president is intentionally [undermining](#) the National Labor Relations Board (NLRB) – the federal agency that protects workers' rights to organize, and supports private sector unions.

Unions and their civil society partners are countering the administration's assault on labor rights with lawsuits, some of which have already yielded success. As the Trump-Musk regime attempts to intimidate, harass, and isolate organized labor, unions and their allies are standing in solidarity, fighting to protect the millions of workers across America who benefit from union membership.

The administration's hostile Takeover of the NLRB

Trump's first strike against unions came just days after his swearing in. Trump's [firing](#) of NLRB General Counsel Jennifer Abruzzo, a Biden appointee and union champion, was not "a surprise," NPR reported. But his "unprecedented" decision to terminate Democratic NLRB board member Gwynne Wilcox sent shockwaves through the entire labor force. That's because Wilcox's ouster left the board short of an operational quorum, crippling the NLRB, which is [unable](#) to fulfill some of its essential duties, such as ensuring fair union elections and resolving appeals in unfair labor practice cases. Given that the NLRB [received](#) over 3,000 union election petitions and close to 400 unfair labor and representation practice cases in 2024, the body's hobbled state leaves millions of workers with a weakened ability to ensure fair union elections and thousands more without the ability to achieve justice against unscrupulous employers.

The NLRB has also suffered from attacks by Musk's D.O.G.E. In a particularly egregious—and deeply inefficient—attack on the agency, D.O.G.E. decided to [terminate](#) the leases of half a dozen NLRB regional offices across the country, leaving employees who are already struggling with increased caseloads without a place to work and the federal agency with a functional inability to comply with the D.O.G.E.-inspired return to work orders. Labor leaders have [expressed](#) concerns that these terminations, especially if they are combined with a potential reduction in force order, will leave NLRB regional offices unable to effectively administer union elections and bring unfair labor cases.

Further, bombshell whistleblower [allegations](#) are emerging that a team of D.O.G.E. employees accessed and potentially shared sensitive NLRB information on unions, ongoing legal cases, and corporate secrets – before scrubbing records of their activities. This sensitive information could be [weaponized](#) to buoy Musk's private legal actions against the agency, including a suit that [argued](#) against the NLRB's existence.

The Trump administration's retaliation against federal unions

Federal labor unions have been bravely leading the fight against some of Trump's worst attacks on federal workers, challenging his and Musk's attempts to cut the federal workforce and subject workers to confusing and intimidating workplace directives. Early in the Trump-Musk regime, federal labor unions [fought](#) to nullify an Office of Personnel Management (OPM) directive forcing workers to return to their offices in person, arguing that the order violated hard-won union contracts spelling out employee's telework freedoms—contracts which Trump and OPM [continue](#) to challenge and illegally ignore.

Trump's retaliation has been swift. Building on his early unjust [termination](#) of a collective bargaining agreement with tens of thousands of Transportation Security Administration employees, Trump [issued](#) an executive order that sought to end collective bargaining with federal labor unions across much of the federal government under the sham banner of advancing national security. Consequently, OPM [issued](#) a memo instructing over 18 departments and their complement agencies—including Departments of State, Defense, Veterans Affairs, Energy, Health and Human Services, Treasury, Justice, Commerce, and parts of Homeland Security—to terminate their collective bargaining agreements. The memo attempts to [strip](#) over 600,000 federal employees' union representation, preventing them from winning new contracts to improve working conditions and fight Trump and Musk's hostile takeover of the federal workforce.

OPM's actions have already had disastrous impacts to union budgets, as agencies are [halting](#) the automatic deduction of union dues from federal worker paychecks. And, Trump's decision to decimate the Federal Labor Relations Authority (FLRA), the agency that adjudicates federal sector labor issues and acts in defense of federal unions' rights, by [firing](#) its Chairwoman Susan Tsui Grundman, complicates unions' ability to fight for workers.

Labor fights back

Trump's attack on unions has been full-force, but so has his opposition. Unions and their legal allies are suing to stop Trump on all fronts, working to defend the NLRB, the FLRA and federal unions. And they are winning far more than they are losing. As their legal victories accumulate, unions and their allies are scoring immense victories in the court of public opinion—as members of Congress, grassroots activists and groups, with some bipartisan backing, and everyday Americans come to their defense.

Wrongfully removed NLRB Commissioner Wilcox [sued](#) for her reinstatement to the NLRB, supported by an outpouring of amicus briefs, including one [penned](#) by 20 Attorneys General. After the case ping-ponged through courts, the full D.C. Circuit [granted](#) her reinstatement in early April. While the U.S. Supreme Court (SCOTUS) [stayed](#) this decision, Wilcox's team [enters](#)

arguments in an extremely strong position, as the Department of Justice (DOJ) has little grounds to defend her firing except calling on SCOTUS to adopt an unprecedentedly expansive view of Presidential power. As Wilcox's case makes it through the courts, a bipartisan group of over 265 federal lawmakers [called](#) for her reinstatement, while citizens [rallied](#) outside the Courthouse.

Significant pressure to protect the NLRB's existing operations is coming from both inside and outside of Congress. After the news broke that D.O.G.E. was shuttering regional NLRB offices, several lawmakers, including Senate Majority Leader Chuck Schumer, [demanded](#) answers and a reversal of course from Musk and NLRB leadership. When NLRB staffers [registered](#) their whistleblower complaint with Senate Intelligence leadership, alleging that D.O.G.E. shared sensitive NLRB data, Ranking Member of the House Committee on Oversight and Government Reform Gerry Connolly [called](#) for an investigation into the complaint's allegations.

Federal unions are similarly winning the fight for their existence inside and outside the halls of Courts. The National Treasury Employees Union [filed](#) a suit challenging Trump's Executive Order undermining collective bargaining for federal employees, [earning](#) a preliminary injunction that halts Trump's ability to terminate agreements. Unions also [launched](#) a similar suit to reinstate TSA employees' inappropriately terminated contract.

Legal victories for federal unions are bolstered by an outpouring of public and private support. Lawmakers in the House introduced a bipartisan bill, the *Protect America's Workforce Act* ([H.R. 2550](#)), that accumulated an impressive 166 cosponsors in a few short weeks. Civil society has in turn rallied, with groups [launching](#) the Federal Workers Legal Defense Network to support federal union members in the fight for their existence.

HOW DONALD TRUMP IS LOSING AND DEMOCRACY IS WINNING

By Norm Eisen and Susan Corke

President Donald Trump came out swinging in round one—his first 100 days. As we explained in the preceding six essays, Trump attempted to pummel America’s democracy into an autocracy during his first 100 days in office. But he failed. Democracy fought back in round one. And a broad coalition of pro-democracy forces has already answered the bell for round two.

The first 100 days have given us a path for victory for our democracy for the remainder of Trump’s term. Make no mistake, there are dark days ahead. Trump will not relinquish his designs on power quietly. But courts of law and public opinion have presented major roadblocks in his path.

Trump has tasked Elon Musk and his D.O.G.E. team with dismantling much of the U.S. government. But recent polling [shows](#) that Musk and his cuts to government agencies are deeply unpopular. As we explained in this report, D.O.G.E.’s activities are also being challenged throughout the courts, often with success. In addition, Musk [failed](#) to buy a conservative candidate a seat on the Wisconsin Supreme Court in a race that decided the balance of power on the court. Now Musk is substantially reducing his role in government.

Trump’s approval rating is also [underwater](#), with widespread doubts rising about his handling of immigration and the economy. As we have documented in detail above, the Trump administration has threatened core rights and the constitution’s carefully constructed balance of power. But the president’s agenda has faced major obstacles in the courts.

Consider just some of the ways in which the president is already losing.

The courts have rejected key parts of Trump’s mass deportation plan, which is also unpopular with the public.

“On day one...We will begin the largest deportation operation in the history of our country,” Trump [promised](#) on the campaign trail last year. Thus far, Trump’s mass deportation plan has failed to materialize. Some assessments [show](#) that Trump is deporting fewer undocumented immigrants than the Biden administration. It’s easy to see why. Polling [shows](#) that most

Americans do not support Trump's existing deportation efforts such as abducting migrants to a prison in El Salvador, including people who were included by mistake. As we explained, the courts – all the way up to the Supreme Court -- have rejected Trump's suspension of due process, a key part of his plan for conducting mass deportations. The courts have rightly reaffirmed that due process is a core constitutional right, including for undocumented immigrants.

The administration could still go through with its designs, but pressure from the courts and the people has ensured that “largest deportation operation” in history still has not begun 100 days into Trump's second term.

Trump's attempt to take control of federal elections has already been partially blocked by the courts.

In March, Trump issued an Executive Order that was part of his brazen attempt to gain control of elections across the country. A federal judge [issued](#) a preliminary injunction preventing the Trump administration from enforcing key provisions in the order. The judge found that Trump had infringed on the authorities of the states and U.S. Congress, as they (and not the president or the executive branch) have the constitutional power to determine the time, place and manner of elections. The courts have ruled against the administration on that same basis in other cases challenging the shuttering of federal agencies established by Congress.

The courts have stood up for the freedom of the press – a core right under the First Amendment.

Trump quickly tried to bully the press in his second term. But once again the courts have stood in his way. When the White House tried to force the *Associated Press* to adopt Trump's juvenile renaming of the Gulf of Mexico as the “Gulf of America,” the news outlet sued – and won. A federal judge [found](#) that the Trump administration violated the *AP*'s First Amendment rights by attempting to enforce a “constitutionally unacceptable” ban on it. The court also ruled that the White House must [reinstate](#) the *AP*. In another case, a federal judge [ordered](#) the administration to halt its dismantling of Voice of America.

The courts have also stood up for other First Amendment rights.

The Trump administration has moved forward with plans to conduct large-scale arrests and deportations of international students attending universities inside the United States. Many of these students have committed no crime and done nothing wrong other than express views the Trump administration disagrees with. Just this week, a federal judge [ruled](#) that students could sue the administration on the basis that the arrests and deportations violate the right to free speech.

Another student was just released on bail. The government's aggressive strategy for deporting and intimidating students has been stalled.

Civil society is standing up to Trump.

As we explained in the final essay, elite universities and unions are increasingly standing up to Trump's attack on academic freedom. While Columbia folded to Trump's pressure, other top schools – such as Harvard and Princeton – have defied the administration's demands. The Trump-Musk regime's effort to undermine the collective bargaining rights of union workers has also awoken a sleeping giant. Again, just this week, a coalition of unions, local governments and nonprofit organizations [filed suit](#) to stop the dismantling of the federal government.

There are many other examples of how Trump has already lost peppered throughout our report on its first 100 days. The road ahead is clear. Donald Trump said he would be a dictator on “day one” if he were elected. He kept trying to be one every day after that. 99 days later he still isn't a dictator. And he will not become one. The first round is over. The bell for round two has now rung. America's democracy is still standing—and is ready to keep fighting back.



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