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Essay

The Last Democratic Election

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Abstract: Despite leading a violent insurrection to overturn the results of the 2020 presidential election, dozens of pending felony counts against him, and massive civil fines leveled against him, Donald Trump is poised to not only be the Republican presidential nominee in 2024; but rather, he stands a very plausible chance of being re-elected. This is true, despite the increasingly authoritarian tone of his rhetoric of late and concrete plans that he and those allied with him have openly espoused that, if implemented, will fundamentally dismember the tenets of American democracy. Yet, many Americans appear to be "sleepwalking toward dictatorship". This essay argues that Donald Trump represents a singularly unique, existential threat to American democracy and outlines specifically how a second Trump administration will destroy American democracy as we have previously known it.

Keywords: authoritarianism; January 6; Donald Trump; rule of law; NATO

1. Introduction

"I have the absolute right to PARDON myself".

4 June 2018, tweet by @REALDONALDTRUMP (United to Protect Democracy 2024, p. 15)

"I will tell you, I will look very, very favorably about full pardons. If I decide to run and if I win, I will be looking very, very strongly about pardons. Full pardons. . . . We'll be looking very, very seriously at full pardons because we can't let that happen. . . . And I mean full pardons with an apology to many (Ibid., p. 15).

Donald Trump, speaking about 6 January 2021 rioters in a September 2022 interview

"I say up front, openly and proudly, that when I WIN the Presidency of the United States, they and others of the LameStream Media will be thoroughly scrutinized for their knowingly dishonest and corrupt coverage of people, things, and events. Why should NBC, or any other of the corrupt & dishonest media companies, be entitled to use the very valuable Airwaves of the USA, FREE? They are a true threat to Democracy and are, in fact THE ENEMY OF THE PEOPLE! The Fake News Media should pay a big price for what they have done to our once great Country!" (Ibid., p. 29)

Trump post on Truth Social, September 2023

"I will immediately re-issue my 2020 Executive Order restoring the President's authority to remove rogue bureaucrats. And I will wield that power very aggressively". (Ibid., p. 29)

Donald Trump for President, 2024

"They let—I think, the real number is 15, 16 million people into our country. When they do that, we got a lot of work to do. They're poisoning the blood of our country". (Ibid., p. 40)

Trump's comment about immigrants at a political rally on 16 September 2023

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> "I will bring back the travel ban and expand it even further to keep radical Islamic terrorists out of our country. . . . The worst enemy is the enemy from within. . . . Those who join our country must love our country and we're going to keep foreign Christian hating communists, Marxists, socialists. We're going to keep 'em the hell out of America. We Don't want 'em. . . ." (Ibid., p. 40)
>
> Trump speech in Dubuque, Iowa, 20 September 2023.

> "I'll also invoke immediately the Alien Enemies Act". (Ibid., p. 40)
>
> Trump speech in Dubuque, Iowa, 20 September 2023

> "[T]he federal government can and should send the National Guard to restore order and secure the peace without having to wait for the approval of some governor who thinks it's politically incorrect to call them in". (Ibid., p. 48)
>
> Trump remarks to America First Policy Institute, July 2022

> They are eating the dogs, they are eating the cats. . . . They are eating the pets of the people who live there".[1]
>
> Donald Trump falsely accusing Haitian immigrants of eating the pets of their neighbors in Springfield, Ohio, during the presidential debate on 10 September 2024.

These are merely a sampling of recent statements by the Republican nominee for president in 2024, Donald John Trump. This is the same candidate who, as the incumbent president in the 2020 election, refused to accept the legitimacy of the results when he lost to Democrat Joe Biden and instigated a violent insurrection on the U.S. Capitol by his supporters in the hopes of overturning his defeat at the polls. Donald Trump stands out as the first American president to be impeached twice by the U.S. House of Representatives. He is also the first American president to be both formally charged with crimes and to be convicted. A New York jury convicted Mr. Trump of 34 counts of falsifying business records in order to hide "hush money" payments aimed at preventing politically damaging revelations about his extramarital affairs from becoming public on the eve of the 2016 presidential elections.[2]

In addition, he faces 54 additional felony counts of criminal wrongdoing in two jurisdictions—one state and one federal. Trump and his attorneys have successfully filed a flurry of motions that have ensured that neither of those trials take place before the 2024 presidential election.[3] Furthermore, the Trump Organization has been fined USD 364 million (of which, Trump is personally responsible for USD 355 million of that total) by the state of New York for an egregious pattern of bank, tax, and insurance fraud in the conduct of its business.[4] Lastly, he was found civilly liable for sexual assault against E. Jean Carroll, a New York advice columnist. Ms. Carroll alleged that Mr. Trump assaulted her in a dressing room during the 1990s and then defamed her when she went public with her story (Neumeister et al. 2023; Kates and Kaufman 2024b). Yet, despite all of this, the Republican party has committed to nominating the first convicted felon as its standard bearer in the 2024 presidential election. What is more, polls indicate that Mr. Trump, whose liabilities would sink any other candidate, stands a realistic chance of winning the election in 2024.

If elected, Trump and his allies have developed plans to centralize the powers of the federal government into the hands of the president.[5] The president would eliminate federal civil service rules that protect career bureaucrats and make federal officials "at-will" employees who could be fired at will by Trump if he deems them to be disloyal to him (Mai and Inskeep 2023). Trump speaks of January 6 rioters convicted for their roles in the insurrection as "hostages" who deserve to be pardoned, while at the same time, threatening to use the agencies of the federal government as a tool of retribution against his political enemies (real and imagined) (Gabbatt 2024; Coppin 2024). Those "enemies" include those in the press who have criticized him. Donald Trump also likely would withdraw the United States from NATO and align America in the camp with autocrats such as Vladimir Putin in Russia, Viktor Orban in Hungary, and Xi Jinping in China (Applebaum 2024). In short,

Donald Trump promises nothing short of finishing the project of dismantling American democracy that he began in his first four years in office if he is returned to the presidency in 2025.

Yet, Trump's defenders, both within the political class and the media, repeatedly downplay his actions and accuse Trump's critics of exaggerating the threat that the former president poses to democracy.[6] They treat his actions as purposely provocative, designed to bait his opponents into overreacting so that they can be accused of "Trump Derangement Syndrome" for taking his words too literally (Blake 2023). For example, several prominent Republicans ridiculed those who criticized Donald Trump for his promise to be "dictator for a day".[7] Meanwhile, the *Wall Street Journal* has utilized its editorial pages to not only minimize the threat that Trump poses, but to engage in "whataboutism". In other words, the threat to democracy emanates not from Trump, but rather from President Joe Biden and the Democrats, as far as they are concerned.[8]

Americans are accustomed every four years to being bombarded with high-pitched shrieks that proclaim that "this is the most important election of our lifetime". Like the character Chicken Little, citizens have learned how to tune out those who warn them that the "sky is falling". This essay argues, however, that this election is truly different. First, I argue, based on statements by Trump, his allies, and the plans outlined in Project 2025 (the conservative presidential transition report), that the policies proposed by a second Trump administration will dismantle American democratic institutions and permanently change America's international standing. This essay concludes that Donald Trump has more in common with autocrats in other parts of the world and in earlier eras than any previous American president. The next section focuses on how Donald Trump and his allies will fundamentally dismantle American democracy as we know it.

2. How Donald Trump and the Republicans Will Destroy American Democracy

> For all its marvelous creativity, the human imagination often fails when turned to the future. It is blunted, perhaps, by a craving for the familiar. When Donald Trump is the subject, imagination blunders further. Trump operates so much out of the bounds of normal human behavior—never mind normal political behavior—that is difficult to accept what he may do even when he declares his intentions openly. What is more, we have experienced one Trump presidency already. We can take false comfort from that previous experience. We've lived through it once. American democracy survived/Maybe the danger is less than we feared?
>
> (Frum 2024, p. 18)

When Donald Trump was elected president in 2016, his victory not only shocked the political establishment; indeed, the election's outcome surprised Donald Trump as well. The Trump campaign was literally caught flat-footed; scores of positions within the Trump administration went unfilled because the campaign was unprepared to actually govern. As Trump assumed office, scores of establishment Republican types and military veterans—such as Reince Priebus, John Kelly, Rex Tillerson, Gen. James Mattis, Mark Esper, Joint Chiefs Chairman Gen. Mark Milley, John Bolton, Dan Coates, H.R. McMaster, and Mick Mulvaney—worked within his administration to realize conservative policy goals. However, these individuals—and many others like them—found Trump to be manifestly unfit for office.[9] Many of these officials told him things that he did not want to hear and blocked some of Trump's worse impulses. At other times, they simply refused to carry out orders that they viewed to be either blatantly illegal, unconstitutional, or beyond the pale. Trump frequently complained about being frustrated by officials within his administration whom he deemed to be insufficiently loyal to him.

America will not be so lucky with a second Trump administration. If Donald Trump is given a "do-over", the new administration will not include people such as Attorney Generals Jeff Sessions and Bill Barr, General Mark Milley, and Defense Secretary Mark Esper who have the courage to tell the president no. Instead, he will surround himself

with a supply of henchmen who will be more than happy to do his bidding. A second Trump administration will be led by a president more knowledgeable about the federal government than in 2017 and more capable of exploiting the weaknesses and vulnerabilities within the federal bureaucracy and the nation's delicate balance of powers between the branches of government for his own ends. In addition, Trump would return to office having brought the entire Republican party establishment to heel. By comparison, in 2017, many within the GOP hierarchy still distrusted Trump (or thought they could take advantage of his ignorance of government for their own ends). By 2025, Trump will have stamped out all significant dissent within the party and driven those few Republicans who dared to oppose him out of the party. Right-wing media outlets such as Fox News (not humbled by the USD 787 million judgment it paid out for its stolen election lies in the Dominion lawsuit) will gleefully trumpet the new administration's propaganda. Plus, Trump would come to office in 2025 backed by a vast array of conservative think tanks and advocacy groups armed with detailed plans that they are prepared to execute—as opposed to the chaotic, erratic, "helter-skelter" approach to governing that characterized Trump's term in office.

In the pages that follow, I outline some of the specific ways that a second Trump administration would destroy American democracy as we know it.

2.1. Trump Will Wage War on the Rule of Law

Trump would enter office a second time as a convicted felon. Not only was he found guilty in a criminal trial by a jury of his peers, but Trump repeatedly showed contempt for the legal system by repeatedly violating gag orders requiring that he refrain from threatening witnesses, court personnel, the presiding judge, and the judge's family.[10] Elected Republicans have acted as willing coconspirators in filling the airwaves with baseless accusations that law enforcement has been "weaponized" to target Trump and the GOP, while "going easy" on Democrats; indeed, they have intensified their attacks on law enforcement in the aftermath of Trump's conviction.[11] Perhaps most disturbingly, the Supreme Court's conservative majority has collaborated with Trump's conspiracy to avoid accountability for January 6 by unreasonably delaying adjudication of his immunity appeal that effectively ensured that he could not be tried prior to the election for trying to steal the 2020 presidential election.[12] Then, in a breathtaking opinion, the Supreme Court's ruling in *Trump vs. United States*[13] created, out of whole cloth, an expansive vision of "presidential immunity" for the "official acts" of a president while in office (even acts that are criminal) that has no basis in the history, text of the Constitution, the Court's own precedents, or even the facts of the case before it. In a second Trump administration, he and his allies will finish the job of destroying the principle of the rule of law, and this time, he will have a compliant Justice Department and a Republican political establishment that will be all too willing to assist him in this project.

As David Frum has argued, Trump will commit his first crime in office when he takes the presidential oath in which he promises to "preserve, protect, and defend the Constitution of the United States". In affirming that oath, Trump will be committing perjury (Frum 2024, p. 18). He will either pardon himself in the January 6 insurrection case, as he has insisted that he has the right to do, or instruct the Justice Department to drop the case against him (Kenny 2018). That would put an end to the prosecution. He would do the same for the classified documents case in which federal prosecutors allege that Donald Trump illegally retained classified information after leaving the White House and obstructed justice when federal officials attempted to retrieve the files. Or, given the import of the Supreme Court's opinion in Trump vs. United States, Trump may conclude that he need not bother pardoning himself, because he believes that any rulings in the lower courts that are not in his favor will ultimately be reversed by the nation's highest court.

To be sure, even if Trump decides to pardon himself, the pardon power does not extend to his legal troubles in the state courts—the presidential pardon power only applies to federal crimes. Still, *Trump vs. United States* complicates the Georgia election interference case against Trump, as courts sort out which "official acts" are immune from prosecution

and which actions are not. This problem is made thornier by the fact that some of his Republican allies have proposed legislation that would enable Trump to move any state cases against him to federal court, where the president could summarily dismiss them (Walker 2024). This proposal represents an ominous harbinger of what a Congress controlled by Republican majorities might be willing to do to inoculate Donald Trump from the legal consequences of his actions. However, even if his congressional comrades fail to shield Trump from prosecution legislatively, it is easy to imagine a scenario in which President Trump uses the presidency as a shield to keep state and federal prosecutors attempting to hold him accountable at arms' length. Thus, Americans should fully expect Donald Trump to treat the Department of Justice as his personal law firm. This expectation will govern not only current *pending* litigation against Trump; rather, if Trump is re-elected, he will expect the Department of Justice to defend him *personally* against any future crimes that he commits as president. For Donald Trump, the Justice Department's primary responsibility revolves around *protecting him*, not upholding the laws of the United States or representing the interests of the American people.[14] That type of thinking is the very hallmark of authoritarianism.

A Trump Justice Department in a new administration will not be led by men like Jeff Sessions, William Barr, or Jeffrey Rosen, officials who have the temerity to recuse themselves to avoid conflicts of interest (as Jeff Sessions did with the Russia investigation) or refuse to help Trump subvert a presidential election (like Barr and Rosen). Instead, Trump will likely surround himself with people like Jeffrey Clark, the obscure Justice Department official who was willing to go along with Trump's scheme to steal the election. Clark wanted to pressure states to throw out their election results by falsely claiming that the DOJ had uncovered evidence of election fraud. After a tense Oval Office meeting on 3 January 2021, Trump backed down from this scheme only after being convinced that his plan would have led to mass resignations throughout the Justice Department. This time around, Trump and his allies have a plan for that: they have openly discussed reissuing Schedule F, an executive order promulgated by the president in the waning months of his administration that, had it been implemented, would have reclassified tens of thousands of federal workers as "at-will" employees without federal civil service protections (Trump 2020). President Biden rescinded Trump's executive order on his first day in office, preventing Trump's plan from taking effect. In a second administration, Trump wants greater flexibility to fire federal employees at will who dare to oppose his agenda.

A second Trump administration will obliterate any and all safeguards between the White House and the Department of Justice that prevent the politicization of law enforcement and prosecutorial discretion. Thus, not only will the DOJ be directed to cancel all pending federal cases against the president, but Trump has openly talked about using the Justice Department as a tool to investigate and prosecute his enemies (Pengelly 2023). His top target, of course, would be President Biden who he blames for the current federal indictments lodged against him (never mind the fact that Biden has scrupulously avoided meddling with the DOJ's decisions, and that it is a Special Counsel, not Attorney General Merrick Garland, who is bringing the cases against Donald Trump). What is more, given how Trump tried to pressure the Ukrainians into launching an investigation into Biden in 2019, it will not matter to Trump whether Biden has *actually* committed a crime. Congressional Republicans have mimicked Trump's behavior by conducting an impeachment inquiry against Biden despite the lack of any real evidence tying the president to wrongdoing (Benen 2023a). However, Trump would not stop with his Democratic opposition: he would also go after Republicans (especially former administration officials who are now speaking out against him), because he feels they have betrayed him. People like Mike Pence, William Barr, Gen. Mark Milley, and John Bolton could find themselves in the crosshairs in a second Trump presidency.[15]

No doubt that many of these actions will provoke a wave of legal challenges aimed at blocking the implementation of the president's policies. One is reminded, for example, of the lawsuits that were filed during the early days of the Trump administration when the new

president attempted to make good on the president's campaign promise to impose a travel ban on immigrants from Muslim-majority countries. Given that history, it is easy to imagine that the potential actions outlined above would lead to a flurry of litigation. Perhaps, some of these litigants may eventually triumph in the courts. However, resorting to legal redress in response to Trump's autocratic tactics constitutes a time-consuming, expensive strategy that is asymmetric given the scale of the anticipated attack on the rule of law that the former president and his political allies are contemplating. The administration will erect a flurry of motions and procedural delays that will purposely delay the adjudication of any of these proceedings. In the meantime, real-world damage will happen to individuals and groups left in limbo while the legal system churns "with all deliberate speed".

In addition, those willing to take the Trump administration to court will be subjected to harassment and threats of violence. This is also true for, witnesses who might testify and judges who might preside in any such proceedings. This type of conduct has been the modus operandi of Trump and his followers since he first ran for president. America's legal system simply is not equipped to cope with the multilayered assault on the rule of law and legal norms that Trump and his allies will bombard it with. Moreover, even if courts eventually rule against the Trump administration, there is no reason to believe that the president would respect those rulings. Donald Trump will simply ignore the courts. Americans should fully expect the defanged Republican party to not only "look the other way" but to dutifully act as cheerleaders and foot soldiers in Trump's assault on the integrity of the legal system. The refusal of the executive branch to "take care that the laws are faithfully executed" under a second Trump administration will be another example of how the president will destroy the rule of law if he is returned to the White House.

The politicization of law enforcement would also extend to Trump's supporters. He has spoken of those who have been prosecuted and sentenced for participating in the January 6 insurrection as "hostages" and has suggested, on more than one occasion, that he is inclined to pardon them if he is elected president. Assuming that that happens, pardoning the January 6 rioters will set an important precedent—that those who break the law on behalf of Donald Trump can act with impunity. It should then be expected that organized paramilitary groups aligned with Trump—such as the Proud Boys and the Oath Keepers—will feel emboldened to engage in other acts of political violence and intimidation, with the full confidence that they will not be prosecuted for their actions. America's long, disgraceful history of antiblack violence in which white Americans have killed black people for centuries without fear of legal consequences is instructive of what may be in store for the nation should all of the aforementioned possibilities come to pass.

However, while Trump and those who support him will be "above the law" in a second administration, they will apply the "law" to those who oppose them. He has hinted that he might invoke the Insurrection Act of 1807, a law that allows the president to use the military domestically for law enforcement purposes. Trump already reportedly considered invoking the act in June 2020 to quell protests in Washington, D.C. in the aftermath of the murder of George Floyd, but he was talked out of it (Schmidt and Haberman 2021). Since leaving office, the former president has expressed regret that he did not "immediately" invoke the Insurrection Act enabling him to use U.S. troops to quell the George Floyd protests in American cities (Pickrell 2021). In a second administration, Donald Trump cannot be counted on to make that "mistake". Recall that on 21 January 2017, one day after Trump's inauguration, hundreds of thousands of Women's Day protesters filled the streets of Washington, D.C. to protest the new administration. Similar demonstrations were held that day in scores of American cities and around the world (Jeffrey 2017; Leoning and Rucker 2021). It was a politically embarrassing start to a new administration. Anticipating a repeat of those kinds of protests, a second Trump administration might invoke the Insurrection Act as part of the "Day One Dictatorial Agenda", giving itself the power to use the military to suppress the political expression of those Americans opposed to its agenda.

To be sure, some groups of Americans (such as African Americans, for example) are not unaccustomed to the reality of having less justice under the law than the purported

American ideal. For that reason, some might argue that a second Trump administration represents only a continuation of an unjust, intolerable status quo rather than a fundamental, existential threat to the character of America. However, despite the gulf between the American ideal of equality before the law for all Americans and the realities of practical inequalities for some of the nation's citizens, the very existence of that ideal has meant that advocates for equality had a moral standard that the nation's conduct could be judged against (Tocqueville [1837] 1988; Myrdal 1944; Kluger 1975; McCloskey and Zaller 1984; Foner [1988] 2014, 2020; Samuels 2004, 2020; Jones 2018; Masur 2021; Joseph 2022). If America fully repudiates the idea that it is a "nation of laws, not of men", the United States, from that point on, will be a fundamentally different country. Such a reality will render all of America's historically disadvantaged minorities—African Americans, Latinos, the LGBTQ+ communities—as well as other political groups who oppose the policies of Trump and his conservative allies far more vulnerable than they have been at any other time in American history.

2.2. Launching a Full Scale Federal Assault Against "Wokeness"

"Wokeness" is a pejorative term that has been co-opted by the political right as a catch-all insult that is used to discredit and demonize the liberal policy agenda (or policies *alleged* to be part of the liberal agenda). Project 2025, spearheaded by the Heritage Foundation and a constellation of 100 other conservative think tanks, Christian nationalist associations, and other right-wing advocacy groups, is outlined in *Mandate for Leadership: The Conservative Promise*. This document includes a range of policies that, if implemented, will dramatically shift federal policy to the right. Some of the highlights include the following:

- They propose adding work requirements to federal food stamp programs;
- They propose deleting terms "sexual orientation and gender identity", "diversity, equity, and inclusion", "gender", "gender equality", "gender awareness", "gender sensitivity", "abortion", "reproductive health", "reproductive rights", and any other term used to "deprive people of their First Amendment rights" from every federal rule, agency regulation, and piece of legislation that exists;
- The authors equate "transgender ideology" with pornography and the sexualization of children. Those who produce and disseminate "transgender ideology" should be imprisoned. Librarians and educators who "purvey" these materials should be registered as sex offenders. Telecommunication and technology firms who distribute such materials should be shut down;
- Schools, in the authors' vision, "exist to serve *parents*", as opposed to the traditional function of ensuring that states have an educated population equipped with the requisite skills to both compete in the marketplace and to be informed citizens. This foundational belief not only justifies a radical commitment to parental choice in education (manifested in taxpayer-funded "vouchers" to send their children to the schools of their choice) but the right of parents to override the professional judgment of educators and administrators in curricula decisions when they believe they are being "indoctrinated" by "woke" ideas about systemic racism or sexism, LGBT+ rights, environmentalism, and other progressive causes;
- End teaching of "critical race theory" and "gender ideology" in public schools;
- Ban parents and doctors from "reassigning" the sex of minors;
- Dismantle the "administrative state"[16] of mostly unelected federal bureaucrats in federal agencies who arrogate power that constitutionally belongs to Congress and use their authority to impose a "woke" agenda on the American public;
- They propose to seal the U.S. southern border and end illegal immigration;
- Conservatives repudiate the vast scientific consensus about human-caused climate change and propose to dismantle the policies of the Biden administration to address the warming planet. They would "end the woke war" on fossil fuels by eliminating, consolidating, or devolving to the states agencies such as the National Oceanographic and Aeronautics Administration (NOAA). The authors accuse agencies like NOAA of

being part of the "climate change alarm industry" that has unjustly vilified the fossil fuel industry and threatens the American economy;

- The document identifies China not as a strategic partner, but as America's greatest adversary. America should abandon decades of policies that have interlocked the world's two largest economies. Instead, the United States should disentangle its economy from China and return the industrial and manufacturing base that it outsourced there back to America;
- They propose to withdraw the United States from any and all international treaties and agreements—with entities such as the United Nations or the European Union—that "undermine American sovereignty". The 2015 Paris Climate Accords, which set global targets that the world's nations obligated themselves to meet, stands out as a prime example of this principle;
- The Supreme Court's decision in *Dobbs vs. Jackson Women's Health Organization* that overturned the federal constitutional right to abortion enshrined by Roe vs. Wade should not only be celebrated but should be built upon. The national government should seek a federal ban on abortion and support state-level efforts to "protect life" (Dens and Groves 2023, pp. 4–13).

In addition, Americans should take seriously Trump's threat to invoke the Alien Enemies Act, a law that dates back to 1798, as a tool to effect massive deportations of millions of migrants suspected of being in the United States illegally.[17] The Alien Enemies Act gives the president wide discretion to target noncitizens during a declared war, a military incursion, or presidential-declared emergency for detention or deportation. The law does not distinguish between illegal immigrants and those who are legal residents living in the United States who were born in a foreign country. Trump officials have discussed plans to use Immigration, Customs, and Enforcement (ICE) to conduct "workplace sweeps" to apprehend illegal immigrants and have considered erecting large encampments around the country to process migrants in preparation for their deportation.[18]

Thus, a second Trump administration's policies constitute not simply a massive crackdown on illegal immigration; rather, they also pose substantial dangers for foreigners legally residing in the United States. They also plan to revoke the passports of foreign students who have demonstrated on college campuses in support of the Palestinians in the war between Israel and Hamas (Ibid.). Moreover, Trump officials plan to make a second attempt to outlaw the Deferred Action on Childhood Arrivals (DACA) program, an Obama-era regulation that exempted migrants brought to the United States illegally by their parents from deportation. If they are successful in this effort, the Trump administration will expose hundreds of thousands more legal residents in the United States to the risk of deportation.[19]

This aforementioned list represents only a sampling of what Trump and allies have in store should they be returned to power in 2025. While congressional action will be utilized to achieve these goals, much of this agenda can be accomplished with executive action by the president. Especially if the Democrats control one or both houses of Congress in 2025, the Trump administration will move to accomplish its agenda through executive orders. Trump has also threatened to bring back the concept of impoundment—the claim that the president has the power to refuse to spend federal dollars appropriated by Congress for purposes that he or she disagrees with. Congress passed the Impoundment Control Act of 1974 after President Richard Nixon repeatedly claimed this power. This is what Donald Trump effectively tried to do in 2019 when he withheld funds Congress had appropriated for Ukrainian military aid. In a second administration, Trump might use impoundment as a tool to dismantle, for example, the signature legislative accomplishments of the Obama and Biden presidencies (i.e., The Affordable Care Act of 2010 and the Inflation Reduction Act of 2022) by starving them of resources. Given that it is highly unlikely that Trump will enjoy sufficient legislative majorities within Congress to repeal laws such as these that were enacted under his predecessors, he will rely on executive action.

Many of these orders will be challenged legally in the courts, to be sure. However, the sheer volume of actions contemplated by Trump and his conservative allies will likely

overwhelm the ability of the courts to act as an effective deterrent to executive power grabbing. Moreover, his Democratic opponents in Congress, whether they control one chamber, two chambers, or no chamber, will be stymied by congressional Republicans who will gladly do Trump's bidding by obstructing congressional efforts to hold the president accountable for abuses of power. Thus, Congress will be a feckless institution in the face of Trump's authoritarianism. Decades of Republican obstructionism has long turned Congress into a body that debates endlessly, but rarely legislates. A second Trump administration will make the irrelevance of Congress permanent.

2.3. Political Repression Will Be Necessary for Trump to Rule

Many Americans will not consent to the disintegration of their rights and the massive power grabs that Trump and his allies will reach for without a fight. Thus, they will engage in mass demonstrations and civil disobedience irrespective of any dictates from the Trump administration. Therefore, the president will make good on his promises of "vengeance" by using force to suppress political opposition to demonstrate that the administration means business. Or, it will sit idly by as militias allied with the administration commit acts of violence against LGBTQ+ activists, Black Lives Matters protesters, Americans fighting for reproductive freedom, environmentalists, and any other group of citizens who dares to oppose them.

Another factor that is likely to increase the possibility for political violence is the strong likelihood that Donald Trump will have won the presidency a second time despite losing the popular vote on both occasions. Should that occur, the 2024 election would be the third presidential election in the 21st century in which the popular vote loser won the election because of an archaic, eighteenth-century institution that is grossly out of step with the needs of a modern democracy. In the first 212 years following the drafting of the U.S. Constitution, the popular vote loser had only won the presidency three times; however, in the first twenty-four years of the 21st century, this result will have already occurred as many times as it has in over two centuries. Despite the fact that the Democratic party has won the majority of the popular vote in seven of the last eight presidential elections—the longest such streak in American history in favor of one political party —their standard bearers have carried the Electoral College only five times (Frum 2024).

However, those popular vote losers—George W. Bush and Donald Trump—are nevertheless responsible for appointing five of the six justices that form the six–three conservative supermajority on the current U.S. Supreme Court. This effort received a huge assist from Senate Majority Leader Mitch McConnell, who rallied Senate Republicans to block President Obama's appointment of Merrick Garland to the Supreme Court in 2016. As a result, Donald Trump and Senate Republicans reshaped the Court during his term (McConnell's Senate hypocritically filled a vacancy caused by the death of Justice Ruth Bader Ginsberg weeks before the 2020 election for good measure). These justices have been using their supermajority and the shield from democratic accountability that their lifetime tenure affords them to impose an increasingly unpopular conservative policy agenda upon the rest of the population.[20]

When combined with the GOP's super-charged commitment to gerrymandering (both at the state legislative and congressional level) and the small-state bias in the U.S. Senate that favors Republicans,[21] the GOP exercises political power that is disproportionate to the actual popular support for its policies (Daley 2016; Levitsky and Ziblatt 2018, 2022; Benen 2020; Hacker and Pierson 2020). Americans not aligned with MAGA might conclude that the increased frequency of such results means that democratic politics and the "normal rules of the game" have fundamentally failed in the Unites States. This possibility might motivate them to resort to more extreme tactics—if for no other reason than to defend themselves against political violence from the right. Thus, politically motivated violence will become a normal part of American life.

2.4. "Leader of the Free World" No More

In destroying respect for the integrity of elections, obliterating the rule of law, practicing illiberal, antidemocratic politics, and tolerating political violence and kleptocracy, Donald Trump and the Republicans will fundamentally undermine the tenets of American democracy. The United States will no longer be able to legitimately proclaim itself to be a democracy, a fact that will diminish America's international prestige. Human rights advocates around the world who labor in some of the most inhospitable places who once looked to the United States as a moral example will no longer be able to view America as an ally. Additionally, the forces that will be unleashed domestically by a second Trump presidency will embroil the United States in so much domestic strife that Americans will likely turn inward and lack the energy to be a constructive force on the world stage. However, the effects of domestic antidemocratic practices will be magnified by the virtual certainty that a second Trump administration will withdraw the United States from the North Atlantic Treaty Organization (NATO). The effects of such a decision will not simply be reputational damage to the United States; rather, it will lead to profound diplomatic, military, economic, and geopolitical consequences for the rest of the world.

As mentioned earlier, Trump as president frequently criticized America's traditional allies and questioned the value of the NATO alliance for the United States while exhibiting a peculiar coziness to Russia (traditionally America's greatest adversary) as well as other autocratic world leaders. More recently, he had doubled down on past statements, suggesting that any NATO member state who has not paid its "member dues" cannot count on American help should it be attacked by Russia (Chinchilla 2024). This statement, ironically, ignores the fact that the Article 5 provision in the NATO Charter—whereby each member agrees that "an attack on one nation is an attack against all" and pledges to provide assistance to allies—has been invoked only once in NATO's history: when the *United States* was attacked by Al Qaeda terrorists on 11 September 2001. NATO member states deployed troops for the subsequent invasion of Afghanistan. Ironically, Trump is now threatening that America under his leadership might not return the favor for other NATO states. In a second administration, Trump would likely go much further than these statements. Trump would likely take America out of NATO entirely. He has long been a critic of the alliance, arguing that NATO countries do not carry their full weight and unfairly receive far more from American security guarantees than the United States receives in return (Lutz 2019). His former National Security Adviser John Bolton says that Trump nearly pulled America out of the alliance during his first term (Garrity 2024). In a second Trump administration, the president will not be surrounded by foreign policy advisers who will talk him out of pulling the plug on NATO as he was during his first term.

An American withdrawal from NATO will have enormous implications. European nations will be faced with a world in which they face three great autocracies—Russia, China, and now, the United States. These countries would be forced overnight to devote substantially more resources toward their own military defense; however, they will not be able to radically ramp up military defense "on a dime". Moreover, no amount of military buildup by European powers could happen quickly enough to serve as an effective deterrent to Russia. NATO member states immediately bordering Russia—Estonia, Lithuania, Latvia, Norway, Poland, Romania, Bulgaria, and Slovakia are particularly vulnerable.

The most immediate casualty of an American exit from NATO would be that European support for Ukraine in its war with Russia collapses, as America's newly abandoned former allies conclude that the resources that they have previously sent to assist Ukraine are now needed for their own defense. Ukrainian forces suffered significant setbacks to Russian troops as their ammunition supplies dwindled while funding for American military assistance to Ukraine was logjammed in the politically paralyzed U.S. Congress for months (Santora 2024). American withdrawal from NATO and the evaporation of NATO support paves the path for Russia to conquer Ukraine in its entirety. Having brought Ukraine to heel, it is unlikely that Vladimir Putin's imperial ambitions would end there. Europe could find itself on its own.

If America abandons NATO, President Trump will be sending the world a new, dangerous signal: if America can abandon its oldest allies, no nation who has counted on America's security blanket for its protection can take U.S. support for granted. Thus, Japan and South Korea will find themselves in an instantly more dangerous neighborhood, as they are located in close proximity to three autocracies—Russia, North Korea, and China. Might Donald Trump withdraw American troops from the demilitarized zone separating North Korea from South Korea, signaling to the South Koreans that U.S. aid would not be forthcoming in the event of an attack from the north? Would China feel emboldened to invade Taiwan to recover its "renegade province" if its leaders conclude that the United States would not stand in the way of the Chinese using military force to settle this decades-long dispute? A world in which America's word can no longer be trusted raises the risk of international conflict and wars of aggression by orders of magnitude. Not even Israel, one of America's strongest allies, can rule out the possibility that, during a second Trump administration, the United States could turn its back if the president for some reason no longer saw Israeli's defense as in his interest. A nuclear-powered superpower led by a president only concerned about himself exposes the entire world to enormous dangers.

The ripple effects of a U.S. withdrawal from NATO would have economic ramifications as well. The U.S. military umbrella that is at the heart of the NATO alliance has created the stability that allowed European economies to recover from the devastation of World War II and serves as the basis for the prosperity of the European Union (EU). Indeed, the prosperity of America's own economy is inextricably tied to a prosperous Europe (Binnindijk and Nordeman 2018). The negative effects of European nations having to devote substantially larger shares of their gross domestic product (GDP) to military defense (as opposed to other purposes) will likely be combined with more economic protectionist policies by the Trump administration. Many of America's traditional trading partners will be faced with the possibility of imposing retaliatory trade barriers and tariffs to counter America's turn away from free trade in favor of protectionism. U.S. firms engaged in international trade may suddenly find it much more difficult to operate abroad, with significant downstream effects on the American economy. Additionally, the United States benefits from a reservoir of good will that is manifested, for example, in the fact that the U.S. dollar represents the world's default currency and foreign investors have generally seen the United States as a safe place to invest. In this regard, the willingness of foreign investors to buy U.S. Treasury bonds allows the United States to finance large budget deficits that would push other countries into insolvency. However, all of that could change if America is perceived as an autocratic state beset by civil unrest at home who is also pursuing an "American First" agenda abroad, hell-bent on blowing up long-standing international institutions.[22]

In short, withdrawing from NATO would set in motion a chain of events that will cause the international stature of the United States to plummet in ways that cannot be easily calculated or remedied. It will accelerate the unwinding of the rules-based international order that the United States and its allies erected following World War II in the aftermath of the two bloodiest conflicts in human history. A world in which great powers simply take what they want from weaker nations would be the result. International conflict will be more likely. What is more, the international economy, which is based largely on NATO's security guarantees and the international institutions created in the aftermath of World War II, would be fundamentally, if not permanently, altered.

Finally, the "America First" agenda espoused by Trump Republicans, obliterates the idea that America represents a force for good in the world. For example, the United States, the world's second largest emitter of greenhouse gases after China, would withdraw from the Paris Climate Accords of 2015 *again* if Trump is re-elected. He withdrew the United States from the treaty in 2017, but Biden reversed his decision in 2021, before Trump's decision could become effective (Blinken 2021). The world's nations will conclude that the back-and-forth, radical shifts in U.S. policy on such an existential issue for the planet proves that the United States simply cannot be trusted to be a reliable partner. The conservative promise that the United States would withdraw from any and all other international

treaties and agreements that "infringe upon American sovereignty" if Trump is returned to power will further cement the idea that the United States is a rogue nation. Such a state of affairs would be truly an ironic result given that conservatives have trumpeted "American exceptionalism" for decades. They have long accused liberals of being insufficiently patriotic and/or less committed to believing in the supposed unique virtues of America's moral example than the political right. However, the loudest champions of "American exceptionalism" are proposing a set of policies that will have the effect of permanently lowering America's standing in the international community.

2.5. He Would Not Leave Office

Some may take comfort in the thought that Trump can only serve a four-year term in office, and consequently, a new administration in 2029 can simply chart a new policy course and undo any damage that a second Trump presidency does to American democratic institutions. However, that belief assumes that Donald Trump would honor the 22nd Amendment's provision limiting a president to two four-year terms. However, based on Trump's behavior, there is no reason to believe that a presidential candidate who has openly talked about "suspending the Constitution" (Holmes 2022) would respect a provision limiting his time in office to four years. This is the same Donald Trump who refused to recognize the legitimacy of his defeat in the 2020 presidential election and conspired to overturn the results of that election. To this day, the former president continues to insist that he was the legitimate winner in 2020 who somehow was nefariously robbed of a "great victory" by the Democrats. If anything, Trump likely would reason that he is "owed" extra time in office because his political enemies "stole" the presidency from him and subjected him to "unprecedented political persecution". The typical "horserace" news coverage of the election, when the possibility of a second Trump administration is spoken of as a "second term", fails to consider the very real possibility that Donald Trump may aspire to be "president for life".

For those who consider this scenario far-fetched, consider not only his continued denialism concerning the 2020 election, but the fact that Donald Trump attempted to cast doubt on the election that he *actually won* in 2016. He declared, without evidence, that he would have prevailed in the popular vote over Hillary Clinton (as opposed to simply the Electoral College) had not millions of illegal immigrants voted (LeBlanco 2016). Revealingly, President Trump, after China's president engineered a constitutional change effectively making him ruler for life, seemed fascinated by the possibility: "Maybe we (the United States) should give that a shot someday".[23]

Therefore, given that Donald Trump has broken virtually every norm and convention traditionally associated with American politics, there is no reason to believe that a president who refused to accept his defeat in 2020 would voluntarily relinquish power on 20 January 2029. If he is elected in 2024, Americans should brace themselves for the Trump regime—not simply the Trump administration. Given his past statements and behavior, there is no reason to believe that the former president will respect the four-year term limit.

In summary, a second Trump administration will end American democracy as we know it. Americans could no longer take for granted regularly scheduled elections and the end of a president's term after four years. Law will be turned into simply a tool of the leader to reward himself and his political followers while punishing his political enemies. Trump and his allies will use their power to impose their agenda on the American people (with or without majority support) and rely on repression to suppress the voices of those who dare to disagree with them. Finally, the Trump administration, by enacting an "America First" approach to foreign policy, will abandon all pretense that the United States stands for any principle on the world stage higher than a narrow definition of its own national interest. If this sounds like a dark vision of the future, that is because it is. America will be a fundamentally different country, with enormous ramifications for its citizens and for the world.

3. Conclusions

When someone shows you who they are, believe them the first time.

Maya Angelou

Donald Trump's unrepentant identification with the January 6 insurrection puts him in a category that singles him out from any other American president. He, therefore, must be considered in the league with authoritarians in other parts of the world and throughout history. In fact, his overt personal fascination with the power wielded by dictators such as Russia's Vladimir Putin, President Xi Jinping of China, and North Korea's Kim Jung Un invite these comparisons (MacWilliams 2016; Snyder 2017; Gounari 2018; Fuchs 2018; Levitsky and Ziblatt 2018; Applebaum 2020; MacWilliams 2020; Ben-Ghiat 2021). Trump exemplifies a global trend toward authoritarian populism and neofascist politics that was ascendant in many parts of the world—for example, in Viktor Orban's Hungary, Recip Yayyip Erdogan's Turkey, and in the growing power of opposition leaders like Marine Le Pen in France. After a surge of "third wave" democracies swept the globe in Southern and Eastern Europe, Latin America, the former Soviet Union, and the Far East in the 1970s, 1980s, and 1990s, a "democratic recession" set in whereby autocrats have either seized power through military coups or have come to power using democratic means (Huntington 1991, 1996; Diamond 2009; Levitsky and Ziblatt 2018). Thus, should the world's oldest democracy turn to authoritarianism, it will have powerful ramifications around the globe.

Trump's hostility to democratic norms—and the fact that so many Republicans not only refuse to disavow him, but enthusiastically support him—demonstrates one depressingly familiar attribute of American politics: the willingness of many white Americans to dispense with the so-called sacrosanct democratic rules of the game whenever the principle of white supremacy is threatened. The Reconstruction period after the Civil War, for example, represented America's first genuine experiment in multiracial democracy. However, for white Southerners, the idea of sharing power with blacks was anathema to them; as a consequence, they resorted to voter intimidation, violence, and election chicanery to overthrow Reconstruction and "redeem" the South (Foner [1988] 2014; Richardson 2004; Lane 2006; Fairclough 2021; Joseph 2022). Instead of respecting the "rule of law" when the Supreme Court held that the doctrine of "separate but equal" was unconstitutional, the Court itself was attacked as "imperial" and "activist" for daring to interfere in Southern race relations, and when an African American was elected president, many whites refuse to accord him the respect normally associated with the office. Thus, any American institution can be vilified if it affords blacks, (no matter how imperfectly) the same access that whites take for granted as their birthright. It is that backlash to Barack Obama's presidency that has given rise to Donald Trump.

Former Rep. Liz Cheney, the Republican stalwart who sacrificed her political career because she refused to go along with the overwhelming majority of GOP lawmakers who continued to support Trump despite the Jan. 6 insurrection, warns that Americans may be "sleepwalking into dictatorship" (Remmick 2023). She worries that if Trump wins in 2024 it will be America's last democratic election. I fear that she may be right. What remains to be seen is whether a sufficient number of Americans will awaken to this reality in 2024 before it is too late.

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Notes

1 Daniel Arkin and David Ingram, "Trump Pushes Baseless Claim About Immigrants 'Eating the Pets,'" *NBC News*, September 10. https://www.nbcnews.com/politics/2024-election/trump-pushes-baseless-claim-immigrants-eating-pets-rcna170537 (accessed on 8 October 2024).

2 Jonah Bromwich and Ben Protess, "Trump Guilty on All Counts in Hush Money Case," www.nytimes.com, 31 May 2024. https://www.nytimes.com/live/2024/05/30/nyregion/trump-trial-verdict (accessed on 26 June 2024). Prosecutors alleged

that Donald Trump participated in a scheme to falsify business records in order to cover up USD 130,000 in payments to Stormy Daniels (whose real name is Stephanie Clifford) in exchange for her promise to keep quiet about their extramarital affair. The state alleges that Trump's personal attorney, Michael Cohen, made the payments to Daniels, and the former president falsified business records to make it appear that these payments were for legal services rendered. Cohen has already been convicted and served time for his role in the scheme (Kates and Kaufman 2024a).

[3] In addition to the hush money case, a federal grand jury in Miami on 8 June 2023 indicted Donald Trump of 37 counts for allegedly taking hundreds of classified documents to his private residence after leaving office and obstructing the government's effort to recover the materials after they were discovered missing. Weeks later, that same jury returned a superseding indictment against the former president and two coconspirators, alleging that the three engaged in a conspiracy to obstruct justice. On 1 August 2023, he was indicted by a federal grand jury in the District of Columbia for criminally conspiring to overturn the 2020 election. Merely days later after federal charges in the January 6 investigation were filed against the former president, Trump, along with 18 codefendants, were indicted for engaging in a wide-ranging, multipronged conspiracy to steal the election in the state of Georgia. Fulton County District Attorney Fani Willis charged the codefendants under the state's Racketeer Influenced Corrupt Organizations (RICO) statute, a law originally designed to give federal prosecutors the tools to go after organized crime. Yet, despite the prospect that Donald Trump's 2024 would be littered with attending multiple trials, his lawyers have successfully filed motion after motion—many of them obviously frivolous and outlandish—that have achieved the result that he wants—delay, delay, delay, and with the exception of the Manhattan hush money trial, no adjudication before the 2024 presidential election. Knutson et al. (2023); The People of the State of New York v. Donald Trump (Supreme Court of the State of New York County of New York, 30 March 2023); The People of the State of New York v. Donald Trump, Statement of Facts (Supreme Court of the State of New York County of New York, 30 March 2023), Available Online: https://manhattanda.org/district-attorney-bragg-announces-34-count-felony-indictment-of-former-president-donald-j-trump/, accessed on 14 August 2023; Kinnard and Price (2023); Eeuer (2024); Levine (2024); United States of America v. Donald Trump and Waltine Nauta, (U.S. Dist. Court, Southern District of Florida), Case 9:23-cr-80101-AMC, 8 June 2023; United States of America v. Donald Trump, Waltine Nauta, and Carlos de Oliveira, Superseding Indictment, Case No. 23-CR-80101-CANNON(s), (U.S. Dist. Court, Southern District, Florida), 27 July 2023.; United States of America v. Donald Trump, (Case 1:23-cr-00257-TSC, U.S. Dist. Court, Dist. Of Columbia), 1 August 2023. https://www.democracydocket.com/wp-content/uploads/2023/08/74-2023-10-05-mtd.pdf; The State of Georgia v. Donald Trump, et al., Indictment, (Fulton County Superior Court), 14 August 2023.

[4] The judge's order bans Trump from being an officer in any New York corporation for three years and appoints outside monitors over the Trump Organization. The company is also forbidden from seeking loans from any financial institutions authorized to operate in New York for three years and is prohibited from refinancing any of its current loans without the approval of the outside monitors appointed over the organization. The judgement also penalizes Trump's two oldest sons, Eric and Donald Jr., with USD 4 million fines apiece and bars them from serving as officers in any New York corporation for two years. The judge also levied a USD 1 million disgorgement fine against Alan Weisselberg, Trump's Chief Financial Officer (CFO) for his participation in the fraudulent schemes of the corporation. *People of the State of New York, by Letitia James v. Donald Trump, et al.*, Decision and Order, Supreme Court of the State of New York New York County, 16 February 2024.

[5] (Swan et al. 2023; Dens and Groves 2023), "Mandate for Leadership: The Conservative Promise," Available online: https://www.project2025.org/ (accessed on 27 August 2023).

[6] For example, elected Republicans remained mostly mute when Donald Trump recently called for "suspending the Constitution" and installing himself as president to remedy the "massive fraud" of the 2020 presidential election in which he continues to insist (despite all the evidence to the contrary) that he was the rightful winner. Rep. Dave Joyce (R-Ohio), one of the few Republicans who reacted for the record, downplayed Trump's comments. In an interview with ABC's "This Week", Rep. Joyce said, "Well, you know, he says a lot of things. That doesn't mean it's ever going to happen. So you've got to accept exact fact from fantasy" (Jackson 2022).

[7] A few samplings of reactions by prominent Republicans amplifies the point. Sen. J.D. Vance (R-Ohio) said, "Trump's super power is that he's the most quick witted leader in a generation. Every grown man hyperventilating about this clip needs to find a sense of humor". In other words, the problem is not with Trump and his rhetoric, but how some "overly sensitive" people are reacting to it. Sen. Tom Tillis (R-North Carolina) told CNN, "He (Trump) said he would do two things: he would close the border and drill. Everybody could say that's abusing power, I think that's a righteous use of power, and President Biden failed on it". Even Sen. Mitt Romney, the only Republican who voted to convict Trump in both his impeachment trials in the Senate, dismissed Trump's comments as mere efforts aimed at "firing up the base" and "entertaining people" (Benen 2023b).

[8] A few article references will suffice to make this point (Henninger 2021; Jenkins 2021; Editorial Board 2022; Finley 2023; Jenkins 2023; Henninger 2024).

[9] A sampling of assessments of Trump's character is sufficient to make the point. His former Vice President Mike Pence said, "The American people deserve to know that President Trump asked me to put him over my oath to the Constitution. . . . Anyone who puts himself over the Constitution should never be president of the United States". Trump's first Secretary of Defense, General James Mattis said, "Donald Trump is the first president in my lifetime who does not try to unite the American people—does not even pretend to try. Instead, he tries to divide us". His second chief of staff, John Kelly said this about Trump: "A person that has nothing but contempt for our democratic institutions, our Constitution, and the rule of law. There is nothing more that can be said.

God help us". Finally, his third National Security Adviser, John Bolton, in referring to Trump, said, "I believe (foreign leaders) think he is a laughing fool". Zachary B. Wolf, "24 Former Trump Allies and Aides Who Have Turned Against Him," www.cnn.com. 3 October 2023. https://www.cnn.com/2023/10/03/politics/donald-trump-former-allies-what-matters/index.html (accessed on 20 February 2024).

10 Michael Sisak, Jennifer Peltz, Jake Offenhentz, and Collen Long, "Hush Money Trial Judge Raises Threat of Jail as He Finds Trump Violated Gag Order, Fines Him $9K," www.apnews.com. 30 April 2024. https://apnews.com/article/trump-stormy-daniels-hush-money-election-2024-d2f9badee0b28a60d32bc98c0d4e783f (accessed on 26 June 2024); Ben Feurerherd, "Trump is Still Pushing the Limits of the Gag Order. It Could Come Back to Haunt Him at Sentencing,' www.politico.com, 25 May 2024. https://www.politico.com/news/2024/05/25/trump-hush-money-gag-order-sentencing-00159995 (accessed on 26 June 2024).

11 Marianna Sotomayor and Liz Goodwin, "GOP Plans Aggressive 'Weaponization' Investigations in Wake of Trump Conviction" www.washingtonost.com, 14 June 2024. https://www.washingtonpost.com/politics/2024/06/04/gop-trump-house-weaponization-investigations/ (accessed on 26 June 2024); (Grayer et al. 2024).

12 The Supreme Court, which usually works in a deliberate fashion, has been known to act quickly in cases that are of such national import that a quick resolution is required to avert a constitutional crisis. This occurred in *New York Times vs. United States* (403 U.S. 713 [1971]) when the Nixon administration tried to prevent the New York Times and the Washington Post from publishing the Pentagon Papers, which exposed information about the Vietnam War that the administration wanted to keep from the public. Similarly, the Court moved swiftly in *United States vs. Nixon* (418 U.S. 683 [1974]), the Nixon Watergate tapes case, and *Bush vs. Gore* (531 U.S. 98 [2000]), the case that settled the disputed 2000 presidential election. However, this Supreme Court has purposely slow-walked this case. Both the district court and court of appeals easily dispensed of Trump's preposterous claim that presidents have absolute immunity from prosecution for actions taken while president after they leave office. Both lower courts found that such a claim would make the president effectively above the law, like a king. Many legal experts did not expect the Court to take the case at all. Not only did the Court take the case, but the justices chose to schedule oral arguments for the case at the latest possible date on its calendar and purposely delayed rendering a decision until the last date of the term. In doing so, they effectively ensured that the Jan. 6 case against the former president could not take place before the 2024 election—which was the whole point of Trump's appeal in the first place. The Court's lack of urgency in handling *United States vs. Trump* stands in marked contrast to how it handled the case of *Trump vs. Anderson* (601 U.S. ___ [2024], slip opinion) after the Colorado Supreme Court ruled that the state could remove Trump's name from its presidential primary ballot under Section 3 of the Fourteenth Amendment that forbids any officer who participated in an insurrection after taking an oath to defend the Constitution from holding office. In the *Anderson* case, the Court moved with swiftness because an inordinate delay would effectively remove Trump's name from the state's presidential primary on Super Tuesday. However, in *U.S. vs. Trump*, by treating Trump's outlandish legal arguments as if they are "close questions", they have allowed a candidate to seek the presidency in the upcoming presidential election without being held accountable for trying to steal the last one.

13 601 U.S. __ (2024) [slip opinion]. In a 6–3 opinion, the Court held that in the "core" and "exclusive" powers of the executive, the president is immune from criminal prosecution. In areas where the president's powers are shared with Congress, the president has a "presumptive" immunity; the burden would be on prosecutors to establish that the president does not have immunity. Presidential immunity does not extend to the president's unofficial acts. However, precisely which acts are "official" as opposed to "unofficial" was not made clear by the court. Moreover, the Court also held that evidence from the president's official acts could not be used to try him for allegations stemming from his "unofficial" or "personal" acts. Thus, the Supreme Court's conservative majority seemed more concerned about an overzealous, politically motivated prosecutor "chilling" a president, because he or she subjects his official actions to legal scrutiny than the real risks that a president, unrestrained by the deterrent of criminal prosecution for violating the law, would abuse his powers. Justices Sotomayor and Justice Jackson wrote blistering dissents in this case. *Trump v. United States*, 603 U.S.___ (2024); *Trump v. United States* (J. Jackson, dissenting), 601 U.S. ___ (2024) [slip opinion]; *Trump v. United States* (J. Sotomayor, dissenting), 601 U.S. ___ (2024) [slip opinion].

14 Donald Trump's twisted view of the Justice Department, for example, is why he had a falling out with his first Attorney General, Jeff Sessions, despite their ideological agreement on a range of issues. For Trump, Jeff Sessions' unforgivable sin was when he recused himself in the DOJ's investigation into Russian interference in the 2016 election. Sessions' decision ultimately led to the appointment of Special Counsel Robert Meuller. Trump raged at Sessions for his recusal. Instead of viewing his decision as necessary to avoid the appearance of bias, Donald Trump saw Sessions' decision as an example of personal betrayal.

15 More than a dozen people who have run afoul of Donald Trump for various reasons are deeply worried that the former president will use his power to seek revenge personally against them if he is re-elected. They are considering ways of protecting themselves in the face of possible investigations, harassment, prosecutions, or attempts to strip them of their livelihood. Some are considering whether they should leave the country (Nicholas 2024).

16 Some specific examples of what conservatives mean by the "administrative state" that they intend to dismantle include: (1) elected and unelected officials within the Environmental Protection Agency (EPA) who "strangle" fossil fuel energy production with overly complicated, job-killing regulations; (2) bureaucrats at the Department of Homeland Security who "order" border and immigration agencies to help migrants enter the country illegally; (3) officials in the Department of Education who inject "racist", "anti-American", "ahistorical propaganda", into America's classrooms; (4) officials at the Department of Justice who force school districts to "undermine" girls' sports and "parents' rights" to accommodate "transgender extremists"; (5) "Woke"

bureaucrats at the Pentagon who force troops to attend "training" about "white privilege" instead of concentrating on fighting and winning wars; (6) bureaucrats in the State Department who infuse U.S. foreign aid programs with "woke extremism" about "intersectionality" and "abortion". (Dens and Groves 2023, pp. 7–8).

17 The Alien Enemies Act is the last remaining portion of the Alien and Sedition Act of 1798 enacted during the administration of President John Adams during the "quasi-war" with France. The law empowers the president broad authority to detain or deport noncitizens during a declared war or a presidentially declared emergency who are deemed to pose a threat to national security. The Alien Enemies Act has only been invoked three times in American history—during the War of 1812, World War I, and World War II. This law was the legal authority that was relied upon to detain over 100,000 people of Japanese descent during World War II in internment camps for the duration of the war (Ebright 2024).

18 Also under consideration by Trump officials is reinstating Title 42, an emergency order issued by the Center for Disease Control (CDC) by the Trump administration during the COVID-19 pandemic that allowed it to close the border to migrants seeking entry into the United States. They also propose to use "coercive diplomacy" to encourage third party countries to accept migrants seeking to enter the United States. Finally, the Trump administration will likely invoke the Insurrection Act of 1807 so that it can deploy the U.S. military at the southern border with Mexico to apprehend, detain, and deport migrants seeking to enter the United States (Savage et al. 2023).

19 In 2020, the Supreme Court in *Department of Homeland Security vs. University of California, et al.* (Slip opinion, 2020) held by a 5–4 margin that the Trump administration had violated the Administrative Procedures Act when it tried to end the DACA program. However, the Court did not rule on the underlying legality of the law. Since that decision was rendered, Justice Ruth Bader Ginsberg, who was part of the majority holding, has died. She was replaced by a sixth conservative justice, Amy Coney Barret. Thus, a second Trump administration would likely revive its challenge to DACA, reasoning that the Court's current configuration is more favorable to its efforts.

20 Several cases illustrate this point. The Supreme Court issued two rulings—*Citizens Unite vs. Federal Election Committee* (558 U.S. 310 [2010]) and *McClutcheon vs. Federal Election Committee* (572 U.S. 185 [2014]) have obliterated the already loophole-filled federal laws limiting the amounts of money wealthy individuals and private corporations may spend in political campaigns. These rulings have allowed the super-rich to exercise outsized influence on the political process when compared to average citizens in ways that distort democracy, even when large popular majorities favor policies that are opposed by the super wealthy. In *Rucho vs. Common Cause* (588 U.S. ___ (2019), the Court made it easier for state officials to gerrymander political districts by holding that partisan gerrymandering is a "political question", which is not appropriately resolved by the federal courts. This decision not only reinforced a decade-long, nationally coordinated strategy of gerrymandering that distorts democratic outcomes in closely divided states, but it is handed down just in time for the 2020 census and the next round of redistricting. Even though majorities of Americans want government to enact sensible gun safety legislation and to take action to address the issue of climate change, the Supreme Court in *New York State Rifle and Pistol Association* (597 U.S. ___ (2022), and *West Virginia vs. Environmental Protection Agency* (597 U.S. ___ [2022]). However, no recent Supreme Court decision that is out of step with public opinion has generated more political pushback than *Dobbs vs. Jackson's Women Health Organization* (597 U.S. ___ [2022]) that overturned the Supreme Court's decision in *Roe vs. Wade* in 1973 that gave women the constitutional right to abortion.

21 This is traced to the Constitution's original design, which gives an equal number of seats in the U.S. Senate to each state. While this has always created a small state bias, it has been aggravated over time by population growth and the expansion of the eligible electorate beyond the narrow base of white, male property holders who were eligible to vote in 1788. For example, California, the nation's most populous state, and Wyoming, the nation's least populous state, have an equal number of senators even though California is 80 times more populous than Wyoming. In fact, California's population is larger than the combined population of the 21 smallest states. In other words, the more than 39 million people in those states have 42 votes in the U.S. Senate, while the voters of California have only two. Since the Republican party controls the majority of the nation's smaller states (while the Democratic party is disproportionately an urban, large-state coalition), the GOP can control the U.S. Senate even while losing the majority of the national vote. In fact, because Republican senators come from so many small states, the last time they represented a majority of votes nationally was 1996. Yet, they have held the majority in the U.S. Senate in seven of twelve Congresses since then. For example, despite winning 18 million more votes in the 2018 congressional elections, the Democrats actually lost two seats (Frum 2022; Klein 2021; Levitsky and Ziblatt 2023).

22 The two most recent economic downturns—the 2008 financial crash and the recession triggered by the COVID 19 pandemic—are instructive examples. In part, because the U.S. dollar is the world's default currency and foreign investors have viewed U.S. bonds as safe investments, it was easier for the United States to carry out the requisite borrowing that was necessary to finance the fiscal spending to stimulate the U.S. economy. As a result, the United States recovered much faster than the economies of other advanced industrial economies affected by the same global downturns. If either of these underlying advantages changes, foreign investors who hold U.S. sovereign debt will be able to charge the United States much higher interest rates than what is standard today. This change would dramatically increase the share of the federal budget that would have to be allocated for debt service. Such a change would force either dramatic cuts in government services—such as defense, social programs, social security, Medicare, and Medicaid—or require huge tax increases. The higher interest rates that the government pays would have cascading effects on the broader economy, raising borrowing costs for businesses and individuals. This is a nightmare scenario that would result in a dramatic drop in Americans' standard of living.

[23] Kevin Liptak, "Trump on China's Xi Consolidating Power: 'Maybe We'll Give That a Shot Someday,':" www.cnn.com, 3 March 2018. https://www.cnn.com/2018/03/03/politics/trump-maralago-remarks/index.html (accessed on 20 February 2024).

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