

THE EZRA KLEIN SHOW

Trump Is Building His Own Paramilitary Force

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By Ezra Klein

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You know those optical illusions where you look at a picture and depending on where and how you focus your eyes — maybe you’re looking at a vase or two faces — the image keeps flickering back and forth? Looking at the Trump administration is like that for me — though the flickering is between: This is democracy — the American people are getting what they voted for, good and hard. And: This is authoritarianism — or at least the road to authoritarianism.

I can see the picture of a president doing what he was elected to do. Donald Trump ran unquestionably on mass deportations. He ran on reversing a historic surge of migration into this country. He won on that platform. He’s just doing what he promised. He’s tripling ICE’s budget. He’s funneling tens of billions of dollars to build detention centers. In L.A., protesters tried to obstruct him, so Trump called up the National Guard. And after years of railing about crime levels in our major cities, Trump is using the power he has over Washington to do something about it, to show Americans that he’s doing something about it.

I don’t like any of this. I certainly didn’t vote for it. But Trump promised, and Americans voted for, the biggest deportation operation in U.S. history. It was always going to be ugly and cruel. So I can see that picture.

And then it flickers. My eyes refocus. And I see the evisceration of due process. I see detention centers being built where it is extraordinarily hard for lawyers and families to reach the people inside. I see men in masks refusing to identify themselves and pulling people into vans. I see armed U.S. troops in camo, some on horseback, riding through MacArthur Park in Los Angeles like they’re an occupying army. I see Trump

sending in armed forces to take over the American capital.

What is going to happen when, predictably, a protester throws a rock at an agent? Or a Marine hears a car backfiring and thinks it's a gunshot?

In an instant, this could all explode. You could have American troops firing on American civilians in an American city in a country-defining crisis. What happens then?

Because that's the other picture I see — the one that keeps coming into clear focus. Not Trump cleaning up crisis or disorder but Trump creating crisis and disorder so he can build what he has wanted to build: an authoritarian state, a military or a paramilitary that answers only to him — that puts him in total control.

And I wonder: Are these pictures even different? Trump promised all of this. It is possible to destroy democracy somewhat democratically.

Radley Balko is a journalist who has written about policing and criminal justice for decades. He's the author of "Rise of the Warrior Cop: The Militarization of America's Police Forces," and he writes the terrific Substack *The Watch*, where he has been tracking the militarization and the escalation of law enforcement under Donald Trump.

Ezra Klein: Radley Balko, welcome to the show.

Radley Balko: Thanks for having me on.

I want to start here by following the money a bit. The Atlantic reported that in Donald Trump's 2026 budget you had the F.B.I. seeing a big budget cut. The Bureau of Alcohol, Tobacco, Firearms and Explosives: a big cut. The Drug Enforcement Administration: again, big cut.

At the same time, they're passing a bill to triple the budget of ICE to all-in add \$170 billion to immigration enforcement.

What's behind this pattern of the big crime agencies seeing their budgets cut and immigration enforcement entering a kind of budgetary expansion we have never seen before?

I think it's just a continuation of the hollowing out of institutions that we've seen over the last six months.

ICE and U.S. Customs and Border Protection have long been the most rogue, renegade and certainly pro-Trump police agencies in the federal government. So I think Trump sees those two as the most loyal to him. Also, obviously, the mass deportations are going to ensure that those two agencies remain relevant throughout his administration.

The F.B.I. has had a long, proud history and culture. There are a lot of stains on that history and culture, but it's an institution that has prided itself on its independence. Same with the A.T.F., which is often bucked by Republican administrations. I've certainly had my problems with the D.E.A. over the years, but there is a separate culture and sense of independence there.

I think this an effort to build up the two federal policing agencies that Trump sees as most loyal and deferential to him.

One quote that I came across while I was preparing for this episode from the journalist Caitlin Dickerson — you know these things and then you realize you don't really know them, you're not tracking their scale.

She writes that it makes the budget of the nation's immigration enforcement agencies:

larger than the annual military budget of every country in the world except the United States and China. Immigration and Customs Enforcement — just one component of the Department of Homeland Security — is getting more money than any other law-enforcement agency in America.

We've already seen pretty big changes in how ICE is acting. We've seen pretty big changes around how border police are acting.

You've tracked internal policing for a long time. What is different about what we've seen over the past months of the Trump administration versus what we were seeing from them, say, five years ago?

What we're seeing now are the tactics, operations and policies that, over the last 20 years, I refrained, or tried to restrain myself, from warning about because it would sound too unhinged.

I've warned for a long time about police agencies becoming too militarized, too aggressive and too us versus them. Militarized both in the sense of the equipment that they use but also in the mentality that they bring to the job. But it was always in response to a real threat. So it happened during the crack epidemic, which killed a lot of people. It happened again after Sept. 11, when you had these attacks on American soil. Homeland security started equipping police departments across the country with this military-style police gear.

What we're seeing right now is a response to a manufactured crisis. I mean, yes, crime is real, and crime is higher in D.C. than in other cities. But there is no crisis in D.C. — as we've all documented, crime is down pretty significantly there.

In Los Angeles, there were a few incidents of violence — or more like property destruction during the original protest against immigration enforcement. But it wasn't

anything different than you see in a big city at any given time, particularly during the summer.

So what we're seeing is this massive increase in aggressiveness and brutality — in response to a crisis that is completely of Trump's own making. What we're seeing is not a good-faith effort to go after the worst of the worst. If you look at polling, overwhelmingly, that's what people wanted. They wanted them to go after people who had violent criminal histories and criminal records.

But you can't hit the figures that they wanted by just targeting the dangerous people. Dangerous people don't make themselves available to ICE — they hide. It's a hell of a lot easier just to send a couple of ICE agents to a courthouse to arrest people as they show up — as they're supposed to be doing — for their hearings.

So that's what we're seeing. It's a lot easier to go to Home Depot and just massively racially profile and arrest anybody you see, and then sort through the paperwork later. It's a lot easier, as we saw here in Nashville, to just pull over every driver who looks Latino. If they can prove their citizenship, you'll let them go. Or if they're white, you'll let them go. And if they can't, you detain and arrest them and send them through the process.

There's been a lot of reporting on the way Stephen Miller has gone into meetings with the head of ICE and other agencies, lashing into them for not deporting enough people.

They want to get deportation numbers up around a million, which is very difficult to do without creating a lot of tearing into the social fabric. But there has been a sense and a fair amount of internal reporting that one of the things happening here is the heads of these operations are just getting hammered by top officials in the Trump administration for not having their numbers up. They're demanding they hit a quota.

Yes. That's my understanding of what's happening, also. In fact, in Los Angeles, the raids on Home Depot parking lots came after a rant by Stephen Miller. That's how they interpreted what he wanted done.

Stephen Miller is a menace. He's been very clear about what his intentions are. He has been very clear that he does not believe the United States should be a place that takes in refugees from other countries. He has been very clear that he thinks the United States should be a primarily Western culture country. We've read investigative journalism about his being influenced by white supremacists. He has not pretended to hide who he is.

The personnel numbers that they've set for ICE in order to meet the mass deportation figures, the goals that they've set — they're going to have to hire a lot of people. And they're going to have to lower standards, which they're already doing.

But also, they're going to have to hire the kind of people who are going to be looking at these videos that are coming out of ICE — terrorizing families, arresting children and pulling grandmothers out of their homes. They're going to be hiring people who look at those videos and say: That's what I want to do for a living.

Then we're also seeing these pretty explicit appeals to white supremacy and white culture. I think in one of the social media posts, they had said something like: Defend the homeland — join ICE.

Is that the one with the painting of a very Western cowboy family cradling this extremely white baby?

Western expansion. Right.

The caption and the photo or illustration really told a tale — even if you're not out there looking for dog whistles.

There's another one of white settlers chasing Native Americans off the land and a kind of a white angel hovering over the landscape — which history books actually teach as an embodiment of the worst excesses of Western expansionism. They're embracing these ideas that we've always looked at as kind of a regrettable part of our history.

Then there was another one where they explicitly refer to a textbook that was written by an unapologetic white supremacist. You have to know that name and that book to get that, but those are the people they're appealing to. Why do you make that reference, if it's going to be opaque to most people? You're appealing to people who know what the reference is.

So anybody who is left in these agencies who still takes an institutional view of policing — the idea that police should be accountable, that they should serve these communities and not occupy them — they're going to be overwhelmed by these new people. I think whatever culture of community service was left inside of these agencies is pretty quickly going to be overwhelmed as these new hires start to take effect.

The other thing we're seeing is, obviously, the masks. And there's an anecdote I've told a lot over the years about the writer Michael Ledeen, who around 2007 or 2008 was one of the neoconservatives agitating for war with Iran.

There was a series of photos of a cocaine raid in Tehran that came out, and all the officers in the raid were wearing masks. Ledeen wrote at the time: When the agents of the government hide their faces, it speaks volumes about the relationship between the government and the people. He was saying that this is a sign of a totalitarian state. And now it's just routine. We're seeing this all over the country.

So I think we're in a pretty terrifying spiral right now. I have tried over the course of

my career to be levelheaded and refrain from expressing things in too dire of terms. But I think we have entered kind of the worst-case scenario, and it's hard to see how we get out of it.

What is the worst-case scenario?

I think the worst-case scenario is that Trump sends active duty military troops into any city that displeases him — any city where there are protests.

During his first administration, we know that he wanted to invoke the Insurrection Act. He wanted to send active duty military in to put down the George Floyd protests. And he openly floated the idea of just shooting the protesters.

To be fair, he said shooting them in the knee. I guess it's not as bad as it could be. What I think we are seeing right now is Trump is attempting to build his own paramilitary force. They want people whose first and ultimate loyalty in this job is going to be to the president.

I'm a journalist, not a historian, but I'm a student of history. There aren't very many countries in which the figurative political head of the country assembled his own personal paramilitary force that was loyal only to him where things turned out well. So that's where I think we are right now.

Let me try to take their stated perspective on this for a moment. You talked about this as a manufactured crisis. D.C.'s crime rates — we can talk about those in a minute. I agree that it's a manufactured crisis — at least for the purposes of their takeover of D.C.

But Donald Trump ran for president in 2024 saying to the country that we have seen record illegal immigration into this country — which was true, actually — and that America is buckling under the weight of all these illegal immigrants — which is arguable. It's not my view, but it's their view. And he promised the country mass deportations. He said it aloud — clearly and repeatedly — and he won the election.

We're here talking about paramilitaries. But what they're doing is simply following through, in their view, on what the country voted for. Mass deportations are going to be ugly. They're difficult. They're violent. They require not just shutting down the border but ejecting the people already here. That's going to require more ICE agents. It's going to require confrontations. But this is not something outside the boundaries of what should happen after an election. This is exactly what they ran on. And now they're just following through as they told us they would.

I think my response to that would be that we have the Bill of Rights for a reason. You can't vote away basic constitutional rights. They aren't subject to the whims of a majority.

What we're seeing is suspensions of due process for people who are here and undocumented. We're seeing people being arrested when they show up for their hearings. When they're abiding by the law, doing what they're supposed to be doing.

The Trump administration has revoked protected status for refugees from countries who were fleeing violence, political persecution, famine and natural disasters all over the world — and is now detaining and moving to deport them.

These are people who came here legally — who were invited here, in fact. They're firing immigration judges who aren't ruling the way they want them to rule. They're freely admitting that they're racially profiling.

My bottom line is: The government is not allowed to start violating our basic constitutional rights just because people voted for that in an election — or thought they were voting for that.

I've found it a little shocking to watch them sending masked agents to courthouses where immigrants are showing up and participating in the system exactly as the system has asked them to participate. These are clearly not people hiding. They are walking into the courthouse, even knowing that in recent weeks and months, people have been yanked out of courthouses. And they're being arrested before they talk to a judge. They're being arrested during their process.

What exactly is the policy here? You are allowed to go to a hearing and claim asylum. That's the legal pathway. Have they decided they don't qualify for asylum or they no longer get hearings? Beneath what they're doing, what is the process they are asserting that should exist?

This gets into the weeds of immigration law. I'm going to tell you my understanding of it with the caveat that I'm not a lawyer.

As I understand it, these are people who, during the Biden administration, went through the proper channels to request asylum — whether it was through the app that you could use or, in some cases, people who just crossed the border and immediately turned themselves in and said: I'm requesting asylum.

So they were entered into the asylum process. But because we can't hold or detain everyone who's requesting asylum, they're released on the condition that they show up for these hearings as their case progresses.

So what's happening is that these people are showing up for their asylum hearings. The government is saying at these asylum hearings: We're going to dismiss the government's case against this person. So at that point, the person is no longer someone who went through the proper channels to legally request asylum. At that point, they are now just someone who is undocumented and here without

authorization. So now ICE is legally permitted to detain them and sweep them up because they're no longer in the asylum process.

Now as I understand it, that is legally dubious, to say the least. It's being challenged in federal court. But it's a way for them to apprehend these people. And it's a way for them to boost their deportation figures.

Among other things, it seems like it would make a lot of immigrants go to ground. If that's what you get for showing up, why show up?

It's a very similar and really scary thing we just saw with the I.R.S. now sharing its taxpayer data with ICE. One of the big arguments you always hear on the right is that undocumented people are receiving government benefits and not paying taxes.

But that's not true. They do pay taxes. They pay all the payroll taxes.

So by going after them, to the I.R.S., you're now punishing the people who are paying taxes, who are giving back. You're going to encourage people now to find ways to avoid that.

What they're doing is they're prioritizing the cruelty. They want the images, they want the video, they want the social media hits, and they want to project to their hardest-core supporters. They want to fulfill that kind of thirst and glee for seeing cruelty done to people who they think are, as Trump himself put it, less than human — people who poison the blood of the country.

It seems to me they want to inspire fear. There have been all these videos of people asking ICE agents: What's your badge number? What authority are you here under?

And in many cases these people are masked up. What is more frightening to a public than masked agents of the state operating without clear authorities or oversight, who seem able to do whatever they want to you?

The other reason they cite for the masking is that people are doxxing ICE agents — publishing their names. That's not illegal. There's no crime against publishing the names of law enforcement officers — particularly those who are doing this aggressive policing.

They keep pointing to these numbers, and the number keeps growing. I think the last I saw was a 400 percent increase in assaults on ICE officers.

Philip Bump and some other journalists have broken that down. I can't remember the exact figures, but it's gone from a two-digit figure to maybe a three-digit figure.

When you consider the number of altercations and encounters between ICE agents and residents, it actually seems pretty low.

I understand the masks as a tool of fear. Police get attacked. Police can fear being doxxed. But they show up in their uniforms and look a certain way because they're meant to project authority.

But they're also meant to seem like part of the community. People you could talk to. People you could go up to and ask a question. People who are there serving you.

But the policy is not just cruelty. The policy is fear.

Part of projecting fear is flaunting your unaccountability — that you're above the law.

One of the first things Trump said when he sent the National Guard into D.C. was that he specifically told them when he takes over the D.C. police department, police officers will be able to do “whatever the hell they want.”

Federal agents are almost completely immune from civil liability. There's a case called *Bivens* from the early 1970s where the court created a way for people to sue federal agents for violating their constitutional rights. In 2022, the current court basically all but completely overturned that ruling. Gorsuch, in fact, in a concurring opinion, said: We might as well admit what we're doing here, which is we're obliterating *Bivens*.

So there's no civil way to hold federal agents accountable for violating people's rights in these cases. In theory, they could be held criminally accountable, but that would require Trump's Justice Department to bring charges against them. We know that's not going to happen.

There's no criminal liability. There's no civil liability. So what's left? I mean the only way that you can hold these agents accountable in any way for the displays of abuse and cruelty that we're seeing is social opprobrium or social shaming. By wearing masks, they're removing that last remaining bit of accountability.

Tell me about another piece of the institutional attack, which is the attack on people who work with immigrants.

You had a newsletter about a lawyer who contacted you, who had been asked to give some pro bono advice to some immigrants who were facing deportation and what happened to him.

Can you tell that story? What do you understand happening on the more macro level?

What happened to this lawyer is that he doesn't work in immigration law. He did real estate law — I think title defense or title insurance. But he walked into a gas station that he walked into regularly, where he knew the people who worked there.

And he had previously, I think, given some advice to an immigrant family, and they said: There's this other family where the father was recently detained in a workplace

raid. They're worried — could you just stop by and give them some basic advice?

So he did that. I don't have my story in front of me, so I'm not sure about the exact timeline. But I think it was a couple days later — he said he was working at home on his VPN, and the VPN went down.

A way of accessing the internet.

Yes, it's a way of anonymizing yourself when you're out on the internet. His VPN went down, and then he got a knock on the door.

He went and opened the door, and he saw two people who identified themselves as law enforcement — but wouldn't say which agency, wouldn't give him their names or their badge numbers.

He basically asked them what it was about, and they asked if he had recently given some advice to undocumented people.

At that point he said he wanted to talk to a lawyer, and he wasn't going to talk to them anymore. And he shut the door.

It's a disturbing story because you've got ICE agents — presumably ICE, though I guess it could be any federal or state agency — this was in Texas — coming to someone's private home. Clearly that meant they had to look up his address.

He had a door camera. Presumably they saw that and decided they didn't want to be on camera. And so they shut down the Wi-Fi so it wouldn't work.

This is speculation. I guess it's possible that his Wi-Fi coincidentally went down at exactly the time that they came to his door. Seems unlikely.

He was disturbed by this. So he told his employer about it and said he was worried about it. And the response he got from his own employer was pretty cold. Clearly, they didn't want to be dragged into some fight with the Trump administration over immigration. He eventually lost his job — specifically because he made a big deal out of this internally.

That's one incident that's pretty, pretty disturbing, I think. But beyond that I'm currently working on a book about public defense and public defenders — which is not going to be at all timely when it comes out, given everything that's going on. I'm not sure it's a topic anyone is going to want to read about. But part of that was I embedded myself in a lot of public defender offices all over the country. Some of the better, more-equipped public defender offices have immigration defense. You're not entitled to a public defender if you're detained on immigration charges. But a lot of cities provide it anyway, just out of a sense of obligation.

Before Trump's taking office, I did interviews with a lot of these attorneys. After Trump took office, none of those groups wanted to talk to me on the record anymore. They are all terrified. They do not want to be on the Trump administration's radar.

Trump is going after these groups that provide aid to immigrants in a lot of different ways. One is they're shuttering down all federal funding for these groups. So that's done.

Trump is targeting student loan forgiveness for public service. And judging by a lot of his executive orders, it's pretty vague. But what it seems to be doing is saying that if you go into one of these areas of public service that we don't like, where you're defending criminals and illegal immigrants, we're not going to forgive your student loans.

Public defense is heavily reliant on people who go into that to take advantage of student loan forgiveness. So if you take that away, these groups are not going to be able to staff themselves anymore. So they're really trying to erode the ability of these immigrants to obtain representation.

And I will say, if you talk to people who do this work, in their studies of this, the odds of your getting a favorable outcome in an immigration hearing significantly improve if you have an attorney than if you don't.

They have also been going after big law firms for what kind of pro bono work they do and don't do and shifting that.

I think it was in a piece from you or someone else: Paul Weiss, which is one of the very, very big white-shoe law firms, did a lot of pro bono work. Now if you look at what kind of pro bono work they do, immigration has disappeared from what they say on the website.

Maybe one of these isn't that big of a deal. But you look at it in totality, and you're trying to destroy the structures that keep some amount of legalism around this.

And now you have the construction of these massive new detention centers. It's worth saying that under U.S. law here — and I think this is still how they describe it — immigration detention is supposed to be nonpunitive. You're not being sent to prison.

But they're building these things that seem like holes where it's very hard to get reached by a lawyer. Your family doesn't always know where you are. You get moved around.

What do we know about that buildup in camps?

On the one hand, it's something that they were very open about. Stephen Miller talked about opening tent prisons along the border, just huddling people in them.

It is terrifying to me. It's not even just terrifying that they're doing it. What's terrifying to me is the rush to be on the cutting edge of this. To show your fealty and loyalty to this administration.

It's things like: In Indiana, the lieutenant governor giddily announced the opening of a detention center there that they were going to call the Speedway Slammer — because it was near where the Indy 500 was going to be. The governor of Nebraska just announced the Cornhusker Clink.

We're coming up with these cute alliterative names so that we can — what? Sell merchandise?

This is all coming from Alligator Alcatraz, I assume?

Right.

I mean, we've memeified fascism.

Yeah.

And you could say fascism always memeifies itself. But it has created an exulting in not just cruelty but a gleeful obliteration of any kind of process or sense of restraint. The sense that maybe we need to do these policies but we do them with a heavy heart — or that we can make mistakes, so we need to make sure that those mistakes can be easily corrected and people can talk to lawyers.

As I understand it, you come out of the libertarian movement. This was not a crazily left-coded set of ideas.

In fact, I remember not that long ago how much the attack on the left was: There's not enough due process when you're getting canceled by the woke mob. Not enough due process in universities.

And now, you're looking at the actual state itself just eviscerating due process.

You could go even further than that. I think there's a sentiment that I am increasingly seeing on Facebook — and occasionally when I just check in to see the horror show that is Twitter or X — that due process itself is woke now. [Laughs.] The idea of letting people who are here illegally have access to the courts is just beyond the pale to people. There's no understanding that's always the way it's been.

And like you said, this is a civil violation that we are now treating — I mean, literally, we disappeared people to a prison in El Salvador without letting them ever consult the courts. And later, we find out that I think at least half of them had no prior criminal record of any kind in any country.

You saw during the Republican National Convention — with those mass deportation

signs — the sneering joy that people got at the idea.

Those of us who were alarmed by all this would talk about: So you're OK with pulling grandmothers out of their homes? And going into schools and arresting people when they're there to pick up their children and isolating their children?

And it was: Yes, we love that idea. There was absolute glee at the thought of this.

I don't know how we got to the point where 35 percent to 40 percent of the country thinks using politics as a way to impose physical harm on people who they think are on the other side or enemies is standard political discourse now. But it's a pretty scary place to be.

I think that opens up one of the fundamental questions for a lot of us. I have this line from another show — that authoritarianism is here, it's just unevenly distributed.

So one way of looking at this is that there is a profound and, I would say, barbaric escalation against undocumented illegal immigrants. That Donald Trump, Stephen Miller, JD Vance and that administration have a view that America is being destroyed by an invasion — which is the word they use about illegal immigrants — and they're going to do everything they need to do to turn that back. But that's all it is: To the extent that it's here and unevenly distributed, it's around a group of people who are not here legally.

But then there's this other way of imagining it: When you see movements like this, they often start with one group of undesirables — and they expand out. Who is on the other side? Who is the danger to saving this country? And it seems to me that one thing we're watching in recent months is a series of escalations.

Let's start with what happened in Los Angeles. You had the Trump administration deploying the National Guard and a certain number of Marines. This was done over the objection of the mayor of Los Angeles and the governor of California.

That's not normal.

It has never happened before. The last time that active duty troops — not National Guard — were deployed in the U.S. was during the Los Angeles riots in 1992. That was at the invitation of the governor of California and the mayor of Los Angeles. So what Trump did in Los Angeles has never happened before.

What led to Donald Trump deploying the National Guard in Los Angeles? What was his stated rationale?

The argument in court was that immigration enforcement is a federal power pretty explicitly in the Constitution, and that these protests were preventing federal immigration officers from doing their jobs.

Now there was not a lot of evidence of that. There were protests. But there's not a lot of evidence that there was violence or threats against immigration agents. There were people winding up at courthouses expressing their opposition to the way the Trump administration was carrying these out.

But the court took the administration's argument at face value — that deploying these guard troops was necessary to let these immigration agents do their jobs.

The Ninth Circuit bought that argument. Well, the Trump administration's argument went even further. Which was that as long as the president says that there's a need to send in the National Guard — that's not even reviewable by the courts.

And so the Ninth Circuit at least said: No — that's not true. We can review, it is reviewable. But in this case, we find the argument plausible, and so we're going to let you do it.

Kristi Noem publicly said that the reason the National Guard was in California was to liberate the city of Los Angeles from its socialist leadership.

I want to read her quote really quickly. Kristi Noem, the secretary of the Department of Homeland Security:

We are staying here to liberate the city from the socialists and the burdensome leadership that this governor and that this mayor have placed on this country and what they have tried to insert into the city.

Those words “liberate the city” from its duly elected Democratic leadership at the state and local level. When I say there's one version where you look at these and say: Well, this is an immigration policy. That doesn't sound like an immigration policy. That sounds like something quite different.

And it's a sentiment that Trump has said repeatedly, too. That he's going to take over blue cities. He's going to set policy, particularly crime policy, in blue cities.

So she says that. And this isn't some low-ranking administration official. This isn't some MAGA person who can be easily disavowed. This is the head of the Department of Homeland Security.

It's not Laura Loomer.

Right, exactly. Although Loomer, at this point, may have more power than Noem. [Laughs.]

Fair enough, yes.

But if she had spoken out of turn, if she had been caught up in the moment and regretted saying things in that particular way, she could have retracted that, and the

administration could have distanced itself. It could have said: No, that is not our policy. But they didn't retract it, and the Ninth Circuit didn't even consider it because it wasn't part of the record.

So I think this is a really important point, because there's this dual path that we see in authoritarian states, where they justify these massive power grabs with a plausible — if not persuasive — but at least kind of legally-based argument. That's what they argue in court.

And so this dual doctrine rests on this assumption that the executive is going to be arguing in good faith.

An assumption that the courts make.

Right, that the courts make. So they tend to take the arguments at face value, even when there's ample evidence to the contrary. Even when the administration has shown its willingness to just brazenly oblige the court in other cases, you have to show in each case that they're lying. Each case, one at a time.

But at some point, I think the courts have to acknowledge what the administration is arguing in court. And to be frank, what they're arguing in court is now to the point of outrageous — and often easily disprovable, as well.

On the ground, they're doing the absolute worst version of this policy.

Just because it's so grim, I want to note that this dual state theory of fascism is written by a German Jew who escaped Nazi Germany. It's an analysis of how Nazi Germany worked as it built to what it became.

Exactly. And it's so consistent across other authoritarian states. This is part of every authoritarian playbook.

I think one of the really damaging things that came out of U.S. v. Trump — the decision that gave Trump this broad, wide-ranging immunity — was: There's no downside for Trump to try to do these really extreme, extra-constitutional things. There's no punishment if he goes too far. At the worst, what happens is maybe three or four years down the road, a high-ranking federal court tells him he can't do that anymore. But in the meantime, he gets to do it for the most part. There have been a few injunctions, but they tend not to last.

So there's no penalty for going too far. The way our system is set up right now, the president can kind of do whatever he wants. He can take whatever power grabs he wants. And the worst thing that's going to happen is that maybe a few years later a court says: Nah, you can't do that anymore.

What did the National Guard and the Marines do while they were in Los Angeles?

Some are still there, I should say.

Mostly, they just provided support for the federal agencies. I think there was maybe one instance where some active duty Marines detained and arrested someone who was later shown to be an American citizen and just wandered into the wrong area.

If I recall correctly, I don't remember seeing many incidents where either National Guard or the Marines were actively using force or making arrests.

What then happened in MacArthur Park?

You had Border Patrol — and, I believe, the National Guard there for support — conducting this sweep of a park in an immigrant-heavy area. There was nothing going on. There was no reason for them to be displaying force at this park. But they marched through the park. The entire exercise was a demonstration of force. It was: We're going to create these images showing the community how powerful we are.

Again, that is the kind of thing you see regularly in totalitarian countries. We don't use the military or militarized police purely for imagery or purely for symbolic purposes. But this administration is doing it regularly. They do this to create videos that they can post on social media to scare people and to inspire their followers.

Everything is a spectacle. But everything, too, is a test or a model.

Corey Lewandowski, who is a top adviser to Kristi Noem at the Department of Homeland Security said: "I want everybody to understand the Trump administration is bringing this path across this country to make sure every sanctuary city understands that we can touch people at any place, anytime."

Then there is an internal Department of Homeland Security memo that was written by Pete Hegseth's brother, who, for some reason, has become a significant —

Hired only on merit, of course.

Hired only on merit. [Laughs.] Yes. The best people.

He wrote this memo leaked and reported by The New Republic, describing the need for the military to "more effectively support D.H.S. during the next instance of 'L.A.-type' operations." He wrote: The U.S. military leadership "need to feel — for the first time — the urgency of the homeland defense mission."

So there's clearly an internal structure being built, a case being built, and attempts being made to merge the military and — as Phil Hegseth put it — the "homeland defense mission."

Tell me about the ways the military and homeland have typically been kept separate and what it might mean for them to be merged.

In this country we've long had a tradition of keeping the military out of domestic law enforcement. It goes back to the founding. The founders didn't even want to have a full-time standing army because they saw what happened in cities like Boston during the colonial era, where the British crown stationed soldiers in the city, mostly for the purpose of tariffs or ending black markets. But it resulted in a lot of anger and resentment and violence. You had these general warrants where they could go into any house at any time to enforce tariffs and import bans. It ultimately led to the Boston Massacre, which is one of the precipitating events of the American Revolution.

The point here with the history lesson is this is why we have the Third Amendment and the Fourth Amendment. You could argue that's why we have the Second Amendment.

There was this fear that standing armies create problems and that using the military for routine domestic policing — that's not what the military does. The military's job is to annihilate a foreign enemy. The job of law enforcement is to protect our rights and enforce public safety.

We've done a pretty good job over the course of our history of keeping the two separate. There have been times, very briefly, when the military has been called up to put down riots or insurrections. And you could argue about whether that was justified or not.

The only time the military was brought in to consistently enforce routine, domestic law enforcement, was during Reconstruction. That was obviously, hopefully, a once in our country's history sort of event.

So we've kept these two things separate. And one of the really healthy things about our democracy is that the institution that has been most consistent and aggressive about enforcing that separation has been the military.

During the 1980s, the Reagan administration and leaders of both parties in Congress wanted the military to come in to enforce the drug war. They wanted Marines marching up and down streets and conducting raids and arresting people. It was the military that said: We want nothing to do with this. There was a high-ranking military official who testified before Congress and basically said something to the effect of: History is replete with examples of countries that have brought the military in for domestic law enforcement, and disaster is always the result.

So while there was some use of the military for training, there was the transfer of military equipment to local police agencies, the idea of using the military for active day-to-day law enforcement was shelved because of opposition from the Pentagon.

Throughout the course of my entire career writing on these issues, I've always been worried about the idea that our police are getting more militarized. They're getting

more and more like soldiers. They're seeing their job as more like soldiers. And that means they're seeing the people they're supposed to be serving as the enemy.

What I feared was that another Sept. 11-style event was going to exacerbate that process and make the police even more militarized. Even in the worst-case scenarios, I never thought we'd reach the day when a president would just start openly deploying the military in cities across the country simply because they don't support him.

A lot of people have made this point. It's hard to describe what is actually going on right now without sounding crazy: The idea that the president is going to deploy the military into cities and states that didn't vote for him because he's angry at them for that — or he is going to stop sending them disaster relief because they didn't vote for them — that is clearly the stuff of totalitarian regimes.

I guess they would say it's not because they didn't vote for them, it's because of something else. So in the case of Los Angeles, it's because of protests — [Sighs.] I so want to try to do the fair-minded thing of describing this in the way they would describe it.

They are unleashing ICE agents in a way that seems to be designed to create backlash. And then they use the backlash as an escalation cycle — at least in air quotes.

In the Los Angeles case, it was connected to this immigration mission, which is very central to the Trump campaign.

But D.C. wasn't. D.C. isn't.

What has been their rationale for taking over? When I talk to the people there, it feels like they're militarily occupying Washington.

The justification is this unique relationship that Washington has with the federal government. The federal government ultimately has jurisdiction over D.C. pretty much in any way that it wants to assert itself.

Now, Congress is the primary overseer of D.C., and Congress has passed various home-rule bills over the years that have given D.C. a certain amount of autonomy.

So what Trump is doing is violating those bills that were passed by Congress. But as we've seen in just about every other area, in order for that to matter, Congress would have to stick up for itself. And that clearly isn't going to happen here.

So you could argue that Los Angeles was tied to immigration enforcement, which is a federal power. You could argue that what's happening in D.C. is based on this unique relationship that D.C. has with the federal government. And in both cases you could say these are exceptions, but Trump is openly promising to send troops into Chicago, into Oakland and into Baltimore. He is not claiming that he wants to send troops into

those cities to enforce immigration. He's saying it's because crime is out of control in those cities.

And incidentally, all three cities have seen dramatic drops in crime. Baltimore is in, I think, a 30- or 40-year low in violent crime. Oakland has dropped pretty dramatically. Chicago has dropped a little bit.

But what he's promising to do going forward makes it clear that this isn't about federalism or keeping the nation's capital safe. It's not about immigration enforcement. These are all very blue cities. They're cities with large Black populations, with Black political leadership, and they're cities that Trump has been disparaging for his entire political career.

When I look at what they did in D.C. and Los Angeles, and when I look at what they're talking about doing, the potential for genuine catastrophe feels very high.

Let me spin out a scenario that has been on my mind. I'm sitting here in New York City. Zohran Mamdani is the front-runner to be the next mayor of New York.

And I think that, to the Trump administration, Zohran Mamdani is the exact kind of politician they would relish confrontation with if he were elected mayor. They would find his very existence immensely offensive — the fact that he was elected in New York City, a city that obviously Donald Trump has very deep feelings about.

They want to deport him.

They want to deport him.

I think they would also see him as a soft target of a certain kind. He's very inexperienced, does not have a lot of political background or political alliances.

So you could really imagine Mamdani coming into office and the administration stepping up ICE raids even above where they are now — I mean, during his primary campaign, Brad Lander, the comptroller of New York City, ended up arrested as he was accompanying immigrants in a court during these ICE raids.

So you could imagine them really stepping up ICE raids and then using some kind of backlash to that as pretext for sending in the National Guard, as they did in Los Angeles. Or sending in, as Phil Hegseth wants, the National Guard plus more Marines and other kinds of military officials or soldiers.

And you could imagine something going really wrong — or maybe from their perspective, right. So in D.C., there was a case of a guy who appeared to be drunk. I think he threw a sandwich at a federal agent, and they made a very big deal out of this. Maybe in New York or elsewhere, maybe it's not a sandwich — maybe it's a rock. Or maybe there's gunfire. Or maybe there is a car backfiring that some member of the

National Guard thinks is gunfire and they open up retaliatory fire. Maybe there's, all of a sudden, a bunch of people dead. Maybe there's violence. There has already been tear gas at these things.

It's there for a crisis point to be reached, where then they're saying: It's an insurrection — and now we're invoking the powers of the Insurrection Act.

The conditions they're creating seem very frightening.

Yes. And I think it puts the residents of these cities in a really can't win position. You either submit and allow this to happen and get accustomed to the idea of looking out your kitchen window and seeing soldiers march by.

Or you put up resistance, in which case you create exactly the kind of scenario that you just described — which I think they want. Let's say Pritzker in Illinois activated the Illinois National Guard to protect immigrant neighborhoods in Chicago from these raids — particularly if we see they're arresting or harassing U.S. citizens and people who are here legally. And then you've got this standoff.

Especially if you get what we're seeing in D.C., which is that red states are now sending National Guard troops into Washington D.C. to assist with whatever it is they're doing there — all of a sudden, now you've got red states sending guard troops into blue states that don't want them there. It is a recipe for exactly the kind of catastrophe you're talking about.

I think the Trump administration relishes the idea of an incident like that. Because it will give them an excuse to grab more power and to become even more aggressive.

Think back to something that happened in the first term that you mentioned: You have the murder of George Floyd. You have nationwide protests that break out afterward. You have Trump wanting to unleash the military on these protests and suggesting to top military brass that they should open fire at their knees. And the military says no.

But you write: "Nearly everything he" — Trump — "has done in his second term with respect to the military appears to have been done to ensure that no order he gives will ever be questioned again, no matter how cruel, abusive, or unconstitutional."

Tell me what he has done differently about the chain of command and oversight in the military now, compared with 2020?

Part of Project 2025 was to purge federal agencies of institutionalists, of people who had these silly allegiances to the rule of law and the Constitution, and replace them with people whose primary loyalty was to Trump.

We could start at the top with Hegseth. Hegseth wrote in his book about his fierce loyalty to Trump. This is a guy who thinks that the military should be enlisted in a holy

war and believes that Trump was sent by God. That is who is heading up the largest and most powerful military in human history.

One of the other things they did was they immediately purged all of the generals who they thought were insufficiently loyal — people who still clung to ideas like separation of the military from domestic law enforcement. Those people were roused.

They got rid of all the JAG Corps, the senior ranking legal lawyers in the military who do things like write use of force policy. These are the people whom the president consults when wanting to do policies like this, and they're usually the ones who tell him no. They're gone.

Instead you have this policy written by not the least qualified person I think to ever have been nominated to head up a major federal agency — but by that guy's brother. That is the person who is writing up the policy about when Trump is going to start sending active duty military into cities around the country.

It's so grim. I mentioned a minute ago the possibility of Trump invoking the Insurrection Act. So what is the Insurrection Act? What does it allow him to do if he invokes it? And why haven't they yet?

It allows him to bring up active duty military — to put down a threat to take over the country or to depose the government.

I believe the first instance of it was when Washington invoked it to put down the Whiskey Rebellion. It has been used pretty sparingly over the years. But it's supposed to be something the president can invoke in the case of an emergency. Eventually, they're supposed to get approval from Congress after doing so. It's supposed to be temporary — for immediate threats that we have to address quickly to put down.

It is not supposed to be a way to suppress dissent or suppress protest. Trump wanted to invoke it in his first term. If I recall correctly, I think Mike Pence supported the idea. But it was Esper and Milley who said: No, that's completely inappropriate for what we're looking at right now.

Mark Esper, the defense secretary, and Mark Milley, the chairman of the Joint Chiefs of Staff.

Both of whom Trump has since accused of treason. I think he actually suggested Milley should be executed for treason in part because of that and telling people about it afterward. It's supposed to be in response to a direct threat to the sovereignty of the country.

The reason they haven't invoked it is because they found ways around invoking it. I think invoking it they know at this point would be hugely controversial. There would

probably be a lot of backlash.

So they found these other ways around it without having to go through the Insurrection Act, which I think even they realized would be really divisive.

Temperamentally, as a person and as somebody with a public platform, I really try to not be overly alarmist and to make people completely panicked about things they cannot control.

But something I've been saying recently, when I talk to people I know about my work, is: I can tell you a story where these things maintain some kind of containment.

They're already much worse than I would have imagined — like the masked officers pulling people off the street. But things didn't get as bad as I thought they might have in Los Angeles. Maybe everybody holds back from where it could go.

But if I imagine reading a history of this period in 10 years and this period having gone really badly — having either created a tipping into authoritarianism in a way that you cannot deny or having created some kind of genuinely violent flashpoint between the government and a citizenry that resolves in some way we can't predict right now — this is the way I would have expected this set of chapters in the early months to read. These are the chapters where, if you were reading them and it gets worse, it wouldn't feel like a surprise. It would feel like a linear progression.

It's almost a cliché at this point to say: How would this latest thing that Trump has done read if it were happening in, say, Albania or Peru or Uganda?

I mean, we would say: It seems pretty clear there's an authoritarian takeover going on.

I was at a conference on liberalism and democracy last weekend, and one of the keynote speakers was a Russian dissident who saw Putin's rise. And what I found particularly haunting were the similarities between the quick speed with which he started dismantling institutions.

That is Project 2025. Part of the strategy there is to move so quickly on so many fronts that you overwhelm people, and it's impossible to keep track of everything that's going on now.

Russia was a much younger democracy with much weaker institutions, so it was easier to topple them within a year. But what we're seeing right now, like you said: If you were trying to replicate that path to autocracy, I don't know what you would be doing differently than what Trump is doing now.

What then is the role of civil society and of political opposition here?

You talked earlier about the no-win position these cities and people in them are being put into. On the other hand, opposition to this seems to have revitalized Karen Bass's

mayoralty in Los Angeles and seems to have lit a fire under Gavin Newsom in interesting ways.

You said you're a student of history. I don't ever think it's fair to ask people what works in these scenarios. Everything is different, and it's all very complicated. But when you see civil society and political opposition doing X, it makes you think: OK, there's life in this — versus what worries you, that we're on the speedway to authoritarian takeover?

I think the least optimistic I feel is when we see these powerful institutions cave and crumble out of fear. Watching the Ivy League schools falter — even the most cynical Supreme Court watchers seem pretty certain that they would win in court and what Trump is doing to these schools is pretty clearly an attack on free speech, free expression and academic freedom. Watching the law firms cave. The case that they would have in court is even stronger.

Watching media companies cave. The “60 Minutes” edit of the Kamala Harris interview was just basic, standard journalism. The idea that their parent company capitulated over that.

These are extremely powerful, wealthy entities that could stand up to Trump if they wanted to. They've chosen not to. I think that watching them fall one by one has been really disheartening and disorienting.

I think sources of optimism include the “No Kings” protest. I think the count estimate was around 5 million people around the country had come out.

My wife and I were at my parents' place in Nashville, Indiana, at the time — which is an overwhelmingly white, rural part of Indiana — and there was a protest with about a hundred people. Maybe a little less.

The interesting thing to me is that where we're seeing the bravest resistance is from the people with the least amount of power. You see the Little League coach in New York who told ICE agents off when they started questioning his kids and his players about their immigration status. There was just an incident where a bunch of kids in backpacks in D.C. basically ran off a bunch of ICE agents and federal and maybe National Guard — it's hard to tell them apart at this point. But federal agents who were there to do immigration enforcement — and literally schoolchildren yelling at them until they had to leave.

We are seeing inspiring resistance from people with the least amount of power and who would be easiest for the administration to target. Even the sandwich guy — I don't recommend throwing sandwiches at federal agents. But he kind of became a folk hero after that. Because I think when you see literal troops marching in your backyard, there's a visceral reaction to that. It's angering.

But then also you see the administration's reaction to that. He wanted to turn himself in. They wouldn't let him. Instead they had to send a SWAT team, basically, with a video recorder to his apartment so that they could post on social media that this sort of resistance was not going to be tolerated.

As a lot of people pointed out, saying "Kill the cops!" to your comrades during an insurrection on the Capitol gets you a high-ranking Justice Department position, whereas throwing a sandwich at a federal agent in this administration gets you a felony charge. That speaks volumes about where we are.

To answer your question, I think we need to take heart in that Little League coach. And then the people who don't want to live in a country where their neighbors, friends and people they go to church with, eat breakfast with and who landscape their yards are being yanked off the street into unmarked vans and taken to undisclosed locations.

If the big institutions and the law firms and the universities are going to roll over to that, we need to take inspiration from the people who are standing up to it.

Always our final question: What are three books you'd recommend to the audience?

I was trying to think of three interesting, maybe a little off-topic, books.

The first will be on topic: Jessica Pishko's book "The Highest Law in the Land" is a narration of how the sheriff in the U.S. has become such an integral part of the Trump movement and MAGA, and how they've lent a lot of institutional support for it, including some pretty outrageous tactics, and how they're above the law in much of the country. So that's one that's on topic.

I'm going to recommend a fun history book: David Mitchell, the British comedian, has a book that came out maybe a year or two ago called "Unruly" — which somehow manages to make a history of medieval-age British royalty interesting and funny. It's a review of all the early British or English kings, but in his style. I found it very endearing, and I listened to it on tape, so in his voice it's particularly fun to listen to.

The last one would be my friend and former colleague Kerry Howley's book "Bottoms Up and the Devil Laughs," which is a book on the surveillance state, Reality Winner and how the national intelligence community has evolved into what it is now. I think it's particularly relevant because of the way Trump has been able to manipulate these tools that have been put into place by previous administrations that are really opaque and unaccountable and pretty dangerous. And now I think we're going to see just how dangerous they are when they're in the hands of the wrong person.

Radley Balko, thank you very much.

My pleasure. Thanks for having me on.

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Ezra Klein joined Opinion in 2021. Previously, he was the founder, editor in chief and then editor at large of Vox; the host of the podcast “The Ezra Klein Show”; and the author of “Why We’re Polarized.” Before that, he was a columnist and editor at The Washington Post, where he founded and led the Wonkblog vertical. He is on Threads.