

Shadows on American Democracy: Concentration of Power in the Trump Administration

by Riccardo Alcaro

In the last month before the November 2024 presidential elections, Vice-President and Democratic candidate Kamala Harris made the risk that Donald Trump's return to the White House would entail for American democracy a central tenet of her political message. Post-mortem analyses of her defeat highlighted how this was likely a mistake, as voters were far more mobilised by such issues as the economy and inflation. The Harris campaign may indeed have gotten its election strategy wrong. But the danger the former vice-president warned of was no less real.

All power to the president

In recent weeks, President Trump's foreign policy forays have captured much international attention: the pursuit of an agreement with Russia without substantial security guarantees for Ukraine;¹ the green light for Israel to

continue its campaign of destruction in Gaza, now peppered with increasingly explicit calls for ethnic cleansing in order to make it a US-controlled real estate paradise;² expansionist plans over the Panama Canal, Greenland and Canada;³ and finally the on-and-off use of tariffs in a design that does not seem to make any economic sense, but which responds to an idea of power exercised through a tributary system of foreign relations in which those who bend are (momentarily) spared and those who resist are punished.⁴

¹ Tim Ross and Jacopo Barigazzi, "Trump's America Is Putin's Ally Now", in *Politico*, 19 February 2025, <https://www.politico.eu/?p=6187038>.

² Human Rights Watch, *Trump Indicates Intent to Escalate Ethnic Cleansing in Gaza*, 5 February 2025, <https://www.hrw.org/node/390499>.

³ Monica Duffy Toft, "Trump's Threats on Greenland, Gaza, Ukraine and Panama Revive Old-School US Imperialism of Dominating Other Nations by Force, after Decades of Nuclear Deterrence", in *The Conversation*, 20 February 2025, <https://theconversation.com/trumps-threats-on-greenland-gaza-ukraine-and-panama-revive-old-school-us-imperialism-of-dominating-other-nations-by-force-after-decades-of-nuclear-deterrence-249327>.

⁴ Ana Swanson, Andrew Duehren and Colby Smith, "When It Comes to Tariffs, Trump Can't Have It All", in *The New York Times*, 28 February

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Trump's use of tariffs – to generate influence rather than to pursue economic goals – reflects the way he conceives of power on the domestic front, where his approach has been no less frenzied than on the external one. It would be futile to look for ideological coherence or political strategy in the frenetic activism displayed by the administration. This is not to say that ideology does not matter – quite the contrary, it provides a fundamental legitimising framework for the administration's choices. Yet it is not ideology that gives coherence to government action; it is rather the superimposition of personal ties on the institutional ones, and consequently the concentration of power in the executive.

The corollary is the weakening of the system of checks and balances that so intimately characterises US democracy: in the first place the Congress and the courts, but also non-political federal officials who guarantee against the politicisation of the government's ordinary functions, independent agencies responsible for preventing abuses of market power and conflicts of interests, an education and research system founded on academic autonomy, and the free press.⁵

2025, <https://www.nytimes.com/2025/02/28/business/economy/trump-tariff-goals-contradictions.html>.

⁵ Edward Luce, "Trump's Assault on the Rule of Law: 'The Speed and Intent Is Remarkable'", in *Financial Times*, 21 March 2025, <https://www.ft.com/content/3741dee9-a801-4572-8f61-997c04d6698d>.

Dismantling the state

Today, the US federal administration is mostly subject to the whims of a person with no Senate-confirmed position, Elon Musk. The techno-multibillionaire heads the Department for Government Efficiency (DOGE), to which President Trump has given, on tenuous legal grounds, unprecedented authority.⁶ DOGE has gotten access to sensitive information on millions of Americans from the Treasury, the Department of Health and possibly the Internal Revenue Service; has attempted to control the federal payment systems (it is impossible to ascertain the extent to which it does so, given the opacity in which it operates); has claimed the right to fire hundreds of thousands of government officials as part of a broader strategy openly aimed at traumatising federal workers, so as to whittle down those who are not aligned within the administration and replace them with loyalists.⁷

⁶ Ben Kamisar, "How the White House Is Handling Elon Musk and Potential Conflicts of Interest", in *ABC News*, 21 March 2025, <https://www.nbcnews.com/politics/rcna197486>; Zach Montague, "What Is DOGE? Trump Says One Thing, Government Lawyers Say Another", in *The New York Times*, 22 March 2025, <https://www.nytimes.com/2025/03/22/us/politics/what-is-doge-elon-musk-trump.html>.

⁷ Laurel Wamsley, "The Government Already Knows a Lot about You. DOGE Is Trying to Access All of It", in *NPR*, 11 March 2025, <https://www.npr.org/2025/03/11/nx-s1-5305054>; Jacob Leibenluft, "DOGE Access to Treasury Payment Systems Raises Serious Risks", Washington, Center on Budget and Policy Priorities, 11 February 2025, <https://www.cbpp.org/node/29581>; Meg Kinnard, "A Comprehensive Look at DOGE's Firings and Layoffs so Far", in *AP News*, 22 February 2022, <https://apnews.com/d33cdd7872d64d2bdd8fe70c28652654>; Alice Herman, "Russell Vought: Trump Appointee Who Wants Federal Workers to Be 'in

Federal departments in charge of policy goals ostensibly opposed to the ideology of the administration in office, such as the US Agency for International Development (USAID) and the Department of Education, have been gutted or abolished by presidential fiat despite the fact that they have been created and can only be unmade by Congress.⁸ Independent agencies responsible for defining standards on drugs, the environment, labour and consumers' protection, some of which had started investigations into Musk's companies, have been disempowered or subjected to greater White House control.⁹

Conflicts of interests

In the meantime, Musk's empire continues to profit from multi-billion public contracts.¹⁰ But the SpaceX, Starlink, NeuroLink, X, xAI and

Tesla owner is not the only technomultibillionaire who has adjusted to the patronage logic dominating Trump's White House.

Amazon's Jeff Bezos, to make one example, has agreed to pay 40 million dollars to produce a documentary on Prime on first lady Melania.¹¹ During the election campaign, Bezos's decision to forbid *The Washington Post*, which he owns, to endorse Harris had shocked readers – and many others.¹² Bezos later ordered that the paper's editorial page host commentary on issues dear to the Trump administration.¹³ The subsequent exodus of long-time columnists (the last of whom, Ruth Marcus, after her column critical of Bezos was killed by the publisher)¹⁴ from the paper that uncovered the Watergate scandal does not seem to faze either Amazon's boss or, indeed, the American public.¹⁵ Nor is it isolated.

Trauma", in *The Guardian*, 10 February 2025, <https://www.theguardian.com/p/xxgk6p>.

⁸ White House, *At USAID, Waste and Abuse Runs Deep*, 3 February 2025, <https://www.whitehouse.gov/articles/2025/02/at-usaid-waste-and-abuse-runs-deep>; and *Improving Education Outcomes by Empowering Parents, States, and Communities*, 20 March 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/improving-education-outcomes-by-empowering-parents-states-and-communities>.

⁹ Charlie Savage, "Trump Order Seeks More Power over Agencies Congress Made Independent", in *The New York Times*, 18 February 2025, <https://www.nytimes.com/live/2025/02/18/us/trump-news>; RepresentUs, *Elon Musk's Conflicts of Interest, Explained*, 25 February 2025, <https://act.represent.us/sign/elon-musk-conflicts-of-interest>.

¹⁰ Eric Lipton, "Musk Is Positioned to Profit off Billions in New Government Contracts", in *The New York Times*, 23 March 2025, <https://www.nytimes.com/2025/03/23/us/politics/spacex-contracts-musk-doge-trump.html>.

¹¹ Anna Nicolaou et al., "How Jeff Bezos Made Peace with Donald Trump", in *Financial Times*, 20 March 2025, <https://www.ft.com/content/00e81e1a-a38f-4d45-89e8-0e8c162572b8>.

¹² Benjamin Mullin and Katie Robertson, "Inside The Washington Post's Decision to Stop Presidential Endorsements", in *The New York Times*, 27 October 2024, <https://www.nytimes.com/2024/10/27/business/media/washington-post-president-endorsement.html>.

¹³ Benjamin Mullin, "Bezos Orders Washington Post Opinion Section to Embrace 'Personal Liberties and Free Markets'", in *The New York Times*, 26 February 2025, <https://www.nytimes.com/2025/02/26/business/media/washington-post-bezos-shipleigh.html>.

¹⁴ Benjamin Mullin, "Washington Post Columnist Resigns after Paper Spiked Criticism of Jeff Bezos", in *The New York Times*, 10 March 2025, <https://www.nytimes.com/2025/03/10/business/media/washington-post-ruth-marcus-resigns.html>.

¹⁵ Megan Brenan and Lydia Saad, "Five Key Insights into Americans' Views of the News

Patrick Soon-Shiong, the owner of the Los Angeles Times, also blocked the paper's endorsement for Harris.¹⁶ Both Bezos' and Soon-Shiong's companies compete for major lucrative federal contracts, which they fear would go to others unless they more closely align with the administration.

These cases are emblematic of a media system that has been battered and delegitimised in the eyes of the public by years of relentless attacks on the "fake news" (where "fake" mostly means "non-aligned") by Trump, Musk and the media galaxy of US right-wing conservatism, from big networks like Fox down to popular podcasters like Tucker Carlson.¹⁷ Media outlets and networks are increasingly engaging in self-censure, if only to avoid costly defamation lawsuits or risk being openly ostracised by the government.¹⁸ Today, the spaces for reporting critical of the Trump administration have shrunk and are mostly – though certainly not only – concentrated in media outlets easily dismissed as politicised by Trump supporters.

Media", in *Gallup Blog*, 27 February 2025, <https://news.gallup.com/opinion/gallup/657239/five-key-insights-americans-views-news-media.aspx>.

¹⁶ Katie Robertson, "L.A. Times Editorial Chief Quits after Owner Blocks Harris Endorsement", in *The New York Times*, 23 October 2023, <https://www.nytimes.com/2024/10/23/business/media/la-times-editor-quits-patrick-soon-shiong-endorsement.html>.

¹⁷ Adam Gabbatt, "A True Free-Speech Emergency: Alarm over Trump's 'Chilling' Attacks on Media", in *The Guardian*, 24 February 2025, <https://www.theguardian.com/p/xxj4pk>.

¹⁸ Julianne McShane, "How Trump's Return Is Pushing the Media to Self-Censor", in *Mother Jones*, March-April 2025, <https://www.motherjones.com/politics/2025/01/margaret-sullivan-trump-free-press-interview-abc-defamation>.

The intimidation of universities

Lately, the Trump administration has ratcheted up pressure on higher education too. The Columbia University of New York, a member of the ultra-prestigious Ivy League, has bowed to government pressure and agreed to enact severe rules against students protesting in favour of Palestine, adopt a formal definition of antisemitism which many fear will encompass any criticisms of Israel, and put the Middle Eastern, South Asian and African Studies Department under the oversight of a specially designated provost. Columbia feared that failing to act could cost it 400 million dollars in federal funding.¹⁹ Similarly, the Trump administration has hinted that the University of Pennsylvania could lose 175 million in subsidies if it continues to advance a DEI (diversity, equity and inclusion) agenda.²⁰ The message is that preserving academic freedom may come at the cost of severe financial harm.

The assault on the rule of law

Arguably the most surprising target of the Trump administration's heavy handedness has been the legal system. A series of executive orders have prohibited a number of law firms that represented Trump's political opponents in the past or just fought

¹⁹ Troy Closson, "Columbia Agrees to Trump's Demands after Federal Funds Are Stripped", in *The New York Times*, 21 March 2025, <https://www.nytimes.com/2025/03/21/nyregion/columbia-response-trump-demands.html>.

²⁰ Martin Pengelly, "Trump Administration Pauses \$175m in Funds to UPenn over Trans Athlete Policy", in *The Guardian*, 19 March 2025, <https://www.theguardian.com/p/xxz8b5>.

against some of his policies during his first term from having any interaction with the federal government.²¹ This is tantamount to a death sentence for these firms, whose core business is representing private corporations' interests vis-à-vis the government. The chairman of Paul, Weiss, Rifkind, Wharton & Garrison, a prominent law firm with links to the Democrats, was compelled to pledge 40 million dollars in pro bono services in defence of government-championed issues after meeting with the president in person.²² Such intimidating tactics are creating growing alarm, if not outright panic, in US legal circles and beyond.²³

Some of the migration policies adopted by the administration also border on the erosion of the rule of law. The most striking case is that of Mohammed Khalil, a Columbia researcher of Palestinian origin who was arrested and had his regular permit revoked not for committing a crime but for expressing criticism of Israel, which the administration, with no evidence,

dismissed as pro-Hamas.²⁴ Khalil's case is not isolated,²⁵ and there have been incidents where foreign visitors have been detained for days or turned back at the border with little or no legal ground.²⁶ Nor can one fail to mention the decision to use Guantanamo, the infamous military prison for terrorist suspects removed from civilian jurisdiction, as a detention centre for migrants; or the deportation of hundreds of Venezuelans (accused of being gang members) on the basis of a 1798 law that would authorise the expulsion of citizens of states with which the United States is at war.²⁷ The administration also keeps insisting that the constitutionally-enshrined birthright citizenship is not valid.²⁸

²¹ Devlin Barrett, "With New Decree, Trump Seeks to Cow the Legal Profession", in *The New York Times*, 22 March 2025, <https://www.nytimes.com/2025/03/22/us/politics/trump-memo-lawyers.html>.

²² Michael S. Schmidt et al., "How a Major Democratic Law Firm Ended Up Bowing to Trump", in *The New York Times*, 21 March 2025, <https://www.nytimes.com/2025/03/21/us/politics/paul-weiss-trump.html>; Amelia Pollard, "Paul Weiss Chair Says Trump Executive Order Could Have Destroyed Law Firm", in *Financial Times*, 24 March 2025, <https://www.ft.com/content/38b6fe6c-2fbd-4785-a0c6-e6ada60a2ff2>.

²³ Stefania Palma and Suzi Ring, "Trump's Big Law Crackdown Sends Chill through Legal Industry", in *Financial Times*, 12 March 2025, <https://www.ft.com/content/456d1783-5086-4880-87cf-1f6fb7c3da40>.

²⁴ Michael Wilson, Michael Rothfeld and Ana Ley, "How a Columbia Student Activist Landed in Federal Detention", in *The New York Times*, 16 March 2025, <https://www.nytimes.com/2025/03/16/nyregion/mahmoud-khalil-columbia-university.html>; "Mahmoud Khalil and His Green Card", in *The Wall Street Journal*, 12 March 2025, <https://www.wsj.com/opinion/mahmoud-khalil-green-card-trump-administration-cuad-columbia-israel-hamas-ecdc4424>.

²⁵ Louisa Moller and Brandon Truitt, "Brown University Doctor Denied Entry to U.S. Because of Photos on Her Phone, Court Documents Show", in *CBS News*, 17 March 2025, <https://www.cbsnews.com/boston/news/brown-university-rasha-alawieh-denied-entry-us-hezbollah>.

²⁶ Julie Watson, "Weekslong Lockups of European Tourists at US Borders Spark Fears of Traveling to America", in *AP News*, 21 March 2025, <https://apnews.com/408cd27338e8065268fab835f8b0c34>.

²⁷ Edwidge Danticat, "The Fate of Migrants Detained at Guantánamo", in *The New Yorker*, 9 March 2025, <https://www.newyorker.com/culture/photo-booth/the-fate-of-migrants-detained-at-guantanamo>; Edward Helmore and Tom Phillips, "US Deports 250 Alleged Gang Members to El Salvador Despite Court Ruling to Halt Flights", in *The Guardian*, 16 March 2025, <https://www.theguardian.com/p/xxnjxq>.

²⁸ Nina Totenberg, "Trump Takes Birthright

In search of resistance

The administration's intimidatory action has been so swift and unscrupulous that observers, critics and even supporters have been left reeling. The Democratic Party, lacking a unifying leadership, is in the minority in both chambers of Congress and thus structurally incapacitated to put up a legislative fight.²⁹ The Republicans are aligned with the administration's line – and those who are not, are too scared to protest publicly.³⁰ Hence, no resistance worthy of the name is coming from Congress.

So far pushback has only come from the courts. Federal judges have denied that the administration has the authority to deprive USAID of a budget appropriated by Congress; fire government officials through DOGE; block federal payments; abolish birthright citizenship; preclude a law firm from having contact with federal officials; and deport migrants without due process.³¹

Citizenship to the Supreme Court", in *NPR*, 14 March 2025, <https://www.npr.org/2025/03/14/nx-s1-5327552>.

²⁹ Annie Karni, "Democratic Response to Trump Shows a Party Divided on How to Resist Him", in *The New York Times*, 5 March 2025, <https://www.nytimes.com/2025/03/05/us/politics/democrats-trump-al-green-protests-congress.html>.

³⁰ Elisabeth Bumiller, "'People Are Going Silent': Fearing Retribution, Trump Critics Muzzle Themselves", in *The New York Times*, 6 March 2025, <https://www.nytimes.com/2025/03/06/us/politics/trump-democracy.html>.

³¹ Lindsay Whitehurst and Michael Kunzelman, "Judge Rules DOGE's USAID Dismantling Likely Violates the Constitution", in *AP News*, 19 March 2025, <https://apnews.com/bdc919a5d98eda5ab72a32fdfe2f147d>; Lily Jamali, "Two Judges Order Trump Administration to Give Fired Workers Their Jobs Back", in

The effect of these rulings, however, is not decisive. It is not always possible to restore the situation before the annulled presidential order, if only for practical reasons (as with the federal layoffs).³² Even when presidential orders are blocked, much uncertainty remains as to the final outcome as the administration appeals in most cases, and firms and universities may cave in just for an excess of prudence. Further, the administration is adopting delaying tactics to avoid fully complying with the rulings or even ignoring them (as was the case with the deported Venezuelans).³³ While in the courts the administration's lawyers argue about

BBC News, 14 March 2025, <https://www.bbc.com/news/articles/cgj5w052x3xo>; Michael Casey, "Second Federal Judge Extends Block Preventing the Trump Administration from Freezing Funding", in *AP News*, 6 March 2025, <https://apnews.com/6620ef49a21f88f83f8f998805b92677>; Michael Casey and Mike Catalini, "Fourth Federal Judge Blocks Trump's Birthright Citizenship Order", in *AP News*, 14 February 2025, <https://apnews.com/3e442a97de8398dc4fa691857ea48ea>; Hugo Lowell, "Judge Temporarily Blocks Trump Order Punishing Law Firm Tied to Clinton", in *The Guardian*, 13 March 2025, <https://www.theguardian.com/p/xxnv8d>; Alan Feuer, "Judge Appears Skeptical of Trump's Use of Wartime Law to Deport Venezuelans", in *The New York Times*, 21 March 2025, <https://www.nytimes.com/2025/03/21/us/politics/trump-deportations-alien-enemies-act-block.html>.

³² Eileen Sullivan and Zach Montague, "Judges Have Ordered Federal Workers Back on the Job. Now What?", in *The New York Times*, 14 March 2025, <https://www.nytimes.com/2025/03/14/us/politics/judges-federal-workers-reinstatement.html>.

³³ Dareh Gregorian, Gary Grumbach and Chloe Atkins, "Trump Administration Accused of Sidestepping Court Rulings amid Spree of Legal Losses", in *NBC News*, 1 March 2025, <https://www.nbcnews.com/politics/rcna193760>; Katherine Faulders, "Trump Administration Ignores Judge's Order to Turn Deportation Planes Around: Sources", in *ABC News*, 16 March 2025, <https://abcnews.go.com/US/story?id=119857181>.

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technicalities, the political response is much sharper. Attorney General Pam Bondi has openly accused judges of interfering in government business. Trump has gone so far as to call for the impeachment of judges who overturn his executive orders, prompting a public reprimand from Chief Justice John Roberts – an extremely rare occurrence.³⁴

It is hard to say whether the administration can continue on this path. Judging from its response to the rulings, it seems keen on avoiding the full constitutional crisis that would break out if it were to openly ignore them. But it is also clear that this is a tactical adjustment, so further pressure on the rule of law is to be expected. If that happens, it may be that, starting off from the courts, strong resistance will eventually arise not just from progressives but also amongst conservatives worried about the democratic backsliding and the erosion of the federal government's efficacy. The system of checks and balances may well still roar back and restore balance to the US democracy. But the ease and speed with which that system has been weakened in only two months of the Trump presidency cast a long shadow.

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³⁴ Anthony Coley, "Pam Bondi Should Know 'Our Government' Includes Judge James Boasberg", in *MSNBC*, 20 March 2025, <https://www.msnbc.com/opinion/rcna197195>; @realDonaldTrump, "This Radical Left Lunatic of a Judge", *Truth Social* post, 18 March 2025, <https://truthsocial.com/@realDonaldTrump/posts/114183576937425149>; Andrew Chung and John Kruzel, "US Chief Justice Roberts Rebukes Trump's Attack on Judge", in *Reuters*, 18 March 2025, <https://www.reuters.com/legal/us-chief-justice-roberts-calls-judges-impeachment-are-inappropriate-after-trump-2025-03-18>.

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