

DEMOCRACY FORWARD

TO: Interested Parties
FROM: Democracy Forward
DATE: June 25, 2025
RE: Court Order Non-Compliance in the Trump-Vance Administration

Five months into the second Trump administration, the courts have proven to be a bulwark in slowing down and even stopping lawless and harmful executive overreach. So far, more than 300 [lawsuits](#) have been filed; with [197 instances](#) of courts granting some form of initial relief, issued by judges appointed by [five different presidents](#)—including by President Trump.

During this time, the administration has targeted lawyers, the legal profession, and judges. It has also engaged in increasingly concerning efforts to undermine the judiciary. These attacks on the judiciary have taken multiple forms, including [tacitly](#) or [explicitly](#) encouraging [threats](#) from the public, Trump allies in Congress introducing articles of impeachment against and accompanying [intimidation](#) and [harassment](#) toward judges who rule against the administration, and even [arresting](#) state judges. President Trump himself has [attacked](#) judges. These actions, along with targeting lawyers and law firms through executive orders, are part of a broader effort to undermine the [rule of law](#) and an independent judiciary and legal community. And the Senate is considering a [concerning provision](#) that risks undercutting courts’ ability to hold the administration accountable, although this provision is less likely to be adopted after [a determination](#) by the Senate parliamentarian.

Distressingly, these attacks on the legitimacy of the judiciary have also taken the form of the administration testing compliance with court orders. We outline many of those cases in this memo.

In a number of cases where courts have blocked the Trump-Vance administration, the government has complied with court orders and taken the appropriate steps to implement the courts’ directives. However, in several other cases—often but not always regarding immigration— the Trump-Vance administration has either initially failed to comply with court orders, tried to dodge the court’s meaning and intent, or even in some cases directly violated court orders. Recently, [it has been reported](#) that Emil Bove III, a high-ranking official at the Justice Department (DOJ) and President Trump’s nominee to serve as an appellate court judge, suggested intentionally violating court orders if they interfered with Trump’s deportation campaign. The report recounts that senior administration officials, including at the White House, intended to violate federal court orders “through lack of candor, deliberate delay and disinformation.”

District courts have been the first line of defense. The vast majority of cases have not yet proceeded to appellate courts or the Supreme Court, and most will never be considered by the Supreme Court. District courts have issued the most decisions in cases against the Trump-Vance administration and are responsible for navigating the complicated and high-stakes compliance proceedings.

This memo documents five key elements of the dangerous dynamic of non-compliance, including how the pro-democracy legal community is responding.

- 1. Polling data overwhelmingly shows that the public supports compliance with court orders.**
- 2. The Trump-Vance administration is engaging in various forms of non-compliance with court orders, including outright violations.**
- 3. The Trump-Vance administration's non-compliance is unprecedented.**
- 4. The administration's allies in Congress are trying to make it easier to defy court orders.**
- 5. The courts have options to enforce compliance and accountability.**

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- 1. Polling data overwhelmingly shows that the public supports compliance with court orders.**

The American public has no appetite for the Trump-Vance administration's lawless behavior. According to a [NBC News Decision Desk Poll](#) from June, “81% of U.S. adults say that if a federal court rules that an administration action is illegal, then the administration has to follow its ruling.” According to a [Pew Research Poll](#) from April, “78% say the Trump administration should have to follow a federal court’s ruling, rising to 88% if the Supreme Court were to issue the ruling.”

Polling has [consistently shown](#) the American public supports compliance with court orders and understands that following court orders is an essential part of our democratic system of government. A [Reuters/Ipsos poll from March 25th](#) found that **82% of Americans, and majorities of both major parties, “agreed with a statement that the ‘president of the United States should obey federal court rulings even if the president does not want to.’”**

Importantly, this is true even for issues where the public is willing to give the president significant discretion. According to a survey from the [Annenberg Public Policy Center](#), almost 70% of Americans believe the president should follow a Supreme Court ruling, even under the circumstances where the “ruling prevents him from protecting the country from a terrorist attack.” According to a [YouGov survey](#), 60% of Americans oppose “deporting immigrants without criminal convictions to El Salvador to be imprisoned, without letting them challenge the deportation in court.” And according to recent [polling](#) conducted by Democracy Forward, ACLU, Stand Up America, and Navigator Research, “71% of registered voters are extremely or

somewhat troubled by the fact that the administration has not complied with multiple court orders to return someone wrongfully deported and imprisoned.”

The vast majority of Americans—Republicans,¹ Democrats, and Independents—recognize that our system of checks and balances includes the judiciary as a co-equal branch of government, which requires that the executive branch comply with court orders. Indeed, we have seen voices from across the political spectrum, including staunchly conservative voices like the [Society for the Rule of Law](#) and [members of Congress](#) from deep red states, defend our judicial system against these attacks.

2. The Trump-Vance administration is engaging in various forms of non-compliance, including outright violations.

Five months into the Trump-Vance administration, we have seen non-compliance with court orders in cases involving a wide range of government agencies and the White House regarding issues of varying political salience. Through these cases, a pattern is emerging: the administration is testing the outer limits of what the courts, Congress, and the public will allow. However, the administration does seem to understand how politically fraught the open and explicit rejection of court orders is, and therefore has taken pains to at least pay lip service to its obligations to comply with the courts.

Here are four cases that illustrate this point:

Case Study #1, *Woonasquatucket River Watershed Council v. Dep’t of Agriculture*: The Government Takes a Narrow Reading of the Court Order.

On April 15th, the district court in *Woonasquatucket River Watershed Council v. Dep’t of Agriculture* issued a preliminary injunction blocking various federal agencies from freezing, halting, or pausing already awarded funding payments appropriated under the Inflation Reduction Act (IRA) or the Infrastructure Investment and Jobs Act (IIJA).²

Despite the court’s order, the government moved so slowly that the court needed to hold four compliance hearings before it was satisfied that the government was in compliance with the preliminary injunction. For example, the injunction [required](#) the Defendant agencies to “take immediate steps to resume the processing, disbursement, and payment of already awarded funding appropriated under” the IRA or IIJA. However, the government’s April 16th status report [only stated](#) that the agencies “are actively working through the process of resuming all appropriate funding disbursements pursuant to the Court’s Order” but [omitted any mention](#) of “processing.”

Case Study #2, *Widakuswara v. Lake*: The Government Has Not Meaningfully Complied with the Court’s Order.

¹ See [Protect Democracy’s](#) compilation of statements by Republican elected officials on the importance of following court orders.

² Case brought by Democracy Forward and DeLuca, Weizenbaum, Barry & Revens.

In [*Widakuswara v. Lake*](#), Plaintiffs, represented by a broad coalition of co-counsel, including Democracy Forward, brought this case after President Trump issued an [Executive Order](#) directing the U.S. Agency for Global Media (USAGM) to eliminate non-mandatory functions and components. USAGM then began firing Voice of America (VOA) journalists and cut off congressionally appropriated grant funding to Radio Free Asia and Middle East Broadcasting Networks (among other independent news networks).

On April 22nd, the district court [ordered](#) the government to “restore VOA programming such that USAGM fulfills its statutory mandate that VOA ‘serve as a consistently reliable and authoritative source of news,’ 22 U.S.C. § 6202(c).” However, despite this order, VOA did not broadcast anything until May 27th, “when VOA broadcast a mere five minutes of content to only three provinces in Afghanistan.”³ This minuscule amount of programming was not enough to satisfy VOA’s statutory mandate; therefore, on May 31st, plaintiffs requested the district court to issue an order to show cause why the government had not violated the court’s order. The court held a hearing on this request on June 23 and has ordered the government to provide more information by June 27.⁴

Furthermore, the government has repeatedly delayed disbursing funds to federal grantees, despite a federal court order to do so. Grantees typically receive monthly disbursements at the beginning of the month. However, after the district court entered a [temporary restraining order](#) on March 28th in this case requiring USAGM to resume making disbursements to various grantees, the government took over a month to disburse the grantees’ funding for April. This is despite the fact that during this time, the district court entered a preliminary injunction requiring grant disbursements.⁵

Case Study #3, *J.G.G. v. Donald J. Trump: The Government Defies the Court Order.*

In the very first Alien Enemies Act case—in which the government refused to turn around planes carrying hundreds of Venezuelan men who had been rounded up without any due process—the government disregarded a court’s orders not to allow Venezuelan immigrants to be flown to the Terrorism Confinement Center (CECOT) prison in El Salvador. Indeed, the court told the DOJ to turn planes around “immediately,” yet they kept flying. After a series of hearings in which the court has attempted to learn more about the government’s conduct, the court has now found “probable cause” that the government is in contempt. Since then, the DC Circuit issued an administrative stay in the appeal from the contempt order, which is not a ruling on the merits of whether the government disobeyed the order.

³ Plaintiffs’ Motion for an Order to Show Cause.

⁴ Notably, after the outbreak of the current hostilities between Iran and Israel, the Trump-Vance administration [recalled](#) employees of Voice of America’s Persian-language service who had been placed on administrative leave, only to issue RIF notices to nearly half of them the following week.

⁵ A panel of the DC Circuit did stay the district court’s preliminary injunction, but the en banc DC Circuit promptly stayed (and later vacated) the panel’s stay, effectively reviving the requirement of USAGM to make payments to the grantees. Nonetheless, the government did not disburse Radio Free Asia’s May funds until June.

New information has been reported that the lead DOJ attorney on this case was in a meeting on March 14 with senior Trump-Vance administration officials who stated that the removal flights prohibited by the court's order would, in fact, be taking off that weekend. Yet, the very next day, the attorney told the court that he was unable to provide an answer regarding whether those flights would take off.

Case Study #4, *State of New York v. Donald J. Trump*: The Government Uses Pretext to Avoid Complying with the Court's Orders.

In [New York v. Trump](#), Attorneys General of 22 states and the District of Columbia filed a lawsuit that challenged the Office of Management and Budget's (OMB) directive to pause federal funding as unlawful under the Administrative Procedure Act (APA) and First Amendment. On January 31st, a federal court issued a temporary restraining order (TRO) against the OMB memo. On February 10, however, the court [found](#) "that the Defendants in some cases have continued to improperly freeze federal funds and refused to resume disbursement of appropriated federal funds." The court granted the states' motion to enforce the TRO, stating that "[t]hese pauses in funding violate the plain text of the TRO" and ordered the Defendants to unfreeze the funding.

Despite the court's TRO and the order granting the motion to enforce it, the plaintiffs continued to face serious hurdles to accessing federal funds, specifically those related to the Federal Emergency Management Agency (FEMA). Notably, the same day the court granted the motion to enforce the TRO, the Director of the Office of Grants Administration at FEMA [sent an email](#) to all staff, [which instructed](#) the placement of "hold toggles" and "financial holds" on "all [FEMA] awards." The following day, the director sent a [follow-up email](#) clarifying that "these are not 'holds'" and "we will still be processing our awards but will be adding a level of internal controls."

These issues continued even after the court [granted](#) a preliminary injunction for the plaintiffs on March 6th, [prohibiting](#) the government from obstructing the "disbursement of appropriated federal funds" to the states. On March 24th, the plaintiffs filed a renewed second [motion](#) to enforce the court's orders. On April 4th, the court granted the motion, [ruling](#) that the government had not complied with its preliminary injunction, stating that "FEMA's manual review process violates the Court's preliminary injunction order."

Below are additional examples of non-compliance or potential non-compliance that have occurred under the Trump-Vance administration:

- After a court issued a [preliminary injunction](#)⁶ against the administration's Executive Orders targeting diversity, equity, inclusion, and accessibility initiatives, the government continued to enforce the enjoined provisions. [Reportedly](#), "the senior ranks of the Trump-Vance administration had explicitly instructed staff to enforce its executive orders, to ignore the court's injunction, and to pressure partner organizations if need

⁶ Case brought by Democracy Forward and Asian Americans Advancing Justice.

be.” Plaintiffs [took initial steps](#) to address compliance with the preliminary injunction, but the Fourth Circuit stayed that relief before compliance briefing could begin.

- After a court entered an [administrative stay](#)⁷ that temporarily paused the OMB’s memo freezing nearly all federal funding, so that the court could preserve the status quo briefly while it received briefing on a motion for a temporary restraining order, OMB purported to rescind the freeze memo. Yet the [freeze continued](#) on the basis of that memo for several days at some agencies. Several agencies were also [slow to comply](#) with the TRO after it was entered.
- In a [case](#) that paused the freeze on all foreign aid funding, the government seemingly evaded the court order multiple times before sending an eleventh-hour appeal to the Supreme Court. The Justices [denied](#) that appeal.
- A Brown University professor was deported to Lebanon despite a federal court’s order that she not be removed without providing the court with advanced notice. The government [claimed](#) that the officers were not aware of the court’s order until after the professor had been deported.
- The government began removing people to South Sudan who were not from that country in [violation of a federal court order](#) prohibiting removal to a third country, unless certain due process considerations were satisfied. In an emergency hearing while these people were already on a plane to South Sudan, a federal court found that the Trump-Vance administration had [violated the court order](#). The court further ordered that the administration needed to provide the required due process to these [individuals](#) “either within the United States—should it choose to return them to the United States—or abroad, if at all relevant times DHS retains custody and control over the individuals in conditions commensurate to those the individuals would be housed in were they still in the Department of Homeland and Security (DHS)’s custody within the United States.” These individuals are currently housed at a U.S. military base in Djibouti, where they have been since the plane was diverted while [en route to South Sudan](#). The court in this case also issued [an order](#) mandating the government “to take all immediate steps, including coordinating with Plaintiffs’ counsel, to facilitate the return of O.C.G. to the United States.” O.C.G. is a Guatemalan man who had been deported to Mexico without due process. In early June, the government [returned](#) O.C.G. to the United States pursuant to the court’s order.

Notably, on June 23rd, the Supreme Court [stayed](#) the district court’s order in the case, allowing the administration to deport migrants to countries other than their own without providing a chance for them to challenge the country to which they will be removed, while the case proceeds. Justice Sotomayor’s dissent repeatedly refers to the

⁷ Case brought by Democracy Forward.

government's non-compliance with the earlier orders, finding it a sufficient reason to deny the stay. She wrote:

“The Government thus openly flouted two court orders, including the one from which it now seeks relief. Even if the orders in question had been mistaken, the Government had a duty to obey them until they were reversed by orderly and proper proceedings. That principle is a bedrock of the rule of law. The Government’s misconduct threatens it to its core.”

- In the most publicized example of court order non-compliance to date, the government recently complied with the Supreme Court’s order to “facilitate” the return of Kilmar Abrego Garcia to the United States. However, this was after two months of the government refusing to comply with the Supreme Court’s order. Indeed, after the Supreme Court issued its order, numerous senior officials in the White House and the Trump-Vance administration repeatedly and explicitly stated outside of court that they would not attempt to comply with this order. The White House X account (formerly Twitter) posted that he was “[NEVER COMING BACK](#).” DHS Secretary Kristi Noem told a Senate Committee that there was “[no scenario](#)” in which he would be returned. And President Trump himself said on national TV that he has the power to get Kilmar home if he wanted to, [but he will not](#).

During this period of violating the court order, the administration used different tactics for non-compliance in court that were less direct than the President’s outright refusal to comply, but achieved the same ends. Some legal commentators have termed this “[legalistic non-compliance](#).” DOJ used procedural tactics to resist discovery into the reasons for their failures to facilitate Kilmar’s return. In a hearing in May, DOJ [asserted](#) to the court that although the expulsion of Kilmar was an error, it was not illegal. Furthermore, according to the DOJ attorney who has subsequently [blown the whistle](#) on allegedly illegal conduct by Emil Bove and other Trump-Vance administration officials, he was instructed to sign an appeal brief labeling Kilmar a terrorist. When he refused, because such a label was untrue, he was placed on administrative leave and subsequently fired.

Furthermore, although the administration did ultimately comply with the Supreme Court’s order and return Kilmar to the United States, it did so while initiating a prosecution of Kilmar that appears to be [politically motivated](#).

3. The Trump-Vance administration’s non-compliance is unprecedented.

There have been examples of presidents challenging the authority of the judicial branch, but no president in U.S. history has so consistently challenged and outright violated court orders.

The most well-known is the (possibly apocryphal) tale of President Andrew Jackson, after the Supreme Court's ruling in *Worcester v. Georgia* in 1832, remarking: "John Marshall has made his decision, now let him enforce it."⁸ But in the modern era, Presidents have complied with court orders, even ones they strenuously objected to. Famously, in response to the Supreme Court's order that Richard Nixon turn over his tapes, President Nixon did so.

In more recent history, while both Presidents Obama and Biden criticized Supreme Court rulings, neither took any action contrary to those rulings. For example, President Obama rebuked the *Citizens United* decision, but made no effort to defy it or even overturn it. President Biden, in responding to the Supreme Court's ruling striking down his student debt relief plan, [said](#): "I believe the court's decision was a mistake, it was wrong." But he complied with the ruling and used a separate rulemaking authority that was not at issue in the case to try and provide student debt relief (much of which was also later enjoined by courts).

The Trump-Vance administration's unparalleled efforts to undermine the judiciary's authority are not limited to defying court orders. As noted above, the administration has supported a broad range of efforts to attack the judiciary, including threats, harassment, and even articles of impeachment. After one such threat to impeach a well-respected judge, Chief Justice Roberts even [weighed in](#) to rebuke President Trump, writing: "For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision."

4. The administration's allies in Congress are trying to make it easier to defy court orders.

The Trump-Vance administration's attacks on the courts have extended beyond specific acts of non-compliance. Indeed, the administration's allies in Congress have put forward language in the recent budget reconciliation bill designed to [undermine the ability](#) of the pro-democracy community and courts to hold the administration accountable for illegal conduct. The different versions of the bill do this by conditioning the power of a federal court to issue temporary restraining orders or preliminary injunctions (Senate version) or enforce contempt penalties for violations of a federal court's injunctions (House version) on the litigants' ability to post a bond or other type of monetary guarantee that would "reimburse" the government for the ostensible costs of complying with the court order against it during the litigation, if the government ultimately prevails at the end of the litigation. These legislative provisions are an extension of President Trump's [memo](#) instructing agency heads to seek a bond under [Federal Rule of Civil Procedure \(FRCP\) 65\(c\)](#) when defending against motions for temporary restraining orders or preliminary injunctions.⁹ They are designed to create a significant barrier to people accessing the courts and to tie the courts' hands.

⁸ Although this quote is likely apocryphal, the Jackson administration [did not take any action](#) to enforce the Court's ruling.

⁹ Federal courts have significant discretion to either waive the bond requirement and/or to set a low or nominal amount, where appropriate.

The Senate parliamentarian [recently ruled](#) that this language should not be included in the bill, making it less likely to pass. However, it is clear that the administration and its allies will continue to attack and undermine the courts.

5. The courts have options to enforce compliance.

The federal judiciary has a variety of tools at its disposal to respond to the various attacks on its power. If the provisions discussed above were to become law, the courts could rule they are unconstitutional and/or set a nominal bond to satisfy their requirements.

And as we've seen, in response to the Trump-Vance administration's non-compliance with court orders, federal courts have a variety of tools at their disposal, including issuing clearer and more precise orders, requiring DOJ attorneys or other governmental officials to provide sworn testimony, and holding officials either in civil or criminal contempt.

[Pro-democracy groups](#), [legal scholars](#), and [law professors](#) have begun to think through further legal strategies to enforce compliance. Such options could include:

- Under [Federal Rule of Civil Procedure \(FRCP\) 4.1](#), a federal court [has the authority](#) to deputize another official outside of the executive branch (a “person specially appointed for that purpose”) to enforce civil contempt sanctions. While such a scenario could lead to a serious conflict between the judiciary and the executive branch, it demonstrates that federal courts are not solely reliant on the executive branch.
- If a federal court finds there is probable cause that an official has committed criminal contempt, the court can refer the non-compliant party to DOJ for prosecution. If DOJ does not pursue the case (which seems likely in this era), then the court may [appoint](#) an attorney from the private bar to prosecute the criminal contempt charges.¹⁰
- There is an analogous precedent for this already. For example, the Southern District of New York appointed a private attorney to argue against the DOJ's questionable dismissal of charges against Eric Adams, because the Department was attempting to use those charges to force a political quid pro quo. The district court ultimately adopted a version of the private attorney's argument, requiring DOJ to dismiss the charges with prejudice, rather than without prejudice (which would allow the government to reinstate the charges at their discretion).
- A federal court can discipline attorneys representing the government, including by:
 - Imposing a range of sanctions on the attorneys under FRCP [Rule 11](#) or [Rule 46](#) of the Federal Rules of Appellate Procedure, if the attorney's unethical behavior occurs before an appellate court.
 - Referring the attorneys to the relevant state bar for disciplinary proceedings, including disbarment.

¹⁰ For a discussion of whether a president can issue a pardon for criminal contempt, see Congressional Research Service, *Can the President Pardon Contempt of Court? Probably Yes* (Aug. 10, 2018), <https://www.congress.gov/crs-product/LSB10186>.

- Numerous attorneys in the first Trump-Vance administration lost their licenses as a result of unethical conduct, including Rudy Giuliani.
- [Disqualifying counsel](#) from the case at issue. For example, the federal district court in D.C. [recently held](#) that “clear violation of the District of Columbia Rules of Professional Conduct’ can merit disqualification.”¹¹
- A federal court [can impose](#) adverse litigation outcomes: “Federal courts also can sanction the administration by imposing [litigation-related limitations](#) on the Government, ranging from preclusion, waiver, and striking to—in the most extreme cases—entry of default judgment.”¹²
- A federal court can use [FRCP 70](#) to enforce its orders.

These tools, and more, are examples of the court’s power to enforce its orders. Indeed, if courts were powerless to enforce orders in the case of lawless litigants, that would undermine the notion of the judiciary as a co-equal branch of government, which is an essential part of our constitution.

What’s Next?

The judiciary has so far been an important bulwark against the administration’s illegality and will continue to be essential in protecting the constitutional and federal rights of people. In response, however, the Trump-Vance administration has undertaken dangerous efforts to undermine the judiciary, including flouting court orders. And we are likely to see these attacks get worse as the administration faces increased barriers to its lawlessness. The court’s power to enforce compliance with its orders and the power of litigants and the public to resist its unlawful actions are essential.

To reach a Democracy Forward team member on this issue, please contact [Rachel Homer](#), Director of Democracy 2025 and Senior Attorney, or [Megan Uzzell](#), Director of Impact and External Engagement. For media inquiries please contact press@democracyforward.org.

Democracy Forward Foundation is a national legal organization that advances democracy and social progress through litigation, policy, public education, and regulatory engagement. For more information, please visit www.democracyforward.org

¹¹ See Steve Hirsch, John Hill, Christie Wentworth, *When the Executive Defies the Judiciary: How Federal Courts Can Enforce Their Orders Without the Marshals*, [Just Security](#) (May 13, 2025).

¹² *Id.*