



WILL DONALD TRUMP DESTROY THE PRESIDENCY?

He disdains the rule of law.
He's trampling norms
of presidential behavior.
And he's bringing vital
institutions down with him.

BY JACK GOLDSMITH

ILLUSTRATIONS BY MIKE McQUADE



DONALD TRUMP IS TESTING THE INSTITUTION OF THE PRESIDENCY

unlike any of his 43 predecessors. We have never had a president so ill-informed about the nature of his office, so openly mendacious, so self-destructive, or so brazen in his abusive attacks on the courts, the press, Congress (including members of his own party), and even senior officials within his own administration. Trump is a Frankenstein's monster of past presidents' worst attributes: Andrew Jackson's rage; Millard Fillmore's bigotry; James Buchanan's incompetence and spite; Theodore Roosevelt's self-aggrandizement; Richard Nixon's paranoia, insecurity, and indifference to law; and Bill Clinton's lack of self-control and reflexive dishonesty.

"Enlightened statesmen will not always be at the helm," James Madison wrote in one of the *Federalist Papers* during the debates over the ratification of the Constitution. He was right, but he never could have imagined Donald Trump.

At this point in the singular Trump presidency, we can begin to assess its impact on American democracy. The news thus far is not all bad. The Constitution's checks and balances have largely stopped Trump from breaking the law. And while he has hurt his own administration, his successors likely won't repeat his self-destructive antics. The prognosis for the rest of our democratic culture is grimmer, however. Trump's bizarre behavior has coarsened politics and induced harmful norm-breaking by the institutions he has attacked. These changes will be harder to undo.

Trump, in short, is wielding a Soprano touch on American institutions. "I'm fucking King Midas in reverse here," Tony Soprano once told his therapist. "Everything I touch turns to shit."

The Framers of the Constitution wanted to create a powerful, independent executive branch, but they didn't want to stoke fears that the new United States would replicate the monarchy from which it had just separated. Confident that George Washington would be the first

office has meant that it is defined largely by the person who occupies it—his character, competence, and leadership skills. Great presidents, such as Washington, Abraham Lincoln, and Franklin D. Roosevelt, exercised power wisely (though controversially) to lead the nation through crisis. But Richard Nixon debased the office and betrayed the Constitution and our laws, while others, like Ulysses S. Grant and Warren G. Harding, allowed the executive branch to become engulfed in corruption and scandal.

This was the background to the near-hysterical worries when Trump became president. During the campaign, he pledged to act in illegal ways; expressed illiberal attitudes toward freedom of speech, religion, and the press; attacked immigrants and minorities; tolerated, and even incited, thuggery at his rallies. The man who on January 20, 2017, took a constitutional oath to "preserve, protect, and defend the Constitution of the United States" seemed disdainful of the rule of law and almost certain to abuse his power. "He is unlikely to be contained by norms and customs, or even by laws and the Constitution,"

wrote Peter Wehner, a circumspect Republican commentator, in *The New York Times* the day after Trump's inauguration. Wehner captured, in an understated way, prevalent fears about Trump's presidency.

Thus far, however, Trump has been almost entirely blocked from violating laws or the Constitution. The courts, the press, the bureaucracy, civil society, and even Congress have together robustly enforced the rule of law.

Trump's initial executive order on immigration—a temporary ban on entry for people from seven Muslim-majority countries that were not obvious sources of terrorist activity inside the United States—was widely seen as his first step toward authoritarianism. Issued seven days into his presidency, the ban was sloppily written, barely vetted inside the executive branch, legally overbroad, and incompetently rolled out.

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The administration gave the people subject to the ban's edicts no notice, which led to bedlam at airports. Many observers believed the immigration order indulged the "symbolic politics of bashing Islam over any actual security interest," as Benjamin Wittes of the Brookings Institution put it at the time.

A crucial moment occurred during the week after Trump issued the order. Civil-society groups such as the ACLU quickly filed habeas corpus petitions asking federal courts to enjoin the order in various ways, which they did. For several days, it was unclear whether border agents were complying with the injunctions, and rumors that Trump or his Department of Homeland Security had ordered them not to filled the news. When a federal district-court judge in Seattle named James Robart halted the entire immigration order nationwide in the middle of the afternoon on Friday, February 3, Twitter and the cable shows were aquiver for several hours with the possibility that Trump would defy the court.

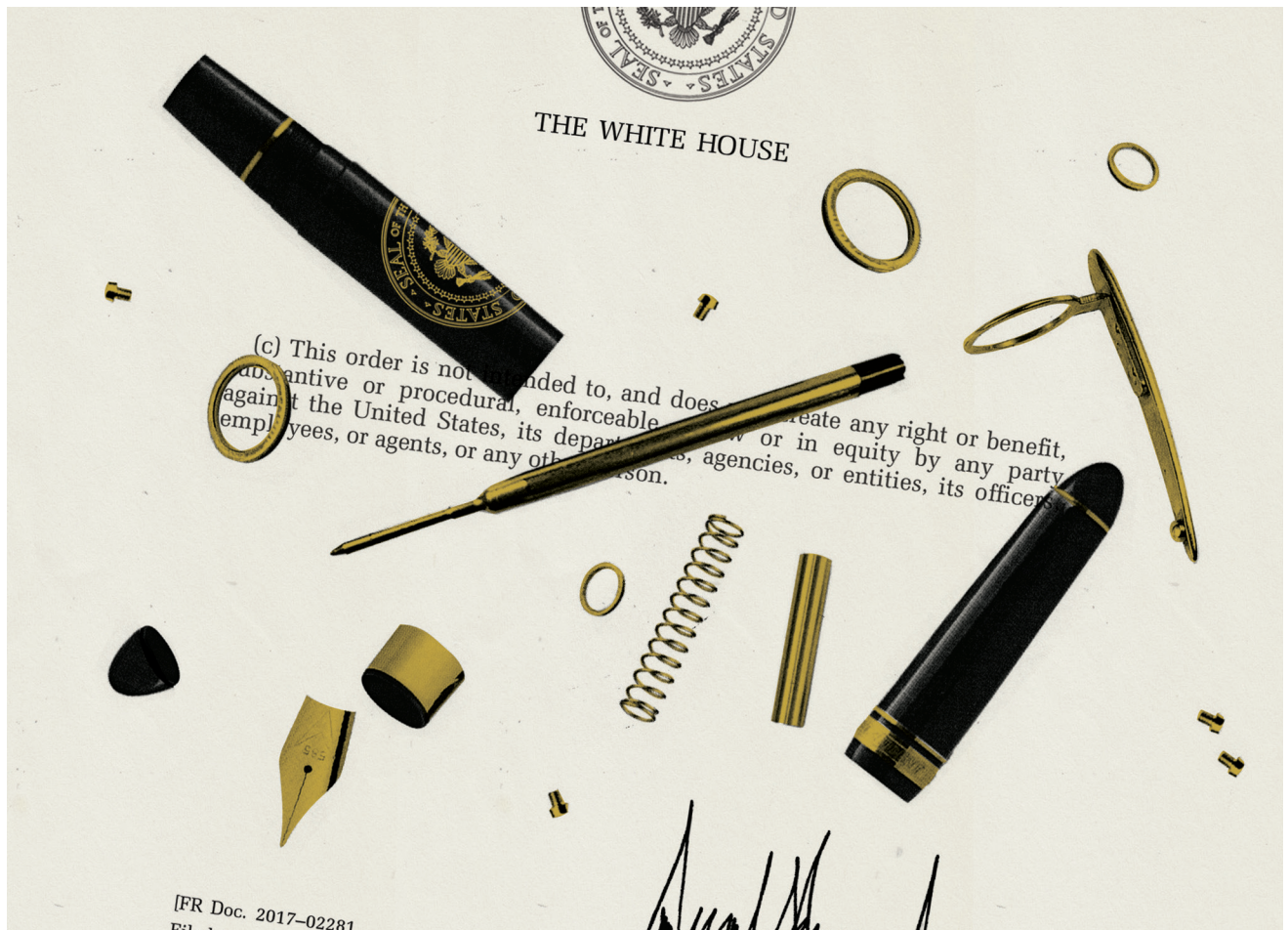
"What would happen if the administration were to simply ignore this court order and continue to deny people entry?" MSNBC national correspondent Joy Reid asked her guests on *All In*. Washington State Attorney General Bob Ferguson, who had brought the case against Trump, treated the question as a live possibility. "I don't want to be overly dramatic, Joy," he said, "but you would have a constitutional crisis."

The hardest question in American constitutional law was suddenly raised: Why does a president, who controls what Alexander Hamilton described as "the sword of the community," abide by a judicial decision he abhors?

Trump wouldn't have been the first president to flout a court order. Six weeks into the Civil War, Abraham Lincoln defied a ruling by Chief Justice Roger B. Taney that the president lacked the authority to suspend the writ of habeas corpus, and Franklin Roosevelt threatened to ignore the Supreme Court in a World War II case involving Nazi saboteurs. But during the next few decades, judicial authority solidified. Though many worried that Nixon would disobey the Supreme Court in 1974 when it ordered him to turn over his incriminating tapes to a special prosecutor, Nixon famously acquiesced. Would Trump?

We can imagine that he didn't want to. We can imagine him ranting deliriously after Robart issued his decision. But at 10:05 p.m., the White House put out a statement declaring that the Justice Department would seek to stay the "outrageous order," which meant that the executive branch would pursue review in higher courts. And 10 hours later, at 8:12 a.m., the incensed chief executive tweeted the first of many attacks against Robart. "The opinion of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned!" Trump wrote. He would appeal, rather than defy, Robart's injunction.

We don't know why Trump acquiesced. Perhaps his staff convinced him that ignoring the ruling would spark resignations in the White House and the Justice Department, as well as congressional reprisal, which would jeopardize his two-week-old presidency. Whatever the reason, the most powerful man in the world complied with the edict of a little-known federal trial judge on an issue at the top of his agenda. The Constitution held.



The still-unfolding Russia investigation is a second context in which checks and balances have worked well thus far. The possibility that the president's inner circle might have colluded with our fiercest adversary to sway the 2016 election, or might have other inappropriate ties to Russian interests, is the most serious instance of potential presidential malfeasance since Watergate. In trying to influence the investigation, Trump has acted much like Nixon did. He has pressured his senior intelligence and law-enforcement officials to help clear his name and fired the original lead investigator, FBI Director James Comey. Unlike Nixon, Trump has also publicly attacked just about everyone involved in investigating him. And yet every institution has stood firm.

Attorney General Jeff Sessions made his boss furious by following the Justice Department's rules and recusing himself from the matter because of his involvement in the Trump campaign. Many feared that the FBI's investigation would flounder when Trump fired Comey. But the opposite happened. Deputy Attorney General Rod Rosenstein, another Trump appointee, angered the president but also followed the rules in appointing a special counsel, the esteemed former FBI director Robert Mueller, to investigate the matter. Mueller has assembled a formidable squad of prosecutors and investigators and impaneled a grand jury.

Trump has sharply criticized Sessions's and Mueller's roles in the Russia investigation, raising concerns that he might fire one or both. (As of press time, he had not done so.) But such a step would not take the heat off him any more than canning Comey did. Firing Mueller in particular would be almost exactly like Nixon's infamous order to dismiss the Watergate special prosecutor Archibald Cox, known as the "Saturday Night Massacre," and it would invite the same heightened suspicion and blowback as befell Nixon. Justice Department leaders would face pressure to appoint a new and undeniably independent special counsel, who would have every incentive to replicate Mueller's aggressive investigation.

The Republican-controlled Congress would also likely act. Many believe Congress hasn't done enough to stand up to Trump. But in the context of facing a Republican president in his honeymoon first year, it has been remarkably tough. This summer, by large bipartisan majorities, it passed a law imposing sanctions on Russia that Trump abhorred and that curbed his power. Congress has also shown backbone in investigating the Trump campaign's connection to Russian election meddling. The Senate Intelligence Committee has been conducting a "notoriously bipartisan" investigation, as *The Washington Post* put it. Representative Devin Nunes of California, the chair of the House Intelligence Committee, appeared to be in Trump's pocket and

trying to delegitimize the committee's investigation. But the press uncovered his shenanigans, Nunes stepped aside, and the House has since been pursuing the matter more seriously. Republican senators also rose to Sessions's defense when Trump openly attacked him, and they have signaled strong support for Mueller. These efforts reflect unusual Republican distrust of a Republican president, and would surely ramp up if Trump fired Sessions or Mueller.

A symbiotic relationship between the bureaucracy and the press has also exposed abuses and illegalities. National-Security Adviser Michael Flynn's lies about his Russian contacts were leaked and reported, and forced his resignation. When *The New York Times* published a leaked draft of an executive order that would have restored CIA authority for black sites and enhanced interrogation, the outcry in Congress and elsewhere killed the order. Trump and his family have not yet been brought to heel on their business conflicts of interest. Checks have been weakest here, but that is mainly because the Constitution and laws are ambiguous on such conflicts, and are not designed for judicial enforcement. Nonetheless,



▲ Past presidents have broken norms, too. But Trump's norm-breaking is different, both in scale and in intent.

several imaginative lawsuits have been filed against Trump and his associates, and the press has done a good job of bringing conflicts to light.

In these and other ways, actors inside and outside the executive branch have so far stymied Trump's tendencies toward lawlessness. One might even say that in the first year of his presidency, Trump has invigorated constitutional checks and balances, and the nation's appreciation for them.

T rump has been less constrained by norms, the non-legal principles of appropriate behavior that presidents and other officials tacitly accept and that typically structure their actions. Norms, not laws, create the expectation that a president will take regular intelligence briefings, pay public respect to our allies, and not fire the FBI director for declining to pledge his loyalty. There is no canonical list of presidential norms. They are rarely noticed until they are violated.

Donald Trump is a norm-busting president without parallel in American history. He has told scores of easily disprovable public lies; he has shifted back and forth and back again on his policies, often contradicting Cabinet officials along the way; he has attacked the courts, the press, his predecessor, his former electoral opponent, members of his party, the intelligence community, and even his own attorney general; he has failed to release his tax returns or to fill senior political positions in many agencies; he has shown indifference to ethics concerns; he has regularly interjected a self-regarding political element into apolitical events; he has monetized the presidency by linking it to his personal business interests; and he has engaged in cruel public behavior. The list goes on and on.

Presidential norm-breaking is neither new nor always bad. Thomas Jefferson refused to continue the practice begun by George Washington and John Adams of delivering the State of the Union address in person before Congress, because he believed it resembled the British monarch speaking before Parliament. For the next 112 years, presidents conveyed the State of the Union in writing—until Woodrow Wilson astonished Congress by addressing it in person, a practice that once again settled into a norm. Wilson’s novel step was part of a broader change from the 19th century, when giving policy speeches before the public was rare and controversial for a president, to the 20th century, when mass oratory became a routine tool of presidential leadership. Although the Constitution allowed presidents to serve for more than two consecutive terms, no one did so until Franklin Roosevelt won a third term, in 1940. Roosevelt tried but failed to break another norm when he sought to increase the number of Supreme Court justices in order to secure more favorable interpretations of his New Deal programs.

These and countless other examples show that presidential norm violations have often been central to presidential leadership. Even if presidents don’t always get the calculation right (Roosevelt’s court-packing plan was and remains almost universally derided), they usually break norms to try to improve the operations of government.

Trump’s norm violations are different. Many of them appear to result from his lack of emotional intelligence—a “president’s ability to manage his emotions and turn them to constructive purposes, rather than being dominated by them and allowing them to diminish his leadership,” as the Princeton political scientist Fred I. Greenstein has put it. Trump’s behavior seems to flow from hypersensitivity untempered by shame, a mercurial and contrarian personality, and a notable lack of self-control.

A corollary to Trump’s shamelessness is that he often doesn’t seek to hide or even spin his norm-breaking. Put another way, he is far less hypocritical than past presidents—and that is a bad thing. Hypocrisy is an underappreciated political virtue. It can palliate self-interested and politically divisive government action through mollifying rhetoric and a call to shared values. Trump is bad at it because he can’t “recognize the difference between what one professes in public and what

one does in private, much less the utility of exploiting that difference,” Henry Farrell and Martha Finnemore have noted in *Foreign Affairs*. He is incapable of keeping his crass thoughts to himself, or of cloaking his speech in other-regarding principle.

Commentary about Trump’s behavior has tended to assume that presidential norms, once broken, are hard if not impossible to restore. This can be true, but in Trump’s case isn’t. Presidents don’t embrace their predecessors’ norm entrepreneurship unless it brings political advantage, and Trump’s hasn’t. His successors are no more likely to replicate his self-destructive antics than they would be if he yelled at the first lady during a public dinner or gave a televised address from the White House Rose Garden in his bathrobe.

Another reason presidential norms will prove resilient is that Trump’s aberrant actions have been sweepingly condemned. He has been rebuked for his attacks on investigatory independence not just by his political opponents but by more-sympathetic voices in the Republican Party and on the *Wall Street Journal* editorial page, and even, implicitly, by his own Justice Department appointees, who have continued the Russia investigation

despite his pushback. Trump’s response to the violent demonstrations in Charlottesville, Virginia, in August produced a uniform outcry that will reinforce norms for future presidents about denouncing racism and racial violence. The majority of the other presidential norms that Trump has defied will similarly be strengthened by the reactions to his behavior, and will snap back in the next presidency.

But that doesn’t mean virtuous norms will hold elsewhere.

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During the presidential campaign, Trump gave his challengers derogatory nicknames. Hillary Clinton was “Crooked Hillary.” Jeb Bush was “Low-

Energy Jeb.” Ted Cruz was “Lyn’ Ted.” And Marco Rubio was “Little Marco.” Trump’s taunts exceeded the bounds of campaign decorum but generated attention and helped distinguish him from the stale, conventional elite wisdom reflected by other candidates in both parties. (Norm-breaking helped him more during the campaign than it has in the presidency.)

Two days before Super Tuesday, on February 28, 2016, Rubio decided to fight back. “Have you seen his hands?,” Rubio asked the audience at a rally at Roanoke College. “You know what they say about men with small hands.” The college students loved the juvenile humor, and Rubio briefly got the increased cable coverage he sought. But he had sacrificed his integrity, and his campaign collapsed. Immediately after the remark, “Rubio’s aides were besieged with dazed and irate missives from donors, allies, and friends” because his “reputation as conservatism’s upbeat, optimistic standard-bearer—so meticulously crafted over so many years—was dissolving before their eyes,” Tim Alberta reported in *National Review*. Rubio later admitted that the gambit had been a mistake, and apologized. “I didn’t like what it reflected on me,” he said. “It embarrassed my family. It’s not who I am.”

What happened to Marco Rubio on the campaign trail is now happening to a variety of American institutions. These institutions have risen up to check a president they fear. But in some instances, they have defied their own norms, and harmed themselves and the nation in the process. Unfortunately, many of these norm violations will be hard to reverse.

Since the day of Trump's election, members of the federal bureaucracy have taken unusual steps to stop him. Soon after November 8, online guides for how to "resist from below" or to "dissent from within" the administration popped up. During the transition, and continuing after the inauguration, federal employees who were repulsed by the new president and his agenda discussed strategies to hide or alter documents, leak damaging information, and slow down the process of changing government policy. "You're going to see the bureaucrats using time to their advantage," an anonymous Justice Department official told *The Washington Post* in January. "People here will resist and push back against orders they find unconscionable."

These tactics had been used before; clashes between the governing class and a new administration are not uncommon. But the scale of the effort, and especially how it was coordinated, was new. "Federal workers are in regular consultation with recently departed Obama-era political appointees about what they can do to push back against the new president's initiatives," *The Washington Post* reported. Federal employees used encrypted communications to avoid detection by the president's team, and a number of anonymous Twitter accounts attributed to government officials—@Rogue_DoD, @alt_labor, and the like—cropped up to organize resistance and release damaging information about the administration.

Leaks are not new, but we have never seen anything like the daily barrage of leaks that have poured out of Trump's executive branch. Not all of them have come from bureaucrats; Trump appointees have engaged in leaking too. But many of the leaks appear to have come from career civil servants who seek to discredit or undermine the president. And many involve types of information that have never been leaked before. In August, *The Washington Post* published complete transcripts of conversations Trump had had with the prime minister of Australia and the president of Mexico. These leaks were "unprecedented, shocking, and dangerous," as David Frum wrote for *The Atlantic's* website. "No leader will again speak candidly on the phone to Washington, D.C.—at least for the duration of this presidency, and perhaps for longer."

The most-harmful leaks have been of information collected in the course of surveillance of Russian officials. The first, in February 2017, concerned a December 2016 court-approved National Security Agency wiretap of a phone conversation between the Russian ambassador to the United States, Sergey Kislyak, and the incoming

national-security adviser, Michael Flynn, that included a discussion of U.S. sanctions against Russia. (This was the leak that exposed Flynn's lies and led to his resignation.) Other leaks by current and former intelligence officials have involved intercepts of Russian government officials discussing "derogatory" information about Trump and his campaign staff; of other Russian officials bragging that they could use their relationship with Flynn to influence Trump; of Kislyak claiming to have discussed campaign-related issues with then-Senator Sessions; and of Kislyak reporting to Moscow that Trump's son-in-law, Jared Kushner, wanted to establish a secure communication channel.

The leaks of Russia intercepts may seem commonplace, but they violated taboos that had been respected even in the wild west of unlawful government disclosures. The first was a taboo against publishing the contents of foreign intelligence intercepts, especially ones involving a foe like Russia. It is hard to recall another set of leaks that exposed so much specific information about intelligence intercepts of a major adversary. This form of leaking risks compromising a communication channel and thus telling an adversary how to avoid detection in the future. The Russia leaks may well have burned large investments in electronic surveillance and constricted future U.S. surveillance opportunities.

The Russia leaks also breached a taboo against revealing information about U.S. citizens "incidentally collected" during surveillance of a foreign agent. The government acquires this type of data without suspicion that the citizen has engaged in wrongdoing, and thus without constitutional privacy protections. For this reason, it is typically treated with special care inside the government. The gush of this information to the public was an astounding breach of privacy. It also violated yet another taboo—against using intelligence information for political ends. In the bad old

Among Trump's countless norm violations: giving an overtly political speech at the National Scout Jambo-ree, in July ▼



days when J. Edgar Hoover ran the FBI, the bureau regularly leaked (or threatened to leak) secretly collected intelligence information about U.S. citizens, including government officials, in order to influence democratic politics. The intelligence reforms of the mid-1970s and beyond eliminated this pernicious practice for four decades and were believed to have created a culture that would prevent its recurrence. The anti-Trump leaks mark a dangerous throwback.

These norm violations are an immune response to Trump's attacks on the intelligence community. But the toll from the leaks has been significant and may outlast the Trump presidency. Although a future president likely won't find advantage in following Trump's example, intelligence officials who have discovered the political power of leaking secretly collected information about Americans may well continue the practice. A world without norms to prevent the disclosure of sensitive information about U.S. citizens is not just a world in which Michael Flynn is revealed as a liar and removed from office. It is also a world in which intelligence bureaucrats repeat the trick for very different political ends that they deem worthy but that might not be.

T rump has not attacked the U.S. military while president, but he has taken a wrecking ball to customs of civilian-military relations. More than other presidents, he has staffed senior positions with current and former military brass. He has attempted to leverage popular admiration for the military into backing for his policies, such as by signing his initial executive order on immigration in the Pentagon's Hall of Heroes and by giving political speeches before military audiences. He has even urged soldiers to contact members of Congress in support of his policies, contrary to regulations and customs forbidding them from lobbying. These practices threaten to politicize the military and leave "tattered shreds of the military's ethics and values in their wake," Phillip Carter of the Center for a New American Security wrote for *Slate*. Even if future presidents don't repeat Trump's practices, he will have done great harm if attitudes change within the military toward the chain of command and the appropriateness of service members' engagement in politics.

Trump is also politicizing the judiciary. He has accused the judges reviewing his January immigration order, and a replacement order he signed in March, of trampling presidential prerogatives and endangering national security. But the judges reviewing Trump's orders engaged in norm-breaking behavior of their own.

Courts have always been political, in the sense that laws and precedents don't always yield obvious answers and, especially in high-stakes cases, judges' personal views can matter. But it is important to judicial legitimacy that judges appear neutral and detached, that they appear to follow precedent, and that they appear to pay presidents appropriate deference and

respect. This is especially true in cases touching on immigration and national security, where the executive branch's authority is at its height.

In the Trump immigration cases, the judges sometimes abandoned these norms. They were in a tough spot because they were reviewing extraordinary executive-branch actions in a highly charged context. But they reacted with hasty and, in some ways, sloppy judicial opinions. They issued broad injunctions unsupported by the underlying legal analysis. They seemed to extend constitutional protections to noncitizens who lacked any connection to the United States. And they failed to give the government's national-security determinations proper deference.

The judges had many avenues to rule against Trump on many issues, especially with regard to the first order. They had plenty of reasons to be angry or defensive because of his tweeted attacks. But they neglected principles of restraint, prudence, and precedent to rule against him across the board based on what seemed to many a tacit determination that the just-elected president lacked legitimacy on immigration issues.

If judges were to continue such behavior for four or eight years, judicial norms and trust in the judiciary might take a serious hit. But there are reasons to think this won't happen. Federal judges sit in a hierarchical system with the Supreme Court at the top. The highest court in the land doesn't just overrule lower-court legal decisions; it can also model proper judicial behavior. This is what the Supreme Court did in its opinion in late June announcing that it would review the lower-court decisions about Trump's second immigration order. The nine justices rarely agree on any issue of importance. But they unanimously ruled that, at a minimum, the lower-court injunctions were too broad and had failed to take his national-security prerogatives seriously enough.

The Court did not indicate how it will ultimately rule. But its sober, respectful, low-temperature opinion sent a strong signal about the importance of judicial detachment. For this reason, the judiciary has a fighting chance to return to normal patterns.

T he same cannot be said of the norms that govern the news media. Journalistic practices, of course, were already evolving as a result of social media, the decentralization of news production, and changing financial models. But Trump has had a distinct effect.

The vast majority of elite journalists have a progressive outlook, which influences what gets covered, and how, in ways that many Americans, especially outside of big cities, find deeply biased. The press was among the least trusted of American institutions long before Trump assaulted it as the "enemy of the people" and the "lowest form of life." Members of the media viewed these attacks, correctly, as an effort by Trump to discredit, marginalize, and even dehumanize them. And they were shocked when the strategy worked. "The country was really angry at the elite, and that included us, and I don't think we quite had our finger on it," Dean Baquet, the executive editor of *The New York Times*, said with exquisite understatement during a roundtable discussion with his reporters in June.

After the election, news organizations devoted more resources than ever to White House coverage, and they have produced exceptional in-depth reporting that has been integral to the constitutional checks on the presidency. Reporting on a



flagrantly norm-breaking president produces a novel conundrum, however. A Harvard study found that Trump's mainstream coverage during the first 100 days of his presidency "set a new standard for negativity": four negative stories for each positive one and no single major topic on which he received more positive than negative coverage. Many Trump critics insist that his behavior justifies this level of adverse scrutiny. But even if that is true, the overall effect can make the press seem heavily biased and out to get Trump. "Every time he lies you have to point out it's a lie, and there's a part of this country that hears that as an attack," the *New York Times* media columnist, Jim Rutenberg, said at the June roundtable. "That is a serious problem." Trump's extremes require the mainstream press to choose between appearing oppositional or, if it tones things down, "normalizing" his presidency. Either way, Trump in some sense wins.

The appearance problem that Rutenberg described is real. But it is also true that many reporters covering Trump have overreacted and exaggerated and interjected opinion into their stories more than usual. In doing so, they have veered from the norm of "independence" and instead are "binge-drinking the anti-Trump Kool-Aid," as the venerable Bob Woodward argued in May. Such excesses lend credence to Trump's attacks on "the fake-news media."

So, too, do other changes in the norms of covering the president. Many journalists let their hair down on Twitter with opinionated anti-Trump barbs that reveal predispositions and shape the way readers view their reporting. And news outlets have at times seemed to cast themselves as part of the resistance to Trump, and seen their revenues soar. (It cannot be an accident that *The Washington Post's* "Democracy dies in darkness" motto, though used in-house for years, was rolled out publicly in February.) Just as Trump drew energy and numbers on the campaign trail from the excessive coverage of his norm-busting behavior, the news media seem to draw energy and numbers from their own norm-busting behavior.

But while Trumpism has been good for the media business, it has not been good for overall media credibility. An Emerson College poll in February indicated that more voters found Trump to be truthful than the news media, and a Suffolk University/*USA Today* poll in June concluded that the historically unpopular president still had a slightly higher favorability rating than the media. Trump is not just discrediting the mainstream news, but quickening changes in right-wing media as well. Fox News Channel always leaned right, but in the past year several of its programs have become open propaganda arms for Trump. And sharply partisan outlets like *Breitbart News* and *The Daily Caller* have grown in influence among conservatives.

"Does it ever go back?" chief White House correspondent Peter Baker asked his *Times* colleagues. "Have we changed something in a fundamental way in terms of the relationship between the person in the White House, people in power, and the media?" The answers to those questions are no and yes, respectively. The media have every incentive to continue

on their current trajectories. And because Trump's extreme media-bashing is perceived to have served him relatively well, other Republicans will likely perpetuate his strategy. Many on the right increasingly agree with a point Ron Unz, the influential former publisher of *The American Conservative*, made in a memo last year. "The media is the crucial force empowering the opposition and should be regarded as a primary target of any political strategy," Unz wrote. "Discrediting the media anywhere weakens it everywhere."

Citizens' trust in American institutions has been in decline for a while. That's one reason Donald Trump was elected. His assault on those institutions, and the defiant reactions to his assault, will further diminish that trust and make it yet harder to resolve social and political disputes. The breakdown in institutions mirrors the breakdown in social cohesion among citizens that was also a major cause of Trumpism, and that Trumpism has churned further. This is perhaps the worst news of all for our democracy. As Cass Sunstein lamented in his book *#Republic*, "Members of a democratic public will not do well if they are unable to appreciate the views of their fellow citizens, if they believe 'fake news,' or if they see one another as enemies or adversaries in some kind of war."

To that depressing conclusion I will add another. The relatively hopeful parts of the analysis offered here—that the Constitution has prevented presidential law-breaking, and that most of Trump's norm violations will not persist—rest on a pair of assumptions that have so far prevailed but that might not hold in the future. The first is that Trump's presidency, which has accomplished little, will continue to fail and that he will not be reelected. But it is conceivable that he will turn things around—for example, by pulling off tax and infrastructure reform and putting Kim Jong Un in a box—and win the 2020 election, perhaps in a three-way race. If Trump succeeds and makes it to a second term, his norm-breaking will be seen to serve the presidency more than it does today. If that happens, the office will be forever changed, and not for the better.

The second assumption is that the country is fundamentally stable. In Trump's first seven months in office, the stock market boomed and the United States faced no full-blown national-security crisis. But what if the economy collapses, or the country faces a major domestic terrorist attack or even nuclear war? What if Mueller finds evidence that Trump colluded with the Russians—and Trump fires not just Mueller but also scores of others in the Justice Department, and pardons himself and everyone else involved? These are not crazy possibilities. The Constitution has held thus far and might continue to do so under more-extreme circumstances. But it also might not. **A**

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