



POLITICS

Trump makes moves to expand his power, sparking chaos and a possible constitutional crisis

1 of 3 | Trump White House rescinds memo freezing federal grants after widespread confusion. He insists the funding freeze was for "us to quickly look at the scams, dishonesty, waste and abuse that's taken place in our government for too

BY NICHOLAS RICCARDI

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Just a little over a week into his second term, President Donald Trump took steps to maximize his power, sparking chaos and what critics contend is a constitutional crisis as he challenges the separation of powers that have defined American government for more than 200 years.

The new administration's most provocative move came this week, as it announced it would [temporarily halt](#) federal payments to ensure they complied with Trump's orders [barring diversity programs](#). The technical-sounding directive had [enormous immediate impact](#) before it was blocked by a federal judge, potentially pulling trillions of dollars from police departments, domestic violence shelters, nutrition services and disaster relief programs that rely on federal grants. The administration on Wednesday [rescinded](#) the order.

Though the Republican administration denied Medicaid was affected, [it acknowledged the online portal](#) allowing states to file for reimbursement from the program was shut down for part of Tuesday in what it insisted was an error.

Legal experts noted the president is explicitly forbidden from cutting off spending for programs that Congress has approved. The U.S. Constitution grants Congress the power to appropriate money and requires the executive to pay it out. A 50-year-old law known as the Impoundment Control Act makes that explicit by prohibiting the president from halting payments on grants or other programs approved by Congress.

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"The thing that prevents the president from being an absolute monarch is Congress controls the power of the purse strings," said Josh Chafetz, a law professor at Georgetown University, adding that even a temporary freeze violates the law. "It's what guarantees there's a check on the presidency."

Democrats and other critics said the move was blatantly unconstitutional.

"What happened last night is the most direct assault on the authority of Congress, I believe, in the history of the United States," Sen. Angus King, an independent from Maine, said Tuesday.

While some Republicans were critical, most were supportive.

"I think he is testing the limits of his power, and I don't think any of us are surprised by it," said Sen. Kevin Cramer, a North Dakota Republican who is close with Trump.

At first blush, the Trump administration appeared to be following the correct procedures in identifying potential spending cuts, and the Impoundment Control Act outlines a procedure for how they could become permanent, said Rachel Snyderman, a former official at the Office of Management and Budget who is now at the Bipartisan Policy Center.

Congress must eventually sign off on any cuts the administration wants to make, Snyderman said, though she noted that no president since Bill Clinton, a Democrat, has been successful in getting that done. Congress did not act on \$14 billion in impoundment cuts Trump proposed during his prior term, she said.

"We have to see what the next steps are," Snyderman said.

The attempt to halt grants came after Trump, who during the campaign pledged to be "[a dictator on day one](#)," has taken a number of [provocative moves](#) to challenge legal constraints on his power. He fired [the inspectors general](#) of his Cabinet agencies without giving Congress the warning required by law, declared that there is [an immigrant "invasion"](#) despite low numbers of border crossings, is requiring [loyalty pledges](#) from new hires, challenged the constitutional guarantee of [birthright citizenship](#) and is moving [career staff](#) out of key positions at the Department of Justice to ensure his loyalists control investigations and prosecutions.

On Tuesday evening, the new administration made its latest move, trying to prune the federal workforce by offering pay until the end of September for those who [agree to resign](#) by the end of next week.

The Trump actions have all led to a cascade of court challenges contending he has overstepped his constitutional bounds. A federal judge in Seattle has already put [on hold](#) Trump's attempt to revoke birthright citizenship, calling it a blatant violation of the nation's foundational legal document. On Tuesday, nonprofit groups persuaded a federal judge in Washington to put the administration's spending freeze order on hold until a fuller hearing on Feb. 3.

Democratic attorneys general also rushed to court to block the order. New Mexico Attorney General Raul Torrez, a Democrat, said the swiftness of the court action against Trump's spending freeze demonstrates the "carelessness" of the order.

"My hope is that the president, working with Congress, can identify whatever his priorities are and can work through the normal constitutional order that is well established that limits the power of Democratic and Republican presidents," he said.

The grant freeze — administration officials described it as a "pause" — fit with a long-sought goal of some Trump allies, including his nominee to run the Office of Management and Budget, Russell Vought, to challenge the constitutionality of the Impoundment Control Act. They contend the president, as the person in charge of distributing funds, should be able to have some control over how the money goes out.

Though there's little doubt the new administration wanted a court fight over its power to control spending, experts agree that this was likely not the way they hoped to present it.

"This is a really sloppy way of doing this," said Bill Galston, of the Brookings Institution, adding that he thought it was an administration error. "This is just classic Trump. He believes it's better to be fast and sloppy than slow and precise."

In her first press conference, Trump's new press secretary, [Karoline Leavitt](#), on Tuesday urged organizations that need the grants to call the administration and show how their operations are "in line with the president's agenda."

"It's incumbent on this administration to make sure, again, that every penny is accounted for," Leavitt said.

Republican lawmakers largely took the freeze in stride.

"This isn't a huge surprise to me," said Rep. Dusty Johnson of South Dakota during the House Republican retreat at one of the president's Florida golf resorts. "Clearly, Donald Trump campaigned in no small part on the idea that the Biden administration was putting out a lot of money that was not consistent with Donald Trump's values."

But Democrats and others were furious at the move, which seemed designed to undercut congressional authority.

"If President Trump wants to change our nation's laws, he has the right to ask Congress to change them," Sen. Bernie Sanders, an independent from Vermont, said in a statement. "He does not have the right to violate the United States Constitution. He is not a king."

Chafetz, of Georgetown University, said the lack of pushback from Republican members of Congress was especially alarming because the legislative branch is the one whose powers are most at risk in the latest power play.

Even if Trump loses the legal battle, Chafetz said, he and his followers might feel like they've won by pushing things to this extreme.

"Damaging the institutions they don't like," he said, "seems to be their whole theory of governance."

Riccardi reported from Denver. Associated Press writers Kevin Freking and Lisa Mascaro in Washington and Morgan Lee in Albuquerque, New Mexico, contributed to this report.



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