

Opinion | CONTRIBUTING OP-ED WRITER

Trump's Tool Kit Does Not Include the Constitution

Thomas B. Edsall FEB. 8, 2018

Since before President Trump was elected — and with greater frequency afterward — historians, political scientists and journalists have wondered how autocratic our democracy might become.

Here is some evidence of how the public sees it. Bright Line Watch, a consortium of political scientists formed after the 2016 election, just released a survey of 2000 voters that shows public faith in 27 key democratic principles — ranging from the independence of the judiciary to constitutional limits on executive power — has declined across the board.

Four political scientists — Gretchen Helmke of the University of Rochester, Brendan Nyhan and John Carey of Dartmouth, and Susan Stokes of Yale — report that from September 2017 to January 2018, voters' assessments of the ability of the courts, Congress and the Constitution to “effectively check executive power dropped by 7-8 percentage points.” In the same period, “confidence that the elected branches respect judicial independence fell by 17 percentage points.”

The results also reveal

substantial declines (greater than 10 percentage points) in the belief that the government does not interfere with the press, protects free speech rights, that opinions on policy are heard and that candidates disclose information.

Helmke and her colleagues warn that these trends constitute a threat to democracy:

If scholars are right that erosion proceeds on a piecemeal basis, and that the first steps often entail targeting democracy's "referees," then our results regarding declines in judicial independence and support for a free press are especially disturbing.

The release of the Bright Line survey comes at a moment when Trump has once again defied traditional norms and constraints concerning the treatment of political opponents.

On Monday, he charged that Democratic members of the House and Senate were treasonous in their failure to applaud him during his State of the Union address. In a speech in Blue Ash, Ohio, Trump described how he saw it:

You're up there, you've got half the room going totally crazy, wild — they loved everything, they want to do something great for our country. And you have the other side, even on positive news — really positive news, like that — they were like death and un-American. Un-American. Somebody said, "treasonous." I mean, yeah, I guess, why not? Can we call that treason? Why not?

One day later, Trump declared:

If we don't change the legislation, get rid of these loopholes where killers come into our country and continue to kill, if we don't change it, let's have a shutdown. We'll do a shutdown, and it's worth it for our country.

The decline of public faith in America's democratic institutions can be seen in the accompanying chart describing Bright Line's findings.

Those polled were asked to rate whether the United States fully meets, mostly meets, partly meets or does not meet more than two dozen principles of democracy. The bars in the graphic capture the drop in the percentage of people who agree that the United States fully or mostly lives up to democratic standards.

The authors of the analysis of the survey conclude that the “overall picture is sobering,” citing public agreement “that the performance of U.S. democracy has declined” during Trump’s tenure in office.

The degradation of politics, in the view of Kathleen Dolan, a political scientist at the University of Wisconsin-Milwaukee, has complex roots.

“The damage being done is twofold,” Dolan wrote by email:

The president’s strategy is doing permanent damage to the view of law enforcement agencies, at least among the segment of the population that takes what he says as truth.

This is only part of “the more general problem we are having today with the success Trump and others have had in creating the view that there is no objective truth,” Dolan argued:

The manipulation of the truth by the president and other Republicans continues to degrade public discussion of issues.

While polarization has created a political universe composed of two truths, one Democratic, the other Republican, Trump has driven, and profited from, this duality.

“Am I concerned that Trump’s attacks on the Department of Justice, the F.B.I. and the ongoing investigations into collusion may undermine fundamental institutions and norms including the rule of law?” Shanto Iyengar, a political scientist at Stanford, wrote me by email. “For sure.”

Iyengar posed the following hypothetical:

Let’s assume that Mueller uncovers evidence of collusion and close associates of

the Prez are implicated. Republicans are likely to deny the validity of the charges on the grounds that the investigators are biased and Republicans in Congress, as they've repeatedly demonstrated, will stick by Trump since the base is with him. Trump, of course, will continue with the 'hoax' narrative, and his surrogates in the media will be only too happy to back him up. At that point, we will have a very real threat to the rule of law.

Trump's attacks on the F.B.I. are a case study in his polarization strategy. Since its founding in 1908, the F.B.I. has had substantial popular support, especially among Republicans. Historic poll data is revealing. A 1949 Gallup poll asked "What is your opinion of the F.B.I.?" 41 percent said "very high, excellent, it does wonderful job," and 53 percent said "good, approve of it," for a total of 94 percent. Three percent voiced "mild disapproval," and the responses of 1 percent were "derogatory."

More recently, the NBC News/Wall Street Journal poll tracked partisan views of the F.B.I. from December 2014 to January 2018. Over that three-year period, the percentage of Democrats voicing "a great deal or quite a bit of confidence" in the agency rose from 34 to 53 percent.

Republican confidence moved in the opposite direction, from 46 to 31 percent.

Just this month, a February 1-2 Survey Monkey poll sponsored by Axios found that favorable views of the F.B.I. among Republicans — putatively members of the law-and-order party — had fallen to 38 percent, while a plurality, 47 percent, disapproved. Among all voters, 49 percent approved of the F.B.I. and 28 percent disapproved; Democrats were favorable by 64-14.

Alex Theodoridis, a political scientist at the University of California-Merced, wrote me:

Polarization by party identity is so powerful at the moment that most voters see the world through thick red and blue lenses. Almost everything is politicized. And, in almost every study I have run, I find that Republicans are more intense partisans than Democrats on average. We've seen partisanship color Republican evaluations of the FBI (negatively) and Russia and Putin (positively).

Theodoridis argued that the damage to “any given institution is not likely to last beyond its usefulness in a specific political context.” But, he warned,

the more pernicious problem is the very phenomenon of universal politicization. If everything, even the most esteemed institutions and norms, is subjected to the power of partisan motivated reasoning, then there really cease to be esteemed institutions and norms.

Moving from politicization to politics, how likely are these trends to play out in the midterm elections?

“A Democratic turnaround in 2018 is far from assured,” Robert Y. Shapiro, a political scientist at Columbia, emailed me:

If the economy stays strong and swing voters see benefits to the economy and themselves from tax cuts, the Republicans may well hold on to the House and, more easily, the Senate.

The recent volatility of the stock market poses dangers to Trump and the Republican Party generally. Still, Trump’s ratings, always unfavorable, have improved in recent weeks.

In a setback for Democrats, the generic House vote in opinion surveys — “are you likely to vote for a Democrat or Republican for the House?” — has fallen from a 12.9 point Democratic advantage as recently as Dec. 30 to a 6-point Democratic advantage on Feb. 7. A rough rule of thumb is that Democrats will need at least a 10-point advantage on the generic vote to have a shot at retaking the House.

In a report published just before Trump’s State of the Union address last week, Gallup reported significant improvements during Trump’s first year in office on voters’ outlook on the economy, the nation’s military preparedness, its policies to control crime and the danger posed by terrorism.

Perhaps more significant, Gallup found that the percentage of adults saying “now is a good time to find a quality job” rose from 42 percent in 2016 to 58 percent in 2017, the highest it has been over the 17 years that Gallup has asked the question.

And the most recent Quinnipiac Poll conducted February 2-5 should make Democratic strategists nervous. Trump has a negative 40-55 percent approval rating, but it's "his best overall score in seven months." Seventy percent of voters described the economy as excellent or good, the highest since 2001, and by a margin of 48 to 41 they credit Trump more than President Barack Obama.

Howard Rosenthal, a political scientist at N.Y.U., brought the discussion down to less abstract levels by noting in an email that in politics, "what matters in the economy is real disposable income over the 6-12 months before an election."

If Rosenthal is right, then the future of democracy in America during the Trump administration depends as much or more on unemployment, take home pay, the Dow Jones industrial average, tax rates and the gross domestic product as on principled support for the rule of law.

In all likelihood, as the investigation by the special counsel, Robert Mueller, continues to pursue lines of inquiry reaching deep into the White House, Trump will have plenty of opportunities in the near future to push the envelope on the rule of law.

Stephen Ansolabehere, a political scientist at Harvard, described in an email the unique political position Trump has staked out. "His approval is almost 20 points lower than approval of most of his policy initiatives," Ansolabehere noted:

Presidential approval and the economy are the two big contextual predictors of congressional elections in the midterms. And those are pushing in opposite directions.

Looking forward toward the midterm elections, Ansolabehere is not optimistic about Democratic prospects to win back control of the House:

I see the Democrats poised right now to make net gains of about 10 to 14 seats. They need 25 or so depending on vacancies.

That could all change, he added:

A sag in the economy over the summer or really bad news for Trump could tip twenty or so races that are leaning GOP right now.

A colleague of Ansolabehere's in the Harvard government department, Jon Rogowski, suggested that Trump may pay a price for his highly controversial behavior. He wrote me that in research conducted with Andrew Reeves at Washington University in St. Louis:

Consistently, we find that Americans oppose the concentration of authority in the presidency; in fact, we find that Democrats and Republicans exhibit far greater agreement in their opposition to unilateral powers than they exhibit in their evaluations of the sitting president. This opposition, we find, is driven by their beliefs in constitutional principles. Further, we find that the public penalizes presidents for circumventing the constitutional order to take matters into their own hands.

In other words, Rogowski wrote,

our research suggests that how presidents wield power matters, and the public does not view presidents fondly for violating accepted constitutional arrangements. Democrats, therefore, have an opportunity to mobilize public support against President Trump by emphasizing the president's violations of constitutional norms.

At the same time, Rogowski added,

Sometimes the other institutions push back. For instance, Franklin Roosevelt's seeking of a third (and then a fourth) term is among the most important norm violations in American political history. He hadn't been dead for two years before both chambers of Congress proposed the 22nd amendment to limit presidents to two terms. After Lincoln's use of emergency powers to flex presidential power in ways not previously seen, Congress fought back against his successor, Andrew Johnson. More of his vetoes were overridden (15) than for any other president and Congress limited presidential influence over executive branch employment by passing the Tenure of Office Act (1867).

The Rogowski and Reeves thesis faces a certain test. Trump won the Republican nomination and the presidency by conducting a campaign directly challenging the notion that the electorate will punish a politician for “violating accepted constitutional arrangements.”

He has not wavered from this course throughout the first year of his presidency, and, barring unforeseen events, it will guide him into the 2020 election.

If Republicans retain control of both branches of Congress in 2018 — even if by just one vote in the House and a 50-50 split (with Vice President Pence the tiebreaker) in the Senate — Trump will claim vindication. His assault on the pillars of democracy will continue unabated, with increasingly insidious effect.

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