

# White House preps for legal fight over firings — despite court victory

A Supreme Court ruling last week means planned reductions in force can continue, but unions and other groups will battle the administration at each step.

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By [Meryl Kornfield](#) and [Hannah Natanson](#)

The Trump administration is gearing up for an intense legal battle over its plans to fire federal workers, even after a victory in the Supreme Court last week cleared the way for President Donald Trump to resume his attempts to slash government.

Although the high court removed a California judge's block on reductions in force planned in most federal agencies, officials are still preparing for legal challenges to cuts at each agency as they try to enact those plans, according to two White House officials speaking on the condition of anonymity to preview legal strategy.

The coalition of unions and other groups that has sued the administration over the firings has said it plans to challenge any resumption of the staffing cuts.

The initial rapid-fire attempts by Elon Musk's U.S. DOGE Service to dismantle broad swaths of government was caught in legal limbo — and in some cases reversed by the administration entirely — but Trump advisers are cautiously proceeding with continued cuts. White House and Justice Department lawyers are scrutinizing the reduction-in-force plans that had been frozen until the Supreme Court decision, checking them carefully before proceeding, according to one of the officials.

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“Every reduction in force we do from now on will be immediately met with lawsuits,” the second official said. “And the stronger our RIF [plan] is, the less successful any lawsuit would be.”

The district court ordered the government by Monday afternoon to share firing plans, which could get frozen once again if the judge rules that the administration has overstepped its legal authority.

Skye Perryman, president and CEO of Democracy Forward, one of the groups fighting the firing plans in court, said in a statement that the Supreme Court did not rule on the legality of any specific reduction-in-force action and that the plaintiffs plan to continue their case against the firings in district court.

“Our team will continue to swiftly press these issues as the litigation continues and will continue to insist that the attempt to overhaul and decimate large portions of the federal government without Congress is unconstitutional,” Perryman said.

Because of the early litigation, what had been a constant stream of federal layoffs has mostly slowed, even after last week’s ruling. The State Department fired more than 1,300 employees Friday as part of a reduction of 3,000 positions, according to an agencywide email. But in other agencies, officials have said the droves of employees who took voluntary early retirements or buyouts have reduced the chances of further sweeping cuts.

At the Department of Health and Human Services and the Education Department, layoffs were blocked separately by lower courts. The administration has appealed the Education decision to the Supreme Court.

The White House officials said that any plans for further cuts must come from the agencies themselves, rather than from DOGE, which stands for Department of Government Efficiency, and be reviewed by the Office of Management and Budget and Office of Personnel Management. The officials said that agency leaders realize they cannot make cuts that would overstep their statutory responsibilities, and that OMB and OPM officials are advising agencies on how to stay within bounds.

Sam Berger, a former OMB official and a federal fiscal policy senior fellow at the left-leaning Center on Budget and Policy Priorities, said the government must follow the required procedures for firing workers to ensure that employees serving the agency’s statutory requirements remain in place.

“The RIF authority doesn’t give you any extra ability to ignore congressional spending requirements,” Berger said. “It just sets out a set of procedures you need to undertake when you are able to separate people from service.”

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Employees can also challenge their firings through appeals either individually or through a class action case with a union to the Merit Systems Protection Board, which has seen a backlog in cases grow since inauguration, according to employment attorneys. So far in fiscal year 2025, the board has received 12,118 cases, according to a report the agency published this month, which shows a massive spike in cases when the Trump administration pursued mass firings of probationary workers.

Alan Lescht, a D.C.-based employment attorney, said he has encouraged federal workers to appeal their firings, and if they win the argument that they should stay in their jobs, they can resume work and claim back pay.

“Before Trump came to office, there had been RIFs in the federal government, but typically these RIFs took like a year to figure out and comply with all the rules,” Lescht said. “So we suspect that a lot of the analysis that is required to be done probably wasn’t.”

At the same time, tens of thousands of workers have taken voluntary buyouts and early retirements, slimming agencies where there have not been mass firings. For instance, at the Department of Veterans Affairs, agency leadership decided that enough people had voluntarily left that they no longer needed to proceed with a planned 15 percent cut across the government’s second largest agency.

At the Federal Emergency Management Agency, which Trump had initially promised to eliminate, no official action has been taken to make major cuts, and changes will probably amount to a “rebranding” that will emphasize state leaders’ roles in disaster response, a senior White House official told The Washington Post.

In response to questions about plans to fire employees, the Pentagon’s press office provided a statement from an unnamed official who said the department is “relying on voluntary measures as much as possible” for reductions.

There is some indication NASA may be eager to avoid further firings, too.

Asked about the possibility of reductions in force, Deputy Associate Administrator Casey Swails told employees at a town hall at the agency’s headquarters in Washington on June 25 that agency leadership is “doing everything we can to avoid going down the path. I know you shouldn’t expect RIF notices to be noticed during the [DRP] offering,” referring to the voluntary resignations open to employees until late July.

At another town hall Thursday at Langley Research Center in Hampton, Virginia, a staffer asked about the likelihood of further reductions in force, according to detailed meeting notes taken by an employee who attended, which he provided to The Post on the condition of anonymity because of fear of reprisal. Acting center director Trina Dyal answered the query, according to the employee’s notes, by insisting the agency was doing everything it could to avoid more firings.

The agency hopes to trim the workforce by encouraging a sufficient number of employees to take early resignation, retirement or voluntary separation offerings — without the need for mass dismissals through another reduction in force, Dyal said.

“The agency is not planning on a reduction in force. And I will tell you right now that is absolutely true,” Dyal said, according to the employee’s notes. “What they are hoping for is that these voluntary measures will be sufficient to get us within our budget boxes.”

She added, “I can’t guarantee that for you.”

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