

Plan of Action for Opposing Illegal Executive Orders

February 9, 2025

Context

From the inaugural day of his 2nd term, President Trump has chosen to disregard the checks and balances on his power set in place by the US Constitution. Rather than executing laws passed by Congress using a budget set by Congress, which is his duty, President Trump is attempting to rule by executive order. Given a full 4 years to plan their so called Project 2025, the Trump administration has prepared a seemingly endless barrage of executive orders, many of which target vulnerable populations. This is an unprecedented constitutional crisis.

Goal

The immediate goal of this action plan is to restore democracy and the rule of law to the USA by (1) widely disseminating information explaining the scope and gravity of the current constitutional crisis and (2) promoting action by institutions to protect their vulnerable populations by proactively opposing the Trump administration's illegal executive orders.

Challenges

This must necessarily be a broad bipartisan effort. The velocity of the Trump administration's actions mean that time is of the essence. The overwhelming volume of executive orders must be met with equally overwhelming opposition.

The variety of executive orders means that there are many angles of attack across many vulnerable communities. Every issue is important. None are distractions.

People are understandably afraid. No one wants to become a target. Institutions don't want to become targets. That fear only emphasizes the direness of the situation.

Action Items

1. Choose an issue that is important to you. Unfortunately, there are far too many:

- immigration and ICE raids
- trans rights
- abortion access
- bans on DEI
- funding and financial aid
- Elon Musk
- and many more...

The above examples are very general, so you will want to focus on a specific effect, such as whether an institution will cooperate with ICE, or continue to support employees whose work involves DEI, or continue to support a student who loses financial aid.

Ideally, you should already be knowledgeable about this issue or be willing to research it.

2. Compose a story. This may be a letter, an infographic, a slide deck, a video for social media, or some other form of communication. Use whatever medium feels the most comfortable and expressive for you personally. That being said, also consider what form of communication will be most effective for your target audience.

Tell your story. Provide facts and background information. Describe the harm being done. Citing specific studies and statistics may be useful. Many people are not knowledgeable about these issues and will have some common misunderstandings. Try to anticipate these misunderstandings and dispel them with facts.

Emphasize the illegality of the Trump administration's actions. It is important for people to understand these actions are illegal regardless of whether they think the effect is good or bad. Executive orders do not have the rule of law.

For institutions, emphasize that executive orders could actually violate the US Constitution or state law (or tribal law or treaties, in the case of Tribes). Emphasize that obeying in advance could make them legally liable, rather than the Trump administration. Ideally, institutions will file lawsuits against the Trump administration on behalf of their constituents. Indeed, this is already happening. Find examples related to your chosen issue to support this argument.

For institutions, further emphasize the chilling effects of obeying in advance. For universities, emphasize that prospective students considering whether to apply or attend are paying attention to how they protect their students. Alums are as well.

Finally, recommend specific actions. This may be simply asking others to share your story, or it may be asking an institution to put specific protections in place, or it may be asking a Congressperson to fight for you in Congress.

3. Share your story. You may choose to circulate it among others with similar concerns and share it together. You may choose to share it publicly or privately. Sharing communication with institutions publicly will increase the risk of backlash and retaliation, but may put additional pressure on the institution from the public. Weigh these risks and make a choice.

For sharing with public officials, you will need to identify your Senators, Congressional representative, and state attorneys general. These should be publicly available information. Prepare a short script for yourself so you know what to say when you call. Leave a voice message if you cannot get through to a person.

3. Follow up. For institutions and public officials, it will be important to follow up on your initial communication. For public officials, call every day, or as often as you feel capable.

For institutions, demand frequent updates on their actions. The Trump administration is acting with extreme speed, so it is necessary for our institutions to match this pace. In particular, the Trump administration is adopting a practice of making sweeping changes shortly before the weekend, potentially rendering moot any or all preparations made during the week to address prior executive orders. Institutions should prepare for this pattern.

Specific examples of questions to ask institutions in follow-up communications include:

- “What new legal action has our institution taken against the Trump administration?”
- “What are the statuses or outcomes of ongoing lawsuits and how are those outcomes being enforced or appealed?”
- “Besides legal action, how is our institution expending resources to protect us?”
- “Are those resources being reserved for affected constituents such as students and faculty who have lost or may lose funding or the opportunity for funding?”
- “How can those affected constituents access those resources?”

Institutions must take a proactive and offensive posture rather than a reactive and defensive posture to effectively combat the Trump administration’s strategies.

Institutions will need to anticipate the Trump administration’s next moves. Ideally, institutional lawyers should be familiar with both Project 2025 which drives the Christian nationalist faction of the Trump administration and the writings of Curtis Yarvin which drive the techno-fascist faction of the Trump administration.

Keep contacting public officials. Keep holding institutions accountable.

4. Repeat. This will be a difficult and overwhelming time.

Take care of yourself. Take a breath. Do something that brings you joy. Then keep going

Direct Action

Direct action such as protesting or marching will be vital. If you have the ability to do so, please join these actions. If you are unable, you can still help with the indirect action proposed above and other forms of resistance. If you are too overwhelmed to help, that’s okay too.

If you choose to take part, please do so safely.

Next Steps

At the time of writing, we still have a chance to resolve this constitutional crisis peacefully.

If the courts uphold the constitution, if those charged with enforcing the law uphold their oaths to constitution and the American people, if democracy is restored, then we can continue the fight using conventional and peaceful means of protest and advocacy.

Please stay alive.

We can do this.