

Donald Trump's war on the Constitution and democratic rights

Tom Mackaman

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In an extraordinary interview broadcast Sunday on NBC's "Meet the Press," Donald Trump repeatedly proclaimed that, as president of the United States, he does not have to uphold the Constitution.

"I don't know," Trump said in response to the question, "Don't you need to uphold the Constitution of the United States as president?" Pressed by moderator Kristen Welker on whether "all people" in the United States are entitled to due process under the Constitution, Trump responded again, "I don't know. I'm not—I'm not a lawyer."

In this exchange, Trump is declaring, in so many words, a presidential dictatorship. The United States is led by a political criminal who views the Constitution—and with it every democratic right—as given or taken away at his own pleasure.

What are those rights in the Constitution? They include the first 10 amendments to the Constitution, also known as the Bill of Rights. These spell out the protections of the individual liberty from government power. Among these are freedom of speech and assembly, freedom of conscience, the individual's right to know the charges leveled against oneself in a criminal case, the right to a speedy public trial before a jury of one's peers, the right to be secure in one's own home from police raids and arrests, and freedom from torture.

The Constitution includes as well the great Civil War amendments banning slavery (13th Amendment), ensuring due process protections from state governments and ensuring birthright citizenship (14th Amendment), and protecting the right to vote (15th Amendment).

In declaring he is not bound to the Constitution, Trump is saying the American people do not have any of the rights that they think they have won over generations of struggle spanning 250 years and that he believes he can impose torture at will, banish political opponents, and even undo the repeal of slavery.

To take but one example, the due process clause, the starting point of Welker's line of questioning, appears in the Fifth Amendment. It sharply circumscribes the police powers of government, stating "No person shall ... be deprived of life, liberty, or property, without due process of law." The language draws no distinction between the basic due process rights of citizens and non-citizens.

But such a carefully studied word choice made by Madison and the other Framers of the Constitution means nothing to Trump. He is actively plotting the deportation to El Salvador concentration camps not only of non-naturalized immigrants, who are expressly owed due process under the Fifth Amendment. He is also plotting to summarily deport "homegrown," as he has taken to calling US citizens. In fact, Trump has already deported citizens, including small children, with one battling Stage 4 cancer.

Contrary to Trump's musings, there is no question whatsoever that the president is required to uphold the Constitution. Article II states in

plain English that the very office is founded on such a pledge. Trump himself swore to Article II as recently as January 20 at his inauguration. He stated:

I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

Every American president has taken the same oath going back to April 20, 1789, when George Washington was inaugurated for his first term. Trump thinks it is a sham. As he stated as early as 2019, "I have an Article II, where I have the right to do whatever I want as President."

The American Revolution, which birthed the Constitution, established just the opposite principle. It established the concept that people are born with "inalienable" rights that are neither given nor taken away by monarchs or their magistrates. It is indeed only to defend such rights that "governments are instituted among men," according to Jefferson, "deriving their just powers from consent of the governed." In Trump's view of things, rights are given or taken away at the will of the King, in the manner of the absolutist Louis XIV of France, with whom Trump would entirely agree: *L'État, c'est moi!* (I am the state!)

In a monarchy, the sovereign power ultimately resides in the crown, invested by the divine sanction of the Church. But the American Revolution and the French Revolution ended the rule of kings—in the first, by severing the bonds of subordination from the colonies to George III; in the second by severing the head of Louis XVI from his body.

The dictatorship that Trump is building is not only a danger to the American people. As commander-in-chief of the US military, the president possesses unchecked authority over war and nuclear weapons. The entire world is threatened by the rise of an American Führer.

Trump's comments on "Meet the Press" are not his first statement of dictatorship. On February 25, he posted on social media: "He who saves his Country does not violate any Law," echoing his historical idols: Hitler ("The authority of the Führer is not limited by laws"), Mussolini ("Everything within the State, nothing outside the State, nothing against the State."), Pinochet ("The armed forces have acted ... to save the country"), and Franco ("I am the only one who can save Spain").

The American Republic, nearing its 250th anniversary, is being step by step consumed by a fascist cabal acting in accord with a worked out plan. Warning lights are flashing red:

Trump's Sunday interview coincides with his announcement that he is considering appointing longtime fascist aide Stephen Miller as National Security Advisor. In a recent right-wing podcast, Miller threatened judges as "radical leftists" and warned that Trump could bypass even the far-right Supreme Court if it fails to comply. "There are many other options that I will not get into here on what the president's inherent authorities and powers are," Miller said.

- Trump and his advisors have made clear they will follow court rulings only when it suits them—an explicit rejection of judicial independence.

Trump has also consolidated legislative power under the executive, ruling by decree through a record 142 executive orders in his first 100 days. These orders have imposed sweeping social cuts and gutted core democratic rights.

- ICE and Homeland Security agents now operate as the personal shock troops of the White House, targeting immigrants and lawful residents. When Wisconsin Judge Hannah Dugan defied ICE in defense of an immigrant, Trump's FBI Director Kash Patel ordered her arrest.

Masked ICE agents are abducting legal residents in broad daylight, denying them due process or contact with lawyers and family. A State Department memo from Secretary Marco Rubio demanded the deportation of legal permanent resident Mahmoud Khalil for his "past, current, or *expected beliefs*"—specifically, for opposing the genocide in Gaza. (Emphasis added.)

No less significant than the declarations Trump has made is the absence of any serious response from the Democratic Party, which fears far more the revolutionary implications of telling the truth to the working class than it does the very worst that the would-be dictator Donald Trump might do. Trump is aware of, and banks on, the complicity of the "opposition party." In effect, the Democrats are abetting a far-reaching conspiracy against the rights of the people. Attempts to appeal to such a political formation are worse than useless.

An appropriate statement from the Democratic Party in response to Trump's Sunday announcement that he is not bound to uphold the Constitution would be: "These are the statements of a political criminal. The issue is now his immediate removal from office." But no leader of the Democratic Party has issued a demand for Trump's resignation. Not one called for impeachment proceedings, let alone criminal charges. To be blunt, if the president's open declaration that he is not bound by the Constitution does not constitute "high crimes and misdemeanors," then nothing does.

Instead, the general response in the media and among top Democrats was indifference. The leader of the Senate Democrats, Charles Schumer, had only this to say:

It's hard to imagine something more un-American than Donald Trump, the sitting president, saying he "doesn't know" whether he needs to uphold the Constitution.

Any belief that the Supreme Court will act to save the republic disregards its entire recent history, stretching back to its order to stop the vote counting in *Bush v. Gore* in 2000, handing the election to

Bush, and its breathtaking expansion of executive power last summer in *Trump v. United States*, in which it ruled the president has limitless power when "acting in an official capacity," the parameters of which he himself may define.

Donald Trump arises out of an extended process of political degeneration. Within the ruling class as a whole, there is no significant constituency for the defense of basic democratic rights. As WSWS International Editorial Board Chairman David North explained at this weekend's International May Day Online Rally:

In objective terms, the Trump administration's assault on democracy signifies the violent realignment of political forms of rule in accordance with the class relations that exist in society. The White House floats atop a smelly dung heap of fraud. Trump, the crude huckster and maestro of swindle, is nothing but the personification of a criminal oligarchy.

Marxists have never viewed the American Constitution with rose-tinted glasses. It was a product of its time and as such could only have had a contradictory character. Arising out of the Enlightenment, it enshrined republican and democratic principles, especially in its great Bill of Rights and Civil War amendments. These greatly advanced the cause of universal human liberation. But the Constitution also set up the framework by which the American capitalist class would not only govern and expand across a continent and then the globe—with all the bloody crimes that that has entailed—but that it would hide its actual class rule behind the veneer of legality.

The American ruling class, headed by Trump, is now torching the framework by which it has ruled for a quarter of a millennium. There are vast revolutionary implications. The American working class, as opposed to the capitalists, remains democratically minded. It is finding now, as it moves into opposition to the class war being waged from the White House, that to defend itself it will be compelled to defend as well the great democratic traditions and achievements of the first two American revolutions, of 1775-1789 and 1861-1865.

More than that, what Trump demonstrates is that the defense of democratic rights has become inseparable from the overthrow of the oligarchy and the capitalist system that he represents. That it is bound up with the development of a working class movement for socialism, the expropriation of the ruling class, and the establishment of democratic control over economic life.



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