"Absolute right to pardon myself"

Trump expands claims of autocratic power

Barry Grey
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On Monday, President Donald Trump issued a series of tweets asserting that he is essentially above the law and not subject to oversight by the courts or the Justice Department. Trump's extraordinary claim to quasi-dictatorial powers comes as the political warfare in Washington between opposed factions of the ruling class and the state reaches a new point of intensity.

The focus of this internecine struggle is the investigation by Special Counsel Robert Mueller into alleged Russian "meddling" in the 2016 presidential election and possible collusion by the Trump campaign with the Kremlin. That probe, now into its second year, is backed by large sections of the intelligence establishment, the Democratic Party and the bulk of the corporate media.

Mueller is expected to complete one aspect of his investigation, concerning possible obstruction of justice by Trump and his associates, by September, in advance of the 2018 midterm elections.

In early morning statements on Monday, Trump called the Mueller investigation "completely unconstitutional" and added, "I have the absolute right to pardon myself."

The previous day, Trump's lead attorney in dealings with the Mueller probe, former New York Mayor Rudy Giuliani, told the *Huffington Post* that Trump could shoot James Comey, the former FBI director whom Trump fired in May 2017, without risking indictment as long as he remained in office.

These assertions of autocratic power follow the June 2 publication by the *New York Times* of a 20-page legal memo delivered last January by two of Trumps lawyers at the time to Mueller's office. The document asserts that Trump enjoys presidential immunity from indictment or subpoena demands by any agency of the executive branch of government, including the special counsel, the FBI and the Justice Department.

The memo argues that the US Constitution grants the president total and unlimited power over the executive branch and that the chief executive is therefore not subject to prosecution or sanction for obstruction of justice or any other offense.

Among the assertions in the memo are the following:

* "It remains our position that the president's actions here by virtue of his position as the chief law enforcement officer could neither constitutionally nor legally constitute obstruction because that would amount to him obstructing himself. And that he could, if he wished, terminate the inquiry or even exercise his power to pardon if so desired."

* The president has the power to "order the termination of an investigation by the Justice Department or FBI at any time and for any reason. Such an action obviously has an impact on the investigation, but that is simply an effect of the President's lawful exercise of his constitutional power and cannot constitute obstruction of justice."

The memo goes on to argue that Trump cannot be compelled to submit to an interview with Mueller's investigators or appear before a grand jury convened by the special counsel.

By implication, as the all-powerful head of the country's police and intelligence agencies, Trump can also legally order the indictment and prosecution of any individuals or organizations he opposes.

Trump's assertion of supreme power goes beyond anything claimed by Richard Nixon, who was forced to resign in August of 1974 after impeachment charges, including obstruction of justice in the Watergate affair, were approved by the House Judiciary Committee.

It comes in the context of a massive and unprecedented assault on democratic rights by the

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entire political establishment, including both big business parties and all factions of the state. On Monday, the same day as Trump's tweets, the US Supreme Court issued two reactionary rulings striking down lower court decisions affirming the right of an undocumented immigrant to obtain an abortion and upholding the "right" of a baker to refuse to serve a gay couple. Democratic justices voted with their Republican counterparts, with the abortion ruling gaining unanimous support on the court and the anti-gay ruling winning the support of two Democratic appointees.

The Trump administration is carrying out a savage war against immigrants with no serious opposition from the Democrats. The latter, for their part, are spearheading a campaign of Internet censorship on the fraudulent pretext of combatting "fake news" and are championing the #MeToo witch hunt, which is destroying careers and lives and attacking the principles of due process and the presumption of innocence in the guise of upholding women's rights.

There is no genuinely democratic faction of the ruling class or political establishment. American society is being militarized in preparation for wars against regional and major powers such as Iran, Russia and China, and, potentially, European rivals such as Germany. This goes hand in hand with expanding the police powers of the state to confront growing social opposition in the working class driven by ever-increasing social inequality.

While the pro-Trump faction in the ruling class seeks to entrench an imperial presidency, the Democratic-led opposition demands unlimited powers for the FBI, the CIA and the rest of the police agencies of the capitalist class. Just a week before the *New York Times* published the secret memo from Trump's lawyers, it ran a front-page lead article branding all criticism of the FBI's use of a long-time informant to spy on Trump's campaign in 2016 as the promotion of "conspiracy theories."

While endlessly repeating completely unsubstantiated charges of Russian interference in the election, the Democrats and allied media such as the *Times* defend efforts by the US political police and intelligence agencies to manipulate US elections and influence their outcome that eclipse by far anything Vladimir Putin could have attempted.

The reactionary and anti-democratic content of the Democratic Party's opposition to Trump is underscored by the lawsuit filed in April by the Democratic National Committee (DNC) charging Russia, Trump campaign officials and Julian Assange and WikiLeaks of a criminal conspiracy to undermine the campaign of Hillary Clinton and elect Trump by publishing leaked DNC emails.

Last week, the Committee to Protect Journalists (CPJ) issued a sharp attack on the DNC lawsuit, calling it an unprecedented legal assault on the right of journalists to publish information leaked by others or obtained illegally by confidential sources. The CPJ statement quoted George Freeman, a former lawyer for the *New York Times* and executive director of the Media Law Resource Center, as saying, "I'm unhappy that there's even an allegation that you could be held liable for publishing leaked information that you didn't have anything to do with obtaining."

James Goodale, a First Amendment lawyer who defended the *New York Times* in the 1971 Pentagon Papers case, told the CPJ that the suit appeared to be the first time WikiLeaks had been sued for a journalistic function. He added that the DNC had "paid zero attention to the First Amendment ramifications of their suit."

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