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'Trump Is the Real Thing' By Thomas B. Edsall March 4, 2025

With Donald Trump back in the White House, each new week produces an onslaught of radical policy initiatives.

In <u>an essay</u> posted on Substack, <u>Stephen I. Vladeck</u>, a law professor at Georgetown, described a sequence — running from Feb. 21 to Feb. 27 — of what are, in effect, warnings designed to intimidate and even silence the nation's legal community.

There is Secretary of Defense Pete Hegseth's <u>Friday night sacking</u> of the senior military lawyers in the Army, Navy, and Air Force — lawyers who, by law, are required to provide "independent legal advice" to the Pentagon's civilian and military leaders. There is President Trump's revocation of security clearances for all of the lawyers at Covington & Burling who were in any way involved in pro bono representation of special counsel Jack Smith once he left government service (and Trump's ominous suggestion, captured in the video in which he signed the revocations, that "you're going to do this with more firms, right?"). There is the threat by interim D.C. U.S. attorney Ed Martin that Covington faces a criminal investigation for its representation of Smith.

Vladeck explained the significance of these developments:

What the Trump administration is doing is not just about specific lawyers representing unpopular clients, but is rather far more ominous: The administration is acting in ways that will necessarily chill a growing number of lawyers from participating in any litigation against the federal government, regardless of who the client is.

That, in turn, will make it harder for many clients adverse to the Trump administration to find lawyers to represent them — such that at least some cases either won't be brought at all or won't be brought by the lawyers best situated to bring them.

In addition to revoking the security clearances, Trump wrote in a <u>Feb. 25 memorandum</u>, "I also direct the attorney general and heads of agencies to take such actions as are necessary to terminate any engagement of <u>Covington & Burling L.L.P.</u> by any agency to the maximum extent permitted by law and consistent with the memorandum that shall be issued by the director of the Office of Management and Budget."

The effects of the Trump administration's initiatives soon become apparent. On Feb. 26 the Bloomberg reporters Ben Penn and Tatyana Monnay described some of the

reverberations of the Trump edict in "Covington Revenge Deepens Worries of Defending Trump Targets."

"Some firm leaders," they wrote, "citing corporate clients threatening to walk if they get crosswise with Trump, have rejected outright or put up roadblocks to partners seeking approval to represent D.O.J. lawyers, F.B.I. agents and other civil servants who've faced various forms of attack."

Penn and Monnay reported that their sources told them:

Individual attorneys want to enter what they see as a nonpartisan battle to preserve democracy by filing merit systems complaints for terminated federal employees, representing Jan. 6 prosecutors under investigation from D.O.J. and Congress or participating in litigation to halt Trump policies. Firms' senior decision makers, however, agonize about the sustainability of representing current and former government employees opposite the administration.

It's not just the left and the center that find the administration's policies disturbing. Walter Olson, a senior fellow at the libertarian Cato Institute, warned in a Feb. 26 essay, "Trump Punishes Large Law Firm for Representing His Adversary," that the president's actions threaten "the loss of an independent and qualified bar willing to stand up to authority."

The implications of the revocation of security clearances, Olson continued, "go far beyond the practice of national security law. Anyone can find themselves in a fight with Trump or his allies on almost any topic under the sun, and the question is whether the counsel representing you in that dispute has to fear being made the next Covington." Sign up for the Opinion Today newsletter Get expert analysis of the news and a guide to the big ideas shaping the world every weekday morning. Get it sent to your inbox.

While the focus is different, the drive by Elon Musk's so-called Department of Government Efficiency to reduce the size of the federal work force also carries a broader message.

Adam Bonica, a political scientist at Stanford, analyzed the pattern of personnel cuts initiated by Musk in a Feb. 28 Substack post, "The DOGE Purge: Empirical Evidence of Politically Motivated Firings," and concluded: "What we're witnessing in Washington isn't about 'efficiency' or 'cutting waste.' It's a calculated, ideologically driven purge of federal agencies perceived as liberal — a playbook lifted directly from modern authoritarian regimes."

Bonica found that "agencies perceived as liberal are overwhelmingly more likely to face

staffing cuts. This ideological targeting is the single strongest predictor of which agencies face layoffs — far outweighing practical considerations like agency size or budget."

Targeting U.S.A.I.D. and the Consumer Financial Protection Bureau, "two of the most liberal-leaning agencies, is likely telling," Bonica wrote. "The hardest-hit agencies are precisely those that regulate industry, protect public health and expand access to education."

The cuts DOGE is calling for, Bonica argued, fulfill an authoritarian agenda, closely following the proposals in the Heritage Foundation's Project 2025. The underlying goals include:

Frame political purges as administrative reform: This framing masks the potential for politically motivated actions, such as targeting agencies that enforce environmental regulations or protect civil rights.

Target agencies that constrain executive power: The <u>Project 2025 document</u> specifically calls for significant alterations or dismantling of agencies like the E.P.A., the Department of Education, the Department of Labor and potentially the Department of Homeland Security.

Weaken regulatory enforcement without changing laws: Project 2025 advocates for rescinding numerous regulations, streamlining permitting processes and reducing funding for agencies responsible for environmental protection and labor standards. This weakens enforcement without requiring the more challenging and public process of legislative change.

Replace career civil servants with loyalists: The project document repeatedly emphasizes the need for political appointees in key positions, even those traditionally held by career professionals. Project 2025 explicitly praises the idea of replacing career officials with "aligned political appointees," ensuring the bureaucracy executes the executive's agenda without resistance.

What's known as unitary executive theory provides the theoretical basis for Trump's expansion of executive authority.

In 2020, "<u>The Unitary Executive: Past, Present, Future</u>," <u>Cass R. Sunstein</u> and <u>Adrian Vermeule</u>, professors at Harvard Law School, wrote:

It is a bracingly simple idea.

Article II, Section 1 of the U.S. Constitution vests the executive power in "a president of

the United States." Those words do not seem ambiguous. Under the Constitution, the president, and no one else, has executive power. The executive is therefore "unitary." It follows, as the night follows the day, that Congress lacks the power to carve up the executive — to say, for example, that the secretary of transportation is a free agent, immune from presidential control, or that the secretary of commerce can maintain their job unless the president is able to establish some kind of 'cause' for removing them.

<u>Richard Pildes</u>, a professor of constitutional law at N.Y.U., described the legal status of unitary executive theory in an email responding to my inquiry:

The Supreme Court rejected the theory during the New Deal, which is why we have independent agencies. Justice Scalia gave powerful impetus to the unitary executive branch theory in his dissenting opinion in the independent-counsel case, and the Roberts court in several decisions has moved doctrine closer to the theory. The question has been how far that court would go, and the Trump administration is clearly going to push the boundaries as far as the court will let it go.

Trump has often expressed support for his extreme version of the unitary executive theory. On Feb. 16, on Truth Social, for example, he declared himself <u>above the law</u>, posting, "He who saves his Country does not violate any Law," repeating a variation of a quote attributed to <u>Napoleon</u>.

In a <u>Feb. 19 post</u> on Truth Social in which Trump claimed to have killed congestion pricing in New York, he proclaimed: "CONGESTION PRICING IS DEAD. Manhattan, and all of New York, is SAVED. LONG LIVE THE KING!"

In March 2023, Trump <u>announced</u> at the annual Conservative Political Action Conference:

I am your warrior, I am your justice. And for those who have been wronged and betrayed, I am your retribution. I am your retribution. I will totally obliterate the deep state.

Trump's vision of himself has been reinforced by the Supreme Court's 6-to-3 decision in July 2024 in <u>Trump v. United States</u>. The ruling granted Trump "absolute immunity from criminal prosecution for actions within his conclusive and preclusive constitutional authority" and "at least presumptive immunity from prosecution for all his official acts."

Crucially, the court affirmed the president's "exclusive authority over the investigative and prosecutorial functions of the Justice Department and its officials."

In a dissent, Justices Sonia Sotomayor, Elena Kagan and Ketanji Brown Jackson wrote that the majority decision "makes a mockery of the principle, foundational to our

Constitution and system of government, that no man is above the law."

Vermeule argued in a July 2024 post on his <u>Substack</u> that the Trump v. United States decision leads to a "maximalist theory of executive power" that exceeds even "the standard version of unitary executive theory."

On Feb. 10, <u>Jack Goldsmith</u>, a professor at Harvard Law School, wrote on the <u>Lawfare</u> <u>blog</u>:

One can imagine the joy with which Trump's senior legal and political advisers read Trump v. United States on July 1, 2024. They were joyful because the court recognized a presidential immunity that would make it practically impossible to try Trump criminally before the election.

But they were surely also joyful because the decision tended toward an aggregate conception of executive power that was already embodied in <u>Project 2025</u>, and that they planned to deploy to overcome, and to obliterate, the resistance that they believed, <u>with justification</u>, sought to stymie Trump's first term.

Shortly after Trump v. United States was announced, Trump <u>posted on Truth Social</u>: "Big win for our constitution and democracy. Proud to be an American."

Trump, now in his second term, has sharply escalated his will to wield presidential power. He has cowed members of his party, inspiring fear of a Trump- or Musk-backed primary opponent or an onslaught of violent MAGA threats unleashed against any Republican who breaks ranks.

On her first day in office, Feb. 5, Pam Bondi, the attorney general, announced the formation of the <u>Weaponization Working Group</u>, which she specifically ordered to investigate:

- 1. Weaponization by special counsel Jack Smith and his staff, who spent more than \$50 million targeting President Trump, and the prosecutors and law enforcement personnel who participated in the unprecedented raid on President Trump's home.
- 2. Federal cooperation with the weaponization by the Manhattan District Attorney Alvin Bragg, New York Attorney General Letitia James, their respective staffs and other New York officials to target President Trump, his family and his businesses.

Reflecting on all this, <u>Daniel Chirot</u>, a professor at the University of Washington's school of international studies, wrote by email:

Trump is the classic solipsist whose reality is only what he imagines it to be. That means that if his judgment and opinions are questioned, he reacts with fury and wants not only to eliminate this criticism but to get revenge.

The president, Chirot argued, "cannot accept criticism."

The big difference, he added, "between this situation and the Nixon affair is that today the Republican Party has become almost totally spineless, so it is doubtful if any significant number of Republicans will turn against him."

Chirot recommended contacting <u>Fathali Moghaddam</u>, a professor of psychology at Georgetown whose books include "The Psychology of Dictatorship."

Moghaddam replied to my inquiry by email:

I have no doubt that Trump has the personality characteristics of a potential dictator and strongly

- (1) believes he has all the correct answers to "make America great again"
- (2) is justified to crush any opposition to his actions
- (3) in marching ahead in his mission he has no qualms about damaging and even ending democracy as we know it and ending the independence of the media, universities, courts and all sources that could check his power and present alternative views.

Trump is the real thing.

Trump is also unpredictable. Moghaddam wrote:

Trump's perception of himself is in some respects unstable and dependent on contextual feedback. He shows a lot of bravado, but at a deeper level his confidence is fragile. When he gets pushback, he can quickly change his rhetoric (that is one reason he seems to say one thing today and another thing tomorrow).

<u>Dan McAdams</u>, a professor of psychology at Northwestern, followed up on this idea by email:

Building a self-concept that proclaims omnipotence while defending against a deep fragility is what narcissism is all about. Trump's narcissism is legendary, of course, but the form of it is stranger and more extreme than most people recognize.

In Greek myth, McAdams pointed out, "Narcissus is a beautiful young man who falls in love with the reflection of himself as he sees it in a pool." What many people overlook, McAdams continued, is that

Narcissus falls in love with the image of himself, not himself. Trump is the same. The image must continue to be beautiful, perfect and all-powerful if it is to be loved.

In this context, according to McAdams's analysis, "Trump will never, ever admit to a defeat. We have seen it again and again in his life."

Trump's refusal to abandon a grievance, his constant vows to avenge slights, is a hallmark of his character and part of what makes him so dangerous.

<u>Steven Pinker</u>, a professor of cognitive science at Harvard, foresees significant trouble ahead. He wrote by email that Trump is among those

who think well of themselves not in proportion to their accomplishments but out of a congenital sense of entitlement. When reality intrudes, as it inevitably will, they treat the bad news as a personal affront and its bearer, who is endangering their fragile reputation, as a malicious slanderer.

People who fit this model, Pinker wrote, are characterized by

a pervasive pattern of grandiosity, need for admiration and a lack of empathy. It's common among street toughs, bullies, abusive husbands and hate-crime perpetrators, and several historians have noted it's common among tyrants. Indeed, our Madisonian checks and balances are in large part designed to contain would-be tyrants.

The question, Pinker wrote, is "how far Trump would go and whether crossing some lines would bring him so much opprobrium that he would think it reflects badly on him. Presumably, that's what happened on Jan. 20, 2021" — the last day of Trump's first term — "when despite fears that he would not willingly leave the White House, he did so without resistance."

Assuming that the past six weeks are predictive of what's next, expect an age of anxiety; expect the elimination of tens, if not hundreds, of thousands of jobs; expect the decimation of liberal institutions to go on for all four years of Trump's second term; expect government services to deteriorate; expect reduced funding of the safety net; and expect more homelessness, hunger and disease. Expect poverty; expect the financial starvation of universities and of nongovernmental organizations; and expect unannounced raids, unreliable data and an America increasingly aligned with authoritarians worldwide. Expect a pervasive climate of suspicion and a preoccupation

with revenge. Expect more suffering, more fear, less security and less happiness.

In other words, expect the worst.

Thomas B. Edsall has been a contributor to the Times Opinion section since 2011. His column on strategic and demographic trends in American politics appears every Tuesday. He previously covered politics for The Washington Post. Mr. Edsall contributes a weekly column from Washington, D.C., on politics, demographics and inequality.

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