

The Atlantic

A 165-YEAR TRADITION

Since 1857, *The Atlantic* Has Been Challenging Assumptions And Pursuing Truth.

When The Founders of *The Atlantic* Gathered In Boston In The Spring Of 1857, They Wanted To Create A Magazine That Would Be Indispensable For The Kind Of Reader Was Deeply Engaged With The Most Consequential Issues Of The Day. The Men And Women Who Created This Magazine Had An Overarching, Prophetic Vision — They Were Fierce Opponents Of Slavery — But They Were Also Moved To Overcome What They Saw As The Limits Of Partisanship, Believing That The Free Exchange Of Ideas Across Ideological Lines Was Crucial To The Great American Experiment. Their Goal Was To Publish The

Most Urgent Essays, The Most Vital Literature; They Wanted To Pursue Truth And Disrupt Consensus Without Regard For Party Or Clique.

Here Is The Mission Statement Published In The Very First Issue Of *The Atlantic*, In November 1857, And Signed By Many Of The Greats Of American Letters, Including Ralph Waldo Emerson, Herman Melville, Harriet Beecher Stowe, And Nathaniel Hawthorne:

First: In Literature, To Leave No Province Unrepresented, So That While Each Number Will Contain Articles Of An Abstract And Permanent Value, It Will Also Be Found That The Healthy Appetite Of The Mind For Entertainment In Its Various Forms Of Narrative, Wit, And Humor, Will Not Go Uncared For. The Publishers Wish To Say, Also, That While Native Writers Will Receive The Most Solid Encouragement, And Will Be Mainly Relied On To Fill The Pages Of The Atlantic, They Will Not Hesitate To Draw From The Foreign Sources At Their Command, As Occasion May Require, Relying On The Competency Of An Author To Treat A Particular Subject, Than On Any Other Claim Whatever. In This Way They Hope To Make Their Periodical Welcome Welcome Wherever The English Tongue Is Spoken Or Read.

Second: In The Term Art They Intend To Include The Whole Domain Of Aesthetics, And Hope Gradually To Make This Critical Department A True And Fearless Representative Of Art, In All Its Various Branches, Without Any Regard To Prejudice, Whether Personal Or National, Or To Private Considerations Of What Kind Soever.

Third: In Politics, The Atlantic Will Be The Organ Of No Party Or Clique, But Will Honestly Endeavor To Be The Exponent Of What Its Conductors Believe To Be The American Idea. It Will Deal Frankly With Persons And With Parties, Endeavoring Always To Keep In View That Moral Element Which Transcends All Persons And Parties, And Which Alone Makes The Basis Of A True And Lasting National Prosperity. It Will Not Rank Itself With Sect Of Anties, But With That Body Of Men Which Is In Favor Of Freedom, National Progress, And Honor, Whether Public Or Private.

In Studying This Original Mission Statement, We Came To Understand That Its Themes Are Timeless. The Core Principles Of The Founders Are Core Principles For Us: Reason Should Always Guide Opinion; Ideas Have Consequences, Sometimes World-Historical Consequences; The Knowledge We Have About The World Is Partial And Provisional, And Subject To Analysis, Scrutiny, And Revision.

Source: theatlantic.com/history/

Introduction: Transcribed Below Are Twenty-Three Pieces Of Some Of The Finest American Journalism To Be Found *Anywhere*, By An Esteemed Group Of Writers, Thinkers And Essayists Who Write For One Of The Most Venerated Publications In The History Of This Country. It Is Exceptional Journalism Like This That Serves To Reaffirm My Shaken Faith And Pride In Being American. As You May Know, Dear Reader, “The Press,” “The Media,” Those Who Are The “Lowest Form Of Life” According To One *Self-Proclaimed* “Very Stable Genius,” Are Known As Constituting *The Fourth Estate*. The Other Estates Are Those Of Our National Government: The Executive, Legislative And Judicial

Branches. I Am Long Of The Opinion That Without The *Fourth Estate*, The United States Of America Could Well Devolve Into The World's Most Sophisticated **BANANA REPUBLIC**, or *worse...*

Editor's Note: A WARNING

Like Many Reporters, I've Been Operating In Casaubon Mode For Much Of The Past Eight Years, Searching For The Key To Donald Trump's Mythologies. No Single Explanation Of Trump Is Fully Satisfactory, Although *Atlantic* Staff Writer Adam Serwer Came Closest When He Observed That The Cruelty Is The Point. Another Person Who Helped Me Unscramble Of Trump Was His Son-In-Law Jared Kushner. Early In The Trump Presidency, I Had Lunch With Kushner In His White House Office. We Were Meant To Be Discussing Middle East Peace (More On That Another Time). But I Was Particularly Curious To Hear Kushner Talk About His Father-In-Laws Behavior. I Was Not Inured Then — And Am Not Inured Even Now — To The Many Rococo Manifestations Of Trump's Defective Character. One Of The First Moments Of Real Shock For Me Came In The Summer Of 2015, When Trump, Then An Implausible Candidate For The Republican Presidential Nomination, Said Of Senator John McCain, "He's Not A War Hero... I Like People Who Weren't Captured, Okay?"

I Did Not Understand How So Many Ostensibly Patriotic Voters Could Subsequently Embrace Trump, But Mainly I Couldn't Understand His *Soul Sickness: How Does Such A Person Come To Such A Rotten, Depraved Thought?*

That Day In The White House, I Mentioned To Kushner One Of Trump's More Recent Calumnies And Told Him That In My View, His Father-In-Laws Incivility Was Damaging The Country. Strangely, Kushner Seemed To Agree With Me: "No One Can Go As Low As The President," He Said. "You Shouldn't Even Try."

I Was Confused At First. But Then I Understood: Kushner Wasn't Insulting His Father-In-Law. He Was Paying Him A Compliment.

Reverse, Of Course. But Revelatory As Well, And More Than A Little Prophetic. Because Trump, In The Intervening Years, Has Gone Lower, And Lower, And Lower. If There Is A Bottom — No Sure Thing — He's Getting Closer. Tom Nichols, Who Writes *The Atlantic's* Daily Newsletter And Is One Of Our In-House Experts On Authoritarianism, Argued In Mid-November That Trump Has Finally Earned The Epithet "Fascist."

"For Weeks, Trump Has Been Ramping Up His Rhetoric," Nichols Wrote. "Early Last Month, He Echoed The Vile And Germophobic Language Of Adolf Hitler By Describing Immigrants As Disease-Ridden Terrorists And Psychiatric Patients Who Are ***"Poisoning The Blood Of Our Country."*** In A Separate Speech, Trump, Nichols Wrote, "Melded Religious And Political Rhetoric To Aim Not At Foreign Nations Or Immigrants, But At His Fellow Citizens. This Is When He Crossed One Of The Last Remaining Lines That Separated His Usual Authoritarian Bluster From Recognizable Fascism."

Trump's Rhetoric Has Numbed Us In Its Hyperbole And Frequency. As David A Graham, One Of Our Chroniclers Of The Trump Era, Wrote Recently, "The Former President

Continues To Produce Substantive Ideas — Which Is Not To Say They Or Wise Or Prudent, But They Are Certainly More Than Gibberish. In Fact, Much Of What Trump Is Discussing Is Un-American, Not Merely In The Sense Of Being Antithetical To Some Imagined National Set Of Mores, But In That His Ideas Contravene Basic Principles Of The Constitution Or Other Bedrock Bases Of American Government.”

There Was A Time When It Seemed Impossible To Imagine That Trump Would Once Again Be A Candidate For President. That Moment Lasted From The Night Of January 6, 2021, Until The Afternoon Of January 28, 2021, When The Then-Leader Of The House Republican Caucus, Kevin McCarthy, Visited Trump At Mar-a-Lago And Welcomed Him Back Into The Fold.

And So Here We Are. It Is Not Quite A Sure Thing That Trump Will Win The Republican Nomination Again, But As I Write This, He’s The Prohibitive Front-Runner. Which Is Why We Felt It Necessary To Share With Our Readers Our Collective Understanding Of What Could Take Place In A Second Trump Term. I Encourage You To Read All Of The Articles In This Special Issue Carefully (Though Perhaps Not In One Sitting For Reasons Of Mental Hygiene). Our Team Of Brilliant Writers Makes A Convincingly Dispositive Case That Both Trump And Trumpism Pose An Existential Threat To America And To The Ideas That Animate It. The Country Survived The First Trump Term, Though Not Without Sustaining Serious Damage. A Second Term, If There Is One, Will Be Much Worse.

The Atlantic, As Our Loyal Readers Know, Is Deliberately Not A Partisan Magazine. “Of No Party Or Clique” Is Our Original 1857 Motto, And Its True Today. Our Concern With Trump Is Not That He Is A Republican, Or That He Embraces — When Convenient — Certain Conservative Ideas. We Believe That A Democracy Needs, Among Other Things, A Strong Liberal Party And A Strong Conservative Party In Order To Flourish. Our Concern Is That The Republican Party Has Mortgaged Itself To An Antidemocratic Demagogue, One Who Is Completely Devoid Of Decency.

——— *Jeffrey Goldberg*

THE REVENGE PRESIDENCY

By David Frum

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. We All Appreciate That The Past Included Many Moments Of Severe Instability, Crisis, Even Radical Revolutionary Upheaval. We Know That Such Things Happened Years Or Decades Or Centuries Ago. We Cannot Believe They Might Happen Tomorrow.

When Donald Trump Is The Subject, Imagination Falters Further. Trump Operates So Far Outside The Bounds Of Human Behavior — Never Mind Normal Political Behavior — That It Is Difficult To Accept What He May Actually Do, Even When He Declares His Intention Openly. What's 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 Feared?

In His First, Trump's Corruption And Brutality Were Mitigated By His Ignorance And Laziness. In A Second, Trump Would Arrive With A Much Better Understanding Of The System's Vulnerabilities, More Willing Enablers In Tow, And A Much More Focused Agenda Of Retaliation Against His Adversaries And Impunity For Himself. When People Wonder What Another Trump Term Might Hold, Their Minds Underestimate The Chaos That Would Lie Ahead.

By Election Day 2024, Donald Trump Will Be In The Thick Of Multiple Criminal Trials. It's Not Impossible That He May Already Have Been Convicted In At Least One Of Them. If He Wins The Election, Trump Will Commit The First Crime Of His Second Term At Noon On Inauguration Day: His Oath To Defend The Constitution Of The United States Will Be A Perjury.

A Second Trump Term Would Instantly Plunge The Country Into A Constitutional Crisis More Terrible Than Anything Seen Since The Civil War. Even In The Turmoil Of The 1960s , Even During The Great Depression, The Country Had A Functional Government With The President As Its Head. But The Government Cannot Function With An Indicted

Or Convicted Criminal As Its Head. The President Would Be An Outlaw, Or On His Way To Becoming An Outlaw. For His Own Survival, He Would Have To Destroy The Rule Of Law.

From Trump Himself And The People Around Him, We Have A Fair Idea Of A Second Trump Administration's Immediate Priorities: (1) Stop All Federal And State Cases Against Trump, Criminal And Civil. (2) Pardon And Protect Those Who Tried To Overturn The 2020 Election On Trump's Behalf. (3) Send The Department Of Justice Into Action Trump Adversaries And Critics. (4) End The Independence Of The Civil Service And Fire Federal Officials Who Refuse To Carry Out Trump's Commands. (5) If These Lawless Actions Ignite Protests In American Cities, Order The Military To Crush Them.

A Restored Trump Would Lead The United States Into A Landscape Of Unthinkable Scenarios. Will The Senate Confirm Trump Nominees Who Were Chosen Because Of Their Willingness To Help The President Lead A Coup Against The U.S. Government? Will The Staff Of The Justice Department Resign. Will People March In The Streets. Will The Military Obey Or Refuse Orders To Suppress Demonstrations?

The Existing Constitutional System Has No Room For The Subversive Legal Maneuvers Of A Criminal In Chief. If A President Can Pardon Himself For Federal Crimes — As Trump Would Likely Try To Do — Then He Could Write His Pardon In Advance To Shoot Visitors To The White House. (For That Matter, The Vice President Could Murder The President In The Oval Office And Then Immediately Pardon Herself.) If A President Can Order The Attorney General To Stop A Federal Case Against Him — As Trump Would

Surely Would Surely Do — Then Obstruction Of Justice Becomes A Normal Prerogative Of The Presidency. If Trump Can Be President, Then The United States Owes A Huge Retrospective Apology To Richard Nixon. Under The Rules Of A Second Trump Presidency, Nixon Would Have Been Well Within His Rights To Order The Department Of Justice To Stop Investigating Watergate And Then Pardon Himself And All The Burglars For The Break-In And Cover-Up.

After Tump Was Elected In 2016, He Was Quickly Surrounded By Prominent And Influential People Who Recognized That He Was A Lawless Menace. They Found Ways To Restrain A Man They Regarded As, To Quote The Reported Words Of Trump's First Secretary Of State, *"A Fucking Moron"* And, To Quote His Second Chief Of Staff, *"The Most Flawed Person I've Ever Met In My Life,"* Whose *"Dishonesty Is Just Astounding."* But There Would Be No Rex Tillerson In A Second Trump Term; No John Kelly; No Jeff Sessions, Who As Attorney General Recused Himself From The Investigation Into The President's Connections To Russia, Leading To The Appointment Of An Independent Special Counsel.

Since 2021, Trump-Skeptical Republicans Have Been Pushed Out Of Politics. Representatives Liz Cheney And Adam Kinzinger Forfeited Their Seats In The House For Defending Election Integrity. Representative Tom Emmer Withdrew His Bid For House Speaker Over The Same Offense. The Republican Senate Caucus Is Less Hospitable To Trump-Style Authoritarianism, But Notice That The Younger And Newer Republican Senators (Ted Cruz, Josh Hawley, J. D. Vance) Tend To Support Trump's Schemes, While

His Opponents In The Senate Belong To The Outgoing Generation. Trump's Leading Rivals For The 2024 Nomination Seldom Dare Criticize His Abuse Of Power.

Most Of The People Who Would Staff A Second Trump Term Would Be Servile Tools Who Have Absorbed The Brutal Realities Of Contemporary Republicanism: Defend Democracy; Forfeit Your Career. Already, An Array Of Technically Competent Opportunists Has Assembled Itself — From Within Right-Wing Think Tanks And Elsewhere — And Has Begun To Plan Out Exactly How To Dismantle The Institutional Safeguards Against Trump's Corrupt And Vengeful Impulses. Trump's Likely Second-Term Advisers Have Made Clear That They Would Share His Agenda Of Legal Impunity And The Use Of Law Enforcement Against His Perceived Opponents — Not Only The Biden Family, But Trump's Own Former Attorney General And Chairman Of The Joint Chiefs Of Staff.

IF TRUMP WINS The Presidency Again, The Whole World Will Become A Theater For His Politics Of Revenge And Reward. Ukraine Will Be Abandoned To Vladimir Putin; Saudi Arabia Will Collect Its Dividends For Its Investments In The Trump Family.

First-Term Trump Told Aides That He Wanted To Withdraw From NATO. Second-Term Trump Would Choose Aides Who Would Not Talk Him Out Of It. Other Partners, Too, Would Have To Adjust To The Authoritarianism And Corruption Of A Second Trump Term. Liberals In Israel And India Would Find Themselves Isolated As The U. S. Turned Toward Reaction And Authoritarianism At Home; East Asian Democracies Would Have To Adjust To Trump Protectionism And Trade Wars; Mexico's Antidemocratic Morena

Party Would Have Scope To Snuff Out Free Institutions Provided That It Suppressed Migration Flows To The United States.

Anyway, The United States Would Be Too Paralyzed By Troubles At Home To Help Friends Abroad.

If Trump Is Elected, It Very Likely Won't Be With A Majority Of The Popular Vote. Imagine The Scenario: Trump Has Won The Electoral College With 46 Percent Of The Vote Because Third-Party Candidates Funded By Republican Donors Successfully Splintered The Anti-Trump Coalition. Having Failed To Win The Popular Vote In Each Of The Past Three Elections, Trump Has Become President For The Second Time. On That Thin Basis, His Supporters Would Try To Execute His Schemes Of Personal Impunity And Political Vengeance.

In This Scenario, Trump Opponents Would Have To Face A Harsh Reality: *The U.S. Electoral System Has Privileged A Strategically Located Minority, Led By A Lawbreaking President, Over The Democratic Majority. One Side Outvoted The Other. The Outvoted Nevertheless Won The Power To Govern.*

The Outvoted Would Happily Justify The Twist Of Events In Their Favor. "We Are A Republic, Not A Democracy," Many Said In 2016. Since That Time, The Outvoted Have Become More Outspoken Against Democracy. As Senator Mike Lee Tweeted A Month Before The 2020 Election: *"Democracy Isn't The Objective."*

So Long As Minority Rule Seems An Occasional Or Accidental Result, The Majority *Might* Go Along. *But Once Aware That The Minority Intends To Engineer Its Power To Last Forever — And To Use It To Subvert The Larger Legal And Constitutional System — The Majority May Cease To Be So Accepting.* One Outcome Of A Second Trump Term May Be An American Version Of The Massive Demonstrations That Filled Tel Aviv Streets In 2023, When Prime Minister Benjamin Netanyahu Tried To Remake Israel's Court System.

And What Might Follow That? In 2020, Trump's Advisers Speculated About The Possibility Of Using The Army To Crush Protests Against Trump's Plans To Overturn That Year's Election. Now Those In Trump's Circle Are Apparently Thinking Further Ahead. Some Reportedly Want To Prepare In Advance To Use The Insurrection Act To Convert The Military Into A Tool Of Trump's Authoritarian Project. It's An Astonishing Possibility. But Trump Is Thinking About It, So Everybody Else Must — Including The Senior Command Of The U.S. Military.

If A President Can Summon An Investigation Of His Opponents, Or Summon The Military To Put Down Protests, Then Suddenly Our Society Would No Longer Be Free. There Would Be No More Law, Only Legalized Persecution Of Political Opponents. It Has Always Been Trump's Supreme Political Wish To Wield Both The Law And Institutional Violence As Personal Weapons Of Power — A Wish That Many In His Party Now Seem Determined To Help Him Achieve.

That Grim Negative Ideal Is *The Core Ballot Question In 2024.* If Trump Is Defeated, The United States Can Proceed In Its Familiar Imperfect Way To Deal With The Many Big

Problems Of Our Time: The Wars In The Middle East And Ukraine, Climate Change, Educational Standards And Equal Opportunity, Economic Growth And Individual Living Standards, And So On. Stopping Trump Would Not Represent Progress On Any Of Those Agenda Items. But Stopping Trump Would Preserve The Possibility Of Progress, *By Keeping Alive The Constitutional-Democratic Structure Of The United States.*

A Second Trump Presidency, However, Is The Kind Of Shock That Would Overwhelm All Other Issues. It Would Mark The Turn Onto A Dark Path, One Of These Between “Before” And “After” That A Society Can Never Reverse. Even If The Harm Is Contained, It Can Never Be Fully Undone, As The Harm Of January 6, 2021, Can Never Be Undone. The Long Tradition Of Peaceful Transitions Of Power Was Broken That Day, And Even Though The Attempt To Stop The Transition By Violence Was Defeated, The Violence Itself Was Not Expunged. The Schemes And Plots Of A Second Trump Term May Be Defeated Too. Yet Every Future Would-Be Dictator Will Know: A President Can Attempt A Coup And, If Stopped, Still Return To Office To Try Again.

As We Now Understand From Memoirs And On-The-Record Comments, Many Of Trump’s Own Cabinet Appointees And Senior Staff Were Horrified By The President They Served. The Leaders Of His Own Party In Congress Feared And Hated Him. The GOP’s Deepest-Pocketed Donors Have Worked For Three Years To Nominate Somebody, Anybody, Else.

Yet Even So, Trump’s Co-Partisans Are Converging Upon Him. They Are Convincing Themselves That Something Can Justify Forgiving Trump’s First Attempted Coup And

Enabling A Second: Taxes, Border Control, Stupid Comments By “Woke” College Students. For Democracy To Continue, However, The Democratic System Itself Must Be The Supreme Commitment Of All Major Participants. *Rules Must Matter More Than Outcomes.* If Not, The System Careens Toward Breakdown — As It Is Careening Now.

When Benjamin Franklin Famously Said Of The Then-New Constitution, “A Republic, If You Can Keep It,” He Was Not Suggesting That The Republic Might Be Misplaced Absentmindedly. He Foresaw That Ambitious, Ruthless Characters Would Arise To Try To Break The Republic, And That Weak, Venal Characters Might Assist Them. Americans Have Faced Franklin’s Challenge Since 2016, In A Story That Has So Far Had Some Villains, Many Heroes — *And Just Enough Good Luck To Tip The Balance.* It Would Be Dangerous To Continue To Count On Luck To Do The Job.

David Frum Is A Staff Writer At The Atlantic And The Author Of 10 Books, Including, Most Recently, Trumpocalypse: Restoring American Democracy.

AMERICA WILL ABANDON NATO

By Anne Applebaum

“I Don’t Give A Shit NATO.” Thus Did Former President Donald Trump Once Express His Feelings About America’s Oldest And Strongest Military Alliance. Not That This Statement, Made In The Presence Of John Bolton, The National Security Adviser At The

Time, Came As A Surprise. Long Before He Was A Political Candidate, Trump Questioned The Value Of American Alliances. Of Europeans, He Once Wrote That “Their Conflicts Are Not Worth American Lives. Pulling Back From Europe Would Save This Country Millions Of Dollars Annually.” NATO, Founded In 1949 And Supported For Three-Quarters Of A Century By Democrats, Republicans, And Independents Alike, Has Long Been A Particular Focus Of Trump’s Ire. As President, Trump Threatened To Withdraw From NATO Many Times — Including, Infamously, At The 2018 NATO Summit.

But During Trump’s Time In Office, The Withdrawal Never Happened. That Was Because Someone Was Always There To Talk Him Out Of It. Bolton Says he Did; Jim Mattis, John Kelly, Rex Tillerson, Mike Pompeo, And Even Mike Pence Are Thought To Have Done So To.

But They Didn’t Change His Mind. And If Trump Is Reelected In 2024, None Of Those People Will Be In The White House. All Of Them Have Broken With The Former President, In Some Cases Dramatically, And There Isn’t Another Pool Of Republican Analysts Who Understand Russia And Europe, Because Most Of Them Either Signed Statements Opposing Him In 2016 Or Criticized Him After 2020. In A Second Term, Trump Would Be Surrounded By People Who Either Share His Dislike Of American Security Alliances Or Don’t Know Anything About Them And Don’t Care. This Time, The Ill Will That Trump Has Always Felt Toward American Allies Would Likely Manifest Itself In A Clear Policy Change. “The Damage He Did In His First Term Was Repairable,” Bolton Told Me. *“The Damage In The Second Term Would Be Irreparable.”*

Institutionally, And Maybe Even Politically, Leaving NATO Could Be Difficult For Trump. As Soon As He Announced His Intentions, A Constitutional Crisis Would Erupt. Senate Approval Is Required For U.S. Treaties — But The Constitution Says Nothing About Congressional Approval For Withdrawal From Treaties. Recognizing This Gap In The Law, Democratic Senator Tim Kaine And Republican Senator Marco Rubio Introduced Legislation, Which Has Already Passed The Senate, Designed To Block Any U.S. President From Withdrawing From NATO Without Two-Thirds Senate Approval Or An Act Of Congress. Kaine Told Me He Feels “Confident That The Courts Would Uphold Us On That And Would Not Allow A President To Unilaterally Withdraw,” But There Would Certainly Be A Struggle. A Public-Relations Crisis Would Unfold Too. A Wide Range Of People — Former Supreme Allied Commanders, Former Chairmen Of The Joint Chiefs Of Staff, Former Presidents, Foreign Heads Of State — Will Surely Rally To Make The Case For NATO, And Very Loudly.

But None Of That Would Necessarily Matter, Because Long Before Congress Convenes To Discuss The Treaty, The Damage Will Have Been Done. That’s Because NATO’s Most Important Source Of Influence Is Not Legal Or Institutional, But Psychological: It Creates An Expectation Of Collective Defense That Exists In The Mind Of Anyone Who Would Threaten A Member Of The Alliance. If The Soviet Union Never Attacked West Germany Between 1949 And 1989, That Was Not Because It Feared A German Response. If Russia Has Not Attacked Poland, The Baltic States, Or Romania Over The Past 18 Months, That’s Not Because Russia Fears Poland, The Baltic States, Or Romania. The Soviet Union Held Back, And Russia Continues To Do So Now, Because Of Their Firm Belief In The American Commitment To The Defense Of Those Countries.

This Deterrent Effect Doesn't Come Just From The NATO Treaty, A Bare-Bones Document Whose Whose Signatories Simply Agree In Article 5 That "An Armed Attack Against One Of More Of Them In Europe Or North America Shall Be Considered An Attack Against Them All." Deterrence Comes From The Kremlin's Conviction That Americans Really Believe In Collective Defense, That The U.S. Military Really Is Prepared For Collective Defense, And That The U.S. President Really Is Committed To Act If Collective Security Is Challenged. Trump Could End That Conviction With A Single Speech, A Single Comment, Even A Single Truth Social Post, And It Won't Matter If Congress, The Media, And The Republican Party Are Still Arguing About The Legality Of Withdrawing From NATO. Once The Commander In Chief Says "I Will Not Come To An Ally's Aid If Attacked," Why Would Anyone Fear NATO, Regardless Of What Obligations Still Exist On Paper? And Once The Russians, Or Anyone Else, No Longer Fear A U.S. Response To An Attack, Then The Chances That They Will Carry Out One Grow Higher. If Such A Scenario Seems Unlikely, It Shouldn't. Before February 2022, Many Refused To Believe There Could Ever Be A Full-Scale Russian Invasion Of Ukraine.

When I Asked Several People With Deep Links To NATO To Imagine What Would Happen To Europe, To Ukraine, And Even To Taiwan And South Korea If Trump Declared His Refusal To Observe Article 5, All Of Them Agreed That Faith In Collective Faith Could Evaporate Quickly. Alexander Vershbow, A Former U.S. Ambassador To NATO And A Former Deputy Secretary-General Of NATO, Pointed Out That Trump Could Pull The American Ambassador From His Post, Prevent Diplomats From Attending Meetings, Or Stop Contributing To The Cost Of The Brussels Headquarters, All Before Congress Was

Able To Block Him: “He Wouldn’t Be In Any Way Legally Constrained From Doing That.” Closing American Bases In Europe And Transferring Thousands Of Soldiers Would Take Longer, Of Course, But All Of The Political Bodies In The Alliance Would Nevertheless Have To Change The Way They Operate Overnight. James Goldgeier, An International-Relations Professor At American University And The Author Of Several Books On NATO, Thinks The Result Would Be Chaotic. “It’s Not Like You Can Say, ‘Okay, Now We Have Another Plan For How To Deal With This,’” He Told Me. There Is No Alternative Leadership Available, No Alternative Source Of Command-And-Control Systems, No Alternative Space Weapons, Not Even An Alternative Supply Of Ammunition. Europe Would Be Immediately Be Exposed To A Possible Russian Attack For Which It Is Not Prepared, And For Which It Would Not Be Prepared For Many Years.

WITHOUT NATO, And Without An American Commitment To European Security, Supplies For Ukraine Would Also Dry Up. The Prospect Of America Leaving NATO Would Force Many European Countries To Keep Their Military Resources At Home; After All, They Might Soon Face Invasion As Well. The Ukrainians Would Begin To Run Out Of Ammunition Quite Quickly. The Russian Conquest Of All Of Ukraine — Still President Vladimir Putin’s Goal — Would Become Thinkable Once Again. Ukrainian Military Logistics Would Become Much Harder, Because The Russians Could Bomb Airports And Other Supply Hubs In Poland And Romania. They Have Already Come Very Close: At Least One Russian Missile Accidentally Struck Poland, And Russian Strikes Have Hit The Romanian-Ukrainian Border. Early In The War, The Russians Deliberately Attacked A Base In Western Ukraine, Very Near The Polish Border, Where Foreign Soldiers Were

Known To Be Training. If The Russians Begin To Target Bases Inside Poland Itself, The Logistics Of Arming Ukraine Become Impossible.

This Change Would Immediately Reverberate Beyond Europe. Once Trump Has Made Clear That He Longer Supports NATO, All Of America's Other Security Alliances Would Be In Jeopardy As Well. Taiwan, South Korea, Japan, And Even Israel Would Figure They Can No Longer Count On Automatic American Support. The End Of NATO Might Not Affect Them Directly, But Its Demise Would Signal That Everyone, Everywhere, Has To Assume The United States Is No Longer A Reliable Ally.

Over Time, All Of America's Allies Would Begin To Hedge. Many European Countries Would Cozy Up To Russia. Many Asian Countries Would Calculate That, As Kaine Puts It, "I Guess We Need To Get Closer To China, Just As A Matter Of Self=Preservation." To Avoid Invasion, Pragmatic Leaders Near China Or Russia Might Begin To Take More Seriously The Commercial And Political Demands From The World's Second- And Third-Largest Military Powers, Respectively. At The Same Time, Many Political Parties And Heads Of States (Both In And Out Of Power) Backed By Russia And China — Or Iran, Venezuela, Cuba — Would Have A Compelling New Argument In Favor Of Autocratic Methods And Tactics: America, A Country Whose Image Has Already Been Severely Damaged By Trump And Trumpism, Would Be Seen To Be Treating. Over Time, American Economic Influence Would Decline Too. Trade Agreements And Financial Arrangements Would Change, Which Would Have An Impact On American Companies And Eventually The U.S. Economy.

If Trump Is Reelected, Americans Will Be So Consumed By The Drama Of Their Own Failing Institutions That, For A Long While, Most Won't Note The Problems Caused By The Shifting International Order. Lithuania's And South Korea's Troubles Would Seem Distant, Irrelevant. The End Of American Influence Would Probably Unfold In Relative Obscurity. By The Time People Here Realize How Much Has Changed, It Will Be Too Late.

Anne Applebaum Is A Staff Writer At The Atlantic. She Is The Author, Most Recently, Of Twilight Of Democracy: The Seductive Lure Of Authoritarianism.

LOYALISTS, LAPDOGS, AND CRONIES

By McKay Coppins

When Donald Trump First Took Office, He Put A Premium On What He Called “Central Casting” Hires — People With Impressive Résumés Who Matched His Image Of An Ideal Administration Official. Yes, He Brought Along His Share Of Steve Bannons And Michael Flynn. But There Was Also James Mattis, The Decorated Four-Star General Who Took Over The Defense Department, And Gary Cohn, The Goldman Sachs Chief Operating Officer Who Was Appointed Head Of The National Economic Council, And Rex Tillerson, Who Left One Of The World's Most Profitable International Conglomerates To Become Secretary Of State.

Trump Seemed Positively Giddy That All Of These Important People Were Suddenly Willing To Work For Him. And Although His Populist Supporters Lamented The Presence Of So Many Swamp Creatures In His Administration, Establishment Washington Expressed Pleasant Surprise At The Picks. A Consensus Had Formed That What The Incoming Administration Needed Most Was “Adults In The Room.” To Save The Country From Ruin, The Thinking Went, Reasonable Republicans Had A Patriotic Duty To Work For Trump If Asked. Many Of Them Did.

Don’t Expect It To Happen Again. The Available Supply Of Serious, Qualified People Willing To Serve In A Trump Administration Has Dwindled Since 2017. After All, The So-Called Adults Didn’t Fare So Well In Their Respective Rooms. Some Quit In Frustration Or Disgrace; Others Were Publicly Fired By The President. Several Have Spent Their Post-White House Lives Fielding Congressional Subpoenas And Getting Indicted. And After Seeing One Term Up Close, Vanishingly Few Of Them Are Interested In A Sequel: This Past Summer, NBC News Reported That *Just Four Of Trump’s 44 Cabinet Secretaries Had Endorsed His Current Bid.*

Even If Mainstream Republicans Did Want To Work For Him Again, Trump Is Unlikely To Want Them. He’s Made Little Secret Of The Fact That He Felt Burned By Many In His First Cabinet. This Time Around, According To People In Trump’s Orbit, He Would Prioritize Obedience Over Credentials. “I Think There’s Going To Be A Very Concerted Calculate Effort To Ensure That The People He Puts In His Next Administration — They

Don't Have To Share His Worldview Exactly, But They Have To Implement It," Hogan
Gidley, A Former White House Spokesman, Told Me.

What Would This Look Like In Practice? Predicting Presidential Appointments Nearly A
Year Before The Election Is A Fool's Errand, Especially With A Candidate As Mercurial As
This One. And, Whether For Reasons Of Low Public Opinion Or Ongoing Legal Jeopardy,
Some Of Trump's Likely Picks Might Struggle To Get Confirmed (Expect A Series Of
Contentious **Hearings**). But The Names Currently Circulating In MAGA World Would
Offer A Glimpse At The Kind Of People Trump Could Gravitate Toward.

One Trump-World Figure With A Record Of Deference To The Boss Is Stephen Miller. As
A Speechwriter And Policy Adviser, Miller Managed To Endure While So Many Of His
Colleagues Flamed Out In Part Because He Was Satisfied With Being A Staffer Instead Of
A Star. He Was Also Fully Aligned With The President On His Signature: Immigration.
Inside The White House, Miller Championed Some Of The Administration's Most
Draconian Measures, Including The Muslim Travel Ban And The Family-Separation
Policy. In A Second Trump Term, Some Expect Miller To Get A Job That Will Give
Significance Influence Over Immigration Policy — Perhaps Head Of Immigration And
Customs Enforcement, Or Even Secretary Of Homeland Security. Given Miller's
Villainous Reputation In Democratic Circles, However, He Might Have A Hard Time
Getting Confirmed By The Senate. If That Happens, Some Think White House Chief Of
Staff Might Be A Good Consolation Prize.

For Secretary Of State, One Likely Candidate Is Richard Grenell. Before Trump Appointed Ambassador To Germany In 2018, Grenell Was Best-Known As A Right-Wing Foreign-Policy Pundit And An Inexhaustible Twitter Troll. He Brought His Signature Bellicosity To Berlin, Hectoring Journalists And Government Officials On Twitter, And Telling A *Breitbart London* Reporter Early In His Tenure That He Planned To Use His Position To “Empower Other Conservatives Throughout Europe.” (He Had To Walk Back That Comment After Some In Germany Interpreted It As A Call For Far-Right Regime Change.

Grenell’s Undiplomatic Approach To Diplomacy Exasperated German Officials And Thrilled Trump, Who Reportedly Described Him As An Ambassador Who “Gets It.” Grenell Has Spent Recent Years Performing His Loyalty As A Trump Ally And, According To One Source, Privately Building His Case For The Secretary-Of-State Role.

One Job That Trump Will Be Especially Focused On Getting Right Is Attorney General. He Believes That Both Of The Men Who Held This Position During His Term — Jeff Sessions And Bill Barr — Were Guilty Of Previous Grievous Betrayal. Since Then, Trump Has Been Charged With 91 Felony Counts Across Four Separate Criminal Cases — Evidence, He Claims, Of A Historic “Political Persecution.” (He Has Pleaded Not Guilty In All Cases.) Trump Has Pledged To Use The Justice Department To Visit Revenge On His Persecutors If He Returns To The White House.

“The Notion Of The So-Called Independence Of The Department Of Justice Needs To Be Consigned To The Ash Heap Of History,” Says Paul Dans, Who Served In The Office Of Personnel Management Under Trump And Now Leads An Effort By The Heritage

Foundation To Recruit Conservative Appointees For The Next Republican Administration. To That End, Trump Allies Have Floated A Range Of Loyalists For Attorney General, Including Senators Ted Cruz, Mike Lee, And Josh Hawley; Former Florida Attorney General Pam Bondi; And Jeffrey Clark, Formerly One Of Trump's Assistant Attorneys General, Who Was Indicted In Georgia On Charges Of Conspiring To Overturn The 2020 Election (The Charges Are Still Pending.)

Vivek Ramaswamy — The Fast-Talking Entrepreneur Running In The Republican Presidential Primary As Of This Writing — Is Also Expected To Get A Top Post In The Administration. Ramaswamy Has Praised Trump On The Campaign Trail And Positioned Himself As The Natural Heir To The Former President. Trump Has Responded To The Flattery In Kind, Publicly Praising His Opponent As A Very, Very, Very Intelligent Person.” Some Have Even Speculated That Ramaswamy Could Be Trump's Pick For Vice President.

One Source Close To Ramaswamy Told Me That A Trump Adviser Had Recently Asked Him What Job The Candidate Might Want In A Future Administration. After Thinking About It, The Source Suggested Ambassador To The United Nations, Reasoning That He's A “Good Talker.” The Trump Adviser Said He'd Keep It In Mind, Though It's Worth Noting That Ramaswamy's Lack Of Support For Ukraine And His Suggestion That Russia Be Allowed To Keep Some Of The Territory It Has Seized Could Lead To Confirmation Trouble.

Beyond The High-Profile Posts, The Trump Team May Have More Jobs To Fill In 2025 Than A Typical Administration Does. Dans And His Colleagues At Heritage Are Laying

The Groundwork For A Radical Politicization Of The Federal Civilian Workforce. If They Get Their Way, The Next Republican President Will Sign An Executive Order Eliminating Civil-Service Protections For Up To 50,000 Federal Workers, Effectively Making The People In These Roles Political Appointees. Rank-And-File Budget Wonks, Lawyers, And Administrators Working In Dozens Of Agencies Would Be Reclassified As Schedule F Employees, And The President Would Be Able To Fire Them At Will, With Or Without Cause. These Fired Civil Servants' Former Posts Could Be Left Empty — Or Filled With Trump Loyalists. To The End, Heritage Has Begun To Put Together A Roster Of Thousands Of Pre-Vetted Potential Recruits. “What **We’re Really Talking About Is A Major Renovation To Government,**” Dans Told Me.

Trump Actually Signed An Executive Order Along These Lines In The Final Months Of His Presidency, But It Was Reversed By His Successor. On The Campaign Trail, Trump Has Vowed To Reinstate It With The Goal Of Creating A More Compliant Federal Workforce For Himself. “Either The Deep State Destroys America,” He Has Declared, “Or We Destroy The Deep State.”

McKay Coppins Is A Staff Writer At The Allantic. He Is The Author, Most Recently Of Romney: A Reckoning.

THE SPECTER OF FAMILY SEPARATION

By Caitlin Dickerson

Almost As Soon As Donald Trump Took Office In 2017, Agents From Immigration And Customs Enforcement Were Dispatched Across The Country To Round Up As Many Undocumented Foreigners As Possible, And The Travel Ban Put Into Limbo The Livelihoods Of Thousands Of People From Majority-Muslim Countries Who Had Won The Hard-Fought Right To Be Here — Refugees, Tech Entrepreneurs, And University Professors Among Them. The Administration Drew Up Plans For Erecting A Border Wall, As Well As An Approach To Stripping Away The Due Process Rights Of Noncitizens So They Could Be Expelled Faster. These Changes To American Immigration Policy In The Amount Of Time That It Would Take The Average New Hire To Figure Out How To Use The Office Printer.

Within Days Of Trump's Election, His Key Immigration Adviser, Stephen Miller, Was Already Gathering A Group Of Loyal Bureaucrats To Start Drafting Executive Orders. Civil Servants Who Were Veterans Of The George W Bush Administration Found The Proposals To Be So Outlandishly Impractical, If Not Also Harmful To American Interests And Perhaps Even Illegal, That They Assumed The Ideas Could Never Come To Fruition. They Were Wrong. Over The Next Four Years, Lone Children Were Loaded Onto Planes

And Sent Back To The Countries They Had Fled Without So Much As A Notification To Their Families. Others Were Wrenched From Their Parents' Arms As A Way Of Sending A Message To Other Families Abroad About What Awaited Them If They, Too, Tried To Enter The United States.

If Given Another Chance To Realize His Goals, Miller Has Essentially Boasted In Recent Interviews That He Would Move Even Faster And More Forcefully. And Trump, Who's Been Campaigning On The Promise To Finish The Job He Started On Immigration Policy, Would Fairly Assume If He Is Reelected That Harsh Restrictions In That Arena Are Precisely What The American People Want. "Following The Eisenhower Model, We Will Carry Out The Largest Domestic Deportation Operation In American History," He Declared During A Speech In Iowa In September, Referring To 1954's Offensively Titled Operation Wetback, Under Which Hundreds Of Thousands Of People With Mexican Ancestry Were Deported, Including Some Who Were American Citizens.

Trump And Other Key Fixtures Of His Time In Office Have Refused To Rule Out Trying To Reinstate Family Separations. They Have Been Explicit About Their Plans To Send ICE Agents Back Into The Streets To Make Arrests (With Help From The FBI , The Drug Administration, And The National Guard), And Finish Their Work On The Wall. They Say That They Will Reimpose The Pandemic-Related Expulsion Policy Known As Title 42, Which All But Shut Off Access To Asylum, And That They Expand Use Of Military-Style Camps To House People Who Are Caught In The Enforcement Dragnet. They Have Laid Out Plans And Legal Rationales For Major Policy Changes That They Didn't Get Around To The First Time, Such As Ending Birthright Citizenship, A Long-Held Goal Of Trump's.

They've Floated Ideas Such As Screening Would-Be Immigrants For Marxist Views Before Granting Them Entry, And Using The Alien And Sedition Acts In Service Of Deportations.

Trump And His Advisers Have Also Made Clear That They Intend To Invoke The Insurrection Act To Allow Them To Deploy The U.S. Military To The Border, And To Use An Extensive Naval Blockade Between The United States And Latin America To Fight The Drug Trade. That Most Drug Smuggling Occurs At Legal Ports Of Entry Doesn't Seem To Matter To Trump And His Team: They Seem To Have Reasonably Concluded That Immigration Restrictions Don't Have To Be Effective To Be Celebrated By Their Base.

The Breakneck Pace Of Work During Miller's White House Tour Was Periodically Hampered By Worried Bureaucrats Attempting End Runs Around Him, Or By His Most Powerful Detractors, Ivanka Trump And Jared Kushner, Whispering Reservations Into The President's Ear. But Trump's Daughter And Son-In-Law Have Left Politics Altogether, And Miller Used Trump's Term To Perfect Strategies For Disempowering Anyone Else Who Dared To Challenge Him. As For Job Applicants To Work In A Second Trump Administration, Miller Told *Axios* That Being In Lockstep With Him On Immigration Issues Would Be "Non-Negotiable." Others Need Not Apply.

Those Who Choose To Join Trump In This Mission To Slash Immigration Would Do So Knowing That They Would Face Few Consequences, If Any, For How They Go About It: Almost All Of The Administration Officials Who Pushed Aggressively For The Most Controversial Policies Of Trump's Term Continue To Enjoy Successful Careers.

The Speed Of Trump's Work On Immigration Can Obscure Its Impact In Real Time. This Is Why Lucas Guttentag, A Law Professor At Stanford And Yale And A Senior Counselor On Immigration Issues In The Obama And Biden Administrations, Created A Database With His Students To Log And Track The More Than 1,000 Immigration-Policy Changes Made During Trump's Years In Office. Most Remain In Place. This Is Worth Dwelling On. Trump's Time In Office Already Represents A Resurgence Of Old, Disproven Ideas Ideas About The Inherent Threat — Physical, Cultural, And Economic — Posed By Immigrants. And If Trump Does Return To Office, This Moment May Qualify Less A Blip Than An Era: A Period Like Previous Ones When Such Misconceptions Prevailed, And Laws Like the Chinese Exclusion Act And Eugenics-Based National-Origins Quotas Ruled The Day.

Returning Trump To The Presidency Would Reopen Wounds That Have Barely Healed In The Communities He Has Said He Would Target Immediately. Recently, I Stood Outside A Church In The Northeast That Caters Mostly To Undocumented Farmworkers, With A Catholic Sister Who Oversees The Parish's Programming. As We Stood In The Autumn Light, I Remarked On The Picturesque Scene Around Her Place Of Worship And Work. She Replied By Pointing In One Direction, Then Another, At The Places Where She Said ICE Agents Used To Hide Out On Sunday Mornings During The Trump Administration, Waiting To Capture Her Congregants As They Left Mass To Go About Their Weekly Errands At The Laundromat And The Grocery Store.

Beyond The Emotional Impact Of Trump's Return, The Economy Could Also Face A Pummeling If The Number Of Immigrant Workers, Legal And Otherwise, Were To Drop. In A November 2022 Speech, Jerome Powell, The Chair Of The Federal Reserve, Detailed

The Harm From COVID-Related Dips In Immigration, Which Left The Country Short An Estimated 1 Million Workers.

America's Rightward Shift On Immigration Is Part Of A Global Story In Which Western Countries Are, In General, Turning Against Immigrants. But The World Tends To Look To The United States As A Guide For What Sorts Of Checks On Immigration Are Socially Permissible. A New Trump Administration Would Provide A Pretty Clear Answer: Just About Any.

An Anything-Goes Approach To Immigration Enforcement May Be Indeed What The Country Is Left With If Trump Succeeds In The Next General Election. "The First 100 Days Of The Trump Administration Will Be Pure Bliss," Stephen Miller Told *Axios*, "Followed By Another Four Years Of The Most Hard-Hitting Action Conceivable."

Caitlin Dickerson Is A Staff Writer At The Atlantic. She Is The Recipient Of The 2023 Pulitzer Prize For Her Reporting On The Trump Administration's Immigration Policies.

TRUMP WILL GET AWAY WITH IT

By Barton Gellman

If Donald Trump Regains The Presidency, He Will Once Again Become The Chief Law-Enforcement Officer Of The United States. There May Be No American Leader Less Suited To "Take Care That The Laws Be Faithfully Executed," As The Constitution Directs

The President. But That Authority Comes With The Office, Including Command Of The Justice Department And The FBI.

We Know What Trump Would Like To Do With That Power, Because He's Said So Out Loud. *He Is Driven By Self-Interest And Revenge, In That Order.* He Wants To Squelch The Criminal Charges Now Pending Against Him, And He Wants To Redeploy Federal Prosecutors Against His Enemies, Beginning With President Joe Biden. The Important Question Is How Much Of That Agenda He Could Actually Carry Out In A Second Term.

Trump Tried And Failed To Cross Many Lines During His Time In The White House. He Proposed, For Example, That The IRS Conduct Punitive Audits Of His Political Antagonists And That Border Patrol Officers Shoot Migrants In The Legs. Subordinates Talked The Former President Out Of Many Such Schemes Or Passively Resisted Them By Running Out The Clock. The Whole Second Volume Of Special Counsel Robert Mueller's Report, Which Documented 10 Occasions On Which Trump Tried To Obstruct Justice, Can Be Read As A Compilation Of Thwarted Directives.

The Institutional Resistance Trump Faced Has Reinforced His Determination To Place Loyalists In Key Jobs Should He Win Reelection. One Example Is Jeffrey Clark, Who Tried To Help Trump Overturn The 2020 Election. Trump Sought To Appoint Clark As Acting Attorney General In Early January 2021, But Backed Off After A Mass-Resignation Threat At The DOJ. People Who Know Him Well Suggest That He Would Not Let That Threat Deter Him A Second Time. Trump Will Also Want To Fire Christopher Wray, The FBI Director, And Replace Him With Someone More Pliable. Only Tradition, Not Binding

Law, Prevents The President And His Political Appointees From Issuing Orders To the FBI About Its Investigations.

The Top Jobs At The DOJ Require Senate Confirmation, And Even A Republican Senate Might Not Confirm An Indicted Conspirator To Overturn Like Clark For Attorney General. Under The Vacancies Reform Act, Which Regulates Temporary Appointments, Trump Can Appoint Any Currently Serving Senate-Confirmed Official From Anywhere In The Executive Branch As Acting Attorney General. Of Course, All Of The Officials Serving At The Beginning Of His New Term Would Be Holdovers From The Biden Administration.

Trump's Allies Are Searching For Loyalists Among The Republicans Currently Serving On Several Dozen Independent Boards And Commissions, Such As The Federal Trade Commission, That Have "Party Balancing" Requirements For Their Appointees. Alternatively, Trump Could Choose Any Senior Career Official In The Justice Department Who Has Served For At Least 90 Days In A Position Ranked GS-15 Or Higher On The Federal Pay Scale — A Cohort That Includes, For Example, Senior Trial Attorneys, Division Counsels, And Section Chiefs. As Anne Joseph O'Connell, A Stanford Law Professor And An Expert On The Vacancies Reform Act, Reminded Me, "This Is How We Got Matthew Whitaker," The Former Attorney General's Chief Of Staff, As Acting Attorney General. (Whitaker Was Widely Criticized As Unqualified.)

Would Some Career Officials, Somewhere Among The Department's 115,000 Employees, Do Trump's Bidding In Exchange For An Acting Appointment? Trump's Team Is Looking.

ONCE TRUMP Has Installed Loyalists In Crucial Posts, His First Priority — An Urgent One For A Man Facing 91 Felony Charges In Four Jurisdictions — Would Be To Save Himself From Conviction And Imprisonment.

Of The Four Indictments Against Him, Two Are Federal: The Florida Case, With Charges Of Unlawful Retention Of Classified Documents And Obstruction Of Justice, And The Washington Case, Which Charges Trump With Unlawful Efforts To Overturn The 2020 Election. Those Will Be The Easiest For Him To Dispose Of.

To Begin With, There Is Little To Stop Trump From Firing Special Counsel Jack Smith, Who Is Overseeing Both Of The Federal Investigations. Justice Department Regulations Confer A Measure Of Protection On A Special Counsel Against Arbitrary Dismissal, But He May Be Removed For “Misconduct, Dereliction Of Duty, Incapacity, Conflict Of Interest, Or For Other Good Cause. That Last Clause Is A Catchall That Trump Could Readily Invoke.

The Regulations State That A Special Counsel May Be Fired “Only By The Personal Action Of The Attorney General,” But That Would Not Stop Trump Either. In The Unlikely Event That His Handpicked Attorney General Were Reluctant, He Could Fire The Attorney General And Keep On Firing His Successors Until He Found One To Do His Bidding, As Richard Nixon Did To Get Rid Of Archibald Cox. Alternatively, Trump Could Claim —

And Probably Prevail, If It Came To A Lawsuit — That The President Is Not Bound By Justice Department Regulations And Can Fire The Special Counsel Himself.

Smith's Departure Would Still Leave Trump's Federal Criminal Charges Intact, But No Law Would Prevent Trump From Ordering That They Be Dropped. He Could Do So Even With A Trial In Progress, Right Up To The Moment Before A Jury Returned A Verdict. No Legal Expert I Talked With Expressed Any Doubt That He Could Get Away With This.

Dismissing The Charges Would Require The Trial Judges' Consent. But Even If The Judges Were To Object, Trump Would Almost Certainly Win On Appeal: The Supreme Court Is Not Likely To Let A District Judge Decide Whether Or Not The Justice Department Has To Prosecute A Case.

Trump Will Be Able To Avoid Going To Prison Even If He Has Already Been Convicted Of Federal Charges Before He Is Sworn In. Here Again, A Trial Judge Is Unlikely To Order Trump Imprisoned, Even After Sentencing, Before He Exhausts His Appeals. And There Is No Plausible Scenario In Which That Happens Before Inauguration Day.

At Any Time While Trump's Appeals Are Pending, His Justice Department May Notify The Appellate Court That The Prosecution No Longer Wishes To Support His Conviction. This Is Known As A Confession Of Error On The Government's Part; The Effect, If The Court Grants The Request, Is To Vacate A Conviction. Under Attorney General Bill Barr, The Trump Administration Did Something To Similar Effect In A False-Statements Case Against Former National Security Adviser Michael Flynn, Moving To Dismiss The

Charges After Flynn Had Pleaded Guilty But Before His Sentencing. (Trump Later Pardoned Flynn.) According To The Relevant Rule Of Criminal Procedure, Dismissal During Prosecution — Including On Appeal From A Conviction — Requires “Leave Of The Court,” But It’s Highly Unlikely That An Appellate Court Would Refuse To Grant Such A Motion To Dismiss.

Trump Might Also Invoke The Pardon Power On His Own Behalf. He Has Already Asserted, As Far Back As 2018, “I Have The Absolute Right To PARDON Myself.” No President Has Ever Tried This, And Whether He Can Is A Contested Question Among Legal Scholars. Experts Who Agree With Trump Say The Constitution Frames The Pardon Power As Total But For One Exception, Implicitly Blessing All Other Uses. (The Exception Is That The President May Not Pardon An Impeachment.) Those Who Disagree Include The Justice Department Itself, Through Its Office Of Legal Counsel, Which Concluded In 1974 That A Self-Pardon Would Be Invalid Under “The Fundamental Rule That No One May Be A Judge In His Own Case.”

But The Debate Over Self-Pardons Wouldn’t Matter Much To Trump In Practice. If He Pardoned Himself Of All Criminal Charges, There Would Be No One With Standing To Challenge The Pardon In Court — Other Than, Perhaps, The Justice Department, Which Would Be Under Trump’s Control.

Unlike The Federal Charges, Trump’s State Criminal Cases — For Alleged Racketeering And Election Interference In Georgia And Hush-Money Payments To A Porn Star In New

York — Would Not Fall Under Authority As President. Even So, The Presidency Would Very Likely Protect Him For At Least The Duration Of His Second Term.

The Office Of Legal Counsel, Which Makes Authoritative Interpretations Of The Law For The Executive Branch, Has Twice Opined, In 1973 And Again In 2000, That “The Indictment Or Criminal Prosecution Of A Sitting President Would Unconstitutionally Undermine The Capacity Of The Executive Branch To Perform Its Constitutionally Assigned Functions.” That Conclusion Is Binding For Federal Prosecutors, But State Prosecutors Are Not Obligated To Follow It.

No One Knows What What Would Happen If Fans Willis, The District Attorney In Fulton County, Georgia, Or Alvin Bragg, The DA In New York, Decided To Press Ahead With Their Cases Against Trump Should He Regain The Presidency. Like So Many Outlandish Questions Pertaining To Trump, This One Has No Judicial Precedent, Because No Sitting President Has Ever Been Charged With Felony Crimes. But Legal Scholars Told Me That Trump Would Have Strong Arguments, At Least, To Defer State Criminal Proceedings Against Him Until He Left The White House In 2029. By Then, New Prosecutors, With New Priorities, May Have Replaced Willis And Bragg.

TRUMP HAS NAMED A Long List Of People As Deserving Of Criminal Charges, Or Execution. Among Them Are Joe Biden, Mark Milley, James Comey, Andrew McCabe, John Brennan, James Clapper, And Arthur Engoron, The Judge In His New York Civil Fraud Case.

If He Returns To Office, Trump May Not Even Have To Order Their Prosecutions Himself. He Will Be Surrounded By Allies Who Know What He Wants. One Likely DOJ Appointee Is Mike Davis, A Republican Who Has Substantial Credentials: He Was A Law Clerk For Supreme Court Justice Neil Gorsuch And Chief Counsel For Nominations To Senator Charles Grassley When Grassley Chaired The Judiciary Committee.

If Davis Were Acting Attorney General, He Said On A Right-Wing You Tube Show, He Would “Rain Hell On Washington.” First, “We’re Gonna Fire A Lot Of People In The Executive Branch, In The Deep State.” He Would Also “Indict Joe Biden And Hunter Biden And James Biden And Every Other Scumball, Sleazeball Biden.” And “Every January 6 Defendant Is Gonna Get A Pardon.” Trump Could Not Immediately Appoint An Outsider Like Davis Attorney General. But He Could Make Him A Justice Department Section Chief, And Then Appoint Him As Acting Attorney General After 90 Days.

Trump Could Also Appoint — Or Direct His Attorney General To Appoint — Any Lawyer, Any Time, As Special Counsel To The Justice Department, With The Authority To Bring Charges And Prosecute A Case. Trump Might Not Be Able To Convict His Political Enemies Of Spurious Charges, But Then He Could Immiserate Them With Years Of Investigations And Require Them To Run Up Millions Of Dollars In Legal Fees.

Likewise, If He Managed To Place Sufficiently Zealous Allies In The Office Of Legal Counsel, Trump Could Obtain Legal Authority For Any Number Of Otherwise Lawless Transgressions. Vice President Dick Cheney Did That In The George W Bush Administration, Including The OLC To Issue Opinions That Authorized Torture And

Warrantless Domestic Surveillance. Those Opinions Were Later Repudiated, But They Guided Policy For Years. Trump's History Suggests That He Might Seek Comparable Legal Blessing For The Use Of Lethal Force At The Southern Border, Deployment Of Federal Troops Against Political Demonstrators, Federal Seizure Of State Voting Machines, Or Deferral Of The Next Election In Order To Stay In Power. He Would Be Limited Only By The Willingness Of Congress, The Supreme Court, And The Career Civil Service To Say No.

It Occurred To Me, As I Interviewed Government Veterans And Legal Scholars, That They Might Be Blinkered By Their Own Expertise When They Try To Anticipate What Trump Would Do. All Of The Abuses They Foresee Are Based On The Ostensibly Lawful Powers Of The President, Even If They Amount To Gross Ruptures Of Legal Norms And Boundaries. What Transgressions Could he Commit, That Is, Within The Law?

But Trump Himself Isn't Thinking That Way. On Truth Social, In December 2022, He Posted That Righting A Wrong Of Sufficient "Magnitude" (In This Case, His Fictitious Claim Of Election Fraud) "Allows For Termination Of All Rules, Regulations, And Articles, Even Those Found In The Constitution."

The "Take Care" Clause Of The Constitution Calls For The President To See That Laws Are Carried Out Faithfully. But What If A Court Rules Against Trump And He Simply Refuses To Comply? It's Not Obvious Who Would — Or Could — Enforce The Ruling.

Barton Gellman Is A Staff Writer At The Atlantic And Their Author Of Two Books, Including Angler: The Cheney Vice Presidency.

WOMEN WILL BE TARGETS

By Sophie Gilbert

Strange As This Might Be To Say Of The Only American President Found Legally Liable For Sexual Abuse, The Only Leader Of The Free World Accused Of Dangling A TV Gig In Front Of A Porn Performer Seemingly As An Enticement For Sex, The Only Commander In Chief To Publicly Denigrate The Sexual Attractiveness Of Both Heidi Klum (“No Longer A 10”) And Angelina Jolie (“Not A Great Beauty”), I Don’t Believe Donald Trump Hates Women. Not By Default, Anyway. “When It Comes To The Women Who Are Not Only Dutifully But Lovingly Catering To His Desires,” The Philosopher Kate Manne Wrote In Her 2017 Book, *Down Girl*, “What’s To Hate?”

The Misogyny That Trump Embodies And Champions Is Less About Loathing Than Enforcement: Underscoring His Requirement That Women Look And Behave A Certain Way, That We Comply With His Desires And Submit To Our Required Social Function. The More Than 25 Women Who Have Accused Trump Of Sexual Assault Or Misconduct (Which He Has Denied), And The Countless More Who Have Endured Public Vitriol And Threats To Their Life After Being Targeted By Him, Have All Been Punished Either For Challenging Him Or For Denying Him What He Fundamentally Believed Was His Due.

At The Micro Level, Trump’s Misogyny Can Be Almost Comical, In An Absurdist Sort Of Way, Like The Time In 1994 When He Fretted Over Whether His New Infant Daughter Would Inherit Her Mother’s Breasts, Or When He Tweeted To Cher In 2012, “I Promise

Not To Talk About Your Massive Plastic Surgeries That Didn't Work." On A Larger Scale, The Legislative And Cultural Shifts He Fostered During His Four Years In The White House Are So Drastic That They're Hard To Fully Parse. Until 2022, Women And Pregnant People Had The Constitutional Right To An Abortion; Now Thanks To Trump's Remade Supreme Court, Abortion Is Unavailable Or Effectively Banned In About A Third Of States. The MAGA Republican Party Is Ever More Of A Boy's Club: All 14 Representatives Who Announced Bids To Become House Speaker After The Ouster Of Kevin McCarthy Were Men; The Victor, Mike Johnson, Has Blamed *Roe v. Wade* In The Past For Depriving The Country Of "Able-Bodied Workers" To Prop Up The American Economy. Online And Off, Old-Fashioned Sexists And Trollish Provocateurs Alike Have Been Emboldened By Trump's Ability To Say Grotesque Things Without Consequences.

Trump's Glee In Smacking Down Women Has Filtered Into Every Aspect Of Our Culture. If, As The Literary Critic Lionel Trilling Wrote, "Ideology Is Not Acquired By Thought But By Breathing The Haunted Air," Then Trump Has Helped Radicalize Swaths Of A Generation Essentially Through Poisonous Fumes. He Didn't Create The Manosphere, The Fetid Corner Of The Internet Devoted To Sending Women Back To The Stone Age. But He Elevated Some Of Its Most Noxious Voices Into The Mainstream, And Vindicated Their Worst Prejudices. "I'm In A State Of Exuberance That We Now Have A President On A 1-10 Scale In The Same Way That We Do," Wrote The Former Self-Described Pickup Artist Roosh V On His Website Shortly After The Election.

By Now, Misogyny Has Bled Into Virtually Every Part Of The Internet, TikTok Clips Featuring Andrew Tate, The Misogynist Influencer And Accused Rapist And Human

Trafficker Who Has Said That Women Should Bear Some Personal Responsibility For Their Sexual Assaults And Frequently Derides Women As “Hoes,” Have Been Viewed Billions Of Times. (Tate Has Denied The Charges Brought Against Him.) In 2021, Before Elon Musk Bought Twitter And Oversaw A Spike In Misogynistic And Abusive Content — Not To Mention Reinstating The Accounts Of Both Trump And Tate — The Tesla Entrepreneur And Men’s-Rights Icon Tweeted That He Was Going To Inaugurate A New College Called The Texas Institute Of Technology & Science (TITS). Boys On Social Media Are Being Inundated With Messaging That The Only Qualities Worth Prizing In Women Are Sexual Desirability And Submission — A Worldview That Aligns Perfectly With Trump’s. Misogyny, As My Colleague Franklin For Wrote In *Slate* In 2016, Is The One Ideology Trump Has Never Changed, His One Unwavering Credo. Seeking To Dominate Others With His Supposed Sexual Prowess And Loudly Professing Disgust At Women He Doesn’t Desire Has Been His Modus Operandi For Decades. Any Woman Who Challenges Him Is “A Big, Fat Pig,” “A Dog,” A “Horseface.”

What Would Four More Years Of Trump Mean For Women? It’s Hard To Conclude That Trump Was Moderated By The Presence Of His Daughter In The West Wing, Exactly — Or, For That Matter, By Any Of The Advisers Who Thought They Could Temper His Worst Instincts Before They Ended Up Fleeing In Doves. But What’s Most Chilling About A Possible Second Trump Presidency Is That He Would Certainly Now Be Unchecked. The Advisers Who Remain Are The Ones Who Bolster His Darker Impulses. It Was Trump’s Adviser Jason Miller, *Axios*’s Mike Allen Reported, Who Psyched Him Up Between Segments Of His 2023 CNN Town Hall As He Became More And More Aggressive Toward The Moderator, Kaitlan Collins. “Are You Ready? Can I Talk? Do You Mind?” Trump

Jeered At Her. Anyone Who's Ever Witnessed An Abusive Relationship Could Instantly Recognize The Tone.

Sophie Gilbert Is A Staff Writer At The Atlantic. She Was A Finalist For The 2022 Pulitzer Prize In Criticism, And Is The Author Of On Womanhood: Bodies, Literature, Choice.

CLIMATE DENIAL WILL FLOURISH

By Zoë Schlanger

On The Last Saturday Before Donald Trump Took Office, In January 2017, I Watched The Controlled Chaos Of A Hackathon Unfold In A Library At The University Of Pennsylvania. Volunteer Archivists, Librarians, And Computer Scientists Were Trawling Government Websites, Looking For Data Sets About Climate Change To Duplicate For Safekeeping. Groups Like This Were Meeting Across The Country. Flowcharts On Whiteboards Laid Out This Particular Room's Priorities: Copy Decades Of Ice-Core Statistics From The National Oceanic And Atmospheric Administration; Scrape The Environmental Protection Agency's Entire Library Of Local Air-Monitoring Results From The Previous Four Years; Find A Way To Preserve A Zoomable Map Of The Factories And Power Plants Emitting The Most Greenhouse Gases.

The Fear Was That The Incoming Administration Would Pull Information Like This From Public View — And Within A Week, It Did. By Noon On Inauguration Day, The Trump Administration Had Scrubbed Mentions Of Climate Change From The White House

Website. By May, Officials Had Taken Down The EPA's Page Laying Out Climate Science For The General Public, As Well As 108 Pages Associated With The Clean Power Plan, The Landmark Obama Policy Meant To Curb Emissions From Power Plants — Months Before The Trump Administration Tried To Repeal The Policy Altogether.

The Administration's Goal Was To Bury The Issue Of Climate Change. Nothing Was Done To Address It; The Very Mention Of It Was Knocked From The National Agenda — And, By Extension, The International Agenda. If Trump Returns To Office, He Will Surely Double Down On This Strategy.

First, The Global Implications: The United States Would Probably Exit From The Paris Agreement Again, Michael Gerrard, The Founder And Director Of The Sabin Center For Climate Change Law At Columbia University, Told Me. Despite Its Status As The Wealthiest Big Emitter, The United States Continues To Express Little To No Interest In Substantially Funding Global Climate Action, Even During Democratic Administrations. For Now, Though, At Least The Country Is Still At The Table For International Climate Talks. Pulling Out Of Paris Might Be A Largely Symbolic Move, But It Could Have A Domino Effect. “India, Indonesia, Brazil — If They See The U.S. Is Not Acting, It's Easy For Conservatives Politicians In Those Countries To Say, “These Big Rich Guys Aren't Doing Anything; Why Should We?” Gerrard Said.

Domestically, It Would In Some Ways Be Harder Now For Trump To Meaningfully Alter Climate Policy Than It Was When He First Came To Office. Electric Vehicles Have Become Popular. And Solar Power Will Likely Be The Cheapest Source Of Electricity In Basically

Every Country By 2030. Heat Pumps Have Proved To Be Fantastically Efficient, And A Bipartisan Consortium Of 25 Governors Just Agreed To Quadruple The Number Of Them Installed In Homes In Their States. One Consequence Of The Trump Administration Was The Emergence Of A New Kind Of Subnational Climate Diplomacy: Mayors And Governors Began Meeting With International Leaders To Discuss The Issue On Their Own. During A Second Trump Term, These Efforts Would Surely Pick Up Again.

In Addition, Certain New Climate-Friendly Policies Are So Good For Republican States That Their Representatives Probably Won't Want To Touch Them. The Inflation Reduction Act Of 2022 Promotes Clean Power By Offering Major Tax Credits To Individuals And Businesses That Make Or Use Renewable Energy, And Most Of That Money Is Likely To Flow To Red States.

But A Second Trump Administration Could Still Do Major Damage. The Fossil-Fuel Lobby Would Work To Dismantle Climate Policies. Groups Led By The Heritage Foundation And The America First Policy Institute Are Already Making A "Battle Plan" To Block Electricity-Grid Updates That Would Allow For Solar And Wind Expansion, To Prevent States From Adopting California's Car-Pollution Standards, And To Gut Clean-Power Divisions At The Department Of Energy, Among Other Things.

Under A Second Trump Term, The EPA Would No Doubt Be Threatened With Budget Cuts, As It Was During The First. Staffers Would Likely Retire En Masse, As They Did Before, And Enforcement Of Climate Policy Would Slow Or Stop.

But The First Thing To Go Will Likely Be The Websites — Again. The U.S. Has No Law Against A Government Agency Deleting Pages From Its Own Websites, Even If The Information On Them Is In The Public Interest. “We Have Been Telling The Biden Administration That This Is A Real Vulnerability,” Gretchen Gehrke, A Co-Founder Of The Environmental Data And Governance Initiative, Told Me. For Now, All Of The Data Sets That Those Teams Of Hackers Scraped The First Time Around Are Still Housed On Private Servers, Just In Case.

Zoë Schlanger Is A Staff Writer At The Atlantic.

IS JOURNALISM READY?

By George Packer

The Relationship Between Donald Trump And The News Media Has Always Been A Little Disingenuous, Like A Pair Of Fighters Trading Insults And Throwing Air Punches At A Weigh-In. The Hostility Is Real, But The Performance Benefits Both Sides.

Trump Claims To Despise The Journalists Who Cover Him, Calling Them “The Enemy Of The American People,” Suing Them, And Threatening Unspecified Reprisals For Their Transgressions Against Him. But His Narcissism Craves Their Constant Attention, And As President He Gave Reporters Far More Access Than His Successor Has, Taking Their Late-Night Phone Calls, Then Framing Their Cover Stories In Gold. Media Organizations, Including This One, Have Warned For Years That Trump Is A Danger To The Democracy

That Makes Journalism Possible, And That A Vigorous Press Is Essential To A Free Society. At The Same Time, The Media Became Dependent On His Vile Words And His Scandalous Deeds For Their Financial Health, Squeezing Droplets Of News From His Every Tweet Even If The Public Had Nothing To Learn. Leslie Moonves, The Disgraced Former TV-Network Chair, Said Of Trump's First Candidacy: "It May Not Be Good For America, But It's Damn Good For CBS."

As Soon As Trump Left Office, Readers And Viewers Disappeared — Within A Month. *The Washington Post* Lost A Quarter Of Its Unique Visitors, And CNN Lost 45 Percent Of Its Prime-Time Audience. From Exile, Trump Summoned One Reporter After Another To Mar-a-Lago And Gave Interviews For Books That Both Sides Knew Would Attack His Presidency And Become Best Sellers. When He Returned As A Presidential Candidate And Criminal Defendant, Cable-News-Network Ratings Climbed Again.

It's Impossible Not To Feel That Trump Has Gotten The Better Of This Codependent Clench. His Endless Stream Of Grievance And Invective Eroded His Supporters' Trust In The News Media To The Point Where 58 Percent Of Republicans Now Say They Have None. If Half The Country Believes Most Of What The Mainstream Media Report And The Other Half Thinks It's Mostly Lies, This Isn't A Partial Win For Journalists, Whose Purpose Isn't To Strengthen The Opposition But To Give The Public Information It Needs To Exercise Democratic Power. Trump's Purpose Is To Destroy The Very Notion Of Objective Truth. The Match Was Rigged In His Favor, And Being Compelled To Fight It Has Not Been Good For Journalism.

Though Reporters Did Excellent Work Covering Trump's Presidency, His Effect Was To Make The America Media A Little More Like Him: Solipsistic, (Foreign Reporting Nearly Disappeared), Divisive, And Self-Righteous. Trump Corrupts Everyone Who Gets Near Him — Spouses, Children, Followers, Accomplices, Flunkies. He Corrupts The Press By Obsessing It; By Flooding It With So Much Shit That News Becomes Almost Indistinguishable From Fluff And Lies; By Baiting It Into Abandoning Independence For Activism; By Demoralizing It With The Recognition That Much Of The Public Doesn't Care.

TRUMP WANTS POWER AGAIN For Two Reasons, And A Policy Agenda Isn't One Of Them: To Remove The Humiliating Stain Of Defeat, Including The Prospect Of Prison, And To Exact Revenge On His Enemies. In A Speech In Michigan Last June, He Named Them One By One And Promised To Destroy Them All: "The Deep State"; "The Warmongers"; "The Globalists"; "The Communists, Marxists, And Fascists"; "The Sick Political Class That Hates Our Country"; And Finally — He Pointed At Reporters In The Room — "The Fake-News Media."

The First Time Around, Trump's Attempts To Use Presidential Power Against The Media Were Desultory. He Was Accused Of Trying To Deny A Large Pentagon Contract To Amazon In Order To Damage Jeff Bezos, The Owner Of The *Post*. To Hurt CNN, He Pushed His Justice Department To Block The Merger Of AT&T And Time Warner, Which Owned The Network. He Talked About Weakening Journalists' Legal Protections And Even Having Them Arrested. He Created A Threatening Atmosphere By Singling Out

Individuals And Organizations. All Of It Put The Media Under Constant Pressure And Made Their Work More Difficult. None Of It Was Very Effective.

Last April, Trump's Campaign Website Posted A Video On Deregulation In Which The Candidate Vowed To Bring The Federal Communications Commission "Back Under Presidential Authority As The Constitution Demands" — Giving Himself Direct Control Over Broadcast Licenses And Other Regulatory Matters. It's Hard To Imagine That At The Start Of His Presidency He Knew What The Initials FCC Stood For. "One General Nightmare Is He Will Be More Competent At Undermining A Free Press In A Second Term, Either Through Advisers Or Lessons Learned," John Langford, A Counsel At Protect Democracy, A Nonpartisan Nonprofit Dedicated To Combatting Authoritarianism, Told Me.

"People Who Actually Believe Are Going To Do A Better Job," A Conservative Who Served In The Trump Administration And is Now Involved In Efforts By The Heritage Foundation To Build A Loyal Cadre Of Political Appointees For A Second Term Told Me. In Its Approach To The Media, He Said, The Biggest Mistake Of Trump's Presidency Was Appointing Officials Who Wanted To Be Liked By Journalists. Second-Term Hires Would Welcome Being The Subject Of A Hit Piece In *Politico*.

A Second Trump White House Would Give Important Policy Scoops To Friendly Publications Such As *The Federalist* And *The Washington Free Beacon* Rather Than To Supposedly Unfair Outlets Like *The New York Times*, Which Would Report Them Unfavorably. "The White House Press Corps Could Be Shaken Up," The Former Trump

Official Said, Explaining That The Administration's Director Of Communications Could Say To The White House Press Corps, "I Know You Have Your Rules, But We're Not Going To Play By Those Rules. Give These People" — Administration Allies — "Press Credentials, Or We'll Have Briefings With Only People We Invite, In A Different Room."

It's Not Hard To Imagine Trump Breaking Laws To Go After Journalists, Seeking Embarrassing Personal Information On His Most Effective Pursuers. At The Start Of His Term, He Floated To James Comey, The FBI Director, The Possibility Of Jailing Journalists Who Published Classified Information. Comey Laughed Off The Idea; With Fanatic Loyalists In The Bureau, A Second-Term Trump Could Carry It Out. In A 900-Page Manual On How To Bring The Administrative State Under The President's Complete Control, Heritage Advises That "The Department Of Justice Should Use All Of The Tools At Its Disposal To Investigate Leaks," Including Seizing Reporters' Email And Phone Records, A Practice That Attorney General Merrick Garland Ruled Out In 2021. The Conservative Supermajority On The Supreme Court Might Be Less Likely To Defend Press Freedom During A Second Trump Term Than The Court Has Been In The Past. Joel Simon, The Founding Director Of The Journalism Protection Initiative At CUNY's Craig Newmark Graduate School Of Journalism, Has Urged Colleagues To Prepare, Practically And Psychologically, For Legal Assaults, Economic Pressure, "A Toxic Online Environment," And Dangerous Streets With Violence From Both Police And Demonstrators.

President Richard Nixon Put His Critics In The Press On An Enemies List, Illegally Wiretapped And Surveilled Them, Discussed Siccing His IRS On Them. Nixon's

Henchmen Even Proposed Various Ways To Kill The Columnist, Jack Anderson (They Postponed The Plot, Instead Bugging The Democratic National Committee At The Watergate, And Never Got Back To It). Trump Doesn't Need To Have Journalists Poisoned. He Doesn't Even Need To Have Them Investigated. His Most Powerful Weapon Is His Ability To Convince Large Numbers Of Americans That The Press Has No Particular Value For Democracy And Deserves No Special Protection; That It's Just Another Racket Of Corrupt, Self-Serving Elites; That Its Hard-Won Exposés And Running Fact-Checks Are All Fake News; That The Evidence Of The Senses Can Be Vaporized By A Truth Social Post. His Epistemological Nihilism Drives Journalists Half-Mad, Unable To Counter Him Or Escape His Hall Of Mirrors.

THE WORST FATE For The Press In A Second Trump Term Would Be Neither Legal Jeopardy Nor Financial Ruin. It Would Be Irrelevance.

Other Democracies Have Reached This Point. “Political Leaders Discredit The Press And Plant In The Minds Of The Public That They're Just Another Political Actor,” Simon Told Me. “The Public Doesn't See Attacks On The Press As Threats To Their Own Interests, And That Opens The Door To Consolidation Of Power.” Szabolcs Panyi, An Investigative Journalist In Budapest, Worries That Americans Haven't Paid Enough Attention To The Decline Of Freedoms In Other Countries To Prevent It From Happening Here. “The American Public Doesn't Recognize That The Same Could Happen To Them,” He Told Me. “They're Not Even Aware That Democracies Can Be Turned In Just A Matter Of Years — Two Election Cycles — Into Hybrid Regimes.”

Starting In 2014, Hungary's Leading Media Companies Were Acquired By Prime Minister Viktor Orbán's Cronies And Turned Into Regime Mouthpieces Or Shut Down. (For Seven Months In 2019, Panyi's Phone Was Surveilled.) Journalists Haven't Disappeared Into Hungarian Prisons. Orbán Has Crushed Independent Media With A Combination Of Economic Pressure, Kremlin-Inspired Disinformation, And The "Fake News" Label. "They Killed The News Outlets — They Don't Have To Kill The Journalists, " Panyi Said. But The Key To Orbán's Success Has Been Public Opinion. As He Neutralized The Press, Hungarian Voters Gave Him Four Election Victories In A Row. Power Creates More Power; Once The Process Starts, It Can Be Unstoppable. "Probably The Job That We Journalists Were Doing Was Not Good Enough," Panyi Said, "Or We Didn't Make Enough Efforts To Describe To Our Readers Why It's Important What We're Doing."

Sheila Coronel, An Acclaimed Philippine Journalist And A Professor At Columbia Journalism School, Began Her Career On The Eve Of The "People Power" Revolt That Overthrew Ferdinand Marcos In 1986. "We Took Our Freedom For Granted," She Told Me. "Looking Back, Maybe We Weren't Such Good Caretakers Of That Freedom To Really Serve The Public Good, As Opposed To Building Profitable Media Businesses." As They Country's Elected Leaders Became More Corrupt, Coronel Said, Media Companies Made Fortunes From "Entertainment And Sensationalism, Feeding Off Political Scandals Without Looking At The Underlying Causes."

When The Demagogic President Rodrigo Duterte Came To Power In 2016, He Was Able To "Emasculate" The Media, Coronel Said. His Successor, Bongbong Marcos, The Dictator's Son, Feeds The Public An Information Diet Of "Sheer Inanity," Undiluted By A Critical

Press. “It’s Death By Cotton Candy.” Like Panyi, Coronel Watched Her Profession Lose Popular Trust, Partly Through State Pressure, Partly Through Its Own Isolation And Carelessness. “We Contributed To The Erosion Of The Allure And Attraction Of Democracy,” She Said.

How Can American Media Prevent Their Own Irrelevance In A Second Trump Term? First, By Getting Rid Of A Few Illusions. The Press Can Do Little, If Anything, To Drain The Sea Of Disinformation In Which Americans Are Drowning. *The Washington Post’s* Running Tally Of Trump’s False Statements In Office — There Were 30,573, Or About 21 A Day — Was A Worthy Project, But Did The Recording Of All Those Lies Change A Single Mind? Political Beliefs Are Rarely Based On Demonstrable Facts. Information Of Any Kind Only Reinforces Voters’ Views And Deepens Polarization. The *Post* And Other Outlets Should Continue To Hold Public Figures Accountable For Their Lies, But None Of Us Should Expect It To Make Much Difference.

Nor Will There Be Any Watergate For Trump. Nixon Was Brought Down By The Work Of Aggressive Journalists, Along With A Federal Judge, A Unanimous Supreme Court, And A Bipartisan Congress — By Strong Democratic Institutions. But They Worked Only Because Americans Still Believed In Them — Because Two-Thirds Of The Public, Which Had Just Given Nixon A Landslide Victory, Could Not Abide A Criminal In Office. That Was A Different Public. Today, Almost Half The Country Is Prepared To Reelect Trump In Spite Of His Two Impeachments And 91 Criminal Charges. What Scandal Could Investigative Reporters Possibly Uncover That Would Reduce Trump’s Support To Nixon’s 24 Percent?

IN A SECOND TRUMP PRESIDENCY, The Press Would Be Torn Between What's Good For Its Broader Mission Of "Public Interest Or Public Service," In Joel Simon's Words — That Is, Democracy. For 25 Years, Journalists Have Been Scrambling To Survive The Damage Done To Their Business Model By The Internet. Venerable Outlets Perish Or Self-Mutilate; Newer Ones Come And Go In A Flash; Mountains Of Bait Are Thrown Into The Water To See What Rises To The Surface, Producing Trillions Of Bits Of Data To Be Collected And Examined For Financial Clues. This Exhausting Effort Consumes So Much Time And Talent That It's Difficult To Face The Obvious Truth: The For-Profit Model Of Journalism Shows Signs Of Being Broken.

And Here Lies The Dilemma: That Model Works Better Works Better With Trump. Covering Him Brought CNN, *The Times*, *The Post*, *The Atlantic*, And Other Outlets Larger Audiences. But Much Of That Profitable Coverage Takes Place In A Glass Booth That Seals Out A Hostile Or Indifferent Public. Claiming A Higher Purpose, The Media Flood The Zone With Their Own Shit — Talking Heads, Hot Takes, Angry Jeremands — To Stay Afloat, And In Doing So, They Trade Long-Term Credibility For Short-Term Gain. Social-Media Platforms, Far Richer And More Powerful Than The Mainstream Press, Don't Even Have To Feign A Higher Purpose. "This Is The Existential Question That We Have To Ask Ourselves," Simon Told Me: Carry Out A Public Service At The Risk Of Economic Ruin, Or Give In To Incentives To Cover Trump In Ways That Serve Him Better Than The Public?

Panyi, The Hungarian Journalist, Who Has Lived Through What Might Await Us Here, Spoke Of “The Tragedy Of Real Journalism,” By Which He Meant The Imperative To “Stick To The Good Old Rules Of Free, Fair Journalism Even If We’re Taking The Punches And It’s A Battle We’re About To Lose.” That Would Be My Hope For The Press In A Second Trump Term: To Investigate His Presidency Relentlessly, Burrowing Deep Into Every Obscure Corner Where Power Might Be Abused, For The Record And The Future If Not For Now, And Leave The Cotton Candy Aside. Journalists Can Give The Public What It Needs To Govern Itself, But They Can’t Save Democracy. That Will Be Up To The American People.

George Packer Is A Staff Writer At The Atlantic. His 2013 Book, The Unwinding: An Inner History Of The New America, Won The National Book Award.

WHEN SCIENCE BECOMES A SLOGAN

By Sarah Zhang

The President Of The United States Cannot Control The Trajectory Of A Hurricane, But He Can — We Learned In 2019 — Force The National Oceanic And Atmospheric Administration To Endorse A Trajectory That He Invented. Thus Went Sharpiegate, The Brief Episode That Began When Donald Trump Tweeted A Warning About Hurricane Dorian’s Danger To Several States. It Was One Of His More Anodyne Tweets, But He

Erroneously Included Alabama. He Doubled Down When Questioned, Producing As Proof A NOAA Forecast Altered With What Looked Suspiciously Like A Sharpie. When This Failed To Quiet Criticism, He Strong-Armed The Agency That Affirmed His Tweet.

By Then, Dorian Was Already Making Landfall Nowhere Near Alabama. But So What? Even If Trump Could Not Bend Reality, He Found He Could Bend The Federal Bureaucracy To His Lies. Given Another Four Years In The White House, He Will Certainly Do So Again And Again.

When Science Gets In His Way, Trump Is Happy To Attack Or Distort It — Or Block It Altogether. His Administration Kicked Scientists Off EPA Advisory Panels, Replacing Them With Allies Who Questioned The Need To Regulate Smog And Greenhouse Gases. It Canceled A \$1 Million Study On The Risks Of Mountaintop-Removal Coal Mining. It Stopped Funding Children's Health Centers That Studied The Impact Of Pollution.

The Pandemic, Of Course, Is Where Trump's Willful And Wishful Ignorance Turned The Most Deadly. Even As He Privately Acknowledged The Danger Of The Novel Coronavirus In February 2020, He Publicly Proclaimed That It Would "Go Away" As The Weather Warmed. When That Didn't Happen, Trump Tried New Ways To Downplay The Viruses Threat. He Promoted Miracle Cures: First Hydroxychloroquine And Then Convalescent Plasma, Diverting Federal Resources To Drugs That Did Nothing Against The Virus. He Mocked Masks. When The Vaccines Finally Arrived, He Endorsed Only Half-Heartedly What Should Have Been His Administration's Crowning Scientific

Achievement, Because Admitting That The Shots Were A Big Deal Would Have Meant
Admitting That The Virus Was A Big Deal.

During His Presidency, Trump's So-Called War On Science Set Off Existential Fears That He Was Single-Handedly Destroying Trust In Science Itself. This Adage Is Not Borne Out In Polling Data, At Least Not Quite In That Way: Confidence In Scientists Was As High As Ever During The Trump Administration; If Anything, It Increased. The Percentage Of Americans Who Professed A Fair Or Great Deal Of Confidence Climbed From 76 To 87 Percent From 2016 To 2020, According To The Pew Research Center — The Same Period In Which Trump Was Retconning Hurricane Forecasts And Stoking COVID Denialism.

But This Upswing Conceals A Sharp Polarization: Republicans Lost Confidence In The Scientific Community Under Trump, While Democrats Gained It. And Those Two Trends Appeared To Reinforce Each Other. As Conservatives Ditched Masks And Refused Vaccines, Liberals Enthusiastically Flocked To Them. They Populated Their Lawns With IN THIS HOUSE, WE BELIEVE ... Signs Which Declared That SCIENCE IS REAL, Alongside BLACK LIVES MATTER And NO HUMAN IS ILLEGAL. Even Before The Pandemic, They Turned Out In Doves For The March For Science, In April 2017, Which, While Ostensibly Nonpartisan, Was Inspired By The Women's March In January Of That Year, And Displayed Nerdy Slogans Plainly Directed Against Trump, Such As SCIENCE CURES ALTERNATIVE FACTS.

As Liberals Mixed Science And Politics, Conservatives Recoiled. The March For Science, According To One Study, Made Conservatives' Attitudes Toward Science More Negative.

And After The Prestigious Journal *Nature* Endorsed Joe Biden In The 2020 Election, The Only Effects, Another Study Found, Were To Make Trump Supporters More Distrustful Of Scientists And Of Information Published In *Nature*. The Journal Ran An Editorial Acknowledging The Study But Stood By Its Endorsement Anyway Because “Silence Was Not An Option.” In Other Words, *Nature* Also Doubled Down. Trump Has A Preternatural Ability To Politicize Everything — Through His Actions And The Reactions They Provoke — And Science Proved No Exception.

A Second Trump Administration Would Likely Revive The Crackdown On Environmental Science That Characterized The First, And It Now Hard To Imagine Trump Lending Weight To Vaccination Or Support To The CDC. He Could Also Pressure The Federal Bureaucracy To Target Areas Of Science Policy That Have Become Politically Salient Since 2020, Such As The Regulation Of Abortion Pills And The Use Of Fetal Tissue In Research.

The More Abiding Danger Might Be The Continued Transmutation Of Support For Scientific Study And Findings — Which Wasn’t Always So Strongly Associated With One Party — Into A Cast-Iron Tribal Belief. A Reelected Trump Would Continue To Attack Any Science That Stands In The Way Of His Agenda, And He Would Also Likely Provoke His Liberal Opponents Into Still More Full-Throated Defenses Of Science, Including Clumsy And Overreaching Ones. It Would Be A Mistake, As Well, For Liberals To Cling Too Tightly To Science As The Ultimate Arbiter Of Policy. Closing Schools For COVID, For Example, Came With Genuinely Difficult Trade-Offs In The Uncertain Days Of March 2020; Cutting Off Sources Of Viral Transmission Also Meant Cutting Kids Off From Free Lunches, Socialization, Reporting Of Child Abuse — Not To Mention Learning. But Some

Of The Bluest Cities Kept Schools Closed Well Into 2021, Even As It Became Clearer That These Other Costs Were Steep.

The Upshot Of Trump's Polarization Of Science Is Bad For Everyone. The Early Days Of The Coronavirus Were, Despite Everything That Came After, A Time Of Remarkable Social Cohesion. COVID Attitudes Had Not Yet Hardened Along Clear Partisan Lines, And Americans, By And Large, Stayed Home At First. We Followed Social-Distancing Guidelines. We Successfully Flattened The Curve, At Least For A Time. In Another Crisis — Another Hurricane, Another Pandemic — We Will Again Have To Rely On One Another. But Can We, If We Cannot Even Agree On The Same Reality?

Sarah Zhang Is A Staff Writer At The Atlantic. She Was A Livingston Award Finalist In 2021 For Her Reporting On Down Syndrome.

CORRUPTION UNBOUND

By Franklin Foer

In The Annals Of Government Ethics, The Year 2017 Exists As A Bygone Era. That September, Donald Trump's Secretary Of Health And Human Services, Tom Price, Resigned In Disgrace. His Unforgivable Sin Was Chartering Private Jets Funded By Taxpayers, When He Just As Easily Could Have Flown Commercial. Compared With The

Abuses Of Power In The Years That Followed, The Transgression Was Relatively Picayune.
But At The Early Moment, Even Trump Felt Obligated To Join The Criticism Of Price.

During Trump's First Months As President, It Wasn't Yet Clear How Much Concentrated Corruption The Nation, Or His Own Party, Would Tolerate, Which Is Why Trump Was Compelled To Dispose Of The Occasional Cabinet Secretary. Yet Nearly Everything About Trump's History In Real Estate, Where He Greased Palms And Bullied Officials, Suggested That He Regarded The Government As A Lucrative Instrument For His Own Gain.

A Week And A Half Before Taking Office, He Held A Press Conference In Front Of Towering Piles Of File Folders, Theatrically Positioned To Suggest Rigorous Legal Analysis, And Announced That He Would Not Divest Himself Of His Commercial Interests. Instead, He Became The First Modern Commander In Chief To Profit From A Global Network Of Businesses, Branded In Gilded Letters Blaring His Own Name.

It Didn't Happen All At Once. Trump Spent The Early Days Of His Presidency Testing Boundaries. He Used His Bully Pulpit To Unabashedly Promote His Real-Estate Portfolio. His Properties Charged The Secret Service "Exorbitant Rates" — As Much As \$1,185 A Night, Per A House Oversight Committee Report — For Housing Agents When Trump Or His Family Members Visited. By The Time Trump And His Cronies Left The White House, They Had Slowly Erased Any Compunction, Both Within The Republican Party And Outside It, About Their Corruption. They Left Power Having Compiled A Playbook For Exploiting Public Office For Private Gain.

That Know-How — That Confidence In Their Own Impunity, That Savvy Understanding Of How To Profitably Deal With Malignant Interests — Will Inevitably Be Applied To Plans For A Second Term. If The First Trump Presidency Was, For The Most Part, An Improvised Exercise In Petty Corruption, A Second Would Likely Consist Of Systematic Abuse Of The Government. There's A Term To Describe The Sort Of Regime That Might Emerge On The Other Side: A Mafia State.

The Term Was Popularized By Bálint Magyar, A Hungarian Sociologist And A Dissident During Communist Times. He Wanted To Capture The Kleptocracy Emerging In His Country, Which Was Far More Sophisticated Than Other Recent Examples Of Plunder. Hungarian Prime Minister Viktor Orbán Didn't Need To Rely On Brute Force. He Operated With The Legitimacy That Comes From Electoral Victories. And He Justified The Enrichment Of His Inner Circle In Carefully Crafted Legalisms. His Abuses Of Office Were So Deftly Executed That Hungary Remains A Member Of The European Union And A Magnet For Multinational Corporations.

At The Center Of Orbán's Mafia State Is A System Of Patronage. When He Finally Won Consolidated Control Of The Government In 2010, He Purged The Nation's Civil Service — A "Bloodless Liquidation," As Magyar Describes That Tactic. In Place Of Professionals And Experts, Orbán Installed Party Loyalists. This Wasn't A Superficial Shuffling Of His Cabinet, But A Comprehensive Remaking Of The Nation's Public Sphere. It Is Testimony To The Thoroughness Of His Conquest That His Apparatchiks Took Control Of The Hungarian Chess Federation And A State-Funded Project To Develop Dental Tourism.

The Party Loyalists Orbán Appointed Became The Capos Of His Crime Family. Their Job Was To Reward Its Friends (By Sharing The Spoils Of Government Contracts) And To Punish Its Vocal Critics (With Tax Audits And Denial Of Employment). The Loyalists Constituted, In Magyar's Memorable Phrase, An "Organized Upperworld."

The Goal Of The Apparatus Was To Protect The Apparatus. A Small Inner Circle Around Orbán Guarded The Spectacular Wealth Accrued Through Contracts To Build Infrastructure And The Leasing Of Government-Owned Land On Highly Favorable Terms. By 2017, A Former Gas-Line Repairman From Orbán's Home Village Had Ascended To No. 8 On *Forbes's* List Of Richest Hungarians.

Orbán's System Is Impressively Sturdy. His Loyalists Need Their Patron To Remain In Power So That They Can Continue To Enjoy Their Own Ill-Gotten Gains. In Pursuit Of That Goal, They Have Helped Him Slowly And Subtly Eliminate Potential Obstacles To His Mafia State, Eroding The Influence Of Local Governments, Replacing Hostile Judges, And Smoothing The Way For His Allies To Purchase Influential Media Outlets.

Corruption In The Trump Administration Wasn't Nearly Sophisticated Or Comprehensive Enough To Rival Hungary's. Compared With Its Kleptocratic Cousins In Other Countries, It Was Primitive. Companies And Other Interest Groups Simply Pumped Money Into Trump Properties. As They Sought Government Support For A Merger, Executives At T-Mobile Spent \$195,000 At Trump's Washington, DC Hotel. When The Air-Conditioning, Heating, And Refrigeration Institute Wanted The Administration To Support An International Treaty That Helped Its Member Firms, It Paid More Than \$700,000 To Host

An Event At A Trump Golf Resort In Florida. The Qatari Government Bought An Apartment In A Trump-Branded Building In New York For \$6.5 Million.

Such Examples Were So Commonplace That They Ceased To Provoke Much Outrage, Which Was Perhaps The Gravest Danger They Posted. Ever Since The Founding Of The Republic, Revulsion At The Mere Perception Of Public Corruption Had Been A Bedrock Sentiment Of American Political Culture, One Of The Few Sources Of Bipartisan Consensus. But Fidelity To Trump Required Indifference To Corruption. *It Was Impossible To Remain Loyal To The President Without Forgiving His Malfeasance.* By The End Of Trump's Term, Republicans Had Come To Regard Corruption As A Purely Instrumentalist Concept — Useful For Besmirching Rival Democrats, But Never Applicable To Members Of Their Own Party.

With The Confidence That It Will Never Face Opposition Within Its Own Ranks, A Second Trump Administration Would Be Emboldened To Hatch More Expansive Schemes. The Grandest Of These Plans, At Least Among Those That Have Been Announced By Trump's Allies, Mimics Orbán's "Bloodless Liquidation," Where Loyalists Replace Nonpartisan Professionals And Career Civil Servants By Instituting A New Personnel Policy, Called Schedule F, Trump Could Eliminate Employment Protections For Thousands Of Tenured Bureaucrats, Allowing Him To More Easily Fire A Broad Swath Of Civil Servants.

The Mass Firing Of Bureaucrats May Not Seem Like A Monumental Opportunity For Self-Enrichment, But That Will Be The Effect. The Old Ethos Of The Civil Service Was Neutrality: Tenure In Government Deliberately Insulated Its Employees From Politics.

But The Trumpists Have Plotted A Frontal Assault On That Ethos, Which They Consider A Guise For Liberal Bureaucrats To Subvert Their Beloved Leader. It Doesn't Require Much Imagination To See What This New Class Of Bureaucrats Might Unleash. Picked For Their Loyalty, They Will Exploit The Government In The Spirit Of That Loyalty, Handing Government Contacts To Friendly Firms, Forcing Companies Who Want Favors From The State To Pay Tribute At Trump Properties, Using Their Power To Punish Critics.

The United States Isn't A Post-Communist State Like Hungary. It Doesn't Have State-Owned Firms That Can Be Lucratively Privatized. But The Biden Years Have Remade The Contours Of Government, Unwittingly Generating Fresh Possibilities For Corruption. With The Infrastructure Bill, There Are Enormous Contracts To Be Distributed. With Proposed New Guidelines For Antitrust Enforcement, Which Aim To Empower The Justice Department To Aggressively Block Mergers, The Government Can More Easily Penalize Hostile Firms. (While In Office, Trump Reportedly Experimented With This By Pressuring An Official To Block AT&T's Merger With Time Warner, Out Of His Antipathy Toward CNN, Which Would Have Been Part Of The New Mega-Firm.) These Were Policies Designed To Promote The National Interest. In The Hands Of A Corrupt Administration, They Can Be Exploited To Enrich Hackish Officials And A Governing Clique.

Autocratic Leaders Of Other Countries Will Intuitively Understand How To Seek Favor In Such A System. To Persuade The United States To Overlook Human-Rights Abuses, Or To Win Approval For Controversial Arms Sales, They Will Cultivate Mid-Level Officials And Steer Development Funds Toward Trump-Favored Projects. Some Might Be So Brazen As

To Co-Develop Trump Properties In Their Home Countries. (According To An Analysis Of His Tax Returns, Trump's Foreign Holdings Earned Him At Least \$160 Million While In Office.) Such Buying Of Favors Will Not Be Particularly Costly, By The Standards Of Sovereign Wealth. In Aggregate, However, They Could Massively Enrich Trump And His Allies.

It Was Just Such A Scenario, In Which The Virus Of Foreign Interests Imperceptibly Implants Itself In The American Government, That The Founders Most Feared. They Designed A System Of Government Intended To Forestall Such Efforts. But Trump Has No Regard For That System, And Every Incentive To Replace It With One That Will Line His Own Coffers. Having Long Used The Language Of The Five Families, Decrying Snitches And Rats, Trump Will Now Have A Chance To Build A State Worthy Of His Discourse.

Franklin Foer Is A Staff Writer At The Atlantic. He Is The Author, Most Recently, Of The Last Politician: Inside Joe Biden's White House And The Struggle For America's Future.

CHINA WILL GET STRONGER

By Michael Schuman

After Four Years Of Joe Biden, China's Leaders Would Likely Be Relieved To Have Donald Trump Back In The White House.

Compared With His Predecessor, Biden Has Operated Quietly. Trump Launched A Trade War; Slapped Tariffs On Chinese Imports; And Infuriated Beijing By Referring To The Coronavirus As “The Chinese Virus,” Blaming The Chinese Communist Party For Its Spread, And Even At Times Humoring Theories That The Party May Have Played A Role In Its Creation.

But Biden Has Hit China Harder Than Trump Ever Did. Armed With A More Determined Foreign Policy, He Has Afflicted Acute Damage On The Country’s Economy And Geopolitical Ambitions, From Which China’s Leader, Xi Jinping, Has Struggled To Recover. “A Biden-Led U.S., Probably From The Chinese Perspective, Looks Like A More Formidable Challenge,” Scott Kennedy, A Senior Adviser At The Center For Strategic And International Studies In Washington, DC, Told Me.

The Most Telling Example Is Biden’s Technology Policy. In 2022, His Administration Effectively Barred The Export To China Of Advanced Semiconductors And The Complex Equipment Required To Manufacture Them. The Controls Will Likely Set Back China’s Hopes Of Building A Competitive Chip Industry For Years And Hamper Its Progress In Other Key Tech Sectors, Such As Artificial Intelligence.

Biden Has Revitalized The American-Led Global Alliance Network That Had Atrophied Under Trump, And Has Marshaled Its Power To Counter China. The Advanced Democracies In The Group Of Seven Have Displayed An Unusual Degree Of Coordination On Biden’s Watch, Agreeing In 2023 To A Common Approach To Decrease Their Reliance On The Chinese Economy. Biden Has Also Fostered Closer Ties With New

Partners, Especially India, To Compete With Chinese Influence In The Developing World.
Biden's Success Has Apparently Alarmed A Chinese Leadership Fearful Of Becoming
Encircled And Contained By A Coalition Of American Allies.

By Comparison, From Beijing's Point Of View, Haggling With Trump Over Tariffs Or
Exchanging Bombastic Rhetoric Was A Mere Nuisance. Trump's Withdrawal From
American Global Leadership Encouraged Xi To Promote China As A More Responsible
World Power. The Chaos Of The Trump Presidency — The Administration's Inept To The
Pandemic, The Violence Of January 6 — Allowed Chinese Propagandists To Cast The
United States As A Superpower In Decline. Biden's Diplomatic Reengagement Has Made
Spreading That Narrative Harder. In Response, Xi Has Become More Hostile To
Washington. He Has Routinely Resisted Dialogue With The Biden Administration And
Become More Determined To Upset The U.S.-Led World Order. He Has Grown More
Desperate And Isolated As A Result. Opposed By Most Of The World's Major Powers, Xi
Has Thrown In His Lot With The Pariah States Russia And Iran In An Attempt To Build
An Anti-American Coalition To Challenge U.S. Primacy.

Even If A Second Trump Presidency Were To Retain Some Aspects Of Biden's China Policy
— The Technology Controls, For Instance, Would Almost Certainly Stay In Place —
Trump's Return Would Jeopardize The United Front That Biden Has Forged Among The
Major Democracies. His "Get Tough" Policy Could Fixate On One Issue With China —
Trade, For Instance — And Waver On Others Of Importance, Such As Human Rights And
Policy Toward Taiwan. By Comparison, Biden Has Consistently Pressed Beijing On A
Range Of Fronts, Even Straying Beyond Washington's Traditionally Ambiguous Position

On Taiwan To Suggest That The United States Would Defend The Island From A Chinese Military Assault. From Beijing's Standpoint, That Makes Trump Less Threatening Than Biden, And Much More Manageable.

Whoever Wins The White House, Xi Will Pursue His Agenda To Roll Back American And Create China-Centric World Order. But He Would Likely Push Even Harder To Promote China As A World Leader If Trump Were In Charge. By Weakening U.S. Standing Abroad And Democracy At Home, Trump Would Offer Xi More Opportunities Than Biden To Extend Chinese Influence And Win Hearts And Minds Within The Developing World.

Of Course, One Can't Assume That Trump Would Cut And Paste His China Policy From His First Term. A Newly Reelected President Trump Would Face A Geopolitical Environment Altered By The War In Ukraine And Xi's Intensified Animosity Toward The United States. He Might Change His China Policy In Light Of These New Realities. But He Won't Change His Personality. Trump Is Just As Likely To Fawn Over Xi And Other Dictators As He Is To Stand His Ground.

If Xi Could Vote In November, He Would Surely Cast His Ballot For Trump.

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A MAGA JUDICIARY

By Adam Serwer

Thanks To Donald Trump's Presidential Term, The Conservative Legal Movement Has Been Able To Realize Some Of Its Wildest Dreams: Overturning The Constitutional Right To An Abortion, Ending Affirmative Action In College Admissions, And Potentially Making Most State-Level Firearm Restrictions Presumptively Unconstitutional. That Movement Long Predates Trump, And These Goals Were Long-Standing. But, Like The Rest Of Conservatism, Much Of The Conservative Legal Movement Has Also Been Remade In Trump's Vulgar, Authoritarian Image, And Is Now Preparing To Go Further, In An Endeavor To Shield Both Trump And The Republican Party From Democratic Accountability.

The Federal Judiciary Has Become A Battleground In A Right-Wing Culture War That Aims To Turn Back The Clock To A Time When Conservative Mores — Around Gender, Sexuality, Race Were Unchallenged And, In Some Respects, Unchallengeable. Many Of The Federal Judges Appointed During Trump's Presidency Seem To See Themselves As Foot Soldiers In That War, Which They View As A Crusade To Restore The Original Meaning Of The Constitution. Yet In Practice, Their Rulings Have Proved To Be Little More Than Trump-Era Right-Wing Punditry With Cherry-Picked Historical Citations.

The 2016 Trump Administration Was Focused On Quickly Filling The Judiciary With Judges Who Are Not Just Ideologically Conservative But Dedicated Right-Wing Zealots. But That Administration “Didn’t Have All Of The Chess Pieces Completely Lined Up” To Get Right-Wing Ideologies Into Every Open Seat, Jake Faleschini, Of The Liberal Legal-Advocacy Group Alliance For Justice, Told Me. More Restrained Conservative Jurists Filled Some Of Those Seats. Trump And His Allies Will Be Better Prepared Next Time, He Said. “Those Chess Pieces Are Very Well Lined Up Now.”

The Federal District Judge Matthew Kacsmaryk, A Former Anti-Abortion Activist, Is The Prototypical Trumpist Judge. He Has Publicly Complained About The Sexual Revolution, No-Fault Divorce, “Very Permissive Policies On Contraception,” And Marriage Equality, And Has Opposed Nondiscrimination Protections For The LGBTQ Community. And Like Many Of His Trump-Appointed Peers, Kacsmaryk Has Predictably Issued Rulings Flouting Precedent When Doing So Is Consistent With His Personal Morals.

One Of The Most Egregious Examples Came In September, When Dismissed A Lawsuit Filed By Students At West Texas A&M University After The School’s President, Walter Wendler, Banned A Drag-Show Benefit Aimed At Raising Money For The Trevor Project, An LGBTQ-Focused Suicide-Prevention Organization. Wendler Made Clear His Political Objections To The Show, Referring To Drag As “Derisive, Divisive And Demoralizing Misogyny.” But Even Wendler Himself Recognized That The Show, As Expressive Conduct, Was Protected Speech; Amazingly, He Admitted That He Was Violating The Law. He Would Not Be Seen To Condone The Behavior Of The Show’s Actors, Wendler

Wrote In His Message Banning The Event, “Even When The Law Of The Land Appears To Require It.”

The Case Landed On Kacsmark's Desk. And Because Kacsmark Does Not Like Pro-LGBTQ Speech, He Simply Ignored Decades Of Precedent Regarding Free-Speech Law On The Grounds That, By His Understanding Of History, The First Amendment Does Not Protect Campus Drag Shows. The Drag Show “Does Not Obviously Convey Or Communicate A Discernible, Protectable Message,” Kacsmark Wrote, And Consists Of Potentially “Vulgar And Lewd” Conduct That Could, He Suggested, Lead To “The Sexual Exploitation Of Children.” (The Confidence With Which Conservatives Have Accused Their Political Opponents Of Child Sexual Exploitation In Recent Years Is Remarkable, Especially Because Their Concern Applies Almost Exclusively To Situations Like This One, That Justify Legal Suppression Of Their Favored Targets. *It Is Far Easier To Find Examples Of Pedophilia In Religious Institutions* — Hardly Targets Of Either Conservative Ire Or Conservative Jurisprudence — Than It Is To Find Drag Queens Guilty Of Similar Conduct.

The Key To Kacsmark's Ruling Was “Historical Analysis,” Which Revealed A “Free Speech Ecosystem Drastically Different From The ‘Expressive Conduct’ Absolutism” Of Those Challenging Wendler's Decision. Echoing The Supreme Court's Recent Emphasis On “History And Tradition” In Rulings Such As *Dobbs v Jackson Women's Health Organization*, Which Overturned The Constitutional Right To An Abortion, And *New York State Rifle & Pistol Association, Inc v Bruen*, Which Struck Down Gun Restrictions In New York State, Kacsmark Simply Decided That The First Amendment Did Not Apply. If Not

For Its Censorious Implications, The Ruling Would Be An Amusing Example Of Some Conservative Beliefs About Free Speech: A Certain Form Of Expression Can Be Banned As “Nonpolitical” — Nothing More Than Obscenity — Even As Those Banning It Acknowledge Their Disapproval Of That Expression’s Political Implications.

THE INVOCATION OF “History And Tradition,” However, Is No Joke. The Prevailing Mode Of Conservative Constitutional Analysis For The Past Half Century Has Been “Originalism,” Which Promises To Interpret The Constitution As It Was Understood At The Time Of Its Writing. As The Dissenters Pointed Out In *Dobbs*, The Founders Themselves Imposed No Such Requirements On Constitutional Interpretation, Noting That The “Framers Defined Rights In General Terms, To Permit Future Evolution In Their Scope And Meaning.” And In Practice, Originalism Has Just Meant Invoking The Framers To Justify Conservative Outcomes.

“It’s A Very Subjective Inquiry,” The NYU Law Professor Melissa Murray Told Me. “This Insistence On Originalism As History And Tradition Ties You To A Jurisprudence That’s Going To Favor A Particular, Masculine Kind Of Ideology. Because Those Are The Only People Making Meaning At That Moment In Time.”

In 1986, The Late Conservative Legal Scholar Philip B Kurland Observed, “We Cannot Definitively Read The Minds Of The Founders Except, Usually, To Create A Choice Of Several Possible Meanings For The Necessarily Recondite Language That Appears In Much Of Our Charter Of Government. Indeed, Evidence Of Different Meanings Likely Can Be Garnered For Almost Every Disputable Proposition.”

“History Should Provide The Perimeters Within Which The Choice Of Meaning May Be Made,” Kurland Wrote. “History Ordinarily Should Not Be Expected, However, To Provide Specific Answers To The Specific Problems That Bedevil The Court.”

Right-Wing Justices Have In All But Name Imposed This Expectation, Despite Kurland’s Warning. It Is No Surprise That Kurland Was Not Heeded — He Testified Against The Nomination Of Robert Bork, The Father Of Originalism, To The Supreme Court, And Cautioned That “He Will Be An Aggressive Judge In Conforming The Constitution To His Notions Of What It Should Be,” One “Directed To A Diminution Of Minority And Individual Rights.” Now, With Six Republican Appointees On The Supreme Court, Every Judge Is Slowly Being Forced To Conform The Constitution To Bork’s Notions Of What It Should Be.

In *Dobbs* And *Bruen*, And In A Later Case Striking Down Race-Based Affirmative Action In College Admissions, The Conservative Justices Cited Historical Facts That Strengthened Their Arguments While Ignoring Those That Contradicted Them, Even When Evidence To The Contrary Was Voluminous. In *Dobbs*, Justice Samuel Alito, Who Wrote The Majority Opinion, Ignored The History Of Legal Abortion In The Early American Republic And The Sexist Animus Behind The 19th-Century Campaigns To Ban It. In *Bruen*, Justice Clarence Thomas Was Happy To Invoke The History Of Personal Gun Ownership But Dismissed The Parallel History Of Firearm Regulation.

In The Affirmative-Action Case, *Students For Fair Admissions, Inc v President And Fellows Of Harvard College*, Thomas's Imposition Of Modern Right-Wing Standards Of "Color Blindness" On The Debate Over The Fourteenth Amendment Was Ahistorical Enough That It Drew An Objection From Eric Foner, The Greatest Living Historian Of The Reconstruction Era.

Not Every Right-Wing Judge Is As Blatantly Ideological In Their Decision Making As Kacsmark, Nor Is Every Republican Appointee A Trumpist Zealot. But Those With Ambitions To Rise Up The Ranks Stand Out By How Aggressively Advertise Both Qualities. And The Proliferation Of The Language Of "History And Tradition" Is Turning Originalism From An Ideology Of Constitutional Interpretation Into Something More Like A Legal Requirement. Judges Are Expected To Do Historical Analysis — Not Rigorous Analysis, But The Kind That A Prime-Time Fox News Host Will Agree With. Conservative Originalists Seem To See Themselves As The True Heirs Of The Founders, And Therefore When They Examine The Founders, They Can See Only Themselves, As If Looking In A Mirror.

IT IS NO COINCIDENCE That As Conservatism Has Become Trumpism, Originalism Has Come To Resemble Trumpist Nationalism In Its View That Conservatives Are The Only Legitimate Americans And Therefore The Only Ones Who Should Be Allowed To Wield Power. The Results For The Federal Judiciary Are Apparent As Right-Wing Appeals Courts Turn "Fringe Ideas Into Law At A Breakneck Pace," As The Legal Reporter Chris Gender Has Put It, In The Hopes Of Teeing Up Cases For The Roberts

Court, Which Can Hide Its Own Extremism Behind The Occasional Refusal To Cater To The Most Extreme Demands Of Its Movement Allies.

It Is Not Only The Substance Of The Rulings That Has Changed — Many Now Resemble Bad Blog Posts In Their Selective Evidence, Motivated Reasoning, Overt Partisanship, And Recitation Of Personal Grievances — But The Behavior Of The Jurists, Who Seek To Turn Public-Service Roles Into Minor Celebrity By Acting Like Social-Media Influences.

Fifth Circuit Judge James Ho, A Favorite Of The Conservative Legal Movement And A Potential Future Trump Supreme Court Nominee, Is One Example. In 2022, Ho Announced That He Was Striking A Blow Against “Cancel Culture” By Boycotting Law Clerks From Yale After An Incident In Which Yale Students Disrupted An Event Featuring An Attorney From A Christian-Right Legal-Advocacy Group. In 2021, The Trump-Appointed Judge Barbara Lagoa Complained Publicly That American Society Had Grown So “Orwellian” That “I’m Not Sure I Can Call Myself A Woman Anymore.” She Later Upheld An Alabama Law Making Gender-Afirming Care For Minors A Felony, Arguing, Of Course, That Such Care Was Not Rooted In American “History And Tradition.” In June 2023, In The Midst Of A Scandal Over Justice Thomas Receiving Unreported Gifts From Right-Wing Billionaires With Interests Before The Court, The Trump-Appointed Judge Amul Thapar Went On Fox News To Promote His Book About Thomas, And Defended Him With The Zeal Of A Columnist For *Breitbart News*.

During Joe Biden’s Presidency, The Appointment Of Far-Right Ideologues Has Meant A Series Of Extreme Rulings That Have Upheld Speech Restrictions And Book Bans; Forced

The Administration To Pursue The Right's Preferred Restrictive Immigration Policies; Narrowed The Fundamental Rights Of Women, The LGBTQ Community, And Ethnic Minorities; Blessed Law Enforcement Misconduct; Restricted Voting Rights; Limited The Ability Of Federal Agencies To Regulate Corporations; And Helped Businesses Exploit Their Workers.

All Of This And More Will Continue Should Trump Win A Second Term. Conservative Civil Servants Who Placed Their Oath To The Constitution Above Trump's Attempt To Overturn The 2020 Election Were Depicted By Trump Loyalists Not As Heroes But As Internal Enemies To Be Purged. Republican-Appointed Judges Will Take Note Of Which Path Leads To Professional Advancement And Which To Early Retirement.

Already Imitating Trump In Affect And Ideology, These Judges Are Indeed Unlikely To Resist Just About Any Of Trump's Efforts To Concentrate Power In Himself. They Will No Doubt Invoke "History And Tradition" To Justify This Project, *But Their Eyes Are Ultimately On A Future Utopia Where Conservative Political Power Cannot Be Meaningfully Challenged At The Ballot Box Or In Court.*

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EXTREMISTS EMBOLDENED

By Juliette Kayyem

Until The Very End Of His Presidency, Donald Trump's Cultivation Of The Proud Boys, The Oath Keepers, And Other Violent Far-Right Was Usually Implicit. He Counted On Their Political Support But Stopped Short Of Asking Them To Do Anything. Trump Had Mastered A Form Of Radicalization Sometimes Known As Stochastic Terrorism — Riling Up Followers In Ways That Made Bloodshed Likely While Preserving Plausible Deniability On His Part.

But In The Weeks After November 3, 2020, His Language Became More Direct. He Named The Place And Occasion For A “Big Protest” — On January 6, 2021, When Congress Would Be Certifying His Election Loss — And Told Supporters, “Be There, Will Be Wild!” When That Day Arrived, Trump Told The Assembled Crowd, “If You Don't Fight Like Hell, You're Not Going To Have A Country Anymore.” With That, The President Of The United States Embraced Violence As The Natural Extension Of Americans' Democratic Differences, And He Has Not Stopped Since.

Trump Continues To Lash Out At His Perceived Enemies. Yet Americans Have Mostly Been Able To Treat Trump's Extremism As Background Noise. That's Partly Because He's No Longer In Office, And Partly Because He's No Longer Using Twitter. But It's Also Because The Legal Counteroffensive Against Pro-Trump Extremism, Along With A Proliferation Of Court Proceedings Holding Trump Himself To Task For His Misdeeds,

Appears To Have Given His Fans Reason To Think Twice Before Committing Crimes On His Behalf.

Extremism Ebbs And Flows. Violent Groups Can Grow Only When They Can Raise Money And Recruit Members Faster Than Law Enforcement Can Shut Down Their Operations. They Thrive When They Are Perceived To Be Winning; Even The Kind Of Person Who Might Be Drawn To Violence Makes A Calculation About Whether Taking Part In A Plot To, Say, Overthrow An Election Or Kidnap The Governor Of Michigan Will Be Worth The Risk. In The Past Few Years, Trump's Election Loss And His Legal Woes Have Made Him Less Persuasive In This Regard.

Trump Now Faces Both State And Federal Conspiracy Charges For His Efforts To Stay In Power Despite Losing The Election. Leaders Of The Proud Boys And Oath Keepers Have Received Long Prison Sentences For Their Role In The Violence Of January 6. Fox News, Which Knowingly Broadcast False Statements About Faulty Voting Machines Rather Than Offend Its Pro-Trump Core Audience, Agreed To A Defamation Settlement Of Nearly \$800 Million With Dominion Voting Systems. All Of These Proceedings Have Demonstrated That Trump And His Supporters Will Be Held Accountable For What They Do And Say.

But If Trump Wins Another Term, Both He And His Most Disreputable Supporters Will Feel Vindicated. The Republican Has Already Given Trump A Pass For Exhorting A Mob To Break Into The Capitol. In Turn, Trump Has Pardoned Many Of The January 6 Insurrectionists. His Forgiveness Could Extend To Extremist Leaders Convicted On Federal Charges.

Federalism, To Be Sure, Would Be A Check On His Power. Trump's Followers, Like Trump Himself, May Still Be Subject To State Prosecution. But A President With Firm Control Of The Justice Department, Who Wields A Core Of Supporters Willing To Use Intimidation For Political Ends And Who Has Maintained A Considerable Following Among Police, Could Overwhelm The Ability Of State Institutions To Uphold The Law.

Trump's Bullying Of Military Leaders, Journalists, And Judges Was Never Merely The Ranting Of An Attention Seeker, And That Behavior — Backed By The Credible Threat Of Violence From Radicalized Supporters — Will Likely Become Even More Central To His Governing Style. “The Extremism Won't Be Some Side Group,” Erica Chenoweth, A Harvard Professor Who Studies Political Violence, Told Me. “It Won't Be Like A Terrorist Group Against The State. The Conditions Will Be Different. It Will Be Embedded Into State Institutions, And Into The Orientation Of The State Against Perceived Opponents.”

What's Clear Is That A Restored Trump Would Have A Winning Narrative In Which Right-Wing Extremism, After Suffering Some Legal Setbacks During The Biden Interregnum, Thrives Again.

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A PLAN TO OUTLAW ABORTION EVERYWHERE

Elaine Godfrey

The Year 2022 Was A Triumphant One For The Anti-Abortion Movement. After Half A Century, The Supreme Court Did What Had Once Seemed Impossible When It Overturned *Roe v Wade*, Stripping Americans Of The Constitutional Right To Terminate A Pregnancy. Now Movement Activists Are Feeling Bolder Than Ever: Their Next Goal Will Be Ending Legal Abortion In America Once And For All. A Federal Ban, Which Would Require 60 Votes In The Senate, Is Unlikely. But Some Activists Believe There's A Simpler Way: Enforcement By A Trump Justice Department Of A 150-Year-Old Obscenity Law.

The Comstock Act, Originally Passed In 1873 To Combat Vice And Debauchery, Prohibits The Mailing Of Any "Article Or Thing" That Is "Designed, Adapted, Or Intended For Producing Abortion, Or For Any Indecent Or Immoral Use." In The Law's First 100 Years, A Series Of Court Cases Narrowed Its Scope, And In 1971, Congress Removed Most Of Its Restrictions On Contraception. But The Rest Of The Comstock Act Has Remained On The Books. The Law Has Sat Dormant, Considered Virtually Unenforceable, Since The *Roe v Wade* Ruling In 1973.

Following The Supreme Court's *Dobbs v Jackson Women's Health Organization* Decision In 2022, The United States Postal Service Asked The Justice Department For Clarification: Could Its Workers Transport Abortion-Inducing Medications To States With Bans? The

DOJ Replied By Issuing A Memo Stipulating That Abortion Pills Can Be Legally Mailed As Long As The Sender Does Not Intend For The Drugs To Be Used Unlawfully. And Whether Or Not The Drugs Will Be Used Within The Bounds Of State Law, The Memo Notes, Would Be Difficult For A Sender To Know (The Pills Have Medical Uses Unrelated To Abortion.)

If Donald Trump Is Reelected President, Many Prominent Opponents Of Abortion Rights Will Demand That His DOJ Issue Its Own Memo, Reinterpreting The Law To Mean The Exact Opposite: That Comstock Is A Defect Ban On Shipping A Medication That Could End A Pregnancy, Regardless Of Its Intended Use (This Would Apply To The USPS And To Private Carriers Like UPS And FedEx). “The Language Is Black-And-White. It Should Be Enforced,” Steven H Aden, The General Counsel At Americans United For Life, Told Me. A Broader Interpretation Of The Comstock Act Might Also Mean That A Person *Receiving* Abortion Pills Would Be Committing A Federal Crime And, If Prosecuted, Could Face Prison Time. Federal Prosecutors Could Bring Charges Against Abortion-Pill Manufacturers, Providers Receiving Pills In The Mail, Or Even Individuals.

The Hopes Of Some Activists Go Further. Their Ultimate Aim In Revving The Comstock Act Is To Use It To Shut Down Every Abortion Facility “In All 50 States,” Mark Lee Dickson, A Texas Pastor And Anti-Abortion Advocate, Told Me. Taken Literally, Comstock Could Be Applied To Prevent The Transport Of All Supplies Related To Medical And Surgical Abortions, Making It Illegal To Ship Necessary Tools And Medications To Hospitals And Clinics, With No Exceptions For Other Medical Uses, Such As Miscarriage

Care. Conditions That Are Easily Treatable With Modern Medicine Could, Without Access To These Supplies, Become Life-Threatening.

Legal Experts Say That The Activists' Strategy Could, In Theory, Succeed — At Least In Bringing The Issue To Court. “It’s Not Hypothetical Anymore,” Mary Ziegler, A Law Professor At The UC Davis School Of Law, Told Me. “Because It’s Already On The Books, And It’s Not Ridiculous To Interpret It This Way, [The Possibility] Is Not Farfetched At All.”

Eventually, The Supreme Court Would Likely Face Pressure To Weigh In. Even Though A Majority Of The Court’s Justices Have Supported Abortion Restrictions And Ruled To Overturn *Roe*, It’s Unclear How They’d Rule On This Particular Case. If They Were To Uphold The Broadest Interpretation Of The Comstock Act, Doctors Even In States Without Bans Could Struggle To Legally Obtain The Supplies They Need To Provide Abortions And Perform Other Procedures.

This Is What Activists Want. The Question Is Whether Trump Would Accede To Their Demands. After Years Of Championing The Anti-Abortion Cause, The Former President Seemed To Pivot When He Blamed Anti-Abortion Republicans’ Extremism For The Party’s Poor Performance In The 2022 Midterm Elections (Only A Small Fraction Of Americans Favors A Complete Ban). Recently, He’s Come Across As More Moderate On The Issue Than His Primary Opponents By Condemning Florida’s Six-Week Abortion Ban And Endorsing Compromise With Democrats.

As President, Trump Might Choose Not To Enforce Comstock At All. Or He Could Order His DOJ To Enforce It With Discretion, Promising To Go After Drug Manufacturers And Planned Parenthood Instead Of Individuals. It's Hard To Be Certain Of Any Outcome: Trump Has Always Been More Interested In Appeasing His Base Than Reaching Americans In The Ideological Middle. He Might Well Be In Favor Of Aggressively Enforcing The Comstock Act, In Order To Continue Bragging, As He Has In The Past, That He Is "The Most Pro-Life President In American History."

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THE TRUTH WON'T MATTER

By Megan Garber

"I Have A Gut," Donald Trump Announced In 2018, "And My Gut Tells Me More Sometimes Than Anybody's Brain Can Ever Tell Me." The President's Gut Would Go On To Inform Him That Climate Change Is Partisan Propaganda; That COVID-19 Might Be Cured Through The Injection Of Bleach; That Any Election That Fails To Produce A Trump Victory Must Be Rigged. Trump Gut-Trusted The Nation Into Political Crisis. His First Term Emphasized The Fragility Of Democracy. A Second Would Threaten The Foundation Of That Democracy: The Public's Willingness To Accept That Reality Is A Shared Resource.

Facts Are Work. They Require Study; They Require Curiosity; They Require Patience; They Require Humility. Democracy Requires The Same. The Demands Of Both Become Greater In An Information Environment Teeming With Stories That Are Ever More Suspect — A Place Where Truth Has Plausible Deniability. Trump Will Ease The Burden, He Suggests: ***You Can Outsource Your Mind To His Gut.*** You Would Be Foolish Not To. Science Lies To You. Hollywood Lies To You. The Media Lie To You. Books Lie To You. Courts Lie To You. Teachers Lie To You. Other People Lie To You. Democracy Lies To You. ***The Only Thing You Can Trust, In This Dizzying World, Is The Inveterate Liar Who Would Never Lie To You.***

A Good Pitchman Identifies A Problem And Sells A Solution. A Great One Creates The Problem To Be Solved. Trump, Having Lived His Life As An Endless Ad, Has Mastered The Art Of ***Problem-Making.*** He Churns Out Shock And Amusement And Outrage And Absurdity With Factory Efficiency. He Makes The World Seem Hard. And Then He Offers Himself Up As The Person Who Will Make America Easy Again.

This Is How He Has Been So Able To Transform Lies From Liabilities Into Selling Points. The Falsehoods Do Not Merely Bend The Truth. They Obliterate It. Marketers Speak The Language Of Desire, And Trump Has Brought Its Vernacular To His Political Movement. He Has Both Benefitted From And Expanded The Work Done By Partisan Media Outlets That Talk About Narratives Rather Than Truth. Every Story Trump Invents — Every Wild Claim, Freed From The Dull Weight Of Accuracy — Doubles As Permission: You, Too, Can Feel Your Way To Your Facts. Truth Is Rebranded As A Lifestyle Good: There Are Many Stories To Choose From, And All The Consumer Needs To Do Is Select The Ones That Suit

Them. When Attention Is Your Currency, The Difference Between The True And The False Matters Much Less Than The Difference Between The Compelling And The Boring.

These Problems Are Both Very Old And Very New. The Founders Feared, Above Much Else, The Idea That A Demagogue Would Rise To Power In Their New Country, Playing On Passions And Making Rationality Seem Beside The Point. They Understood The Market Power Of Unchecked Feelings. The Emotional Style In American Politics Today Does Not Expand People's Political Imaginations; Instead, It Limits Them. It Forecloses Empathy Rather Than Inspiring It. You May Not Know What It Feels Like To Be Undocumented Or Unhoused Or 14 Years Old And Forced To Carry A Pregnancy To Term; Democracy, Though, — And Basic Decency — Asks You To Imagine The Feeling. Trump, By Contrast, Absolves You Of The Need To Try. *His Voters Are His Customers. And The Customer Is Always Right.*

“We Are Divided,” Stephen Colbert Once Observed,” “Between Those Who Think With Their Head And Those Who Know With Their Heart.” He Was Speaking In 2005, As The Character He Played On His TV Show At The Time: A Buffoon Who Shouted His Way Into Political Relevance. Back Then, That Line Was Still A Joke. Politicians Have Long Pitched Themselves Straight To Voters' Feelings. But Trump Does So Much More Than Appeal To Emotion. He Insists That, In Politics, Emotion Is All There Is. *He Interprets Liberty As A Freedom From Facts.* More Than A Year After Trump Lost The 2020 Election, One Of His Voters Was Asked Why He Continued To Doubt The Defeat. His Reply: “It Didn't Smell Right.”

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“He Will Always Put His Own Interests, And Gratifying His Own Ego, Ahead Of Everything Else, Including The Country’s Interest.”

Bill Barr, Attorney General

“He Puts Himself Before Country. His Actions Are All About Him And Not About The Country.”

Mark Esper, Secretary Of Defense

“The Depths Of His Dishonesty Is Just Astounding To Me... He Is The Most Flawed Person I Have Ever Met In My Life.”

John Kelly, Secretary Of Homeland Security
And White House Chief Of Staff

“His Understanding Of Global Events, His Understanding Of Global History, His Understanding Of U.S. History Was Really Limited.”

Rex Tillerson, Secretary Of State

“Anyone Who Puts Himself Over The Constitution Should Never Be President Of The United States... President Trump Demanded That I Choose Between Him And The Constitution.”

Mike Pence, Vice President
aka Brown Nose, Boy Scout, Mikey

“President Trump And Other Officials Have Repeatedly Compromised Our Principles In Pursuit Of Partisan Advantage And Personal Gain.”

H. R. McMaster, National Security Adviser

“Trump Has This Impression That Foreign Leaders, Especially Adversaries, Hold Him In High Regard, That He’s Got A Good Relationship With Xi Jinping, Vladimir Putin, Kim Jong Un. In Fact, The Exact Opposite Is True. I Have Been In Those Rooms With Him When He’s Met With Those Leaders. I Believe They Think He Is A Laughing Fool.”

John Bolton, National Security Adviser

THE PRESIDENT HAS VERY LITTLE UNDERSTANDING OF WHAT IT MEANS TO BE IN THE MILITARY, TO FIGHT ETHICALLY OR BE GOVERNED BY A UNIFORM SET OF RULES AND PRACTICES.”

Richard V Spencer, Secretary Of The Navy

“He Is More Dangerous Than Anyone Could Ever
Imagine.”

James Mattis, Secretary Of Defense

TRUMP WILL SUPPRESS AMERICAN HISTORY

By Clint Smith

This Past Fall In A Small Southern Foundry, Robert E Lee’s Face Was Placed On A Furnace That Reached A Temperature Of More Than 2,000 Degrees Fahrenheit. As The Heat Mounted, A Haunting Orange-Red Glow Appeared Across Lee’s Severed Visage, And The Cracks That Split His Bronze Cheeks Began To Look Like Streams Of Dark Tears Beneath His Eyes. Lee’s Face Was Once Part Of A Larger Statue Of The Confederate General That Stood In Charlottesville, Virginia, And Was At The Center Of Protests And Counterprotests During The Infamous “Unite The Right” Rally There In 2017. The City Had Taken The Statue Down In 2021 And Given It To A Local Black-History Museum. Once Melted, The Stand’s Bronze Would Be Repurposed Into A New Work Of Public Art.

As I Contemplated Lee's Metal Face Glowing Like A Small Sun In The Dark Universe Of The Workshop, I Thought Of The Statement Issued By Former President Trump When The Statue Had Come Down. "Robert E Lee Is Considered By Many Generals To Be The Greatest Strategist Of Them All," Trump Had Written, Reaffirming His Past Praise For The Confederate Leader. Trump Was Implicitly Telling His Base: *They Came For Lee, And Next They Will Come For You.* It's Not Hard To See Why The Metalworkers Who Melted Down The Statue Of Lee Did So At An Undisclosed Location; They Reportedly Feared For Their Safety.

The Claim That Lee Was A Brilliant Strategist Is A Bit Of Lost Cause Mythology That Historians Have Largely Debunked. Still, It's Worth Pausing To Consider Why Trump Has Made A Point, On Several Occasions, Of Commending A Man Who Led An Army That Fought A War Predicated On Maintaining And Expanding The Institution Of Chattel Slavery. Lee Himself Was A Slave Owner Who Tortured Those He Enslaved; One Man Said Lee Was "Not Satisfied With Simply Lacerating Our Naked Flesh, [He] Then Ordered The Overseer To Thoroughly Wash Our Backs With Brine." Lee Also Argued That Slavery Benefitted African Americans, Deeming It "Necessary For Their Instruction As A Race."

Trump Is Not A Student Of History, Military Or Otherwise. Be He Knows Very Well What Defending Lee Signals To His Supporters, Many Of Whom See The General As A Paragon Of White, Male, Southern Christianity. Nostalgia For A Past In Which White Christian Men Possessed The Nation's Political Power Has Always Been At The Core Of Trump's Appeal; His Most Enduring Slogan, "Make America Great Again," Is An Unsubtle Pledge To Restore Just Such An Order.

Trump Rode That Pledge To Power In 2016. Now Running For A Second Term, He Has Promised Yet More: To Impose His Harmful, Erroneous Historical Claims On School Curricula And Instill A Culture Of Fear In Classrooms Across The Country That Dare To Deviate From His Preferred Historical Narrative.

Although Educational Policy Is Formed Most Directly At The State Level, The Department Of Education Has \$79 Billion Of Discretionary Funding That It Can Use As Both Carrot And Stick, To Encourage States And School Districts To Teach — Or Stop Them From Teaching — Certain Topics In Certain Ways. Trump's 2024 Education-Policy Plan Promises To Cut Federal Funding To Any School Or Program That Includes "Critical Race Theory, Gender Ideology, Or Other Inappropriate Racial, Sexual, Or Political Content" In Its Curriculum. Already, In Texas, Florida, And Other Republican-Controlled States, Educators Are Being Ostracized For Attempting To Teach Parts Of American History That Don't Cast Straight, White Christian Americans As The Primary Protagonists. Teachers Are Being Punished For Engaging With The History Of Policies That Segregated, Violated The Rights Of, Or Suppressed Those Whose Identities Fell Outside That Group. Trump Would Encourage Such Sanctions On A National Scale.

What Trump And The MAGA Movement Want Is A Country Where Children Are Falsely Taught That The United States Has Always Been A Beacon Of Righteousness. Despite Our Nation's Many Virtues, The Truth Of Its Past Is Harrowing And Complicated. Slavery, Jim Crow, Indigenous Displacement, And Slaughter, Anti-Immigrant Laws, The Suppression

Of Women's Rights, And The History Of Violence Against The LGBTQ Community — These Things Sully The MAGA Version Of The American Story.

In September 2020, Trump Held A “White House Conference On American History,” At Which He Announced That He Was Establishing The 1776 Commission To Create Standards For “Patriotic Education.” (The Commission’s Name Was A Direct Reference To, And Rebuke Of, “The 1619 Project,” A *New York Times* Series That Outlined The Centrality Of Slavery In America’s Origins.) “We Must Clear Away The Twisted Web Of Lies In Our Schools And Classrooms, And Teach Our Children The Magnificent Truth About Our Country,” Trump Said In A Speech That Day. “We Want Our Sons And Daughters To Know That They Are The Citizens Of The Most Exceptional Nation In The History Of The World.” Trump Embraces, Uncritically, The Idea Of American Exceptionalism. But The “Truth About Our Country” Has Not Always Been Magnificent For All Americans — Particularly Those, Who, For Generations, Were Denied Access To Social, Economic, And Political Advancement.

A Central Part Of Trump’s Project Is To Depict The Presentation Of Empirical As An Attempt At Ideological Indoctrination. The Claim That This Country Has Prevented Millions From Achieving Upward Mobility Should Not be A Controversial One; It Reflects Actual Policies Such As Convict Leasing, School Segregation, And Housing Covenants. To Trump And His Allies, However, Anyone Making Such A Claim Has Fallen Prey To A “Radical Movement” That Sees America As An Inherently And Irredeemably Evil Country. A Professor Stating That The Confederacy Seceded From The Union Because Of Slavery And Racism Is A Member Of The “Woke Mob,” Never Mind That Fact That The

Seceding States Said This Directly In Their Declarations Of Secession. (Mississippi In 1861: “Our Position Is Thoroughly Identified With The Institution Of Slavery — The Greatest Material Interest In The World.”) An Elementary-School Teacher Highlighting The Importance Of LGBTQ Figures In The History Of American Activism Is Reprimanded For Being Part Of An Effort To Force Sexuality Onto Students, Never Mind The Fact That Bayard Rustin, Harvey Milk, And Marsha P Johnson Played An Indisputable Role In Shaping Political Life.

Trump Would Prefer To Simplify That Which Is Complex And Celebrate That Which Is Abhorrent. He Would Prefer To Ignore Everything That Doesn't Align With A Narrative That Suggests, As He Did When Announcing The 1776 Commission, That “To Grow Up In America Is To Live In A Land Where Anything Is Possible, Where Anyone Can Rise, And Where Any Dream Can Come True.” The Notion That Americans Must Acknowledge Multiple Realities At Once — That George Washington Was Both A Revolutionary War Hero And An Enslaver Who Hired Slave Catchers To Recapture His Runaway Property For Example — Is Anathema To This Worldview.

The 1776 Commission Released Its Report On January 18, 2021, Two Weeks After Trump Inspired Thousands Of People To Attack The U.S. Capitol, And Two Days Before Joe Biden Was Inaugurated. Upon Taking Office, Biden Terminated The Commission. Trump Has Shown A Clear Commitment To Continuing Its Work.

In A Second Term, Trump Would Have Even More Reason To Promote The Rewriting Of The American Past. January 6, 2021, Was One Of The Darkest Days In Our Country's

History. Already, The MAGA Movement Has Attempted To Make Into A Contemporary Lost Cause, Framing The Insurrectionists As Patriotic Heroes On A Righteous Mission To Protest A Rigged Election. In This Telling, The People Who Have Been Charged For The Violence And Destruction They Inflicted Are Innocent “Political Prisoners.” This, Too, Is Dangerously Fictitious.

The Most Patriotic Education Is One That Demands That We Sit With The Totality And Complexity And Moral Inconsistencies Of The American Project. Trumpism Seeks To Censor Attempts To Tell This Sort Of Story. Trump Says That He Will Double Down On This Effort If Reelected. History Has Taught Us That We Should Believe Him.

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A WAR ON BLUE AMERICA

By Ronald Brownstein

During His Term In The White House, Donald Trump Governed As A Wartime President — With Blue America, Rather Than Any Foreign Country, As The Adversary. He Sought To Use National Authority To Achieve Factional Ends — To Impose The Priorities Of Red America Onto Democratic-Leaning States And Cities. The Agenda Trump Has Laid Out

For A Second Term Makes Clear That Those Bruising And Divisive Efforts Were Only Preliminary Skirmishes.

Presidents Always Pursue Policies That Reflect The Priorities Of The Voters And Regions That Supported Them. But Trump Moved In Especially Aggressive Ways To Exert Control Over, Or Punish, The Jurisdictions That Resisted Him. His 2017 Tax Bill, Otherwise A Windfall For Taxpayers In The Upper Brackets, Capped The Federal Deductibility Of State And Local Taxes, A Costly Shift For Wealthy Residents Of Liberal States Such As New York And California. He Moved, With Mixed Success, To Deny Federal Law-Enforcement Grants To So-Called Sanctuary Cities That Didn't Fully Cooperate With Federal Immigration Agents. He Attempted To Strip California Of The Authority It Has Wielded Since The Early 1970s To Set Its Own, More Stringent Pollution Standards.

In Trump's First Year In Office, He Opened A New More Ominous Front In His Campaign To Assert Control Over Blue Jurisdictions. As The Nation Faced The Twin Shocks Of The Coronavirus Pandemic And The Protests That Followed The Murder Of George Floyd, Trump Repeatedly Dispatched Law-Enforcement Agents To Blue Cities, Usually Over The Opposition Democratic Mayors, Governors, Or Both. Trump Sent An Array Of Personnel To Portland, Oregon, Ostensibly To Protect A Federal Courthouse Amid The City's Chaotic Protests; Reports Soon Emerged Of Camouflage-Clad Federal Agents Without Any Identifying Insignia Forcing Protesters Into Unmarked Vans. Trump Responded To The Huge Racial-Justice Protests In Washington, DC, By Dispatching National Guard Troops Drawn From 11 States, Almost All Of Them Led By Republican Governors. Later

He Sent Other Federal Law-Enforcement Officers To Combat Rising Crime In Kansas City And Chicago, A City Trump Described As “Worse Than Afghanistan.”

Trump Has Signaled That In A Second Presidential Term, He Would Further Emascuate His War On Blue America. He’s Again Promising Federal Legislation That Would Impose Policies Popular In Red States Onto The Blue States That Have Rejected Them. He Has Pledged To Withhold Federal Funding From Schools Teaching Critical Race Theory And “Gender Ideology.” He Says He Will Initiate Federal Civil-Rights Investigations Into Liberal Big-City Prosecutors (Whom He Calls “Marxist Local District Attorneys”) And Require Cities To Adopt Policing Policies Favored By Conservatives, Such As Stop-And-Frisk, As A Condition For Receiving Federal Grants.

Even More Dramatic Are Trump’s Open Pledges To Launch Militarized Law-Enforcement Campaigns Inside Blue Cities. He Has Proposed Initiatives That Cumulatively Could Create An Occupying Federal Force In The Nation’s Largest Cities. Trump Has Indicated That “In Cities Where There’s Been A Complete Breakdown Of Public Safety, I Will Send In Federal Assets, Including The National Guard, Until Law And Order Is Restored.

Trump Envisions An Even More Invasive Door-To-Door Offensive Against Undocumented Immigrants. In An Early 2023 Speech At The Conservative Political Action Conference, Trump Said He “Will Use All Necessary State, Local, Federal, And Military Resources To Carry Out The Largest Domestic Deportation Operation In American History.” Stephen Miller, Who Was His Top Immigration Aide In The White House, Later Added That Trump Envisions Establishing Massive Internment Camps For

Undocumented Immigrants Awaiting Deportation. Trump Has Also Promised “To Use Every Tool, Lever, And Authority To Get The Homeless Off Our Streets,” And Move Them To Camps As Well. (On This Front, Trump Has Said He Would Work With States, But In Practice That Would Likely Involve Partnering With Republican Governors To Impose Policies To Clear The Streets Opposed By Their Own Democratic Mayors.)

Michael Nutter, A Former Mayor Of Philadelphia, Told Me That If A Reelected Trump Sought To Implement These Policies, The Result Would Be “Chaos, Confusion,” And “Massive Demonstrations.” “Nobody Is Going To Allow That To Just Happen,” Nutter Said. “You Are Just Going To See Standoffs.” It Is Going To Be The Philadelphia Police Department Versus The National Guard. Neighbors Are Going To Be Surrounding People’s Houses. Folks Are Going To Rush And Seek Safety In Churches And Synagogues And Mosques And Temples.”

Of Course, Trump Would Face Other Obstacles In Attempting To Implement These Plans. The President’s Legal Authority To Deploy Federal Forces Over The Objections Of Local Officials Is Murky. And The Relatively Small Number Of Federal Law-Enforcement Officers Under His Direct Control At Agencies Such As U.S. Immigration And Customs Enforcement And Customs And Border Protection Could Limit His Options, According To Richard Briffault, A Professor At Columbia University Law School Who Studies Relations Among Cities, States, And The Federal Government.

But In Trump’s Final Months In Office, He Got Creative About Augmenting The Forces At His Command By Drawing On National Guard Troops Provided By Sympathetic

Republican Governors. His Advisers Are Already Talking About Doing The Same To Staff His Deportation Agenda, As Well As Using The Emergency Authority He Cited To Fund His Border Wall To Build His Camps For Undocumented Immigrants Without Congressional Approval.

Briffault Told Me That The Inevitable Court Challenges To Any Trump-Ordered Projections Of Force Into Blue Cities Would Likely Pivot On The Courts' Interpretation Of How Much Authority The President Possesses Under Various Emergency Statutes. His Advisers Have Already Discussed Invoking The 19th-Century Insurrection Act, For Example. As Legal Scholars Have Pointed Out, The Scope Of The President's Emergency Powers Is Much Broader Than Most Americans Recognize, And Trump Is Clearly Signaling That If He Returns To The White House, He Intends To Test The Outer Boundaries Of That Authority. The Question For The Courts Will Be "To What Extent Can He Engage Directly In Law Enforcement And Having Militarized Law Enforcement In The United States, In The Absence Of A Request By A Governor Or A Mayor That There Is A Riotlike Condition Or Civil Disorder?" Briffault Said. "Can He Declare An Emergency Even Though He's Not Being Asked For It?"

As President, Trump Seemed To View Himself As Less The Leader Of A Unified Republic Than As The Champion Of A Red Nation Within A Nation — One That Constitutes The Real America. If Anything, Trump Has Assumed That Factional Role Even More Overtly In His 2024 Campaign, Promising That He Will Deliver "Retribution" For His Supporters And Dehumanizing His Opponents. Powered By Such Fetid Resentments And

Grievances, The Agenda Trump Seeks To Impose On Blue Cities And States Could Create
The Greatest Threat o The Nation's Cohesion Since The Civil War.

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TRUMP ISN'T BLUFFING

By David A Graham

“We Pledge To You That We Will Root Out The Communists, Marxists, Fascists, And The Radical-Left Thugs That Live Like Vermin Within The Confines Of Our Country, That Lie And Steal And Cheat On Elections,” Donald Trump Said This Past November, In A Campaign Speech That Was Ostensibly Honoring Veterans Day. “The Real Threat Is Not From The Radical Right; The Real Threat Is From The Radical Left ... The Threat From Outside Forces Is Far Less Sinister, Dangerous, And Grave Than The Threat From Within. Our Threat Is From Within.”

What Immediately Leaps Out Here Is The Word *Vermin*, With Its Echoes Of Hitler And Mussolini. But Trump's Inflammatory Language Can Overshadow And Distract From The Substance Of What He's Saying — In This Case, Appearing To Promise A Purge Or Repression Of Those Who Disagree With Him Politically.

This Sort Of Language Isn't Entirely New. Trump Spoke In Manichaeian Terms Throughout His First Campaign And Term, Encouraging Chants To Lock Up Hillary Clinton In 2016, And In 2018 Referring To Undocumented Immigrants As "Animals" Who Would "Infest Our Country." Over Time, The Shock Of Trump's Rhetoric Has Worn Off, Making It Easy To Miss The Fact That His Message Has Grown Even Darker.

Trump Himself Has Changed, Too — The Old Trump Seemed To Be Running For Office Partly For Fun And Partly In Service Of His Signature Views, Such As Opposition To Immigration And Support For Protectionism. Today's Trump Is Different. His Fury Over His 2020 Election Defeat, The Legal Case Against Him, And A Desire For Revenge Against Political Opponents Have Come To Eclipse Everything Else.

In The Past Few Months, The Former President Has Described Himself As A "Very Proud Election Denier." He Has Repeatedly Threatened And Intimidated Judges, Witnesses, Prosecutors, And Even The Family Of Prosecutors Involved In The Cases Against Him, Going So Far As To Say That His Legal Opponents Will Be Consigned To Mental Asylums If He's Reelected. He Has Suggested That The Man He Picked For Chairman Of The Joint Chiefs Of Staff Deserves To Be Executed On Grounds Of Treason. He's Called For Investigating NBC And Possibly Yanking The Network Off The Air, Also On The Grounds Of Treason — One Of His Most Direct Attacks On The First Amendment. And He's Vowed To Arrest And Indict President Joe Biden And Other Political Opponents For No Apparent Reason Other Than That They Oppose Him.

The Fact That Trump's Ideas Have Become More Authoritarian Is Not Yet Fully Appreciated. One Reason Is People Have Heard Trump Say Outlandish Things For So Long That They Can't Identify What's New, Or That They've Become Numb. Another Is Venue: Once Trump Left The White House And Stopped Tweeting, His Vitriol Became Less Noticeable To Anyone Who Didn't Attend His Rallies, Seek Out Videos Of Them, Or Join Trump's Truth Social Network.

Even When A Comment Is So Extreme That It Does Break Into The Mainstream, What Happens Next Is Predictable. The First Time Trump Says Something, People React With Shock And Compare Him To Hitler. The Second Time, People Say Trump Is At It Again. By The Third Time, It Becomes Background Noise — An Appalling But Familiar Part Of The Trump Shtick.

This Is Just The Sort Of “Normalization” That Trump's Critics Warned Against From The Start, But It's Also A Natural Human Response To Repeated Exposure. The Result Is That Trump Has Been Able To Acclimate The Nation To Authoritarianism By Introducing It Early And Often. When A Second-Term Trump Directs The Justice Department To Lock Up Democratic Politicians Or Generals Or Reporters Or Activists On Flimsy Or No Grounds At All, People Will Wring Their Hands, But They'll Also Shrug And Wonder Why He Didn't Do It Sooner. After All, He's Been Promising To Do It Forever, Right?

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CIVIL RIGHTS UNDONE

By Vann R Newkirk II

In Late 2020, Even As The Instigators Of Insurrection Were Marshaling Their Followers To Travel To Washington, DC, Another Kind Of Coup — A Quieter One — Was In The Works. On December 21, In One Of His Departing Acts As Attorney General, Bill Barr Submitted A Proposed Rule Change To The White House. The Change Would Eliminate The Venerable Standard Used By The Justice Department To Handle Discrimination Cases, Known As “Disparate Impact.” The Memo Was Quickly Overshadowed By The Events Of January 6, And, In The Chaotic Final Days Of Trump’s Presidency, It Was Never Implemented. But Barr’s Proposal Represented Perhaps The Most Aggressive Step The Administration Took In Its Effort To Dismantle Existing Civil-Rights Law. Should Trump Return To Power, He Would Surely Attempt To See The Effort Through.

Since The Legislative Victories Of The Civil-Rights Movement In The 1960s, Legal And Civil Rights For People On The Margins Have Tended To Expand. The Civil Rights Act Of 1964, The Voting Rights Act Of 1965, And The Fair Housing Act Of 1968 Were Followed By

Voting Provisions For Indigenous People And Non-English Speakers, A Supreme Court Guarantee Of The Right To Abortion, Increased Protections For People With Disabilities, And Formal Recognition Of Same-Sex Marriage. The Trend Mostly Continued Under Presidents Of Both Parties — Until Trump. Though His Administration Could Be Bumbling, The President's Actions Matched His Rhetoric When It Came To Eroding Civil-Rights Enforcement.

Under Trump, The Justice Department Abandoned Its Active Protection Of Voting Rights. The Environmental Protection Agency Ignored Civil-Rights Complaints. The Department Of Housing And Urban Development Scaled Back Investigations Into Housing Discrimination. Trump's Appointees To The Supreme Court, For Their Part, Have Whittled Away At Landmark Civil Rights Legislation And Presided Over The End Of Affirmative Action.

In A Second Term, The Most Effective Way For Trump To Continue Rolling Back Protections Would Be To Dismantle Disparate-Impact Theory. Under The Theory, The Federal Government Can Prohibit Discriminatory Practices Not Just In Instances Of Malicious And Provable Bigotry, But Also In Cases Where A Party's Actions Unintentionally Affect A Class Of Marginalized People Disproportionally.

The Theory Is Important Because Discrimination Can Be Perpetuated Without Ill Intent; Even Seemingly Benign Or Neutral Policies Can Perpetuate A Legacy Of Bias, Or Create New Inequities. But Disparate Impact Is Also Essential Because Landlords, Business Owners, And Municipal Officials Who Do Wish To Discriminate Have Learned How To

Operate Without Expressing Overt Bigotry. Under Disparate Impact, The Government's Burden Is Not To Prove That These Actors Intended To Discriminate, Only That Their Actions Resulted In Discrimination.

For Decades, Lawyers Have Invoked Disparate Impact As A Means Of Fighting Discrimination. The Standard Has Been Applied Across The Federal Government. After The Housing Crisis Of 2008, The DOJ Brought A Series Of Lawsuits Against Banks That Had Charged Higher Mortgage Rates And Fees To Minority Borrowers, Winning Hundreds Of Millions Of Dollars In Settlements From The Lenders. In 2015, The DOJ Released A Damning Report On The Practices Of The Police Department In Ferguson, Missouri, After An 18-Year-Old Black Man, Michael Brown, Was Shot And Killed By A Police Officer. Disparate Impact Was Mentioned At Least 30 Times In The Report, Including In Its Main Takeaway: “African Americans Experience Disparate Impact In Nearly Aspect Of Ferguson's Law Enforcement System.”

Many Conservatives Have Long Been Suspicious Of Disparate Impact. The Most Principled Objections Center On The Claims That It Invites Government Overreach And Inefficiency, That It Impedes State And Local Policy Development, And That It Always Entails Some Degree Of Ghost-Chasing — In A Country As Unequal As America, Discerning What Exactly Contributes To A Disparate Outcome Can Be Difficult.

But These Philosophical And Practical Objections To The Theory Have Always Served To Disguise A More Visceral Disdain. Many Conservatives Simply Believe That Ensuring Equality Is Not A Legitimate Federal Priority. In The Trump Era, As The Republican Party

Has Embraced White Nationalism, Its Leaders Have Been Emboldened To Abandon The Guise. They Edge Closer To The Line Once Held By The Architects Of Jim Crow: Equality Is Undesirable Because People Are Not Equals; Some Of Us Might Not Even Be People.

Trump Himself Has Always Had A Preternatural Gift For Identifying And Channeling Grievance; White Backlash Against Civil-Rights Legislation Was One Of The Major Forces Behind His Advancement To The Presidency, And That Backlash Can Be Traced Directly To Disdain For Civil-Rights Legislation And Enforcement. Once Trump Was In Office, One Of His Early Targets Was HUD. In 2020, The Department Finalized A Rule That Demolished Its Discriminatory-Effect Standard, Which Had Been The Basis For Enforcement At The Department For At Least 40 Years. Trump's HUD Secretary, Ben Carson, Said That The Move Would Spur Efficiency At The Local Level Without Undermining The Department's Antidiscrimination Work. But Carson Has Long Been A Skeptic Of Desegregation; During His 2016 Presidential Campaign, He Described Desegregation Efforts In Cities As "Failed Socialist Experiments." Ultimately, Carson's Attempt To Undermine Standard Was Stymied By Lawsuits. But The Cause Of Fighting Bias Suffered Nevertheless. In 2020, At The End Of Carson's Tenure, The Number Of Secretary-Initiated Complaints Had Gone From Several Dozen In 2015 To Three.

Trump Did Serious Damage To Disparate Impact As President; There's Little Question That He Would Finish The Job If Given Another Chance. A Second Trump Administration Could Go Beyond Simply Abandoning The Theory, Perhaps Even Bringing Lawsuits Seeking To Declare The Entire Concept Unconstitutional. Trump Could Thus Could Attack Civil-Rights Law From Both Sides, Sabotaging The Government's Capability To

Adjudicate Cases While Also Arguing That It Should Not Have That Capability In The First Place. If The Two-Pronged Strategy Succeeds, It Will Be Difficult For Any Future Administration To Undo The Changes. With Today's Conservative-Dominated Judiciary And High Levels Of Political Polarization, Any Substantive Changes Trump Makes To Civil-Rights Enforcement Could Effectively Become Permanent.

Without Disparate Impact, The DOJ Would Lose Its Primary Tool For Addressing Brutality In Police Departments, And Current Efforts To Finally Enforce Environmental Laws In Communities Of Color And Hold Cities Accountable For Creating Slums In Black And Latino Neighborhoods Would Be Stalled. Given The Damage That Has Already Been Done By The Courts, There Is A Future — Perhaps A Likely Future — In Which The Remaining Foundations Of The Civil-Rights Era Are Undone. If Trump Were To Win In 2024, He Would See The Victory As A Mandate To Tear Everything Else Down.

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TRUMP WILL STOKE A GENDER PANIC

By Spencer Kornhaber

After Decades Of Gains Of Public Acceptance, The LGBTQ Community Is Confronting A Climate In Which Political Leaders Are Once Again Calling Them Weirdos And Predators. Texas Governor Greg Abbott Has Directed The Department Of Family And Protective Services To Investigate The Parents Of Transgender Children; Governor Ron DeSantis Has

Tried To Purge Florida Classrooms Of Books That Acknowledge That Some People Aren't Straight Or Cisgender; Missouri Has Imposed Rules That Limit Access To Gender-Affirming Care For Trans People Of All Ages. Donald Trump Is Promising To Nationalize Such Efforts.

He Doesn't Just Want To Surveil, Miseducate, And Repress Children Who Are Exploring Their Emerging Identities. He Wants To Interfere In The Private Lives Of Millions Of Adults, Revoking Freedoms That Any Pluralistic Society Should Protect.

During His 2016 Campaign, Trump Seemed To Think That Feigning Sympathy For Queer People Was Good PR. "I Will Do Everything In My Power To Protect Our LGBTQ Citizens," He Promised. Then, While In Office, He Oversaw A Broad Rollback Of LGBTQ Protections, Removing Gender Identity And Sexuality From Federal Nondiscrimination Provisions Regarding Health Care, Employment, And Housing. His Defense Department Restricted Soldiers' Right To Transition And Banned Trans People From Enlisting; His State Department Refused To Issue Visas To The Same-Sex Domestic Partners Of Diplomats. Yet When Seeking Reelection In 2020, Trump Still Made A Show Of Throwing A Pride-Themed Rally.

Now, Recognizing That Red-State Voters Have Been Energized By Anti-Queer Demagoguery, He's Not Even Pretending To Be Tolerant. "These People Are Sick; They Are Deranged," Trump Said During A Speech, Amid A Rant About Transgender Athletes In June. When His Audience At His Mention Of "Transgender Insanity," He Marveled, "It's Amazing To See How Strongly People Feel About That. You See, I'm Talking About

Cutting Taxes, People Go Like That.” He Pantomimed Weak Applause. “But You Mention Transgender, Everyone Goes Crazy.” The Rhetoric Has Become A Fixture Of His Rallies.

Trump Is Now Running On A 10-Point “Plan To Protect Children From Left-Wing Gender Insanity.” Its Aim Is Not Simply To Interfere With Parents’ To Shape Their Kids’ Health And Education In Consultation With Doctors And Teachers; It’s To Effectively End Trans People’s Existence In The Eyes Of The Government. Trump Will Call On Congress To Establish A National Definition Of Gender Being Strictly Binary And Immutable From Birth. He Also Wants To Use Executive Action To Cease All Federal “Programs That Promote The Concept Of Sex And Gender Transition At Any Age.” If Enacted, Those Measures Could Open The Door To All Sorts Of Administrative Cruelties — Making It Impossible, For Example, For Someone To Change Their Gender On Their Passport. Low-Income Trans Adults Could Be Blocked From Using Medicaid To Pay For Treatment That Doctors Have Deemed Vital To Their Well-Being.

The Biden Administration Reinstated Many Of The Protections Trump Had Eliminated, And The Judiciary Has Thus Far Curbed The Most Extreme Aspects Of The Conservative Anti-Trans Agenda. In 2020, The Supreme Court Ruled That, Contrary To The Assertions Of Trump’s Justice Department, The Civil Rights Act Protects LGBTQ People From Employment Discrimination. A Federal Judge Issued A Temporary Restraining Order Preventing The Investigations That Governor Abbott had Ordered In Texas. But In A Second Term, Trump Would Surely Seek To Appoint More Judges Opposed To Queer Causes. He Would Also Resume His First-Term Efforts To Promote An Interpretation Of

Religious Freedom That Allows For Unequal Treatment Of Minorities. In May 2019, His Housing And Urban Development Department Proposed A Measure That Would Have Permitted Federally Funded Homeless Shelters To Turn Away Transgender Individuals On The Basis Of Religious Freedom. A 2023 Supreme Court Decision Affirming A Christian Graphic Designer's Refusal To Work With Gay Couples Will Invite More Attempts To Narrow The Spaces And Services To Which Queer People Are Guaranteed Access.

The Societal Impact Of Trump's Reelection Would Only Further Encourage Such Discrimination. He Has Long Espoused Old-Fashioned Ideas About What It Means To Look And Act Male And Female. Now The Leader Of The Republican Party Is Using His Platform To Push The Notion That People Who Depart From Those Ideas Deserve Punishment. As Some Republicans Have Engaged In Queer-Bashing Rhetoric In Recent Years — Including The Libel That Queerness Is Pedophilia By Another Name — Hate Crimes Motivated By Gender Identity And Sexuality Have Risen, Terrifying A Population That Was Never Able To Take Its Safety For Granted. Victims Of Violence Have Included People Who Were Merely Suspected Of Nonconformity, Such As The 59-Year-Old Woman In Indiana Who Was Killed By A Neighbor Who Believed Her To Be “A Man Acting Like A Woman.”

If Trump's Stoking Of Gender Panic Proves To Be A Winning National Strategy, Everyday Deviation From Outmoded And Rigid Norms Could Invite Scorn Or Worse. And Children Will Grow Up In A More Repressive And Dangerous America Than Has Existed For A Long Time.

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A MILITARY LOYAL TO TRUMP

By Tom Nichols

If Donald Trump Wins The Next Election, He Will Attempt To Turn The Men And Women Of The United States Armed Forces Into Praetorians Loyal Not To The Constitution, But Only To Him. This Project Will Likely Be Among His Administration's Highest Priorities.

It Will Not Be Easy: The Overwhelming Majority America's Service People Are Professionals And Patriots. I Know This From Teaching Senior Officers For 25 Years At The Naval War College. As President, Trump Came To Understand It Too, When He Found Out That "His Generals" Were Not, In Fact, Mere Employees Of A Trump Property.

But The Former President And The People Around Him Have Learned From That Experience. The Last Time Around, Trump's Efforts To Pack The Defense Department With Cranks And Flunkies Came Too Late To Bring The Military Under His Full Political Control. The President And His Advisers Were Slow-Footed And Disorganized, And Lacked Familiarity With Washington Politics. They Were Hindered As Well By The Courage And Professionalism Of The Military Officers And Civilian Appointees Who, Side By Side, Serve In The Defense Department.

Trump Now Nurses Deep Grudges Against These Officers And Civilians, Who Slow-Rolled And Smothered His Various Illegal And Autocratic Impulses, Including His Enraged Demand To Kill The Syrian Leader Bashar al-Assad In 2017, And His Desire To Deploy America's Military Against Its Own Citizens During The Black Lives Matter Protests In The Summer Of 2020.

The 2020 Election, Of Course, Is The Source Of Trump's Chief Grudge Against Senior Military Leaders. General Mark Milley, Then The Chairman Of The Joint Chiefs Of Staff, Was Especially Determined To Keep The Armed Forces Out Of The Various Schemes To Stay In Office Devised By The Trump Team And Its Allies, Including A Delusional Plan, Proposed By Retired Lieutenant General Michael Flynn, To Go Into Swing States And Seize Voting Machines. Trump Has Since Implied (In Response To A Profile Of Milley By *The Atlantic's* Jeffrey Goldberg) That Milley Should Get The Death Penalty. Milley Reportedly Believes That Trump, If Reelected, Will Try To Jail Him And Other Senior National-Security Figures, A Concern Shared By Former Secretary Of Defense Mark Esper And Former Director Of National Intelligence James Clapper.

In A Second Term, Trump Would Combine His Instincts For Revenge And Self-Protection. He Would Seek Not Only To Get Even With An Officer Corps That He Thinks Betrayed Him, But Also To Break The Military As One Of The Few Institutions Able To Constrain His Attempts To Act Against The Constitution And The Rule Of Law.

PUBLICLY, TRUMP Presents Himself As An Unflinching Advocate For The Military, But This Is A Charade. *He Has No Respect For Military People Or Their Devotion To Duty.*

He Loves The Pomp And The Parades And The Salutes And The Continual Use Of “Sir,” But As Retired General John Kelly, Trump’s Former Chief Of Staff, Said In 2023, Trump *“Couldn’t Fathom People Who Served Their Nation Honorably”* When He Was In Office. Privately, As Goldberg Has Reported, *Trump Has Called American War Dead “Losers” And “Suckers,” And Has Said That Wounded Warriors Are Disgusting And Should Be Kept Out Of Sight.*

Trump Instead Prizes Military People Who Serve His Ego And Support His Antidemocratic Instincts. He Thinks Highly Of Flynn, For Example, Who Had To Resign After 22 Days As National Security Adviser And Is Now The Marquee Attraction At Various Gatherings Of Christian Nationalists And Conspiracy Theorists Around The Country. In Late 2020, Angered By His Election Loss And What He Saw As The Disloyalty Within The National-Security Community, Trump Fired Or Forced Out Top Defense Department Leaders And Tried To Replace Them With People More Like Flynn. The Brazen Actions That the 45th President Took In His Final, Desperate Weeks In Office — However Haphazard — Illustrate The Magnitude Of The Threat He May Pose To The Military If He Is Reelected.

On November 9, 2020, Trump Dumped Esper And Named Christopher Miller, A Retired Colonel And Pentagon Bureaucrat, As Acting Secretary Of Defense. Miller Took Along Kash Patel, A Trump Sycophant, As His Chief Of Staff. Trump Sent Douglas Macgregor, Another Retired Colonel And Pro-Russia Fox News Regular, To Miller As A Senior Adviser. (Earlier, Trump Had Attempted And Failed To Make Macgregor The Ambassador To Germany.) Trump Installed Anthony Tata — A

Retired One-Star Army General Who Has Claimed That Barack Obama Is A Muslim And That A Former CIA Director Was Trying To Have Trump Assassinated — In The Third-Most Senior Job At The Pentagon. A Few Months Earlier, The Senate Had Wisely Declined To Confirm Tata's Appointment To That Position, But In November, Trump Gave Him The Job In An Acting Capacity Anyway.

These Moves, Among Others, Led All 10 Living Former Secretaries Of Defense To Issue A Startling And Unprecedented Joint Statement. On January 3, 2021, They Directly Enjoined Miller And His Subordinates To Uphold Their Constitutional Duty And "Refrain From Any Political Actions That Undermine The Results Of The Election Or Hinder The Success Of The New Team." The Letter Pointedly Reminded Miller And His Team That They Were "Bound By Oath, Law And Precedent," And Called Upon Them, "In The Strongest Terms," To Honor "The History Of Democratic Transition In Our Great Country."

IF REELECTED, Trump Would Attempt To Gain Authoritarian Control Of The Defense Department's Uppermost Levels From The Very Beginning. There Are More Anthony Tatas And Douglas Macgregors Out There, And Trump's Allies Are Likely Already Seeking To Identify Them. If The Senate Refused To Confirm Trump's Appointees, It Wouldn't Matter Much: Trump Has Learned That He Can Keep Rotating People Through Acting Positions, Dating The Senate To Stop Him.

The Career Civil Servants Underneath These Appointees — Who Work On Everything From Recruiting To Nuclear Planning — Would Disobey Trump If He

Attacked The Constitutional Order. These Civilians, By Law, Cannot Be Fired At Will, A Problem Tried To Remedy In The Last Months Of His Administration By Proposing A New Category Of Government (Schedule F) That Would Have Converted Some Of Most Important Civil-Service Positions Into Political Appointments Directly Controlled By The White House. President Joe Biden Immediately Repealed This Move After Taking Office, But Trump Has Vowed To Reinstate It.

In His Two-Pronged Offensive To Capture The Military Establishment While Eviscerating The Civil Service, Trump Would Likely Rely On Former Officers Such As Miller And Fringe-Dwelling Civilians Such As Patel, But He Would Almost Certainly Find At Least A Few Serving Senior Officers — He Would Not Need Many — Who Would Accept His Offer To Abandon Their Oath. Together, They Would Make A Run At Changing The Nature Of The Armed Forces.

This Is Not Abstract Theorizing. The Heritage Foundation Recently Released “Project 2025,” A Right-Wing Blueprint For The Next Republican President’s Administration. The Defense Department Chapter Was Written By None Other Than Former Acting Secretary Christopher Miller. It Is Mostly A Rationalization For More Spending, But It Includes A Clear Call For A Purge Of The Military’s Senior Ranks To Clean Out “Marxist Indoctrination” — An Accusation He Does Not Define — Along With Demands For Expelling Trans Service Members And Reinstating Those Service Members Who Were Dismissed For Refusing COVID Vaccinations.

The Problems Of Ideological Polarization And Extremism In The Armed Forces Are Not As Extensive As Some Critics Of The Military Imagine, But They Are More Worrisome Than The Military Leadership Would Like To Admit. Military Officers Tend To Be More Conservative Than The Public, And As Far Back As The Clinton And Obama Administrations. I Occasionally Heard Senior Officers Speak Of These Liberal Presidents In *Deeply Contemptuous* Terms (Potentially A Crime Under Military Regulations). Today, Military Bases Are Subjected To A Constant Barrage Of Fox News In Almost Every Area With A Television, And Toward The End Of My Teaching Career (I Retired In 2022), I Often Heard Senior Officers *Repeating Almost Verbatim Some Of The Most Overheated And Paranoid Talking Points About Politics And National Affairs From The Network's Prime-Time Hosts*. Some Of These Officers Would Be Tempted To Answer Trump's Call.

The Rest Of The Members Of The Professional Military, Despite Their Concerns, Would Likely Follow Their Instincts And Default To The Orders Of Their Chain Of Command. The American Political System Was Never Intended To Cope With Someone Like Trump; The Military Is Trained And Organized To Obey, Not Resist, The Orders Of The Civilian Commander In Chief.

Trump's Plans Would Likely Use This Obedience To The Chain Of Command To Exploit An Unfortunate Vulnerability In The Modern American Armed Forces: The Military, In My Experience, Has A Political Literacy Problem. Too Many People In Uniform No Longer Have A Basic Grounding In The Constitutional Foundation Of American Government And The Civil-Military Relationship. (Some Of My

Colleagues Who Teach In Senior-Military Educational Institutions Share This Concern, And Over The Years, Some Of Us Have Tried, Often In Vain, To Push More Study Of The Constitution Into The Curricula.) These Men And Women Are Neither Unintelligent Nor Disloyal. Rather, Like Many Americans, They Are No Longer Taught Basic Civics, And They May Struggle With The Line Between Executing The Orders Of The President As The Commander In Chief And Obeying The Constitution.

Trump's Appointees Also Would Be Able To Influence The Armed Forces Through Assignments And Promotions (And Non-Promotions) Within Each Branch — And Through Their Behavior As Examples To The Rest Of The Military. With Top Cover From The White House, Trump's Functionaries In The Pentagon, Working With His Supporters In The Ranks, Could Poison The Military For Years To Come By Ignoring Laws, Regulations, And Traditions As They See Fit. (Recall, For Example, That Trump Is An Admirer Of The Disgraced Navy SEAL Eddie Gallagher, And Intervened To Make Sure Gallagher Kept His SEAL Trident After He Was Charged With War Crimes And Found Guilty Of Posing For Photos With A Captive's Dead Body.) America's Military Is Built On Virtues Such As Honor And Duty, But Abusing And Discarding The Norms That Support Those Virtues Would Change The Military's Culture — And Faster Than We May Realize.

Even If Only Some Of The Actions I've Described Here Succeed, Any Number Of Disasters Might Follow. Trump Could Jeopardize National Security By Surrounding Himself With Military And Defense Officials Who Would Help Him Dissolve Our Alliances (Especially NATO), Weaken Our Military Readiness, Undermine Our

Intelligence Services, And Abandon Our Friends Around The World, All While He Seeks *Closer Relations With Authoritarian Regimes — Especially Vladimir Putin's Russia*. He Could Issue Illegal Orders To Engage In Torture Or To Commit Other War Crimes Overseas. And He Could Bring The Entire Planet To Disaster Should Senior Military Leaders Obey His Unhinged Orders To Kill Foreign Leaders, Start A War, Or Even Use Nuclear Weapons.

At Home, Trump Could Order Unconstitutional Shows Of Military Support For His Administration To Intimidate His Opponents. He Could Order American Soldiers Into The Streets Against Protestors. (Trump's Allies Are Reportedly Drawing Up Plans To Invoke The Insurrection Act On Inauguration Day To Quell Any Demonstrations Against His Return To Office.) Officers Refusing Such Orders Could Be Dismissed Or Reassigned, Which In Turn Could Provoke A Political Confrontation Between The Trump Loyalists In The High Command And The Rest Of The Armed Forces, Itself A Frightening And Previously Unthinkable Prospect.

And If Trump Succeeds In Simultaneously Capturing The U.S. Military While Gutting The Other Key Institutions That Protect Democracy — Especially The Courts And The Justice Department — Nothing Will Stop Him From Using Force To Put Down Opposition And Stay In Power.

Some Americans Fear That The United States Is Already In A Struggle With Fascism. The Firm Constitutional Loyalty Of The Armed Forces During Trump's Presidency Was A Reminder That Such Fears Are Overblown, At Least For The Moment. But

Trump And His Allies Understand That By Leaving The Military Outside Their Political Control The Last Time Around, They Also Left Intact A Crucial Bulwark Against Their Plans. *They Will Not Make The Same Mistake Twice.*

Tom Nichols Is A Staff Writer At The Atlantic. He Is A Professor Emeritus Of National-Security Affairs At The U.S. Naval War College, Where He Taught For 25 Years.

THE LEFT CAN'T AFFORD TO GO MAD

By Helen Lewis

The Trump Years Had A Radicalizing Effect On The American Right. But, Let's Be Honest, They Also Sent Many On The Left Around The Bend. Some Liberals, Upper-Middle-Class White Ones, Cracked Up Because Other People Couldn't See What Was Obvious To Them: That Trump Was A Bad Candidate And An Even Worse President. At First, Liberals Tried Established Tactics Such As Sit-Ins And Legal Challenges; Lawyers And Activists Rallied To Protest The Administration's Muslim Travel Ban, And Courts Successfully Blocked Its Early Versions. Soon, However, The Sheer Volume Of Outrages Overwhelmed Trump Critics, And The Self-Styled Resistance Settled Into A Pattern Of High-Drama, Low Impact Indignation.

Rather Than Focusing On How To Oppose Trump's Policies, Or How To Expose The Hollowness Of His Promises, The Resistance Simply Wished Trump Would Disappear. Many On The Left Insisted That He Wasn't A Legitimate President, And That He Was Only In The White House Because Of Russian Interference. Social Media Made Everything Worse, As It Always Does; The Resistance Became #Resistance. Instead Of Concentrating On The Hard Work Of Door-Knocking And Community Activism, Its Members Tweeted To The Choir, Drawing No Distinction Between Trump's Crackpot Comments And His Serious Transgressions. They Fantasized A Deus Ex Machina — Impeachment, The Twenty-Fifth Amendment, The Pee Tape, Outtakes From *The Apprentice* Leading Up To Trump's Removal From Office, And Became Ever More Frustrated As Each Successive News Cycle Failed To Make The Scales Fall From His Supporters' Eyes. The Other Side Got Wise To This Trend, And Coined A Phrase To Encapsulate It: "Orange Man Bad."

The Trump Presidency Was A Failure Of Right-Wing Elites; The Republican Party Underestimated His Appeal To Disaffected Voters And Failed To Find A Candidate Who Could Defeat Him In The Primary. Once He Became President, The Party Establishment Was Content To *Grumble In Private And Grovel In Public*. But The Trump Years Demonstrated A Failure Of The Left, Too. Trump Created An Enormous Reservoir Of Political Energy, But That Energy Was Too Often Misdirected. Many Liberals Turend Inward, Taking Comfort In Self-Help And Purification Rituals. They Might Have To Share A Country With People Who Would Vote For The Orange Man, But They Could Purge Their Facebook Feeds, Friendship Circles, And Perhaps Even

Workplaces Of Conservatives, Contrarians, And The Insufficiently Progressive. Feeling Under Intense Threat, They Wanted Everyone To Pick A Side On Issues Such As Taking The Founding Fathers' Names Off School Buildings And Giving Puberty Blockers Minors — And They Insisted Ambivalence Was Not An Option. (Nor Was Sitting Out A Debate, Because “Silence Is Violence.”) Any Deviation From The Progressive Consensus Was Seen As A Moral Failing Rather Than A Political Difference.

The Cataclysms Of 2020, The Pandemic And The Murder Of George Floyd — Might Have Snapped The Left Out Of Its Reverie. Instead, The Resisters Buried Their Heads Deeper In The Sand. Health Experts Insisted That Anyone Who Broke Social-Distancing Rules Was Selfish, Before Deciding That Attending Protests (For Causes They Supported, At Least) Was More Important Than Observing COVID Restrictions. The Summer Of 2020 Made A Best Seller Out Of A White Woman's Book About “White Fragility,” But Negotiations Around A Comprehensive Police-Reform Bill Collapsed The Following Year. As Conservative Supreme Court Justices Laid The Ground For The Repeal Of *Roe v Wade*, Activist Organizations Became Fixated On Purifying Their Language. (By 2021, The ACLU Was So Far Gone, It Rewrote A Famous Ruth Bader Ginsburg Quote On Abortion To Remove The Word *Woman*.) Demoralized And Disorganized, Having Given Up Hope Of Changing Trump Supporters' Minds, The Left Flexed Its Muscles In The Few Spaces In Which It Held Power: Liberal Media, Publishing, Academia.

If You Attempted To Criticize These Tendencies, The Rejoinder Was Simple Whataboutism: Why Not Focus On Trump? The Answer, Of Course, Was That A Bad Government Demands A Strong Opposition — One That Seeks Converts Rather Than Hunting Heretics. Many Of The Most Interesting Democratic Politicians To Emerge This Time — CIA Veteran Abigail Spanberger, In Virginia; The Baptist Pastor, Raphael Warnock, In Georgia; Michigan Governor Gretchen Whitmer, Who Promised To “Fix The Damn Roads” — Were Pragmatists Who Flipped Red Territories Blue. When It Came To The 2020 Election, Democrats Nominated The Moderate Candidate Most Likely To Defeat Trump.

That Joe Biden Would Prevail As The Party’s Candidate Was Hardly A Given, However. He Defeated His More Progressive Rivals For The Democratic Nomination Only After Staging A Comeback In The South Carolina Primary. He Was 44 Points Ahead Of His Closest Rival, Bernie Sanders, Among The States Black Voters, According To An Exit Poll. That Is Not A Coincidence. These Voters Recognized That They Had Far More To Gain From A Candidate Like Biden, Who Regularly Talked About Working With Republicans, Than From The Activist Wing Of The Party. As Biden Put It In August 2020, Responding To Civil Unrest Across American Cities: “Do I Look Like A Radical Socialist With A Soft Spot For Rioters?”

Biden Is Older Now, And A Second Victory Is Far From Assured. If He Loses, The Challenges To American Democratic Norms Will Be Enormous. The Withering Of Twitter May Impede Trump’s Ability To Hijack The News Cycle As Effectively As Last Time, But He’ll Only Be More Committed To Enriching Himself And Seeking

Revenge. I Hope That The Left Has Learned Its Lesson, And Will Look Outward Rather Than Inward: The Battle Is Not For Control Of Bud Light's Advertising Strategy, Or Who Gets Published In *The New York Times*, But Against Gerrymandering And Election Interference, Against Women Being Locked Up For Having Abortion, Against Transgender Americans Losing Access To Health Care, Against Domestic Abusers Being Able To Buy Guns, Against Police Violence Going Unpunished, Against The Empowerment Of White Nationalists, And Against Book Bans.

The Path Back To Sanity In The United States Lies In Persuasion — In Defending Freedom Of Speech And The Rule Of Law, In Clearly And Calmly Opposing Trump's Abuses Of Power, And In Offering An Attractive Alternative. The Left Cannot Afford To Go Bonkers At The Exact Moment America Needs It Most.

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THE PSYCHIC TOLL

By Jennifer Senior

There Were Times, During The First Two Years Of The Biden Presidency, When I Came Close To Forgetting About It All: The Taunts And The Provocations; The

Incitements And The Resentments; The Disorchestrated Reasoning; The Verbal Incontinence; The Press Conferences Fueled By Megalomania, Vengeance, And A Soupçon Of Hydroxychlorquine. I Forgot, Almost, That We'd Had A Man In The White House Who Governed By Tweet. I Forgot, Even, That We'd Had A President With A Personality So Disordered And A Mind So Dysregulated (This Being A Central Irony, That Our Nation's Top Executive Had Zero Executive Function) That The Generals Around Him Had To Choose Between Carrying Presidential Orders And Upholding The Constitution.

I Forgot, In Short, That I'd Spent Nearly Five Years Scanning The Veldt For Threats, Indulging In The Most Neurotic Form Of Magical Thinking, Convinced That My Monitoring Of Twitter Alone Was What Stood Between Between Trump And National Ruin, Just As Erica Jong Believed That Her Concentration And Vigilance Were What Kept Her Flight From Plunging Into The Sea.

Say What You Want About Joe Biden: He's Allowed Us To Go Days At A Time Without Remembering He's There.

But Now Here We Are, Faced With The Prospect Of A Trump Restoration. We've Already Seen The Cruelty And The Chaos That Having A Malignant Narcissist In The Oval Office Entails. What Will Happen To The American Psyche If He Wins Again? What Will Happen If We Have To Live In Fight Or Flight Mode For Four More Years, And Possibly Far Beyond?

Our Bodies Are Not Designed To Handle Chronic Stress. Neuroscientists Have A Term For The Tipping-Point Moment When We Capitulate To It — *Allostatic Overload* — And The Result Is Almost Always Sickness In One Form Or Another, Whether It's A Mood Disorder, Substance Abuse, Heart Disease, Type 2 Diabetes, Or Ulcers.

“Increase Your Blood Pressure For A Few Minutes To Evade A Lion — A Good Thing,” Robert Sapolsky, One Of The Country's Most Esteemed Researchers Of Stress, Emailed Me When I Asked Him About Trump's Effect On Our Bodies. But “Increase Your Blood Pressure Every Time You're In The Vicinity Of The Alpha Male — You Begin To Get Cardiovascular Disease.” Excess Levels Of The Stress Hormone Cortisol For Extended Periods Is Terrible For The Human Body; It Hurts The Immune System In Ways That, Among Other Things, Can Lead To Worse Outcomes For COVID And Other Diseases. (One 2019 Study, Published In *JAMA Network Open*, Reported That Trump's Election To The White House Correlated With A Spike In Premature Births Among Latina Women.)

Another Major Component Of Our Allostatic Overload, Notes Gloria Mark, The Author Of *Attention Span*, Would Be “Technostress,” In This Case Brought On By The Obsessive Checking Of — And Interruptions From, And Passing Around Of — News, Which Trump Made With Destructive Rapidity. Human Brains Are Not Designed To Handle Such A Helter-Skelter Onslaught; Effective Multitasking, According To Mark, Is In Fact A Complete Myth (There's Always A Cost To Our Productivity). Yet We Are Once Again Facing A News Cycle That Will Shove Our Attention — As Well As Our Output, Our Nerves, Our Sanity — Through A Cuisinart.

One Might Reasonably Ask How Many Americans Will Truly Care About The Constant Churn Of Chaos, Given How Many Of Us Still Walk Around In A Fog Of Political Apathy. Quite A Few, Apparently. The American Psychological Association's Annual Stress Survey, Conducted By The Harris Poll, Found That 68 Percent Of Americans Reported That The 2020 Election Was A Significant Source Of Strain. Kevin B Smith, A Political-Science Professor At The University Of Nebraska At Lincoln, Found That About 40 Percent Of American Adults Identified Politics As "A Significant Source Of Stress In Their Lives," Based On YouGov Surveys He Commissioned In 2017 And 2020. Even More Remarkably, Smith Found That About 5 Percent Reported Having Had Suicidal Thoughts Because Of Our Politics.

Richard A Friedman, A Clinical Psychiatry Professor At Weill Cornell Medical College, Wonders If A Second Trump Term Would Be Like A Second, Paralyzing Blow In Boxing, Translating Into "Learned Helplessness On A Population-Level Scale," In Which A Substantial Portion Of Us Curdle Into Listlessness And Despair. Such An Epidemic Would Be Terrible, Especially For The Young; We'd Have A Generation Of Nihilists On Our Hands, Will All Efforts To #Resist Potentially Under The Waffle Iron Of Its Own Hashtag.

Which Is What A Would-Be Totalitarian Wants — A Republic Of The Indifferent.

Ironically, Were Trump To Win, An Important Group Of His Supporters Would Bear A Particular Psychological Burden Of Their Own, And That's Our Elected GOP

Officials. I've Written Before That Trump's Presidency Sometimes Seems Like An Extended Milgram Experiment, With Republican Politicians Subjected To More And More Horrifying Requests. During Round Two, They'd Be Asked To Do Far Worse, And Live In Even Greater Terror Of His Base — And Even Greater Terror Of Him, As He Tells Them, In The Manner Of All Malignant Narcissists, *That They'd Be Nothing Without Him.* And He Wouldn't Be Wholly Wrong.

The Trump Base, However, Will Be Intoxicated. We Should Brace Ourselves For A Second Uncorking Of What Philip Roth Called "The Indigenous American Berserk": The Proud Boys Will Be Prouder; The Alex Jones Conspiracists Will Let Their False-Flag Freakishness Fly; The "Great Replacement" Theorists Will Become More Savage In Their Rhetoric About Black, Hispanic, And Jewish People. (The Trump Administration Coincided With A Measurable Increase In Hate Crimes, Incited In No Small Part By The Man Himself.)

But At This Point, Even An Electoral Defeat For Trump Might Not Significantly Diminish The Toll That Politics Is Taking On The Collective American Psyche. "In Such A Polarized Society, Everyone Is Always Living With A Lot Of Hate And Fear And Suspicion," Rebecca Saxe, A Neuroscientist At MIT Who Thinks A Good Deal About Tribalism, Told Me. The Winner Of The Presidential Election "May Change *Who* Bears The Burden Every Four Or Eight Years, But Not The Burden Itself."

Of Course, Fractured Attention, Heightened Anxiety, And Moral Cynicism May Come To Seem Like Picayune Problems If Trump Wins And Some 250 Years Of

Constitutional Norms And Rules Unravel Before Our Eyes, Or We're In A Nuclear War With China, *Or The Former Chairman Of The Joint Chiefs Is Frog-Marched Off To Court For Treason.*

"You Get Trump Once, It's A Misfortune, The Author Of *Surviving Autocracy*, Told Me.
"You Get Him Twice, It's Normal. It's What This Country Is."

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THIS IS WHO WE ARE

By Mark Leibovich

In The Last Spring Of The Obama Administration, Michelle Obama Was Delivering Her Final Commencement Address As First Lady, At City College Of New York. Then, As Now, The Specter Of Donald Trump Had Become The Inescapable Backdrop To Everything. He'd Spent The Past Year Smashing Every Precept Of Restraint, Every Dignified Tradition Of The Supposedly Kindhearted Nation He Was Seeking To Lead. Obama Couldn't Help But Lob Some Barely Cloaked Denunciations Of Trump's Wrecking Ball Presidential Campaign — The One That Would Soon Be Ratified With The Republican Nomination. "That Is Not Who We Are," The First Lady Assured The Graduates. "That Is Not What This Country Stands For, No."

The Promise Did Not Age Well. Not That November, And Not Since.

“This Is Not Who We Are”: The Would-Be Guardians Of America’s Better Angels Have Been Scolding Us With This Line For Years. Or Maybe They Mean It As An Affirmation. Either Way, The Axiom Prompts A Question: Who Is “We” Anyway? Because It Sure Seems Like A Lot Of This “We” Keeps Voting For Trump. Today The Dictum Sounds More Like A Liberal Wish Than Any True Assessment Of Our National Character.

In Retrospect, So Many Of The High-Minded Appeals Of The Obama Era — “We Are The One’s We’ve Been Waiting For”; “When They Go Low, We Go High” — Feel Deeply Naive. Question For Michelle: What If They Keep Going Lower And Lower — And That Keeps Landing The Lowest Of The Low Back In The White House?

Recently, I Read Through Some Old Articles And Notes Of Mine From The Campaign Trail In 2015 And 2016, When Trump First Cannonballed Into Our Serene Political Bathtub. This Was Back When “We” — The Out-Of-Touch Media Know-It-Alls — Were Trying To Understand Trump’s Appeal. What Did His Supporters Love So Much About Their Noisy New Savior? I Dropped Into A Few Rallies And Heard The Same Basic Idea Over And Over: Trump Says Things That No One Else Will Say. They Didn’t Necessarily Agree With Or Believe Everything Their Candidate Declared. But He Spoke On Their Behalf.

When Political Elites Insisted “We’re Better Than This!” — A Close Cousin Of “This Is Not Who We Are” — Many Trump Disciples Heard “We’re Better Than Them.” Hillary Clinton Aply Confirmed This When She Dismissed Half Of The Republican Nominee’s Supporters At An LGBTQ Fundraiser In New York — As People Who Held Views That Were Racist, Sexist, Homophobic, Xenophobic, Islamophobic, You Name It.” Whether Or Not She Was Correct, The Targets Of Her Judgement Did Not Appreciate It. And This Disdain Was Mutual. “He’s Our Murder Weapon,” Said The Political Conservative Scientist Charles Murray, Summarizing The Appeal That Trump Held For Many Of His Loyalists.

After The Shock Of Trump’s Victory In 2016, The Denial And Rationalizations Kicked In Fast. Just Ride Out The Embarrassment For A Few Years, Many Thought, And Then America Would Revert To Something In The Ballpark Of Sanity. But One Of The Overlooked Portents Of 2020 (Many Democrats Were Too Relieved To Notice) Was That The Election Was Still Extremely Close. Trump Received 74 Million Votes, Nearly 47 Percent Of The Electorate. That’s A Huge Amount Of Support, Especially After Such A Huge Ordeal Of A Presidency — The “Very Fine People On Both Sides,” The “Perfect” Phone Call, The Bleach, The Daily OMG And WTF Of It All. The Populist Nerves That Trump Had Jangled In 2016 Remained Very Much Aroused. Many Of His Voters’ Grievances Were Unresolved. They Clung To Their Murder Weapon.

Trump Has Continued To Test Their Loyalty. He Hasn’t Exactly Enhanced His Résumé Since 2020, Unless You Count A Second Impeachment, Several Loser

Endorsements, And A Bunch Of Indictments As Selling Points (So Do, Apparently; More Medallions For His Victimhood). January 6 Posed The Biggest Hazard — The Brutality Of It, The Fever Of The Multitudes, And Trump's Obvious Pride In The Whole Furor. Even GOP Lawmakers Who Still Vouched For Trump From Their Capitol Safe Rooms Seemed Shaken.

“This Is Not Who We Are,” Representative Nancy Mace, The Newly Elected Republican Of [North] Carolina, Said Of The Deadly Riot. “We’re Better Than This.” There Was A Lot Of That: Thoughts And Prayers From Freaked-Out Americans. “Let Me Be Very Clear,” President-Elect Joe Biden Tried To Reassure The Country That Day. “The Scenes Of Chaos At The Capitol Do Not Reflect A True America, Do Not Represent Who We Are.”

One Hoped That Biden Was Correct, That We Were In Fact Not A Nation Of Vandals, Cranks, And Insurrectionists. But Then, On The Very Day The Capitol Had Been Ransacked, 147 House And Senate Republicans Voted Not To Certify Biden's Election. Kevin McCarthy, The House Minority Leader, Skulked Back To The Ousted President A Few Weeks Later, And The Pucker-Up Parade To Mar-a-Lago Was On. Large Majorities Of Republicans Never Stopped Believing That Biden Stole The 2020 Election And That Crooked Joe's Regime Is Abusing The Legal System To Persecute Trump Out Of The Way.

Here We Remain, Amazingly Enough, Ready To Do This All Again. Trump Might Be The Ultimate Con Man, But His Essential Nature Has Never Been A Mystery. Yet He

Appears to Be Gliding To His Third Straight Republican Nomination And Is Running Strong In A Likely Rematch With An Unpopular Incumbent. A Durable Coalition Seems Fully Comfortable Entrusting The White House To The Guy Who Left Behind A Capitol Encircled With Razor-Wire Fence And 25,000 National Guard Troops Protecting The Federal Government From His Own Supporters.

You Can Dismiss Trump Voters All You Want, But Give Them This: They're Every Bit As American As Any Idealized Version Of The Place. If Trump Wins In 2024, His Detractors Will have To Reckon Once Again With The Voters Who Got Us Here — To Reconcile What It Means To Share A Country With So Many Citizens Who Keep Watching Trump Watching Trump Spiral Deeper Into His Moral Void And Still Conclude, "Yes, That's Our Guy."

Mark Leibovich Is A Staff Writer At The Atlantic. He Is The Author, Most Recently, Of Thank You For Your Servitude.