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[00:00:32] **Speaker 1** As to the new funding cuts, the universities of Wisconsin president said taking a meat cleaver to funding is wrong. Well, it's happening throughout U.S. agencies at the hands of Elon Musk and President Trump. And now there are calls to impeach judges who are temporarily blocking some of the cost cutting moves. Is any of this constitutional given the separation of powers? We turn to conservative attorney Rick Isenberg, president of the Wisconsin Institute for Law and Liberty. And thanks very much for being here.

[00:01:04] **Speaker 2** Thank you for having me on.

[00:01:05] **Speaker 1** So how do these moves to eliminate agencies and spending square with the separation of powers under the Constitution?

[00:01:14] **Speaker 2** Yeah, I mean, I think it's fair to say that the answer is mixed. There are some things that the president clearly has or a reasonable argument command that he ought to have the power to do. And there are some things that are more problematic. You mentioned the unilateral reduction in overhead costs for New age grants. That probably violates the statute and that Congress can constitutionally impose on the president. There's other instances where the president is pausing funding to review the way that a congressional mandate is being carried out, which are defensible. There are yet other areas where we don't know what's going to happen. I mean, there are tweets in which, you know, claims are made that USAID can be it's going to be abolished. You probably can't do that. But can you redirect its funding consistent with congressional appropriations? Yeah, you probably can do that. And we just don't know where the thing is going to wind up as all of this plays itself.

[00:02:27] **Speaker 1** Out well, as all of it plays itself out. And you watch Elon Musk wield his meat cleaver. What's your reaction to that?

[00:02:37] **Speaker 2** Well, again, it kind of depends. The problem here is that Congress doesn't appropriates money for a particular purpose. Let's say that it wants USAID to spend $1 billion on economic development aid in Guatemala. I think under those circumstances, the president has to spend $1 billion for economic development aid in Guatemala. I cannot say that I don't think that works. I disagree with Congress because Congress is the one that passed a law that requires that spending. However, the agency has a great deal of discretion, probably more discretion than I'd like to see them have and just how that money is going to be spent. And there is where the president can assert some control. And, you know, we can get into, you know, detailed legal arguments about whether the Impoundment Control Act has been complied with and whether the Empowerment Control Act is, in fact, constitutional. If it requires congressional improvement, approval of the presidential pause and redirection of funds. So this is why I say that all of this stuff is dependent upon the particular context in which it arises and precisely what's being done. And in some instances, we don't really know yet. And the criticism that we're hearing is premature in yet other instances, the criticism is well taken.

[00:04:22] **Speaker 1** What's your response to people like now saying that judges are abusing their power and calling to impeach them for making decisions like around temporary injunctions?

[00:04:33] **Speaker 2** Well, I think that's ridiculous. I mean, I think that there are always going to be disputes about the the extent of executive authority. There were all sorts of disputes during the Biden administration where the president, you know, claimed the right to be able to unilaterally do a bunch of things and litigation ensued and the courts ruled. And oftentimes the Biden administration lost. Sometimes it won. And I think the same thing is going to happen here. And I think to say that judges who disagree or have a different view of what the law requires ought to be impeached for their you know, for trying to do their jobs is something that I, I can't endorse. And I'm not I'm not on board with.

[00:05:29] **Speaker 1** So there is reporting that the Trump admin. Station has been flouting judge's orders. How perilous is that? Or is it?

[00:05:38] **Speaker 2** Well, I don't know that they have been flouting judge's orders. I mean, I think you had a tweet. I think it was by J.D. Vance, which, you know, people have interpreted as expressing an intent to flout judicial orders. That would be wrong. On the other hand, you have comments by, you know, President Trump in the Oval Office that he always abides by judicial orders. And so, you know, there can sometimes be and have sometimes in American history been conflicts between the executive and the judicial branch about, you know, the extent of judicial authority. But as a general rule, I think that the executive, the president of the United States controls the executive branch. The president of United States does not control the government. There are going to be disputes about where the boundaries between these things lie in those disputes. And there's a dispute. Those disputes are ultimately to be resolved by the judiciary. That's our separation of powers. And I think that that's what we ought to have guide us as we go forward in the argument about all of this stuff.

[00:06:54] **Speaker 1** Indeed. Rick Eisenberg, thanks very much.

[00:06:58] **Speaker 2** Thank you.

[00:07:04] **Speaker 1** That was a beautiful summation. Thank you.

[00:07:08] **Speaker 2** Well, thank you. Either will either wind up with a.