

Governing by Decree: The Trump Presidency and the Decline of “Legislating Together”

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Abstract

During his two terms as president, Donald Trump has asserted exceptional executive power, diluting Congress’s governing responsibilities. The Trump presidencies deploy a strategy of concentrated executive ballast for governing, including, but not limited to, the extensive use of executive orders. The conventional political science view that presidents and Congress “legislate together” through bargaining and bipartisan negotiation, a view associated particularly with Richard Neustadt’s scholarship, is found wanting. Governance by decree is established through six developments: increased unilateralism; norm-testing implied by White House action; unitary executive theory as jurisprudence; judicial upholding of executive power; tepid legislative oversight of the executive; and enforcement through threats. Each element disrupts a commonplace in American government textbook orthodoxy.

Keywords: unilateral authority; unitary executive theory; President Trump; congressional oversight; enforcement

During his two terms as president, Donald Trump has asserted exceptional executive power, diluting Congress’s governing responsibilities. Consequently, the conventional political science view that presidents and Congress “legislate together” through bargaining and bipartisan negotiation, a view associated particularly with Richard Neustadt’s scholarship,¹ is outmoded. The Trump presidencies deploy a strategy of concentrated executive ballast for governing, including, but not limited to, the extensive use of executive orders.

The transformation of American politics and government unfolding under President Trump 1.0 and 2.0 looks set to rival two White House predecessors who fundamentally changed American politics: Franklin D. Roosevelt (1933–45) architect of the interventionist New Deal framework dominant until the 1970s; and Ronald Reagan (1981–88) who deregulated government, diluted civil rights, and advanced anti-welfarist tax cuts.² Trump’s activist return to the White House in 2025 and easy passage of his ambitious budget, stage-managed by the Republican Party Speaker Mike Johnson, sets a critical juncture in American politics centered on executive power.

¹ Richard Neustadt, *Presidential Power and the Modern Presidents* (New York: Free Press, 1990). Mark A. Peterson, *Legislating Together* (Cambridge, MA: Harvard University Press, 1990).

² Stephen Skowronek, *The Politics Presidents Make* (Cambridge, MA: Harvard University Press, 1993).

How is governance by decree achieved? I elaborate on the rise of executive governing in the following six sections, documenting the increased use of unilateral authority; the frequent norm-busting implied by White House action; the citation of unitary executive theory as a jurisprudential framing for a strong presidency; the role of the judiciary in upholding executive power; tepid legislative oversight of the executive; and enforcement through threats. Each element disrupts a commonplace in American government textbook orthodoxy.

Elevated Executive Governance

In his first 100 days (ending April 24, 2025) of his second term, President Trump signed 137 executive orders, including 26 on January 20, dwarfing the 37 Joe Biden issued in his first 100 days. Executive orders are presidential directives—derived from the Article II requirement that the President ensure laws “be faithfully executed,” which create or amend laws and public policies—issued bereft of explicit congressional approval. Trump issued more executive orders in five months than were issued in the last six full presidential terms (Biden, Obama, Obama, Bush, and the second Clinton term).³

The capacious use of executive orders to reshape major areas of public policy and government, including civil rights, immigration policy, trade and tariffs, control of government departments and agencies, and to pressure civil society actors, including law firms and private universities, is distinct. Given that President Trump’s party, the Republicans, holds majorities in both chambers of Congress and he is a forceful party leader, opting to use executive orders instead of congressional acts points to a deliberate strategy of governance.⁴ For President Trump, executive orders act to set policy, not merely to introduce regulatory correctives.

Unilateral measures including executive orders range widely in content and purpose.⁵ In the twentieth century, Harry Truman racially integrated the U.S. military. With his executive orders 12,291 and 12,498, Reagan centralized regulatory reviews in a new office and introduced strident criteria for proposed regulations.⁶

President Trump 2.0 has issued executive orders declaring a national emergency at the Mexican border, empowering border guards to deny entry to non-U.S. citizens. On 20 January 2025, the Department of Homeland Security rescinded a 2021 guidance memo requiring Department of Homeland Security (DHS) officers and agents to seek headquarters approval before taking enforcement action in sensitive areas like schools, colleges, hospitals, or churches. The rescission of the 2021 memo ends protected areas or locations under DHS policy. Immigration and Customs Enforcement (ICE) got a budgetary uplift (the July

³ Gerhard Peters and John T. Woolley, “Executive Orders – Trump II,” The American Presidency Project, ed. John T. Woolley and Gerhard Peters. University of California, Santa Barbara, website:<https://www.presidency.ucsb.edu>

⁴ As Kenneth Lowande and Jon C. Rogowski write, a key aspect of executive-centered governance “is the substitution of a presidential directive for a legislative enactment that could accomplish a similar outcome.” Kenneth Lowande and Jon C. Rogowski, “Presidential Unilateral Power,” *Annual Review of Political Science* 24 (2021): 21-43, p24.

⁵ Of the scholarly literature on unilateral measures, see in particular: William G. Howell, *Power Without Persuasion* (Princeton, NJ: Princeton University Press, 2003); Kenneth R. Mayer, *With the Stroke of a Pen* (Princeton, NJ: Princeton University Press, 2001); and, Andrew Rudalevige, *By Executive Order* (Princeton, NJ: Princeton University Press, 2021).

⁶ Other unilateral instruments include national security directives, recess appointments, signing statements, proclamations, executive agreements, and military orders.

2025 budget doubled its allocation to \$37.5 billion per year to spend), ensuring that the scale of detention and deportation outpaces earlier federally guided mass deportations. When resistance to ICE agents' arrests increased in Los Angeles in June 2025, President Trump mobilized military force, deploying 4,000 California National Guard troops combined with 700 Marines to the city.⁷

The Trump administration is urgently restructuring equality of opportunity and civil rights protection. On 21 January 2025, President Trump issued Executive Order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity."⁸ The use of executive orders has extended to pressuring law firms, elite universities (which is continuing), and former investigators—strategies consistent with Juan Linz's argument that a presidential system cannot absorb the conflicts flowing from intense polarization in the way that a parliamentary democracy can, with a resultant tendency toward forceful executive actions.⁹ President Trump 2.0 has initiated a huge dive into the federal government, creating the Department of Government Efficiency (DOGE) by executive order and winning judicial approval to access personal and budgetary data as well as support in firing tens of thousands of civil servants.¹⁰ Another plate of orders focuses on cultural reforms advocated by President Trump's supporters and includes restoring traditional narratives about American history.¹¹ More than 20 executive orders have launched the Trump 2.0 mobilization of tariffs in trade conflicts with the world.

The trajectory to build a unitary executive stretches back over several decades, aided by the expansive use of unilateral resources. This path establishes a robust executive increasingly liberated from long-standing legal strings or oversight push-backs, bolstered by jurisprudence. Executive-style governance inevitably expands into novel areas. Trump 2.0 has deployed executive orders to direct changes in civil society actors, including philanthropic organizations in addition to universities, many of which are under formal investigation for their historical diversity, equity, and inclusion policy-based choices in faculty hiring and student admissions, since the Court outlawed affirmative action admissions. These efforts involve the Department of Justice, through its Civil Division. This style of governance also meshes with a threatening executive.

⁷ This was challenged legally by California Governor Gavin Newsom, but the district court upheld the legality of President Trump's deployment.

⁸ President Donald Trump, Executive Order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," (90 Fed. Reg. 8633 Jan. 21, 2025).

⁹ Juan J. Linz, "The Perils of Presidentialism," *Journal of Democracy* 1 (1990): 51–69. And see Daniel Carpenter's essay, "Authoritarian State Conversion: America's Past and the Trumpian Future." *Political Science Quarterly*, 2025 symposium on "President Trump Lessons for Political Science," edited by Larry Bartels.

¹⁰ Court ruling 8 July 2025 on Trump v. American Federation of Government Employees. The Supreme Court lifted a lower court's ruling that had prevented the mass layoffs proceeding. The decision was unsigned without a written judgement, though Justice Ketanji Brown Jackson issued a 15-page public dissent in which she commented that President Trump's executive order would have "enormous real-world consequences," including "the dismantling of much of the federal government as Congress has created it."

¹¹ Executive orders: Donald J Trump, "Restoring Truth and Sanity to American History," EO 14253 March 27 2025. It directs the vice president to "eliminate improper, divisive, or anti-American ideology" from the Smithsonian Institution's museums, centers, and the National Zoo in Washington, DC. And Congress should not fund Smithsonian exhibits and programs that "divide Americans by race." Donald J Trump, "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," EO14168, 20 January 2025. Donald J Trump, "Ending Radical Indoctrination in K-12 Schooling," EO 14190, 29 January 2025.

Norm-testing and Power Concentration

Governing by decree means advancing policy that tests the limits of legal, formal, informal, and norm-based rules:¹² the imperative is to act (to “flood the zone”), then resist the challenges and modify policy incrementally.¹³

Other aspects of norm-testing to concentrate power include first the assigning of multiple formal offices to single Cabinet members. Thus, the U.S. Treasury Secretary runs his department and is Interim Commissioner of the Internal Revenue Service. Transportation Secretary Sean Duffy is also interim administrator of NASA, and Secretary of State Rubio covers three briefs in addition to his Cabinet post: acting U.S. Agency for International Development administrator, acting national archivist, and acting national security adviser. This strategy concentrates power further in the Executive branch. In his first presidency, Trump made exceptional use of acting appointees to key positions to avoid hearings in Congress.¹⁴

The other unilateral presidential power getting plenty of use is the presidential power to pardon. President Trump has issued pardons for hundreds of citizens convicted under federal laws, most notably pardoning or giving clemency to all the American rioters convicted for a crime related to the invasion of Congress on 6 January 2021. All presidents use pardons and many have been controversial, usually issued at the last hour of the administration (most recently President Biden’s pardoning of his son Hunter). For the two Trump administrations, pardons have been extended generously as a presidential decree.

Asserting Unitary Executive Power and Sidelining Congress

The unitary executive theory of presidential power is a conservative jurisprudence whose proponents argue that the constitutional power vested in the office of the executive (i.e., the president) is significantly greater than understood by jurists in the twentieth century.¹⁵ In particular, the president may be advised by executive branch civil servants, but legally, the presidency has complete authority over all actions of the executive branch. The president has absolute authority to define government policies, can fire employees at will, and can determine agencies’ rulemaking. The influential conservative Federalist Society supports this strong-executive view of presidential power, as do several of the conservative Republican appointed Supreme Court justices. President Trump cited unitary powers in his first presidential term and has enjoyed judicial support for the doctrine. The issue of control of independent regulatory agencies is a particular contention, with the Trump administration arguing that the Consumer Finance Protection Bureau was unconstitutional; some adherents of unitary executive power question the independence of the Federal Reserve.

Scholars of the U.S. presidency have spilt much ink assessing both the inherent weakness of the office within a system of separated powers and the limits imposed on presidential unilateral action. An influential statement of the former is Richard

¹² For examples, see Stephen Skowronek, John Dearborn, and Desmond King *Phantoms of a Beleaguered Republic* (New York: Oxford University Press, 2022). And Larry Bartels, “Donald Trump’s Contributions to Political Science,” *Political Science Quarterly* 2025, symposium “President Trump Contribution to Political Science,” edited by Larry Bartels.

¹³ Adam Liptak, “Trump Declares Dubious Emergencies to Mass Power, Scholars Say,” *New York Times*, 10 June 2025.

¹⁴ Christine M. Kinane, “Control without Confirmation: The Politics of Vacancies in Presidential Appointments,” *American Political Science Review* 115, no. 2 (2021): 599–614.

¹⁵ For an exegesis, see Skowronek, Dearborn, and King, *Phantoms of a Beleaguered Republic*, Chapter 3.

Neustadt's aphorism that presidential power resides in the elusive constitutional authority captured in the "power to persuade."¹⁶ Strategically deployed persuasion is directed at members of Congress initially and to a lesser extent at the public. For this line of analysis, President Lyndon Johnson is one exemplar; scholars also admire early Reagan enactments, several of President Clinton's legislative successes, and more recently, the way President Barack Obama engineered passage of the Affordable Health Care Act.¹⁷

The doctrine of executive power expressed in the unitary executive theory sidelines Congress in policymaking except for that institution's constitutional power of the purse (though even this has been curtailed with rescissions cancelling spending authorized by Congress¹⁸).

Scholarly models of presidential power, which assume that once elected, a president works with Congress to achieve election platform aims, are outdated, a limitation enhanced by partisan polarization.¹⁹

Sidelining Congress makes persuasion less necessary. The transformation of the Republican Party into a solidly Trump party that imposes managerial duties on the speaker and Senate majority leader, diminishing Congress's autonomous role in law making, is a major impetus to executive leadership and governance. Under unitary executive theory influence, it is efficient to govern directly, comfortable in jurisprudential support.

Historically, persuasion often proved necessary because either the Congress was held by a different party than that of the president, or individual members of Congress, notably senators, value themselves as independent elected officials entitled to reflect and make their own political choices and not to follow partisanship blindly. As many scholars have documented, this older world has vanished. Any Neustadtian-style cajoling and persuading by President Trump of the Congress is rooted in threats to mobilize primary challenges to GOP skeptics, an aggressive style that got his budget through Congress on 3 July, as Frances Lee discusses.²⁰ Thom Tillis is the most recent Republican Party senator to flee from the chamber rather than face a primary.

The Judiciary's Support

The presidency operates in a checks and balance system of government, which accords constitutional powers and defined roles to the other two branches: the

¹⁶ Neustadt, *Presidential Power*, 9.

¹⁷ On Obama's health reform, see Lawrence R. Jacobs and Theda Skocpol, *Health Care Politics and American Politics* (New York: Oxford University Press, 2015); and James Morone and David Blumenthal, *Whiplash* (New Haven, CT: Yale University Press, 2025).

¹⁸ The House and Senate passed the White House-endorsed bill to terminate \$9 billion of authorized funding for foreign aid and public media, which President Trump signed into law on 24 July 2025. The act claws back funds previously authorized by the Congress, a strategy that Democrats argued ceded Congress's constitutional power of the purse to the executive branch.

¹⁹ Paul Pierson and Eric Schickler, *Partisan Nation* (Chicago: University of Chicago Press, 2024).

²⁰ Frances Lee, "Lessons from the House Freedom Caucus: Ideology and President Trump," *Political Science Quarterly*, 2025, symposium on "President Trump Contribution to Political Science," edited by Larry Bartels. In an essay in 2009, Kenneth R. Mayer presciently concluded that, "the literature on unilateral action has also established that presidents will win most of these interbranch conflicts. Typically, neither Congress nor the judiciary is in a good position to respond." Mayer, "The Presidential Power of Unilateral Action," in *The Oxford Handbook of the American Presidency*, ed. George C. Edwards III and William G. Howell (Oxford: Oxford University Press, 2009), 433. Numerous House and Senate GOP members have departed rather than face a Trump-orchestrated primary.

judiciary and legislature.²¹ For the Trump presidency, the Supreme Court has proved crucial for an expanded executive-centered governance strategy.

Scholars used to think of executive orders as facing rigorous judicial tests. In *Youngstown Sheet and Tube Co. v. Sawyer* (1952), when the Supreme Court denied President Harry Truman's executive order nationalizing the steel company, then-Justice Hugo Black wrote, "The President's power, if any, to issue the order must stem either from an act of Congress or from the Constitution itself."²² This apparently lucid statement nonetheless glosses some grey areas such as emergency or wartime powers. Denying Truman's nationalization of private property at Youngstown, Black added: "The President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker."²³ This robust view severely understates how President Trump uses executive decrees to govern and make law.

To help facilitate governance by decree, the courts, but especially the Supreme Court, must warm to the merit of unitary executive theory as guiding jurisprudence. This has occurred. Below the Supreme Court, federal district and appellate justices who challenge executive power face public antagonism and rebuke from Administration members. Intense objection by the Administration against judicial stays and opinions are now common,²⁴ prompting Chief Justice Roberts to restate the importance of an independent judiciary and to denounce violent threats against judges and court staff.²⁵ The Court has a steady 6–3 majority in the president's favor, with six justices being Republican appointees (including three nominated by Trump in his first term) and three nominated by Democrats. Intensely resistant to the characterization that they act on partisan or ideological lines, the evidence for such a view lies in the Court's decisions.²⁶ Many key judgements upholding and advancing the Trump 2.0 governance agenda are in practice 6–3 judgements with forceful exchanges in majority and dissenting opinion from each side.

The compliance of the Supreme Court with the intentions of the Trump executive strategy has been far reaching. In 2024, before the November election, the Court ruled to exempt decisions taken by a president from prosecution—in effect, to provide the presidency with immunity from criminal prosecution with respect to core executive actions, an immunity which extends to actions taken by the Department of Justice under the president's direction. This stance is consistent with unitary executive theory, the Court ruling broadening the meaning of

²¹ In their essay, Lowande and Rogowski write that "limits on the president's ability to issue unilateral directives are enforced less by law than by the watchful gaze of Congress, the judiciary, and their constituents." Lowande and Rogowski, "Presidential Unilateral Power," 23. The authors valiantly include four recommendations about how to better conceptualize and measure unilateral power. For a current audit, see Lisa M. Miller, "The Deadly End of Checks and Balances," *Boston Review* (21 May 2025). Accessed 11 September 2025. <https://www.bostonreview.net/forum/the-dead-end-of-checks-and-balances/>.

²² *Youngstown Sheet & Tube Co. v. Sawyer* 343 U.S. 579 (1952), p585

²³ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), p587.

²⁴ Justin Jovenal, "Trump Officials Accused of Defying 1 in 3 Judges Who Ruled Against Him," *Washington Post*, 21 July 2025.

²⁵ Adam Liptak, "On the Supreme Court's Emergency Docket, Sharp Partisan Divides," *New York Times*, September 14, 2025.

²⁶ See John Roberts, "2024 Year End Report on the Federal Judiciary," Supreme Court of the United States; 2024year-endreport.pdf. And see Rogers M. Smith, "Is Chief Justice John Roberts an Institutionalizer? A Historical Institutionalizer Analysis," *Annals of the American Academy of Political and Social Science*, 713, no 1 (2025): 68–87.

Table 1. Court Judgments on Emergency Rulings: January 20–July 8 2025

Case	Justice(s) dissenting
Reimbursements for federal-assistance work	Alito, Gorsuch, Kavanaugh, Thomas
Termination of Department of Education	Jackson, Kagan, Roberts, Sotomayor
Removal of immigrants via the Alien Enemies Act	Barrett, Jackson, Kagan, Sotomayor
Probationary federal worker firings	Jackson, Sotomayor
Deportation of Kilmar Armando Abrego Garcia to El Salvador	None recorded
Disqualification of transgender military service members	Jackson, Kagan, Sotomayor
Removal of Venezuelan men	Alito, Jackson
Termination of temporary protected status for Venezuelans	Jackson
National Labor Relations Board and Merit Systems Protection Board firings	Jackson, Kagan, Sotomayor
Revocation of parole for noncitizens from Cuba, Haiti, Nicaragua, and Venezuela	Jackson, Sotomayor
Department of Government Efficiency (DOGE) access to Social Security records	Jackson, Kagan, Sotomayor
Freedom of Information Act requests for DOGE materials	Jackson, Kagan, Sotomayor
Removal of noncitizens to countries not in removal orders	Jackson, Kagan, Sotomayor
Nationwide injunctions related to birthright citizenship	Jackson, Kagan, Sotomayor
Lower court blocking of mass layoffs of federal civil servants	Jackson

Sources: Adopted from SCOTUSblog ([Homepage-SCOTUSblog](#)) and Adam Liptak, Abbie VanSickle, and Alicia Parlapano, “A Triumphant Supreme Court Term for Trump, Fueled by Emergency Rulings,” *New York Times*, 28 June 2025.

“executive privilege.”²⁷ In 2025, the Court has opted to uphold the administration’s position in emergency docket cases, commonly with a 6–3 majority and without detailed explanations (see [Table 1](#)).²⁸

Many cases are pending, having been stayed temporarily at the district level. An example is the executive order banning any foreigners studying, teaching, or researching specifically at Harvard, a customized ban not yet extended to other universities, though many have received investigatory letters.

Judicial review has favored President Trump, as reflected in the series of major end-of-term judgements issued by the Supreme Court in June 2025 (including the executive’s right to fire federal workers in a decision on 8 July). *Trump v. CASA*, the birthright citizenship case—not ruling about ending this entitlement but focused on the procedural issue of judicial injunctions—placed novel limits on judicial power of injunction. Voting 6–3, the Court permitted the president’s executive order ending birthright citizenship to operate in some parts of the country but not others. Nationwide (or universal) injunctions have been issued by district court justices to halt some freezing of federal funding, amendments to voting rules and executive order determined limits on birthright citizenship.²⁹ Infants born

²⁷ *Trump v. United States*, No. 23-939 2024. The decision accorded “presumptive immunity” also for acts as president undertaken in ‘his official responsibility.’ As many commentators commended the decision pushed back on constraints on presidential power put in place after Nixon’s Watergate abuses.

²⁸ A practice Justice Kavanaugh has defended as necessary to avoid hasty rulemaking: Adam Liptak, “Kavanaugh Defends Supreme Court’s Terse Emergency Orders,” *New York Times*, 31 July 2025. Justice Elena Kagan, usually in the minority, argued that the majority should, in fact, give reasons for their decisions.

²⁹ See *Trump, President of the United States et al. v. CASA, INC. et al.* No. 24A884, 27 June 2025: 1–119.

to undocumented migrants of foreign visitors will have differential experience when applications are made for Social Security numbers depending on the states in which they reside—again a 6–3 decision.³⁰

Weak Executive Oversight

Undergraduate textbooks on American government give cursory reference to the presidential power of executive orders and other unilateral actions, classifying them in the executive's inherent powers contrasted with the formal powers itemized in the Constitution or delegated by Congress. This approach to textbook instruction needs to change because the use and scope of executive orders have enlarged without much oversight or judicial reversal and, for the Trump presidency, are a key driver of reform. The enhanced use affects how executive oversight functions and how the judiciary is integrated into legally legitimating this mode of governance (which could change, of course, if non-Republican justices arrive on the Court).

In addition to stated constitutional powers to hold the executive accountable, additional Congressional oversight power is set out in the Congressional Review Act (CRA) 1996. The Act gives Congress expedited powers to review new federal regulations from federal agencies and to overrule the regulation with a joint resolution. An overruled order cannot be reissued unless it is substantially different. Congress has sixty session days to review and override an order.

Between 1996 and January 2017, Congress acted only once using the CRA to overturn a regulation. When Republicans took control of the Congress in 2017 with President Trump in the White House, Congress invoked the law to reverse fourteen of Obama's rules. It is inconceivable that the Republican Party controlled House and Senate would invoke this override power now.

The force of executive governance is complemented by weakening the role of inspectors general in departments and the Office of Legal Counsel in the U.S. Department of Justice, which, during Trump's first administration, used unitary executive jurisprudence to justify expansions in presidential power.³¹ With the same 6–3 majority, the Court endorsed the view that President Trump has the power unilaterally and without cause to dismiss heads of independent agencies and commissioners of those agencies. Congress shows little enthusiasm to query executive actions, such as President Trump's summary firings of the head of the Bureau of Labor Statistics and the commissioner of the Internal Revenue Service, which, previously, might have prompted committee hearings to investigate the dismissals.

Tough Enforcement

The storming of Congress on 6 January 2021, stands out as a dramatic instance of political violence mobilized for ideological and electoral ends in the United States

³⁰ The Court exempted cases brought under the Administrative Procedure Act, a law regulating executive branch rulemaking and class-action lawsuits pursued by groups of people across jurisdictions but who are in similar circumstances.

³¹ Celia Parry, Amanda Hollis-Brusky, and Sean Diament. "Serviceable Instruments of His Authority' the Office of Legal Counsel, Donald Trump, and the Expansion of Executive Power," *Law & Policy*, 47, no. 3 (2025): e70003.

—in this case, an effort to disrupt the transfer of post-election power and reinstall Donald Trump as president for a consecutive term. Most of the rioters believed the 2020 election was stolen and, in response, mobilized violently to seize power to stall a Biden presidency.

Condemned widely at the time as excessive and unlawful action, even by many President Trump supporters, such as Lindsay Graham and Kevin McCarthy (both of whom reversed their rebukes), and the subject of national Federal Bureau of Investigation searches and arrests, on his Inauguration in 2025, President Trump pardoned the convicted rioters. The rioting is part of a tradition, constitutive to American politics, legitimating violence outside state control, as King argues,³² which is sustained in part by the pardoning instrument. Since 2016, incidents of political violence have recurred. These include the 2017 March of the Right in Charlottesville, VA, the killing of George Floyd in 2020 and resultant protests, the attempt on Supreme Court Justice Brett Kavanaugh’s life, and the 2024 assassination attempt on candidate Trump in Butler, PA. These incidents extend to social media–disseminated threats from high-profile politicians and media personalities to elected office holders or federal workers such as those in public health, and especially women,³³ highlighted by Senator Lisa Murkowski’s revelation that “we are all afraid.”³⁴

In June 2025, Minnesota State Senator Melissa Hortman and her husband were murdered for apparently political reasons. The incidents of reported threatening or actual acts of intimidation and violence have climbed upward this century. Elevated fear constrains the checks and balances system.

A network of advocacy groups committed to “firepower”³⁵ and tepid regulation of gun ownership, a masculine and muscular Evangelical Christian population,³⁶ and a Court-based jurisprudence favoring individual rights and rigorous First Amendment free speech collectively render violence and the instruments of violence part of the national fabric. This institutional frame complements the threatening style rained down upon Trump opponents from scientific experts to federal district justices.³⁷ And what the president articulates is commonly taken up by his supporters on social media. One tactic of intimidation is to remove protection from eminent scientists (e.g., Dr. Anthony Fauci)³⁸ or former politicians (e.g., Mike Pompeo, John Bolton) who have endured death threats and other abuses. The public excoriation of the Federal Reserve Chairman Jerome Powell’s policies, culminated in early July with accusations that he mismanaged a building

³² Desmond King, “American Political Violence,” *Government and Opposition* 60 (2025): 20–45.

³³ Maya Kornberg, *Democracy on the Brink*. (Baltimore, MD: Johns Hopkins University Press, 2025).

³⁴ Lulu Garcia-Navarro, “Senator Lisa Murkowski Makes Startling Admission as Trump Wages Retribution Campaign,” *New York Times*, 14 June 2025: “It’s quite a statement. But we are in a time and a place where I certainly have not been here before. I’ll tell you, I’m oftentimes very anxious myself about using my voice, because retaliation is real. And that’s not right.”

³⁵ Matthew Lacombe, *Firepower* (Princeton, NJ: Princeton University Press, 2019).

³⁶ Kristin Kobes Du Mez, *Jesus and John Wayne: How White Evangelicals Corrupted a Faith and Fractured a Nation* (New York: Liveright, 2020). Amanda Hollis-Brusky, “Making Fusionism Great Again: Authoritarian Means to Christian Nationalist Ends,” *Annals of the American Academy of Political and Social Science*, 713, no. 1 (May 2024): 16–34.

³⁷ “The fear is the point.” Former Secretary of the Air Force Frank Kendall, *New York Times*, 24 July 2025.

³⁸ After a shooting at the federal Centers for Disease Control and Prevention (CDC) in Atlanta, GA, in August 2025, one CDC staff member remarked, “I’m actually surprised it didn’t happen sooner,” quoted in Keren Landman, “I’m Actually Surprised It Didn’t Happen Sooner,” *The Atlantic*, 9 August 2025.

renovation scheme.³⁹ Federal justices worry about the withdrawal of their protection at work by the U.S. Marshals Service, of whom one is appointed for each of the ninety-four judicial districts. Liberal and conservative justices, including Supreme Court justices, have been targeted by critics some with violent messages. President Trump and allies have frequently publicly criticized individual judges. Unordered pizzas have been delivered anonymously to judges and their families to signal knowledge of their home addresses.⁴⁰

Conclusion

Trump 2.0 is a qualitatively distinct era of presidential government, marked by an enhanced executive-centered style of governance, deployed through executive unilateralism, and supported with a conservative judicial majority that embraces unitary executive theory, a robust style of presidentialism⁴¹ with tough enforcement and a sidelined legislature.

While the energetic executive approach to policy making is not unprecedented (analogous in part to Franklin D. Roosevelt, Lyndon B. Johnson, and Ronald Reagan), I argue that to pursue so much of an agenda without Congress is distinct.⁴² “Governance by decree” signals a break with textbook wisdom about the limits of presidential power and with White House incumbents’ reliance upon the Neustadt-style soft powers of persuasion, charm, or charisma. Trump’s presidencies are part of a twenty-first century trajectory, driven by the additional powers granted the presidency in 2001 and bolstered by post-2010 partisan polarization: because polarized voters make election outcomes close,⁴³ successful candidates are incentivized to pursue forceful presidential governance to reward their supporters and to eschew bipartisanship, a propensity favoring governance by decree.⁴⁴

³⁹ Nick Timiraos, “Powell Pressured over Fed HQ Cost Overruns,” *Wall Street Journal*, July 12, 2025.

⁴⁰ Mattathias Schwartz and Emily Bazelon, “Judges Worry Trump Could Tell U.S. Marshals to Stop Protecting Them,” *New York Times*, 25 April 2025.

⁴¹ Under threat of litigation from the Justice Department a group of law firms have agreed to undertake millions of dollars of free legal work on causes identified by the White House as a condition of ‘work as usual.’ Four firms opted to challenge the EO as illegal, winning in district courts. In her ruling in favor of law firm Cole Perkins on May 2 2025, Judge Beryl Howell of the DC Federal District Court described the Order as intended to intimidate. The administration is appealing these adverse judgements. In July, Paramount settled a lawsuit about its flag show *60 Minutes*, which carried an interview with Kamala Harris during the presidential campaign that Trump said was biased. Paramount paid \$16 million toward his future presidential library. ABC News paid a similar amount when one of its anchors was accused of bias.

⁴² Nicholas F. Jacobs and Sidney M. Milkis, “Donald Trump, the Republican Party, and the Hazards of Executive-Centered Partisanship,” in *The Changing Character of the American Right*, vol. 1. ed. Joel Aberbach, Bruce E. Cain, Desmond King, and Gillian Peele (New York: Palgrave Macmillan, 2025).

⁴³ Pierson and Schickler, *Partisan Nation*. Vincent Hutchings points to the stability of the U.S. electorate’s main coalitions in “The 2024 Presidential Elections and the Enduring Power of the Racial Divide,” *Political Science Quarterly*, 2025, symposium on “President Trump Lessons for Political Science,” edited by Larry Bartels.

⁴⁴ Certainly, a mid-term loss for the Republicans in Congress or unexpected changes in the ideology of the Supreme Court’s nine life-tenured justices could make governing more difficult—but until then, he will continue to govern according to these values and the issue will be whether conventional type obstacles will be made to matter as the limits of executive-centered governance are tested daily.