

White House attacks judges as Trump, Musk flout checks and balances

Their approach — which one prominent Democrat characterized as “flagrantly violating the law” — is drawing legal challenges and carries political risks.

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By [Sarah Ellison](#) and [Naftali Bendavid](#)

In the first three weeks of his second term, President Donald Trump and his billionaire adviser Elon Musk have mounted an unprecedented challenge to the federal workforce, the constitutional separation of powers and the normal functioning of American government.

A [small group of young technology staffers](#) who answer only to Musk — who, in turn, answers only to Trump — have sought access to sensitive data and upended operations in more than 18 [federal agencies](#), terminated at least 199 federal contracts and tried to fire or lay off tens of thousands of federal workers. Trump, Musk and their aides have moved to pause or cancel billions of dollars in authorized spending without congressional approval, throwing fields including [health research](#), [agriculture](#) and [foreign aid](#) into disarray and drawing [more than 50 court challenges](#).

Trump and his allies have suggested that the president’s aggressive and unilateral efforts to expand his executive authority are justified by his November election victory and are being made on behalf of the American people. In a striking moment Tuesday in the Oval Office, Musk repeated that claim as Trump listened.

“The people voted for major government reform, and that’s what the people are going to get,” Musk said. “That’s what democracy is all about.”

Trump presidency

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Trump’s core supporters have [cheered his actions](#). But other Americans are upset, [overwhelming politicians’ offices with calls](#) about the disruption in services.

Now, with congressional Republicans in Trump’s thrall, federal courts are squaring off against the administration

in repeated battles that have delayed some of the administration's most dramatic actions. But even that judicial pause is a point of contention, as Musk and Vice President JD Vance have challenged the legitimacy of court rulings and suggested that they represent impermissible judicial overreach.

Trump said Tuesday that he “always abides by the courts,” but a federal judge in Rhode Island ruled Monday that the administration had failed to comply with his order to unfreeze billions of dollars in previously authorized grant funding. The administration has argued that it is in compliance, and the Justice Department is appealing the ruling.

Should the Trump administration begin openly defying court orders, the country could be barreling toward a constitutional crisis, legal experts warn.

“We are at a more critical moment for the separation of powers and the structure of our federal government than we've been in our lifetimes and probably since Reconstruction and the Civil War,” said Steve Vladeck, a law professor at Georgetown University Law Center.

Trump's allies anticipated this very standoff, planning their initial actions on the assumption that the conservative Supreme Court built by Trump in his first term would sign off on a vast expansion of presidential powers.

On Wednesday, White House issued a broadside against the judges who have ruled against Trump's executive orders. “The real constitutional crisis is taking place within our judicial branch,” White House press secretary Karoline Leavitt told reporters. She cast the adverse judicial rulings as “an abuse of the rule of law and an attempt to thwart the will of the people.”

But the administration's moves are not without political risk. Historical precedent suggests that Democrats are favored to retake the House in 2026. Many voters will associate the administration's raid on government — and any resulting reduction in vital services — with Republicans, who have total control of Washington's levers of power.

Musk, the world's richest man, initially said the group he leads, the U.S. DOGE Service — also known as the Department of Government Efficiency — would aim to cut \$2 trillion in federal spending. He has recently pared back that goal to \$1 trillion. Reaching that number would probably require dramatic cuts to Social Security, Medicare or other popular programs on top of cuts to the U.S. Agency for International Development (USAID) and the Education Department that Trump has already publicly proposed.

Under the normal rules of politics, Trump and his allies would be blamed for any negative consequences of the administration's actions. Trump officials have spoken, for example, of dismantling the Federal Emergency Management Agency, which steps in when natural disasters leave Americans desperate for food and shelter.

But these are not normal times. “In the first three weeks, they're flagrantly violating the law with an alarming frequency and hurting our residents in ways that I don't think the United States has perhaps ever seen,” said New Jersey Attorney General Matthew Platkin (D), who has been part of legal challenges to the administration's executive orders.

“We have a president who is acting like a dictator,” argued Arizona Attorney General Kris Mayes (D). “Every day — almost every hour — there is some new executive order that makes a mockery of the rule of law and the

Constitution.”

But many conservatives say the real threat is not Trump but rather the out-of-control growth of federal agencies, which they say have attained a size and power that the framers of the Constitution never envisioned. In seizing full control of the executive branch, these conservatives say, Trump is not creating a constitutional crisis but resolving one.

“The idea that the executive branch would be run by the president was what the Founders had in mind,” said Grover Norquist, president of Americans for Tax Reform and a longtime conservative activist. “They didn’t have the idea that the progressives would create a fourth branch of government.”

The constitutional order, Norquist said, is badly warped when organizations like the Environmental Protection Agency or USAID make decisions that are rightly the province of the president alone. Congress’s power over spending does not eclipse the president’s authority over government employees, conservatives say.

“To the extent there is a theme to what Trump is putting out there, it’s getting some control for the presidency,” Norquist said. “He’s building political support for a democratic revolution against the bureaucracy. ... It is revolutionary in that it’s a big change, but like all good American revolutions, it harkens back to the original revolution.”

Indeed, Trump’s allies have been speaking of such a revolution for years. “We want the bureaucrats to be traumatically affected. When they wake up in the morning, we want them to not want to go to work because they are increasingly viewed as the villains,” Russell Vought, head of the Office of Management and Budget, said in a speech to a private group in 2023. “We want to put them in trauma.”

Trump has signed at least 55 executive orders in the first weeks of his presidency. He started by seeking to end birthright citizenship, reduce protections for federal workers and pardon Jan. 6 defendants, even those who violently attacked uniformed officers defending the U.S. Capitol. He fired independent career agency employees, froze trillions in federal grant funds and halted diversity, equity and inclusion programs, preparing the ground for wide-ranging layoffs.

He created DOGE, run by Musk, with a broad mandate to reduce government spending and dismantle the federal, nonpartisan workforce that Trump has denigrated as “the deep state” for years. Since then, Musk’s army of tech workers has accessed sensitive internal systems that give them an intimate view of the federal workforce, increasing the administration’s ability to target federal employees who worked on projects Trump has decried.

Musk’s allies have publicly attacked individual members of the federal workforce and even the journalists who have reported on his work for the government. The billionaire tech mogul’s team has worked to gut agencies it deems superfluous, bypassing Congress, which had enshrined the agencies in law.

Trump’s aides and allies have signaled frustration with the judicial curbs on his agenda by painting the president as a victim of the American justice system.

“These unlawful injunctions are a continuation of the weaponization of justice against President Trump,” White House press secretary Karoline Leavitt said in a statement Tuesday. “The White House will continue to fight these battles in court, and we expect to be vindicated. The President has every right to exercise his executive authority on behalf of the American people, who gave him a historic mandate to govern on November 5th.”

Democrats have argued that Trump's supporters would not want this power deployed with equal ferocity by a president they disagree with. "The president is attempting to seize control of spending and seems to be in open violation of court orders," said Sen. Chris Murphy (D-Connecticut).

But for all the frenzy of Trump's first three weeks, he may have a limited window for action. A president's momentum often flags a few months into a new term, as crises arise, his party squabbles and buyer's remorse sets in for voters. A president's party almost always fares badly in midterm elections.

The conservative magazine National Review published a [piece](#) Tuesday arguing that many of Trump's unilateral actions will not have staying power if Democrats retake the White House in 2028.

But Trump has driven from office many of the congressional Republicans who occasionally opposed him, and those who are left have shown little appetite for challenging him. That leaves Democrats struggling for influence in a legislature they do not control.

"I've been in elected office for 30 years, and I am in the most important chapter of my public service career. Everyone feels that way right now," said Sen. Tim Kaine (D-Virginia).

Former House speaker Newt Gingrich, who led the "Republican Revolution" when the GOP retook the chamber in 1994, said Trump's actions are less about constitutional theory than his instinct that real change will require breaking things.

"He is trying to move at the speed of revolution," Gingrich said. "He knows that if he moves at the speed of a scalpel, the bureaucracy will surround you and slow you down."

He added: "I think what you have is somebody who is using a sledgehammer to break up the old order, recognizing that they will have to go back and fix some things. Because when you hit that hard, you will inevitably make mistakes — but if you don't hit hard, you won't break up the system."

Democrats are working to match the speed of Musk's efforts. Late Friday, a group of state attorneys general filed a legal complaint that aimed to prevent DOGE from accessing sensitive information at the Treasury Department. By early the next morning, a court had granted their request for a temporary restraining order.

Said Platkin, the attorney general from New Jersey: "You know, for a department of government efficiency, I think they should admire how efficient the court worked in that case."

Yvonne Wingett-Sanchez and Yeganeh Torbati contributed to this report.