

How Trump hacked the presidency

di Jason Willick

Think of Donald Trump as the Mythos president. Anthropic's Mythos artificial intelligence model created a media sensation for its purported [ability to find](#) and exploit vulnerabilities in thousands of computer systems. It didn't create vulnerabilities — they were there all along and occasionally caused problems. But Mythos apparently has a special knack for smoking them out.

Trump has a similar ability for the presidency. He has cleverly found and exploited ambiguities in the office to circumvent traditional limits. His lawsuit against his own government, and the resulting "settlement" involving an extrajudicial payout fund for allies, is a prime example.

That lawsuit took advantage of the fact that the president is "the only person who alone composes a branch of government," as [the Supreme Court](#) put it in 2020. There are more than 300 million American citizens who can sue the federal government to right a perceived wrong. The president is the only one among them who, if he does so, is actually suing himself.

Trump was wronged by the leak of his tax returns in 2019 and 2020. It wasn't out of bounds for him to sue the IRS over the breach. But for Trump's "public" self to settle a suit with his "private" self? That doesn't compute.

The administration didn't hesitate to exploit the vulnerability. The Justice Department announced its intent to "settle" Trump's suit with the creation of a \$1.776 billion "Anti-Weaponization Fund." The idea is to pay people the administration thinks have been mistreated by the government, most likely the president's political allies such as participants in the Jan. 6, 2021, Capitol riot.

It bears repeating that Trump is pressing on a vulnerability that already existed, not blowing up the system outright. As the University of Chicago law professor [Aziz Huq](#)

[writes](#), past administrations have used federal settlements to generate payouts “to politically preferred groups even when there was no real prospect of a legal challenge against the government prevailing in court.”

Huq cites as one example the Clinton administration’s monetary settlement with Japanese people from Latin America whom the United States interned during World War II, even though the law only provided for payments to Japanese who were U.S. citizens or residents. “There is, to be sure, no moral equivalence between the interned Japanese and the Jan. 6 rioters,” Huq writes.

That statement is so obviously true it’s jarring. But it’s essential to understanding Trump’s Mythos quality. He can look at a system coldly, without regard for moral judgments. If a vulnerability exists, then it can be exploited to benefit morally deserving and undeserving groups alike. A Democratic-appointed federal judge on Friday [launched an inquiry](#) into the settlement, but that seems to reflect a moral objection rather than a [strictly legal one](#).

Another [part of the settlement](#) claims to shield Trump from certain future legal actions by the U.S. government, including IRS audits based on his already-filed tax returns. Scholars debate whether a president can pardon himself, but in some ways this deal is broader, because a pardon applies only to criminal charges. The agreement, signed by acting attorney general Todd Blanche, covers civil fines as well. Once again, the president is exploiting a bug in the law that was not entirely unknown. When the Biden Justice Department was prosecuting Trump in 2024, it tried to persuade the Supreme Court that former presidents didn’t need broad immunity from prosecution. After all, a lawyer for the Biden administration [told the justices](#), a president is already shielded from prosecution for doing things his attorney general tells him are legal.

The idea is that the attorney general represents the U.S. government, and the U.S. government can’t go back on its word to anyone — even the president. Now the U.S. government has formally agreed to limit future Trump investigations. But when the president *is* the government, the whole theory short-circuits, and Trump is happy to benefit from the ensuing confusion.

Another “hack” the administration may be perfecting is the use of indictments of foreign leaders to justify military interventions. [The indictment](#), unsealed last week, of Cuban strongman Raúl Castro over the 1996 shoot-down of two planes wasn’t really a law enforcement action; it was a military threat. After all, the administration took care to describe its January military incursion into Venezuela to arrest dictator Nicolás Maduro and take greater control of the country’s politics as a “law enforcement” operation pursuant to a criminal indictment for drug and gun trafficking. Now it’s signaling Castro could be next.

The Constitution intended for Congress to play a key role in decisions to award government payouts and launch wars. That role has been eroding for some time, but Trump has been particularly cunning about finding vulnerabilities. Want a taxpayer fund for allies? Just sue the government in your private capacity and order your Justice Department to settle. Want to send U.S. forces to a foreign capital to kill its security forces and seize its ruler? Just get a grand jury in New York to rubber-stamp an indictment of the tyrant.

Mythos’s hyper-competence at finding software weaknesses has prompted a frenzy of bug-patching in the software that makes the world run. The executive branch needs some bug-patching, too.