

White House says it's the judges – not Trump – causing a 'constitutional crisis'

The White House says court rulings going against President Donald Trump's administration are coming from "judicial activists" on the bench whose decisions amount to a "constitutional crisis."

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By Lindsay Whitehurst, Chris Megerian and Michelle L. Price | AP

WASHINGTON — In the weeks since Donald Trump returned to office, Democrats and legal scholars have warned that he's provoking a constitutional crisis by trying to expand his power and ignore laws that stand in his way.

On Wednesday, the White House had a new response to that. It's not the president who is causing the problem, said press secretary Karoline Leavitt, it's the judges who are blocking some of his agenda by saying it's illegal.

"We believe these judges are acting as judicial activists rather than honest arbiters of the law," Leavitt told reporters. She insisted that "the real constitutional crisis is taking place within our judicial branch."

The denunciation, delivered from the lectern in the White House briefing room, was the latest example of an escalating assault on the court system from Trump and his allies. Supporters have circulated pictures of judges online, made claims about their families and suggested that the Republican president simply ignore their orders.

Sen. Mike Lee, a Utah Republican, said he was working on legislation to limit the ability of lower-ranking judges to issue nationwide blocks on presidential actions.

Elon Musk, Trump's most powerful adviser, has used his social media platform X to amplify attacks.

"This evil judge must be fired," he wrote about a member of the bench who ordered the Trump administration to restore health-related webpages and datasets scrubbed from government websites, including reports on HIV prevention and guidance on reproductive health care.

The rhetoric has alarmed legal experts, who say the foundational concept of judicial review — that the courts interpret the law and serve as a check on the other branches of government — is being threatened.

“Under our system, up until now, it’s always been understood that it’s the courts that decide whether executive authority is legitimate or not,” said Jeremy Paul, a law professor at Northeastern University. Trump is far from the only president to have his agenda slowed by the courts.

With the Republican-controlled Congress providing almost no resistance to the president, the courts have emerged as the only clear guardrail on the White House. Judges have blocked, at least temporarily, Trump’s efforts to end birthright citizenship and allow Musk’s Department of Government Efficiency to access the U.S. Treasury’s payment system.

One of the judges who ruled against the Trump administration was nominated by the president during his first term. Two others were placed on the bench by Ronald Reagan, and two more by George W. Bush, both Republicans.

Some judges have occasionally sided with the administration in other cases, refusing to issue immediate blocks in response to challenges over DOGE’s access to the Labor Department, allegations that Musk’s team is using a private email server and the dissolution of the CBP One app for asylum seekers.

On Wednesday, a judge in Boston allowed Trump’s plan to downsize the federal workforce to move forward after initially blocking it. Trump and Musk have wanted to offer financial incentives to government employees to quit their jobs.

The president has not said that he would defy a court order, even though one judge accused his administration of doing exactly that by failing to deliver some federal funding.

“I follow the courts. I have to follow the law. All it means is that we appeal,” he said Wednesday in the Oval Office.

The previous day, Trump said judges were preventing his administration from stopping fraudulent government spending.

“We want to weed out the corruption, and it seems hard to believe that a judge could say we don’t want you to do that,” he said. “So, maybe we have to look at the judges because I think it’s a very serious violation.”

University of Pennsylvania law professor Claire Finkelstein said that “there’s been a concerted effort to try to cast judges as the enemy.”

“The idea that he can start removing judges is fanciful, but he can make their lives so difficult they maybe start resigning. I think that’s part of the attempt here,” she said.

Musk, the world’s richest person, who has been given far-reaching powers by Trump to shrink the federal government, has posted on social media that judges who rule against the administration should be impeached.

“A corrupt judge protecting corruption. He needs to be impeached NOW!” Musk wrote about the judge in the Treasury Department case.

Vice President JD Vance said Sunday on X, “If a judge tried to tell a general how to conduct a military operation, that would be illegal. If a judge tried to command the attorney general in how to use her discretion as a prosecutor, that’s also illegal. Judges aren’t allowed to control the executive’s legitimate power.”

House Speaker Mike Johnson, a Louisiana Republican, said he “wholeheartedly” agrees with Vance.

“The courts should take a step back and allow these processes to play out,” he said.

When asked Wednesday if the White House believes the courts have the authority to issue nationwide injunctions to Trump’s orders, Leavitt said the rulings “have no basis in the law” and “have no grounds.” She said the White House would comply with the courts but believed the administration would “ultimately be vindicated.”

There have been at least 60 lawsuits filed over Trump’s actions since he took office on Jan. 20, a reminder of how presidencies often become bogged down in litigation, regardless of party.

“The sheer concentration of activity is unusual,” said Willy Jay, a former assistant solicitor general who clerked for late Supreme Court Justice Antonin Scalia. “But the idea that basically everything of significance on the administration’s side is immediately challenged by state attorneys general of the other party? That seems to have been a constant over the last two to three administrations.”

Price reported from New York.