The New York Times

The Breaking of the Constitutional Order: The political analyst Yuval Levin discusses Trump's first few weeks in office and the limits of presidential power.

By Ezra Klein

February 5, 2025

Over the weekend, Donald Trump announced 25 percent tariffs on Mexico and Canada. Markets reacted with shock. We were really doing this? Didn't Trump's Wall Street backers tell us those were just negotiating ploys?

But then Mexico announced that it was adding 10,000 troops to the border and Canada said it would appoint a fentanyl czar, and noted some efforts it was already making on the border; and Trump delayed the tariffs by a month in both cases. So did Trump back down in the face of market turmoil? Did he get what he wanted, even though it wasn't much? Are we going to have this happen again in a month, and maybe every month after that? I don't think anybody actually knows, including Trump.

What seems clear is that Trump likes tariffs, but he dislikes political pain. He wants to be seen as in control. He wants the world bending to his will. But the stock market plummeting does not make it look like the world is bending to his will. The stock market plummeting threatens his control. So when other countries see that, their strategy is going to become clearer. The more Trump bullies other nations, the more they are going to band together in retaliation, and the more that will batter markets. The world does not want to be endlessly pushed around by Donald Trump. So Trump has the power to impose tariffs, but he does not have the power to impose them without paying a price. And so far, at least, he does not seem to want to pay that price.

Domestically, Elon Musk is trying to remake the federal government … I was going to say by fiat, but it's not even by anything as official as that. His people have pushed their way into the Treasury Department's payment systems, putting the longtime civil servant in charge of that system on leave when he wouldn't give a bunch of Musk's deputies access to systems that virtually nobody even in the Treasury Department has access to because they contain so much private data, because they present such severe cybersecurity risks, and because something going wrong would throw government payments into total chaos.

And that has been far from their only move. Musk's team also announced that they were closing down U.S.A.I.D., the foreign aid agency created by Congress decades ago. They do not have the authority to close U.S.A.I.D. And so I agree with Loren DeJonge

Schulman, a former Office of Management and Budget official, who wrote that the way to talk about this is not something anodyne and settled, like: They got the passwords to the payments system. Or: They closed down U.S.A.I.D. It's more like, "They illegally broke into a secure facility over a weekend, hijacked sensitive data on vulnerable people and U.S. businesses, destroyed property Americans paid for, cut off resources for sick and hungry families and fired Americans across the country."

This is part of what I was saying in my "Don't Believe Him" essay over the weekend. Trump does not have many of the powers he is asserting. So when he acts lawlessly and unconstitutionally, those acts should be treated as what they are: something in between power grabs and crimes. All of it right now is provisional. We have watched Trump back down on much already, from tariffs to spending freezes, and if the consequences become too painful, he will back down on yet more. And so the consequences should be painful. What he is doing should be described clearly, and other parts of the political system should respond.

We are starting to see that happen. We are starting to see Democrats find their footing. Brian Schatz, the Democratic senator from Hawaii, put a blanket hold on all of Trump's State Department nominees until U.S.A.I.D. is restored. This is something any senator can do but that senators rarely do because it is so disruptive. But Schatz is right to do it. Trump is disrupting the functioning of the U.S. government. He is unilaterally attempting to undo the federal structure Congress has built. His disruption should be met with disruption. And Schatz is right in another sense, too: He is treating Trump's effort to destroy U.S.A.I.D. as a live fight, not something that has already happened.

In the House of Representatives, Hakeem Jeffries, the Democratic leader, released a 10-point plan for how Democrats will oppose Trump. His Dear Colleague letter reads, most importantly, that "I have made clear to House Republican leadership that any effort to steal taxpayer money from the American people, end Medicaid as we know it or defund programs important to everyday Americans, as contemplated by the illegal White House Office of Management and Budget order, must be choked off in the upcoming government funding bill, if not sooner."

What Jeffries is saying there, when he invokes the upcoming funding bill, is that so far, Republicans have not been able to pass spending bills without Democratic support. Absent that support, the government will shut down, and eventually, the debt ceiling will be breached. And Jeffries intends to hold the Democrats against those spending bills until Trump's moves are reversed.

I think that some of what Trump is doing will prove to be illegal. But courts work slowly. The way our political system is supposed to work is that the check is supposed to come from, first and foremost, Congress. Congress controls spending, even though Trump is

trying to take that power for himself. Congress can impeach. Democrats don't have much power in Congress now. But they have the power to disrupt and obstruct. And so they will. Trump will have to pay a price for his power grab. But how large a price does he want to pay?

Last week I spoke with Yuval Levin. Levin is the director of social, cultural and constitutional studies at the American Enterprise Institute and the author of the book "American Covenant: How the Constitution Unified Our Nation — and Could Again." He's conservative, and one of the smartest thinkers on how the government actually works that I know. I wanted to know how he was seeing the early weeks of Trump's second term. And what struck me about our conversation was that on the one hand, he's more measured and calm about it than I am. And on the other hand, he's far less impressed by what Trump is actually getting done, and how it's likely to work out for him, than most Democrats I know.

So this was a different perspective than I'd been hearing, but one that I found very useful to think through.

Ezra Klein: Yuval Levin, welcome to the show.

Yuval Levin: Thanks very much for having me, Ezra.

We're a few weeks into the second Trump administration. Tell me how you're interpreting what we've seen so far.

Let me give you a kind of middle-aged answer to this question. I'm 47. I've been in Washington since I was 18, with a little break for graduate school. I've seen presidential terms since George W. Bush's first. And one thing you learn over that time is that the first few weeks of a new administration are really surreal.

They're very different from the rest of the time, because the administration controls the agenda. And that isn't really the case most of the time. But in the first few weeks, they've made plans. And you don't know those plans, generally. They do, and they're rolling them out at a certain pace and in a certain way. And it just feels like they are in command of the world.

So I think that it's natural in that period to think: Wow, these people are really in control. The opposition is totally on the ground. They don't know how to respond to this. That's always what it feels like. That happened with Bush. It happened with Obama. It has happened with Trump. It even happened with Biden, if we can remember four years ago.

And it doesn't take very long for that to break. The opposition is back and organized pretty quickly — that takes a couple of weeks, maybe. And the world comes back at you, too.

And the rest of the time, presidents spend a lot of their energy just responding to the world and what it throws at them. And they're judged by how they do that. That's definitely going on here. So it's very hard, still, to judge what we're looking at.

I think a lot of people have come in with a very strong prejudice — that this time, the Trump team is much more competent. They have a much better idea of not only what they want to do but how.

And a lot of what we've seen is actually a lot like what the first term's first few weeks felt like. There's a lot of ambition; there's a lot of action. There's more than there was the first time, but there's also a kind of inclination to chaos that I think is actually intentional. That's part of what they're trying to do. It didn't really work all that well the first time, and I'm not sure it's working all that well this time.

So I have a mixed impression. I think it's just too early to say.

Trump people are all over the media right now saying: See, we told you we had it in hand this time, and we really did. Say more about your sense that there is a real effort to show energy, to show competence.

They certainly want to convey that. I think there was a sense that things the first time really started out rough. They actually had a transition effort run by Chris Christie that produced some concrete plans, and all of it was literally thrown away in a huff at Chris Christie, basically. And they started out on Day 1 with not all that much prepared.

That is different this time. They've come in with a lot prepared. Executive orders that have been worked out for a while — thought through and lawyered and all of that. That is a little different than last time.

And they do have experience. Some of the people they brought in were in the administration last time, and therefore they know where the meeting is happening. They know where the bathroom is. That makes a difference.

But I think that we are also seeing the same kind of inclination to chaos and maladministration that we saw last time in some very important ways. They've had a really hard time talking about the government in the first person, seeing themselves as the people governing. They're still approaching government as something they act on — rather than act through.

I think a good example of that is the freeze on federal grants that we've just seen come and go pretty quickly. That felt a lot like the travel ban from the first time. And, in fact, as soon as it happened, I went online and asked: When was the travel ban?

The travel ban was a week after the inauguration. It was Jan. 27, 2017. The freeze on federal funding was also a week after the inauguration. It was Jan. 27 — exactly eight years later.

And they had a lot in common. They were both bold steps that tried to do something big all at once. And they were not thought through in practical administrative terms: What's this going to look like on the ground?

And it's because they're thinking about presidential power as a concrete reality and the people affected as an abstraction — when it's actually the other way around.
Here's how this would have happened in the Bush years. And I don't suggest that George W. Bush was the model of governance in every way. But I worked there, and this is how it would have happened.

You would have had a meeting at the Office of Management and Budget where you bring in the chiefs of staff or senior political appointees from the various cabinet departments and lay out for them: What's in this memo? What is it going to mean for you?

And then you'd take hard questions and some stupid questions so you can work through what this is really going to produce that we're not thinking about. And somebody in the back of that room would have raised his hand and said: Are we shutting down the Medicaid payment portal? And somebody at O.M.B. would have said: Well, no, this doesn't affect payments to individuals. And the guy would have said: Well, those payments actually go to hospitals. Am I supposed to shut them down?

It would have been a conversation. And they would have said: No, we're not touching Medicaid.

Instead what happened was: They just did it. The guy who runs the Medicaid payment portal in Baltimore shut it down. And there was a banner on the website that said: We're shutting it down because O.M.B. told us to.

That kind of practical chaos — O.M.B. exists to avoid that. And the Trump administration is clearly not working to avoid it.

This goes to the question of how they view the government that they now run. You

said a minute ago that the Trump administration doesn't look at government in the first person — they look at it as something they act upon. I would go a little further than that: They look at it as the enemy, as the thing they have to conquer.

Take the O.M.B. freeze memo, which is written in a very hostile tone to the government and to the bureaucracy. The "fork in the road" email sent out mirrored an earlier email Elon Musk sent to Twitter employees.

What the Trump administration is trying to do is effectuate a very large change in who is in the federal government. Because they believe the federal government is full of people who hate them and will not carry out their plans.

And their theory of what to do about it — seemingly built on how Elon Musk treated Twitter when he took it over: Try to do a buyout, try to make people miserable, try to create a lot of chaos and drive everyone out. And maybe you can do the same thing for the federal government.

And you're also creating vacancies that you can then fill with your people. They're giving loyalty tests to people — asking people they're trying to hire: When was your MAGA awakening moment?

This isn't just acting upon the government. This is viewing it as: The opposition is the government they run. And this is a set of strategies to either cow it or take it over. You're somebody who thinks a lot about public administration. How are you seeing that side of it?

They do come in with a sense that the bureaucracy is hostile to them and has to be fought. But they also come in with a sense that chaos can serve their purposes. I think these are two different assumptions, and that the second one is profoundly mistaken. The buyout is a very interesting experiment. A lot of these folks do just want to do their jobs, but there are some among them who really are very hostile to the administration's intentions. The question is: How do you deal with that? How do you make your way through it?

Now look, in the long term, there's certainly an argument for driving some churn in federal employment, for bringing in some new blood. I can see that. But politics is a medium-term business. And in the medium term, this is going to bring chaos.

Think, for example, about what they're doing to their new political appointees. You have all these people who are just now getting confirmed by the Senate. They're coming into these departments. Some of them are quite new to these places; some of them, maybe, have been there before. And they're coming in while, say, a fifth of their work force is

going through a long-term resignation process.

And the people resigning have not been chosen on the basis of which jobs are most important, which people are doing the best work, what government functions are most essential, what actually has to be done by law. None of that. It's all happening on the basis of who finds it attractive to not work until September while getting paid.

That means they're going to come in with chaos. And the way they're approaching it is rooted, I think, in a Silicon Valley argument that says: Creative destruction is how you learn. Break things and then see how they fall. And you can build something new.

And the civil service just isn't going to work that way. That's not really how this system can learn.

There's also a theory of who the federal employees are. And I think implicitly they're imagining the federal employees are highly political. You might imagine somebody who's in the civil service, but they work at the Department of Energy and they care very deeply about climate change. And I don't think that theory matches much of the federal work force.

To give a concrete example, a lot of people who work for the government are Veterans Affairs doctors. Now if a bunch of primary care V.A. doctors, who have had no political role in the federal government at all, decide: You know what? These people don't value me. This is annoying. I could do nothing until September and then get a job delivering primary care that is more lucrative elsewhere. Now all of a sudden, you've knocked out, let's call it, 50 percent of the V.A. health system's primary care work force.

Is that good for the Trump administration? Do they have a view on how to quickly replace those people with others they feel are more ideologically compatible? Or are you just causing long wait times at the V.A. that people are going to be mad about?

There's three million people who work for the federal government, and I think a lot of people's sense of who the modal federal employee is, is probably off.

I would say now people probably think it's somebody who lives in Washington and works from home and shuffles paper. And that's not actually a very common type in federal employment. Most federal employees don't live in or near D.C. And there are real functions to perform here.

It's also worth remembering that the federal work force is about as big now as it was 50 years ago. The government has a lot more contractors than it did then. It's taken on a lot

of things, but it hasn't really grown the federal work force much. Which means that, in those really essential functions that only government employees could do, the federal work force is actually stretched pretty thin in some important places. We shouldn't underestimate how much we've assigned to our government and how much would be left undone if there weren't people doing it.

If you saw a lot of attrition in the Food and Drug Administration, the effects of that would be pretty serious. It's actually quite important that the agencies that keep us safe and healthy operate and do their basic work.

This is the basic challenge of administration in a system as big as we're talking about. There are a lot of effects on the ground that it's possible to think through if you involve the different parts of the system in coming up with the reform. But it's very hard to think through if you're just sitting in a room and coming up with it on your own or just throwing it out there because it's something that worked at Twitter —

And you don't have very much experience in the government — as Musk and his crew do not.

Yes. It runs deeper than that because the federal work force is constrained by a challenge that isn't really present in the private sector. Which is that there are salary caps that prevent you from paying the most qualified people the pay they could get in the private sector.

This means that places like the V.A., the F.D.A., the National Institutes of Health, all the Commerce Department subagencies are full of people who spend their day sitting across the table from private-sector people who they're regulating or working with and thinking: I have the same skill set as this guy, but he's got a much nicer house. Why am I working at the F.D.A. rather than at Pfizer?

Now, a lot of people in those jobs really enjoy them. They like that they have real significance and authority. That matters to people.

But in the federal government, it's the people who are marginally attached to their job who are constantly thinking: I have to pay for my kid's college tuition in a few years. Shouldn't I be working at a much higher-paying contractor job or private sector job?
So when you make an offer like this buyout offer, it's those people who are thinking: Maybe I don't really want to do this job. Whereas the people were thinking: I can't get another job. I have got to stick with this one. I'll do whatever they want — those are probably your lower-performing employees or at least less-valuable employees.

So you're creating a situation where the people who are going to be hardest to replace

are the people who are most likely to leave.

This goes to something that has been paradoxical about the beginning of Trump's second term.

As you said, they've had a lot more time to plan. Various policy efforts like Project 2025 do reflect a lot of people and think tanks and allied organizations coming up with theories of what you might do.

But one thing that is really clear is that they do not want to do the hard work of legislating on these questions. As you mentioned, there's a lot that is complex about the way we have constructed civil service rules, and it could use pretty profound reform. You might imagine Donald Trump and Elon Musk trying to use the political capital they've built to pass a broad set of civil service reforms that allow for more aggressive management of the civil service by the executive.

But they didn't do that. And they actually don't have all the power they might need to do that: They have a very narrow margin in the House, and there's a filibuster in the Senate. So it would be very hard for them to do something big legislatively.

So that movement to executive authority, which looks very strong and overwhelming, seems actually to be an admission of weakness — or at least of insufficient planning. Instead, you have this slapdash buyout effort and freezing money that you then rescind.

They're also activating an opposition — including inside the federal bureaucracy, where a lot of people who were planning to leave now feel offended, and the more ideological among them are digging in their heels.

They're trying to look strong, but they're not doing it in a way that actually is strong. They face a very challenging fact. As much as they want to act as though they've just won a massive election victory, and they now dominate everything, they've actually won a very narrow election victory. And their majorities in Congress, especially in the House, are very narrow. The House majority is the narrowest majority we've seen since there have been 50 states. And that means they can't get much through Congress on their own.

And the administration is operating so far without really any sense that they need to get anything through Congress, except the one big reconciliation bill that will take care of taxes and spending for the year. They're not thinking in terms of how to advance their agenda as a legislative agenda.

The secret to strong executive authority has a lot to do with stability. The sense of security that an effective administration can provide depends on knowing where you're headed. And moving there incrementally in a way that allows you to achieve big things without making people scared of what you're up to.

I think the logic of administrative power that we're seeing operating here so far is just about the opposite of that. It's the sense that you show strength by coming in and tearing everything down and starting everything over and doing big things right away at the start. There's a shock and awe that leaves people thinking: Wow, these people are really assertive.

And that has happened. And obviously there are some advantages you gain by conveying that sense. You do scare people into doing what you want. And you do give the impression that you're strong.

But ultimately, it's very hard to make durable change in that way. Durable change actually requires legislation in our system. Anything that isn't legislated isn't durable.

But part of it is also just the sense that doing everything at the start and creating this sense of disjunction, of a break, actually doesn't give people the impression that things are under control. It gives people the impression that things are out of control.

The O.M.B. memo that froze spending got rescinded. But in the memo, they give a number of justifications for what they're doing. And one of them was interesting from the perspective of offering a political theory of how our political system is supposed to work.

The memo reads: "Career and political appointees in the executive branch have a duty to align federal spending and action with the will of the American people as expressed through presidential priorities."

What do you think of that?

Well, a lot depends on exactly what they mean by presidential priorities here.

The O.M.B. memo was about federal grants and loans. And the thing about grants and loans is that their recipients are not specified in law. They are an amount of money that is designated for a specific purpose. And then the executive branch is charged with deciding among applicants who should receive them. And in making those decisions, there is a large amount of discretion afforded to the executive branch. Those grants do represent the president's priorities.

In a sense, they could have done what this memo wants to do without the pause. They could have just told all the agencies: Review all the grants you're giving. If there are places where they clearly violate one of these new executive orders or something else on this list, you're empowered to stop that now and provide the grant to another recipient or open it back up for competition.

They could have done that without a pause and therefore without the chaos. I think the decision to stop it all is a way of asserting authority over all federal spending and saying: Congress says how much we should spend, but the president says on what.

That's a fight they want to have — a fight over impoundment. They want to suggest that the president basically has the authority to take Congress's legislative authorizations for spending as just a kind of beginning. And fundamentally, this is an executive decision.

There is a kind of presidentialism here that is rooted, ultimately, in a kind of progressive presidentialism. A Woodrow Wilson argument that only the president speaks for the entire country, and therefore, presidential actions are more legitimate than congressional actions and, as you say, represent the will of the public.

I think they're wrong about this. I think they're ultimately going to fail in court on that front. But they are trying to make that assertion.

I found myself thinking back to many conversations I had over the Obama era — particularly, but not only, with Tea Party- and Freedom Caucus-types in the House. They would tell me that they were constitutional conservatives and that the real problem with Obama, with liberalism going back to Woodrow Wilson, was that it has given too much power to the president, that it has diminished the constitutionally mandated centrality of Congress.

And now I'm watching some of these same people — certainly many House Republicans — cheer on these moves from Donald Trump. I'm watching the head Republican appropriator say that he thinks impoundment — where the president holds the money and decides whether or not he's going to spend it — is a totally reasonable thing.

I find it truly impossible to reconcile their support of this presidency with those views, which I took as sincere at the time they were being expressed.

You've written a book about the Constitution recently. How do you think about what you're seeing from people who, in other contexts, have expressed themselves as Constitutional conservatives very concerned with executive overreach?

There's always a certain amount of where you sit determining where you stand when people talk about politics. And everybody does this — I'm sure I do it, too. When the people you like are powerful in Congress, but not in the White House, you talk a lot about the importance of Congress. We're going to see Democrats do this over the next two years, for example. And when it's the other way around, you talk the other way around.

But there's also a principled difference about the nature of the Constitution between a lot of Republicans and a lot of Democrats. And I think what we've seen over the last 15 years is an uneasy combination of both of these things.

To my mind, this is the way to worry about the Trump administration. A lot of what they want to do in terms of the political valence of federal public policy are things that I agree with. A lot of what they want to do in terms of driving us away from diversity, equity and inclusion and toward a more kind of colorblind federal policy, I think is great and very important. What they're doing on education policy so far, I think is very good. I'm going to agree with them about a lot of things. I'm a conservative.

But the approach to the structure of the system worries me a lot. I worry about constitutionalism more than about public policy in this moment. And I think ultimately constitutionalism is more important than public policy.

The two biggest worries that I have about the constitutional system — not just now, but in general — are first, the weakness of Congress. I think a lot of our other problems come from that fact. And second, the overbearing and arbitrary character of the administrative state.

So far it seems to me that both of those problems are going to get worse in the next four years. Certainly the weakness of Congress, where a lot of Republican members now just want to surrender their power to a president they now like.

I heard a member of the House say to another during the debate over the vote on the speaker at the beginning of this Congress: Well, President Trump should have the speaker that he wants.

That is not how our Constitution works. And Congress should have a sense of its own authority and its own dignity that is distinct from the president.

On the other hand, this rushing in with arbitrary power and assertions of authority at the beginning of a new administration suggests that even though I might like the policy direction that the administrative agencies are going to take in this administration, they're going to continue to act in an arbitrary and overbearing way that creates

enormous problems for our system of government.

You've written that our usual approach to the separation of powers leaves us imagining that there's a fungible commodity called power that the different branches of our government exercise. And the question is: Who has more or less of it?

That's definitely what I see Trump doing right now. He is arrogating more power to the executive. It's also something I've watched — at a smaller level, but nevertheless — Democratic presidents do.

The argument you make is: That's the wrong way to look at it. So what's the right way?

The separation of powers is not just a division of power into three so that it's a little safer because it's divided.

Power is channeled through three different kinds of institutions. The first one, the primary one, is a legislature. And the reason it's primary is that the legislature is representative of the American public.

The president is elected, but the president was not thought of as a representative figure. That office is one person in a vast country. One person can't really represent that vast country. That has to be done by a plural institution like Congress.

And Congress has a specific kind of work. It builds out frameworks of law. They're then going to direct the work of administration in the future.

The president administers. And the idea of administration is almost lost to us now. We think of what the president does, basically, as saying what should happen, and then things happen.

But actually the most important part of the president's job is the making of those things happen. It's the working of the arms of government, of the various tools and implements to actually turn will into action.

And the courts have a different job than both of those. They review past actions and determine whether they were in line with the legal frameworks that Congress had created or with the Constitution.

These are very different ways of using power. They're not just power divided into three. And the different ways matter enormously. The interactions between them are really what create the dynamics of our system of government.

I think presidents now have a conception of their job that's very legislative. They think their job is to produce those frameworks, to do it through administrative action. This was certainly true of Donald Trump in his first term and now, but it's also true of the rest of our modern presidents. Essentially, when Congress can't act, the president will. Barack Obama actually said that, basically, in those words. But every modern president has acted as though he believes that.

And I think that's profoundly wrong and creates huge problems for our system. But among the problems it creates is that the other branches respond to this by also not doing their jobs.

None of this is how our system is meant to work. And I think at the center of why this has happened is actually the failure of Congress to take ownership of the direction of the system.

But is how our system is meant to work a relevant concept, given how different our system has evolved to become?

I think it is fair to say that the fundamental institutions of American political life now are not the branches but the parties. And the reason the president acts the way you mentioned him acting is not that he's the head of the executive branch — it's that he's the head of the party that controls the executive branch. So he sets the priorities and the direction.

And as much as we might want to lionize the structure of our government, believing it could ever work in the way it was intended to work is a kind of folly when we have these political parties that have fundamentally remade the structure such that the branches are subordinate to the parties.

I think the reason to look to how the Constitution is intended to work is not to lionize the past but to address exactly the problems we have now.

The most stark fact about the American party system in the 21st century is that it's failing. Both parties are failing. Neither one has been able to form a durable majority coalition in 30 years, and that has left our politics intensely divided, bitterly polarized, very dysfunctional.

The question we have to ask ourselves is: What can we do about this? And I think it's worth looking to the Constitution, because there are answers there to what we can do about it.

Not because there was some kind of sacred moment at the end of the 18th century, and

they knew all this stuff we don't know. I don't think that's right. We know a lot of things they didn't know. We are better than they were in a lot of ways. But they did create a system that is distinctly capable of compelling narrow coalitions to broaden.

The logic of the American Constitution is that only majority rule is legitimate, but that majorities are very dangerous to minorities. And that means that we want a system that forces majorities to grow and broaden before they are empowered.

This is what's frustrating about our system. You win an election, and you still can't do anything. And the reason for that is that the system wants you to first broaden your coalition before you're really able to act.

We really resist that now. We don't want to do it. We live in a 50-50 moment. Donald Trump just won 49.8 percent of the vote in a presidential election. Kamala Harris got 48.3 percent of the vote. And the Trump folks want to say: We won. We won big. We get to act.

Now the Constitution says: No — you have to deal with the people you defeated in the election, and they won their seats in Congress. They won control of various state governments. They are still here, and you have to deal with them. To think about our system only through the lens of the parties is to reject that logic.

Now that's one way to do democracy. That's how the parliamentary systems work. Those are legitimate democratic systems. But I think our system is better for us exactly because it doesn't allow us to work that way and ultimately prefers to produce legitimate public action over producing efficient public action. It forces us to build coalitions that include more people. I think that's what we're missing now.

You can understand Trump as a reaction to a feeling of governmental sclerosis. When he runs in 2016, when he says, "I alone can fix it," he is not just saying that he is the only answer — he is saying that he is an answer to this thing that you have become disappointed in.

I was looking at the Republican whip Tom Emmer's reaction to some of Trump's early moves here. Again you can imagine a political system where Republicans in Congress are furious at the amount of authority Trump is pulling into his own domain.

Instead he says: You're going to see things like this, and your first reaction is going to be, Well, this isn't the way it has been done. But you need to understand Trump was elected to shake up the status quo.

When I try to take the arguments here at their most generous, what I see is an

argument that the system has become unresponsive. And as people become more and more frustrated by their inability to build those coalitions, they begin to turn to people who pose a much more fundamental challenge to the system itself and simply refuse to respect its boundaries, its limits.

The trade being offered is: Bring me in, and yes, I'll break the system. But then I will make it respond to you.

I think the question that I'm left with from that description is: Responsive to what? To whom?

Our problem right now is not that there is this American majority out there that's trying to get its will into action and the system is resisting it. Our problem is that there isn't an American majority out there. The elections of the last 30 years have produced 50-50 results over and over.

If you look at American political life at almost any moment in our history, you would find a majority coalition holding a very complicated kind of coalition together and struggling to keep it hanging together. And you find a minority party struggling to build and broaden its coalition and become a majority. Both those parties are engaged in coalition building, which is how our system is intended to work.

In the last 30 years — and there's really only been one other period like this, at the end of the 19th century and which lasted about 20 years — we've had two minority parties at the same time. This is a 50-50 moment, and the challenge is there isn't a clear majority will.

What we need from our system is not help empowering the majority but rather help informing a broader majority. I think we've arrived at this place because we've moved too far from the original intentions of the American constitutional system, which is meant to operate with Congress at its center, building coalitions, negotiating across party lines.

So that frustration with this moment should not lead us to abandon that system but to recover that system. We've had a two-party system for a long time — at least since 1824, and in some ways since 1800. The system has actually worked as a two-party constitutional system almost from the beginning.

What it's failing to do now is facilitate bargaining and deal-making across those lines. There's not an easy way to do it. But I think to do it would require, first of all, recognizing that that's what we're not doing.

The diagnosis makes a big difference. Because if the problem is just that we're not passing big bills, then you want Congress to be more efficient. So you want to get rid of the filibuster. You want to strengthen party leaders, strengthen party discipline.

If you think the problem is that we're not facilitating bargaining across party lines, then you love the filibuster — as I do. It's the only reason we've had any bipartisan legislation in the last 15 years. You don't want to strengthen party leaders, you want to strengthen committees. You want to decentralize the budget process.

The difference over which way we should go is very important for figuring out how to resolve the kind of frustration we have now. Because I don't think presidentialism is going to resolve it. I agree that it is a response to that frustration, but it is a response that isn't going to work. And a better response would begin from a reacquaintance with the logic of our Constitution.

You know many more Republican members of the House and Senate than I do. One of the things that I always find strange about the people I know in both parties who serve in these offices is that, on the one hand, you really do need to nurse a healthy ego and a healthy sense of your own potential consequence in American life and history to seek these offices and succeed in them. It's very hard to do it from a place of deep modesty. And on the other hand, these people get into these offices, and then they don't seem that interested in wielding the power they might have.

I am struck by how much Republicans in the House don't seem to want much authority. In this presidency, they seem to understand their role as blocking and tackling for Donald Trump — not being empowered by him. Why do you think this happens?

This is a great question. And I really agree with the way that you put the problem. Members of Congress are ambitious, smart people. I know they can look like clowns from a distance. And a few of them are clowns, maybe. But they're pretty impressive people, and they're going to do what it takes to succeed.

The question is: What does it take to succeed? What is the definition of success that they're operating with? I think a lot of that is a function of the kinds of incentives that the political system sets up for them.

And in this moment, a lot of the definition of success involves having a prominent place in our political theater, which is a very fragmented, partisan theater, and looking like you are doing a great job of speaking for the team.

So every Republican member wants to be seen as the person who really says that thing

that the left doesn't want to hear. They define success by their social media following, by their prominence in the cable news outlets that matter to their older voters. They don't define their success as much by legislative work, by what they bring home.

In a funny way, the media environment they operate in has been both nationalized and fragmented. You're not trying to look good on the national news so much as to look good to the particular social media influencer that your most devoted primary voters follow.

And that has created a set of incentives that is distant from legislative work. And it has left a lot of members with a sense that investing themselves in their committee work is a waste of time. So members who are ambitious are channeling their ambition in a direction that seems like it can lead to success.

And I think that does create a variety of deformations of legislative work that, from the vantage point of our system of government, makes these members seem to be doing very strange things.

I wonder how true you think this idea is: I think that Donald Trump is somewhat afraid of Congress. And I think he's afraid of Congress because he is somebody who performs the presidency first and foremost, performs kingship in a way, first and foremost.

And so executive orders are great. Threatening tariffs against Colombia is very potent and powerful. But Congress is a morass, particularly when you have very narrow majorities.

Trump's biggest defeats in his first term were there — very famously, losing on Obamacare appeal again and again and finally in that very dramatic moment when John McCain shuffles onto the floor and gives the thumbs-down.

And there's also a paradox for modern presidents working with Congress. Joe Biden — who actually did get some quite big bills done and a number of bipartisan bills done — understood this quite well. The more central the president is to a bargaining or legislative effort, the less likely that effort is to be bipartisan.

The political scientist Frances Lee has done work showing this to be true. But I think it's also intuitive: The more a bill is going to make Joe Biden seem like a powerful, heroic figure, the less likely Republicans are to support it. The more a bill is going to make Donald Trump seem like the greatest president ever, the less likely Democrats are to support it.

So a lot of what Biden did that was effective in getting things passed in Congress was

actually being quiet. Some of this might have been age. But whether it was all age or was also strategy, it ended up being adaptive.

He didn't put himself at the center of things. So things like the CHIPS and Science bill and the infrastructure bill got done. He wasn't out there in an aggressive way, making things about himself. In his second term, Barack Obama tried something very similar, having noticed this dynamic in his first.

And for Trump, this is lethal. This is actually in tension with the way he thinks his presidency is supposed to look. There is a genuine tension between the desire to be seen in the moment as strong and the desire to go and actually work successfully with Congress.

I think that's a great insight. And I think it's quite true.

People are really understating the possibility that Republicans just won't be able to pass a reconciliation bill in this Congress, that they just simply won't be able to pass it together. They have a three-vote majority in the House. So what are they going to do about tax reform? What are they going to do about renewing the expiring elements of the 2017 tax bill? It's entirely possible that ultimately the only way to do that will be through some bipartisan bill, but they're proceeding now as if that's not even a possibility.

It gets back to the question we took up earlier about what it means to be strong as a president. And this is actually a longstanding problem for American presidents.

In the very first presidential administration, when George Washington was president, Alexander Hamilton started out just writing legislation. He wrote these big bills on how to arrange the American economy, and the response that he got before things really broke down between him and James Madison was Madison saying: If you let us work this out, we're going to end up in a similar place. But we'll own it. And people aren't going to feel like they're voting on Alexander Hamilton's bill. Let Congress do this.

Hamilton didn't agree. It created enormous problems for him and ultimately had a very bad effect on his own political future. And ever since then, there's been this irony that the president is often strongest when he sets the basic parameters and says: Look, if the bill doesn't do this, then I'll veto it. But otherwise, Congress works it out.

And I think our modern presidents in particular have so internalized this kind of deformed sense of their role that they don't see that, ultimately, their success depends on legislative action. They think they can be remembered for being great presidents for their administrative actions.

And it's just not true. Who are the modern presidents we think highly of? It's Franklin D. Roosevelt and the New Deal. What was the New Deal? The New Deal was legislation. What was the Great Society? The Great Society was not a set of administrative actions. It was big bills that the president shepherded through. He certainly gave them a lot of direction, but there was a lot of negotiation that was not about him in that process. Ronald Reagan's tax bill was not just Ronald Reagan's tax bill. A lot of Democrats voted for that bill because they were involved in negotiating it, and they got some things they wanted in it. And at the end of the day, we call it Ronald Reagan's tax bill anyway, because we remember our presidents for the legislative achievements that their leadership makes possible. And often that leadership is a kind of careful direction from a distance.

There is a theory among Trump's allies about what would make him successful in Congress. It's known that Elon Musk might fund primary challenges against members of Congress who vote against Trump's cabinet appointees. And there's a view that what they should do is terrify congressional Republicans into obeying Trump.

And I really wonder how well this has been thought through. Because Trump makes some bad decisions, and there is other wisdom that comes from other parts of the political system.

My old colleague, Matt Yglesias, has argued that, in many ways, Joe Manchin probably saved the Democrats from a much worse situation. He was taking inflation seriously much earlier than they were. He was representing a very different constituency than most Democrats did.

And I'm not a fan of every view Joe Manchin has, but I do think there's validity to this view that you get information from the negotiations with Congress. And that people representing different constituencies are telling you things you actually need to hear. And I'm watching the Trump administration build a system to make sure it doesn't hear any of that.

This gets at a deep point about the lesson to be learned from Trump's first time around. The people around President Trump, and Trump himself, have come to the conclusion that what didn't work last time had to do with Trump being restrained — that they failed because they had traditional Republicans in various places. The sense that they walked away with was that when Trump was restrained, he didn't succeed. And if he could just be himself, he would do a lot better.

I think that's exactly the wrong lesson to draw from the successes and failures of Trump's first time around. Where he actually did well was where he pressed those

traditional Republicans, and they pressed him, and you ended up in a place where some of his distinctly populist approach was able to influence their more traditional conservative approach. And the result landed in a place that worked.

I think that's what the tax bill looks like. That's what some of his foreign policy moves look like.

Their sense is we just have to have a pure Trumpism. And so this time around, the insistence on loyalty, on being part of the team, is really intense. You see that in their hiring. You see that in their senior appointments. They're really placing an enormous premium not on having the experience to run this department but on never saying no to Donald Trump.

I think they're going to pay a heavy price for that. Because nobody is always right. And certainly Donald Trump is not always right. The sense that if I step up and say: I don't know, this one's not a good idea, that I'm going to be treated like a traitor and ultimately I'll be out of here, is very bad for decision-making in any institution or situation. But it's certainly very bad in a presidential administration.

Let's think again about the effects of the order to suspend all federal grants. Think about that guy who runs that Medicaid portal. He's sitting there thinking: Does this mean I should shut down Medicaid payments? That can't be right. That guy should call somebody and say: Is this what it means? I don't think it's a good idea. But if that guy thinks: Well, they're just going to call me a squish and fire me — then he's not going to do it.

You've lost the ability to administer well by hearing from people on the ground. I think that's going to repeat itself over and over in an administration that doesn't value hearing from outsiders.

And again, the assertion of strength creates weakness and the sense that what's required to succeed is pushing people around isn't really how any good decision-making can work. It certainly isn't how our system can work. And I think it's going to create a lot of problems.

You've written that American constitutionalism requires a distinctly Republican virtue and cannot do without it. What does that mean?

"Republicanism" is a very hard term for us to define now. A lot of what it used to mean has been taken over by other terms like "democracy" and "liberalism."

But the element of Republicanism that's distinct is the element of ownership: How do we

take ownership of a set of problems? Rather than: Who's going to show up and fix this problem? A citizenship that thinks that way is going to think about the kinds of leaders it selects in terms of the sorts of offices we're asking them to fill.

And that means that we think about whether we should elect this person based on some judgment of whether this person can do this particular job. That means we need to know the Constitution a little bit. We need to know what the job is. We need to know what we expect of them.

I think Americans have generally been fairly good at this, but it is a skill, a knack we've tended to lose because we just think as partisans now. We think: Is this guy on my team or not? Rather than: Can this person really be president or not, or a senator or not?

How much is the virtue dimension of this meaningful?

I ask this obviously about Donald Trump because he is a person of a distinctive character. You've written: "There is no getting around the disgrace involved in bringing Donald Trump back to the White House."

And I think there have been two understandings of him. One is that it is unfortunate that Donald Trump often acts the way he does and speaks the way he does — ways that we would not be happy with if they were coming from a colleague or a family member.

But over time, another view of him has come to dominate — that this is actually a kind of virtue, a throwback to older, more masculine virtues: He's strong. He's willing to be in conflict. He never gives up. He won't be muzzled. He'll say things that even other people think are offensive.

You've seen much of his party begin to adopt his character, even when it's an awkward fit. This goes back to people like Ted Cruz, who began to sound more like Donald Trump. JD Vance is a person who sounded very different a decade ago.

How do you think about virtue and character in the success of presidencies?

I think it's absolutely central. Character is destiny. I think there's no getting away from character — especially in the president. The basic reason is that every presidential administration ends up having the personality and character of the president.

There is a way in which the Bush administration just had George Bush's personality. The Obama administration had the feel of Barack Obama at every level. And it's very hard to avoid that. That was certainly true of the Trump administration the first time around.

The chaos, the impulsivity, the gruffness were everywhere. It wasn't just him, and it will be again, because there's no getting around that.

At the end of the day, the administration just resembles the president. The presidency is a one-person branch of government. And that means that, ultimately, the character of the president matters enormously. We need, in our presidents, the kind of character that we want from the executive branch.

This isn't an ideological thing. There are conservative and progressive ways to have the right character to be our president. But it is really a matter of character.

There are a lot of things that the Trump administration did the first time and will do this time that I agree with as a matter of policy. But the fundamental problem of character cannot be gotten over. It is not ignorable. And I think that it therefore is a permanent problem with Donald Trump being president. There's no way around it.

I think that insight also goes to decision-making.

When I think back to, say, the Obama administration, Barack Obama is a person who likes to make decisions through lengthy intellectual argument, hearing from both sides, a lot of evidence brought to bear. So the administration begins to take on that character at all levels.

You learn how to appeal to the principle, even if you're not in meetings with him all that often. You see the people above you who have learned that, and you're mimicking them.

So the Obama administration over time develops this very intellectualized dynamic. It creates, in some ways, both an affection for, and then a backlash to, technocracy. Donald Trump is a very different thing that follows him.

Biden is very coalitional. It's become a big critique of his administration — I think it's accurate — that, particularly on domestic policy, they just didn't want anybody in their coalition to be upset. So things were unfocused, not that well communicated. The hard choices weren't always made. But they did keep a pretty big tent in the Democratic Party, ranging from Bernie Sanders on one end to Joe Manchin on the other.

But the way Donald Trump makes decisions, the way people appeal to him, is being out on television, showing you can mix it up and be in the fight by showing that you're dominant. I think that is going to permeate.

Because the people who will get selected for aren't just of a certain character — but

they adopt a certain approach to winning arguments and winning power. And it's the approach that Trump himself responds to. And it's a little bit erratic. It is about the person much more than the point.

People in his own administration team constantly don't know where he'll fall on issues and are surprised where he ends up. So it has a lot to do with who can win him over. And he responds to things that are much more transactional.

There's a culture at any organization or corporation, and the culture ultimately reflects the way the person in charge makes their decisions. And even if you think Trump himself has a guttural, mystical instinct that has served him very well, I think that's a strong claim to make about everybody who will serve under him.

This actually also gets to the character of presidential strength in an important way. It was a problem for Biden and for Trump.

A president is strong internally within the executive branch when the second-tier political appointee knows what the president would do if he were in his job. That person needs to have a sense that if the president were in this room, I basically know what he would say. And if you don't have that sense, it's very hard to make those small decisions that are essential to the big things working.

I think both Trump and Biden had enormous trouble helping those people know what they would say. It wasn't that hard in the Obama years. It wasn't that hard in the Bush years.

If you're sitting in some secondary office at the Department of Health and Human Services — and I had this experience myself in the Bush years — you kind of know: If the president was here, he would go this way not that way. And nobody thinks that way explicitly, but it's how you actually do your job.

I think in the Biden administration, it was hard to know because the president didn't really express clear priorities about anything. It was very hard to know what mattered to him and where he would fall because he was so coalitional. Nobody in those lower tiers could really have a clear sense of: Well, this really matters to the president. He would do this and not that.

The problem with Trump was that he could go either way on anything at any time. And even if he has stated a clear position, he could say the opposite the next day. And there's this paralyzing fear of making a choice that then gets you tweeted about — and getting on the wrong side of the president because you just have no idea where he's going to be. This was an enormous problem.

The people throughout the government were much more afraid of getting on the wrong side of him than they were eager to advance his priorities. That is an enormous problem for effective presidential leadership.

And I think that, as a practical matter, it made both Trump and Biden very weak presidents, probably the weakest presidents in the modern era — both of them. Because it was very hard for them to exert authority in a concerted, focused way that was durable.

You're a very measured person. This conversation, in a way that is helpful for this moment, has had a very measured tone.

I would not say I've been feeling all that measured. And for all that we're talking about — the ways that bad process or poor character or unclear incentives can hobble decision-making across administration — there is a play being made here: chaos and control.

They're going to try to push things very hard at the Supreme Court. And we don't really know what they're going to try to do, but some of the things we've seen have been very concerning. The Jan. 6 pardons, including of people who were violent on Jan. 6. The removal of security from people like Mike Pompeo, John Bolton and Anthony Fauci — which I think is really profoundly grotesque, given that Donald Trump himself almost died by an assassin's bullet. Making it more likely that people you don't like will die from an assassin's bullet is really quite a way to impose punishment and consequences.

What would make you unmeasured?

As they're trying to really change the system of government here, what would really frighten you? Make you think this is not just the normal surrealism of an early administration but actually the emergence of something we've seen in other countries?

It's a very important question. My biggest fear is the administration deciding not to abide by court orders. What they're doing so far is legitimate. Whether you agree with it or not, it's operating within the system.

A court said no, and they pulled it back. And they're going to try again, and they'll push and pull. That's how our system works. It's fine that it makes people uneasy. And a lot of what they're pushing makes people uneasy for substantive ideological reasons. That's how politics works.

But when the boundaries of the system itself are under threat, it's important to think in constitutional terms. It's not about the politics, but it's about the constitutional structure that keeps things in order.

There are a number of ways that could be threatened. The denial of an election result, for example, was a very important way in which that was threatened. And I think what happened after the 2020 election should have rendered Donald Trump ineligible for re-election. It should have made voters not want to re-elect him. And that's not what the American public thought.

That worries me. But if the administration openly defies a court order, then I think we are in a different situation.

Do you take it as an intellectual current that you have to be in conversation or conflict within conservatism?

So JD Vance is a very smart person. He's had a very profound conversion, I guess we'll call it, in recent years.

A couple of years ago, he was on podcasts saying that he would advise Donald Trump to say — as has been said before — the chief justice has made his ruling, now let him enforce it. Again, it's not clear they'll do that. But Vance is one of many on the right who seem to have moved into a view that the only way to save the Republic is to take it back over.

And I guess I take this seriously as an intellectual argument. If you read the Claremont Review of Books, if you're attuned to the currents in the New Right, this is an intellectual argument that is trying to challenge other visions of how our country should work. That things have gone so far from correctly reflecting the common man — or, at least, who is put in this story as the common man — that extraordinary and emergency measures are warranted. And Donald Trump, for all his faults, is a kind of spirit summoned by the age when something out of the ordinary is demanded if we were to save what this Republic once was.

I'm sure you see this around you, in young people on the right. I'm curious how you have absorbed it as an intellectual competitor to the things that you and others in your coalition have been saying for a long time, that many of these people see as too soft for the age we actually live in.

Yes, it's certainly alive and out there. But I would say that there's often a tendency on all sides of our politics to attribute so much strength and success to the other side that it

justifies breaking the system — that that's the only possible response.

It's been a relatively common refrain on the left, too. And there are a lot of people on the left who talk about throwing away the Constitution. Some of them are law professors at Harvard and Yale — who just talk openly about the need to abandon our constitutional system and the illegitimacy of it.

There are certainly voices like that now on the right. I actually would not put JD Vance in that category. I don't think that's right. And I should say I have a lot of respect and regard for Vance. I think he's a serious person in our politics.

But what did you think, then, when he said that he would advise Donald Trump to defy a Supreme Court order? That is a thing he said.

It's not exactly what he said. But it doesn't matter. I would say that reference to that apocryphal Andrew Jackson line points in a very bad direction. I disagree with it.

There are a lot of things that he's argued that I don't agree with, but I don't think that you should put Vance in the category of people who want to throw away the American Constitution. That's not my sense. I could be wrong, but it's not my sense.

There certainly are some people on the right, including younger people as well as older people, who make the argument that we are already in a post-constitutional moment. And therefore, it doesn't make sense for us to stick to the constraints of the Constitution if the other side is not going to do it.

I think they're wrong about the other side. They're overstating the strength, the aggressiveness and the success of the left. The left is weak and failing, too. The left can't seem to win a durable majority, either. And therefore, I also don't think they're right in their prescription.

These, to my mind, do not seem like serious arguments. But they need to be answered because they are out there. It's a reason why it's necessary now to remind people of the argument for the American system. It's an argument that begins from the premise that we're not always going to agree in our country, and we need a system that allows us to act together, even when we don't all think alike.

That system is what our Constitution provides. And throwing away this system is extremely dangerous to the fundamental rights that we all think are most important.

That's an argument that I have to make to younger people now. I think it's always important to make that argument, but it's certainly under assault in a way that's

different from at least what I experienced on the right 15 and 20 years ago.

I think that's a good place to end. Always our final question: What are three books you'd recommend to the audience?

One book that comes to mind for me is a book called "The Rhetorical Presidency," written by a political scientist named Jeffrey K. Tulis in 1987. It's a book that I've kept coming back to in recent years and really offers a very profound way to understand the evolution of the presidency.

A second book is about Congress — by Philip Wallach, a colleague of mine at the American Enterprise Institute — published just a couple of years ago. It's called "Why Congress" and is really a wonderful argument about the reasons for the centrality of the national legislature and our national politics. I think it's a book that every member and staffer should read — but that a lot of Americans should read just to understand the logic of why Article I is Article I in the American Constitution.

A third book that comes to mind is a recent book, just published at the end of last year, by Christine Rosen, called "The Extinction of Experience: Being Human in a Disembodied World," which is really about the ways modern technology has changed the basics of everyday human experience. The kinds of things that, when you first encounter them, seem like familiar clichés of our time. But when you think them through and see them in some historical context — and Rosen is a historian — you really see how and why our culture has taken some of the peculiar turns that it has taken, and why modern life can be so confusing and bizarre.

I think together these three books are just a way to think about this moment with a little bit of perspective, which can certainly help in a time that seems like it's out of control.

Yuval Levin, thank you very much.

Thanks so much, Ezra.

This is an edited transcript of an episode of "The Ezra Klein Show." You can listen to the conversation by following or subscribing to the show on the NYT Audio app, Apple, Spotify, Amazon Music, YouTube, iHeartRadio or wherever you get your podcasts.