

# **Donald Trump and the Norms of the Presidency**

**James P. Pfiffner**  
**George Mason University**

*Donald Trump was the first person to come to the presidency with no experience in government or the military. Thus, he did not absorb the values of public service or military discipline and respect for the Constitution. Most behavior that is considered central to the presidency is not spelled out in the Constitution, which lays out the formal authority of the presidency. This article begins with common civility and other customs of the presidency, then turns to major political and civil institutions of the American polity, and concludes with Trump's unprecedented undermining of national security institutions (the military and intelligence communities).*

Donald Trump was the first person to come to the presidency with no experience in government or the military. Thus he did not absorb the values of public service or military discipline and respect for the Constitution. He never had a boss other than his father nor did he work in a large organization, so he did not absorb the values of large functioning bureaucracies. In speaking about making foreign policy, he made his broader perspective clear, "I am the only one that matters."

Most behavior that is considered central to the presidency is not spelled out in the spare words of the Constitution, which lays out the formal authority of the presidency: the executive power, commander in chief power, veto power, etc. These powers have been broadly expanded, particularly in the 20<sup>th</sup> century and especially the commander in chief authority. Some of Trump's breaking of presidential norms, such as undermining US elections or soliciting political help from foreign states, was different in kind from the actions of previous presidents. And some of his violation of norms used the president's constitutional authority to an extent that other presidents had not, such as the political use of his commander in chief authority or his abuse of the pardon power.

Norms include the range of acceptable behavior of social groups that are enforced by the opinions of those who are relevant to the position. Although some norms are embodied in law, many are not. Renan describes presidential norms as the "unwritten or informal rules of political behavior" that "provide the infrastructure that any particular President inhabits" (Renan 2018, 2189). They are the "unwritten rules and conventions for democratic governance" that are not specified in law, but "as a matter of shared awareness" (Chafetz and Pozen 2018, 1433). However, as Jack Goldsmith has observed of norms, "They are rarely noticed until they are violated (2017).

This article will examine President Trump's flouting of the norms that have developed in the modern presidency and that are central to American democracy. We begin with common civility and other customs of the presidency, then turn to major political and civil institutions of the American polity, and conclude with Trump's unprecedented undermining of national security institutions (the military and intelligence communities).

## **Norms of the Presidency and Common Civility**

President Trump reveled in flouting the norms of presidential behavior, which was part of his appeal to his base. He had promised to go to Washington to fight the political establishment, and as his senior advisor, Steve Bannon, said, undertake the “deconstruction of the administrative state” (Rucker and Costa 2017). His vision was not only to reverse the policies of Democrats, particularly President Obama, but to figuratively poke his finger in the eye of the political establishment in Washington. In his approach to his role, Trump clearly rejected Franklin Roosevelt’s perspective that the presidency, “is pre-eminently a place of moral leadership” (McCormick 1932).

It is ironic that Trump was not hypocritical. Other presidents may have behaved differently in private than they did in public (e.g. Nixon’s profane language or Clinton’s sexual activities), but they generally acted the way Americans expected them to act in public. The hypocrite pretends to be virtuous and at least implicitly acknowledges the behavior that is expected of people in public office. But often Trump did not try to hide his racism, crude language, or greediness. They were part of his public persona and his appeal to his base. As Jack Goldsmith observed, “hypocrisy is an underappreciated political virtue,” because it acknowledges the norms of political behavior that should prevail in a civil society (Goldsmith 2017). In addition to ignoring common civility, Trump differed from other modern presidents in his racism, profiting from his businesses while still in office, his lying, and his attacks on science and the government’s top health officials.

### **Campaigning and Civility**

From the beginning of his campaign for the presidency and continuing through four years, Donald Trump undermined the norms of civility in American politics. Of course, American politics have always been filled with invective, but Trump exceeded the normal give and take of campaigning politicians. In his primary campaign he belittled his opponents, calling them names, e.g. “Little Marco,” “Lyn’ Ted Cruz,” “low-energy Jeb,” and “Crooked Hillary.” He particularly attacked women, calling various women “horseface,” “nasty,” “fat, ugly,” “crazed, crying lowlife,” “dog,” “face of a pig,” “low I.Q.” He insulted Republican primary candidate Carly Fiorina’s appearance, “Can you imagine that, the face of our next president? (Shear and Sullivan 2018).

Rather than refuting his opponents’ arguments about policy, Trump engaged in ad hominin attacks, impugning their motives or insulting them rather than refuting their arguments (Edwards 2020). His bullying and attacks on both Democrats and Republicans appealed to his base. He said that Democrats were “very sick and deranged people.” In his campaign against Hillary Clinton he intimated that if she won that the “Second Amendment people” might have to resort to violence (Croasaniti and Haberman 2016). He beamed his approval when audiences at his rallies chanted about Hillary Clinton “lock her up.”

Some people expected that, once he became president, Trump would adapt to the office and more traditional modes of presidential behavior, but he proved them wrong. Edmund Burke had a point when he said, “Manners are of more importance than laws. In great measure the laws depend upon them” (Burke 1795). Trump’s “unpresidential” behavior was part of his appeal to his base.

Trump often accused his political opponents of treason, which has a narrow meaning specified in the Constitution as giving aid and comfort to enemies of the United States or waging war against it. Among those were, chairman of the House Intelligence Committee, Adam Schiff, James Comey, Andrew McCabe, and Democrats in general (Rogers 2019). Few, if any previous presidents accused

their political opponents or government officials of treason. Although all presidents feel that they are not getting fair coverage by the national media, Trump was the only president to refer to the press as “the lowest form of life” and as “the enemy of the people,” a phrase redolent of authoritarian regimes (Levitsky and Ziblatt 2018, 76).

In his campaign for reelection, Trump returned to the divisive themes of his campaign of 2016 and the vision outlined in his inaugural address of “American carnage.” In his address on the 2020 Fourth of July at Mount Rushmore, South Dakota, Trump said “We are now in the process of defeating the radical left, the Marxists, the anarchists, the agitators, the looters” (Karni and Haberman 2020b). “Angry mobs are trying to tear down statues of our founders, deface our most sacred memorials and unleash a wave of violent crime in our cities” (Karni 2020). Historian Michael Beschloss noted, “Most presidents in history have understood that when they appear at a national monuments it’s usually a moment to act as a unifying chief of state, not a partisan divider” (Karni 2020; Balz 2020).

### **Racism and Xenophobia**

Announcing his campaign for the presidency in 2015 Donald Trump foreshadowed his behavior in office. He accused Mexico of “sending” criminals to the U.S. “They’re bringing drugs. They’re bringing crime. They’re rapists” (Trump 2015). He referred to Latin American asylum seekers as animals and invaders. He also felt the need to undermine the legitimacy of his predecessor, Barack Obama, by saying that his election was tainted by illegal votes and that he was not born in the United States.

Although previous presidents have been racist, e.g. Woodrow Wilson, and the US has had eras of nativist politics, for example in the 1850s and 1920s, they were not led by presidents (Anbinder 2019; Levitsky and Ziblatt 2018, 34-48). Trump’s verbal attacks on immigrants from the beginning of his campaign was part of what propelled him into office. He called for a “total and complete” shutdown of Muslims entering the United States, a promise he fulfilled when he issued a ban on travelers from seven Muslim majority countries from entering the United States.

In August 2017 at a “Unite the Right” rally in Charlottesville, VA, white supremacists carrying Nazi and Confederate flags chanted “blood and soil” and “Jews will not replace us.” In a conflict with counter-protestors, a young woman was killed when a protestor drove a car into a crowd. After the incident, in a public statement President Trump said, “There were very fine people on both sides.” (Woodward 2018, 246). In response to the violence, uniformed leaders of each of the military services issued public statements condemning the white nationalists. These unusual repudiations of a president’s remarks by currently serving chiefs of the military services were unprecedented (Cohen and Starr 2017). Trump later said that the phrase “Black Lives Matter” was a symbol of hate” and criticized NASCAR for abandoning use of the Confederate flag (Haberman 2020a).

Trump attacked four Congresswomen of color (three of whom were born in the United States); “Why don’t they go back and help fix the totally broken and crime infested places from which they came” (Rogers and Nandos 2019). In discussions with members of Congress in the Oval Office, Trump objected to protecting immigrants from El Salvador, Haiti, and African countries, which he referred to as “shithole countries” (Dawsey 2018). Trump’s policy of separating children from their asylum-seeking parents at the southern border illustrated his willingness to go to extremes to keep out asylum

seekers. Mary Stucky contrasted Trump with other presidents: “Most presidents, most of the time, understand that they continue to model the dispositions that make democracy possible and they adhere to these norms” (Stuckey 2020).

### **Conflict of Interest and Self Dealing**

Trump was the first president since the Nixon era to refuse to release his tax returns, despite his promise in his campaign to release them if he was elected. “If I decide to run for office, I’ll produce my tax returns, absolutely” (Rogers 2020b).

Although the formal conflict of interest statute (18 USC 208, 1962) does not apply to the president, other modern presidents have developed a norm of acting as if it did apply to them. President Eisenhower established a blind trust when he became president. Since then it has become routine. Every president since Carter “has complied with the dictates of section 208,” by establishing a blind trust or limiting investments (Renan 2018, 2219). Antonin Scalia, when he worked in the Justice Department, wrote “conflict of interest laws do not “legally bind the President or Vice President. . . . Failure to observe these standards [would] furnish a simple basis for damaging criticism, whether or not (the rules) technically apply” (Renan 2018, 2221).

Walter Shaub, former Director of the Office of Government Ethics, observed that since the Ethics in Government Act of 1978, all presidents except Trump “either established blind trusts or limited their investments to non-conflicting assets like diversified mutual funds, which are exempt under the conflict of interest law” (Shaub 2017). After attempting to guide the new Trump administration through the conflict of interest regulations, Shaub concluded that “Trump’s own refusal to divest his businesses had set a bad ethical tone for his nominees,” and on July 1, 2017, he resigned in protest (Shaub 2020, 56). He concluded that Trump “Stepping back from running his business is meaningless from a conflict of interest perspective. . . . This is not a blind trust – it’s not even close” (Shaub 2017). “His sons are still running the businesses, and, of course, he knows what he owns (Shaub 2020, 56).

Trump was the only modern president who continued to own and profit from his private businesses in office. He did this in part by traveling to his own properties more than 270 times, which necessarily entailed secret service protection. The Secret Service paid for rooms at the Trump hotels at rates significantly higher than other government organizations were allowed to when traveling (*Washington Post* 2020). As of August, 2020, charges to the US government from Trump’s properties totaled more than \$1.1 million (Fahrenthold and Dawsey 2020). He was in effect compelling the taxpayers to spend money that would benefit him financially (Shaub 2020, 57).

Trump also benefitted when he and other Republicans held fund raising events at his commercial properties. That is, money that came from political contributions for Trump and Republicans was coming back to Trump’s private business, more than \$4 million according to the Center for Responsive Politics (2020). Companies that benefitted from government contracts also rented hotel rooms and event space at Trump properties. (Shaub 2020, 57).

A broader issue was raised with respect to the emoluments clause of the Constitution which prohibits officers of the United States, without consent of the Congress, from accepting “any present” or “Emolument” “of any kind whatever,” from a foreign state. Trump’s businesses, particularly the

Trump Hotel several blocks from the White House, benefitted when foreign governments booked suites of rooms and held functions there. The Chinese government rented space in Trump Tower in New York and granted trademarks to Trump and his daughter that had been denied before he became president (Yourish and Buchanan 2018; Shaub 2020, 57).

In 2018, Trump reportedly asked US ambassador to the UK, Robert Wood Johnson, to see if he could get Britain to steer the British Open golf tournament to the Trump resort in Turnberry, Scotland. Johnson's deputy said that he warned Johnson that it would be breach of ethics to use his office to help Trump's private business, but Johnson approached Scotland's secretary of state anyway. Trump denied the charge, though Johnson declined to refute it (Landler 2020). Previously, Trump had decided to hold the 2020 G-7 meeting at Trump National Hotel in Florida, from which he would have benefitted financially, though the event was cancelled due to covid-19 (Vazquez 2020).

Trump was also the only president to endorse a commercial product (Goya Beans) from behind the Resolute Desk in the Oval office in order to help a business owner who had endorsed Trump and contributed to his campaign (Gessen 2020). This violation of federal ethics rules was trivial, but it symbolized the disdain President Trump held for federal ethics regulations and presidential propriety. In 2019 White House staffers Ivanka Trump and Jared Kushner reported income of at least \$36 million from their businesses (Lee and Narayanswamy 2020).

### **Lying**

Trump's lies differed significantly from those of previous presidents. Some of his most frequent lies exaggerated his achievements in ways that were demonstrably untrue and contrary to well-known and accepted facts. For several years, Trump continued to foster the "birther" lie that President Obama was a Muslim and not born in the United States, leading many voters to doubt Obama's documented place of birth and thus the legitimacy of his presidency.

According to the Washington Post Fact Checker, Trump lied more than 20,000 times as of July 2020 (Kessler, et al. 2020). But even with a much more conservative set of criteria, Trump's lies exceeded those of any other modern president (Pfiffner 2004b, 18-63; Pfiffner 2019a). Some of his lies were trivial and braggadocio, for example his claim that his photo was on the cover of *Time Magazine* more than anyone else's, or his claim that the number of people at his inauguration was more than a million (White House 2017). Some of his lies were more consequential, such as his claim that thousands of Muslims in New Jersey celebrated after the World Trade Center fell (Gore 2016), or his claim that the 2017 tax cut bill was the most significant in American history (Shear and Tankeersley 2018). He regularly distorted economic facts and made exaggerated claims of his success (Pfiffner 2019a).

When previous presidents have been caught making false statements, they have usually tried to equivocate or claim that they were technically not lying ("it depends on what the meaning of 'is' is"). Trump's refusal to attempt to refute charges that he was telling falsehoods, admit their inaccuracy, or attempt to wiggle out of them by equivocating, demonstrated either his lack of touch with reality or his conviction that he did not have to explain himself to others. Trump's refusal to admit the truth of widely accepted facts corroded political discourse and was consistent with the practice of many authoritarian leaders (Arendt 1958, 474). His assertions of the power to define reality were destructive to democratic governance, in part because many people believed him and were not

amenable to contrary evidence. In the early months of 2020, Trump seriously misled the country about threat of covid-19 (Woodward 2020, 216-217).

### **Science and Covid-19**

Not all presidents have accepted the advice of their science advisors; President Nixon rejected science advice on the SST (supersonic transport); and President Reagan rejected science advice on national missile defense (“star wars”). In line with his populist appeal and disdain for experts, Trump often ignored scientific evidence in policy making. He claimed that global warming was a Chinese “hoax” (Wordland 2019). Reports of global warming were regularly suppressed in the Environmental Protection Agency, and significant environmental protection regulations were cancelled (Plumer and Davenport 2019). These policies did not differ greatly from other recent Republican presidents, but Trump’s rejection of scientific evidence in the covid-19 pandemic and his public denigration of and attacks upon the government’s most senior health scientists placed him well outside the scientific consensus that other presidents would have taken more seriously.

Early in the outbreak, he encouraged the use of hydroxychloroquine as a possible “game changer” in the search for a cure for covid-19 despite warnings of potential danger by Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases. Trump said, “I’ll say it again, what do you have to lose? Take it.” When the Centers for Disease Control and Prevention urged Americans to wear face masks in public, President Trump pointedly said at a White House briefing, “You can do it. You don’t have to do it. I am choosing not to do it” (Shear and Kaplan 2020). He even advocated exploring the internal use of bleach, disinfectants, and ultraviolet light to counter the effects of covid-19 (Broad and Levin 2020).

Trump used the precautions that the federal government and states encouraged to limit the spread of the disease as a wedge in the culture wars in his campaign for reelection in 2020. When protestors (some of them armed) gathered in three state capitals to protest restrictions on businesses, Trump supported them by tweeting, “LIBERATE MINNESOTA! LIBERATE MICHIGAN! LIBERATE VIRGINIA;” the states had Democratic governors (Associate Press 2020). At a rally in Tulsa, Oklahoma, Trump undercut the testing for the corona virus, which scientists said was essential to controlling the outbreak. “When you do testing to that extent you’re going to find more people, you’re going to find cases. So I said to my people, ‘Slow the testing down, please.’” When asked if he was kidding when he made the statement, Trump replied, “I don’t kid” (Segers 2020).

Anthony Fauci testified before Congress that opening schools in the fall of 2020 would put children’s health in danger, and he warned of increased health risk to Americans who at that time were leading the world in the number of cases and number of deaths. Nevertheless, Trump said, “To me it’s not an acceptable answer” and threatened to withhold federal funds if states did not open schools (Rogers 2020a). President Trump was said to be increasingly frustrated with Fauci’s predictions about the danger of the virus (Haberman 2020b). Trump retweeted #FireFauci, and On July 15, 2020, Trump’s top trade adviser, Peter Navarro, published an op-ed article in USA Today, entitled “Anthony Fauci has been wrong about everything I have interacted with him on” (Orr and Levine 2020; Navarro 2020).

After the Trump administration challenged the Centers for Disease Control guidelines for reopening schools in the fall of 2020, four former CDC leaders (under both parties) condemned what they saw

as the politicization of the CDC. “We cannot recall over our collective tenure a single time when political pressure led to a change in the interpretation of scientific evidence.... The only valid reason to change released guidelines is new information and new science — not politics. . . . Unfortunately, their sound science is being challenged with partisan potshots” (Frieden et al. 2020).

When Trump thought that the Food and Drug Administration was not authorizing potential remedies quickly enough, he accused them of purposely undermining him. “The deep state, or whoever, over at the FDA is making it very difficult for drug companies to get people in order to test the vaccines and therapeutics. Obviously, they are hoping to delay the answer until after [election day] November 3<sup>rd</sup>” (McGinley, et al. 2020a).

Harvard Professor of medicine Jerome Avorn, observed, “I’ve been following health regulatory decisions for decades and have never seen this amount of White House arm-twisting to force agencies like FDA and CDC to make decisions based on political pressure, rather than the best science” (McGinley, et al. 2020b). Dr. Fauci commented on the political atmosphere in the country in the summer of 2020, “There’s so much extremism in things right now, it makes it very difficult. Whenever you want to be completely transparent about science and what it means, you have people who almost take that as an affront against them” (Roberts 2020). In 2020 the prestigious periodical, *Scientific American*, for the only time in its 175 year history, endorsed candidate Joe Biden because Trump “rejects evidence and science” and has attacked “researchers and public science agencies” (2020).

### **Undermining Governance Institutions**

In addition to his lack of civility and contempt for science, President Trump challenged the most important governance institutions of the American polity. He challenged the legitimacy of elections; he undermined the constitutional role of Congress; and he abused the justice system.

#### **Elections**

One of the most troubling divergences from presidential norms was Trump’s undermining the legitimacy of elections in the United States. Unlike other modern presidential candidates who conceded to their opponents after very close elections, as did Nixon in 1960, Gore in 2000, and Clinton in 2016, Trump did not agree to accept the election outcome in 2016, saying “I will look at it at the time” (Healy and Martin 2016). Even after Trump won the presidency in 2016, he was a sore winner, claiming that he actually won the popular vote because Hillary Clinton got 5 or 6 million illegal votes (Struyk 2017). He argued in 2020 that mail-in ballots would favor Democrats and would be fraudulent. The 2020 election “will be, in my opinion, the most corrupt election in the history of our country” (Haberma, et al. 2020). “The only way we’re going to lose this election is if the election is rigged” (Chalfant 2020). In fact, there is no evidence that fraud in US elections is widespread (Edwards 2020).

Arguing that voting by mail would be “fraudulent,” Trump opposed extra funding for the Post Office to handle the expected increase of mail-in ballots due to the covid pandemic. “They want \$25 billion, billion, for the Post Office. Now they need that money in order to make the Post Office work so it can take all of these millions and millions of ballots” (Kaufman, et al. 2020). He Tweeted, “drop the

Mail-In Scam before it is too late” (Fandos, et al. 2020). Trump was the only president to attack the Postal Service for seemingly partisan political purposes.

When asked by Fox News Reporter, Chris Wallace, whether he would “accept the election” outcome in 2020, Trump replied, “I have to see. Look, you – I have to see. No, I’m not going to just say yes. I’m not going to say no” (Edsall 2020). It is unprecedented for a president to equivocate about whether he would accept an election outcome. In July 2020 Trump even tweeted about delaying the forthcoming election, “It will be a great embarrassment to the USA. Delay the Election until people can properly, securely and safely vote???” (Burns 2020).

Although other presidents have always had an eye toward their domestic political interests when making foreign policy decisions, President Trump explicitly encouraged and accepted the help of foreign nations in his campaigns. During his pre-election debate with Hillary Clinton on July 27, 2016, Trump publicly announced, “Russia, if you are listening, I hope you’re able to find the 30,000 emails that are missing.” According to the Mueller Report, the same day, Russian hackers began to try to break into Clinton’s personal computer server and later released DNC emails to influence the 2016 election (Mueller 2018, Vol. I, 49).

When asked if it was legitimate for presidential candidates to accept help, such as opposition research, from foreign governments, instead of reporting this to the FBI, Trump said “It’s not an interference, they have information – I think I’d take it” (Helderman and Hamburger 2020). Trump also publicly called on China to investigate Joe Biden to help Trump’s 2020 election chances (Baker and Sullivan 2019). The Mueller Report said that information from foreign governments could be seen as a “thing of value” and thus a contribution to a campaign and a violation of law (Mueller 2018, Vol I, 186).

In 1960 Khrushchev offered to help Adlai Stevenson if he ran against Richard Nixon; he refused (Lozada 2020; Shimer 2020). In 1968 Soviet ambassador to the US Anatoly Dobrynin offered Soviet help for Hubert Humphrey’s campaign against Richard Nixon; Humphrey refused (Moss 2017). In 2000 when Al Gore was running for president, his friend Tom Downey received a package from someone on Bush’s campaign with a tape of George W. Bush practicing for the upcoming debates. Downey contacted the FBI and gave them the material (Berman 2019). In 1992 Bush was approached by members of Congress to ask Russia to get information on Bill Clinton’s visit to Moscow (as a student). James A. Baker reported, “I said we absolutely could not do that” (Baker 2019; Bolton 468). Thus, as far as we know, Trump’s actions and attitude regarding foreign interference in U.S. elections were unprecedented.

Article I of Trump’s impeachment by the House charged that he withheld \$391 million in US military aid to Ukraine unless President Zelensky did him “a favor” and open an investigation into his probable opponent in the 2020 election, Joe Biden. The evidence in the impeachment proceedings that Trump had done this for his personal political benefit rather than for US foreign policy reasons was compelling though circumstantial. But in his account of his experience as national security advisor to Trump, John Bolton said that he was “in the room” when Trump made the demand and that he and Secretary of State Mike Pompeo tried many times to get Trump to allow the aid to go forward (Bolton 2020; Baker 2020).



When Trump was negotiating with President Xi Jinping of China about trade, China expressed concerns about ZTE, a telecommunications company that was convicted of violating sanctions on North Korea and Iran. President Trump offered to help and had the Department of Justice decrease the penalties (Bolton 291). In another call to Xi, according to Bolton, Trump “stunningly, turned the conversation to the coming U.S. presidential election, alluding to China’s economic capability to affect the ongoing campaigns, pleading with Xi to ensure he’d win. . . .He stressed the importance of farmers, and increased Chinese purchases of soybeans and wheat in the electoral outcome. (Bolton 2020, 301; Helderman and Hamburger 2020).

## **Congress**

In a pre-election meeting with Republican members of Congress, Trump was asked about his support for Article I of the Constitution. Any other presidential candidate in the modern era would have understood that a presidential candidate should pay at least lip service to the precedence of Congress in the Constitution. Trump’s response was revealing; exhibiting his ignorance of the Constitution; he replied, “I want to protect Article One, I’ll stand up for Article Two, Article 12 – go down the list” (Barrett 2016; Hughes 2016). (The Constitution has seven articles.) More substantively, the power of the purse and the power to investigate are central to the constitutional role of Congress. Trump threatened these two powers of Congress and undermined the impeachment process.

### ***The Spending Power***

The power of the purse stems from the authority of Congress to “lay and collect Taxes” and the provision that “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.” Trump, however, insisted that his campaign promises to build a wall with Mexico outweighed constitutional restrictions on presidential spending. Despite congressional rejection of his request for more funds for the wall, in the spring of 2020 Trump announced that he would reprogram \$2.5 billion from several Defense Department appropriations for other purposes to construct his wall. Two courts of appeal ruled that he had exceeded his authority in taking money appropriated for one purpose and using it to fund a completely different purpose (Fisher 2020a; McCord 2019). Trump ignored the decisions, and continued to use the funds to construct the wall.

Although disputes about congressional appropriations for specific policy purposes are common with all presidents, Trump went beyond previous assertions of presidential control over spending. After President Nixon impounded (refused to spend) billions of dollars authorized by Congress, Congress passed the Congressional Budget and Impoundment Control Act of 1974. The act provided that presidents, unless they request that funds be deferred or rescinded, must expend funds appropriated by Congress (Pfiffner 1979). That is, the president could not, in effect, exercise an item veto by refusing to spend money on programs required by law. Since 1974, except for Trump, presidents have generally kept within the bounds of the law.

Nevertheless, in the summer of 2019 President Trump notified the Defense Department that \$391 billion appropriated for military aid to Ukraine to resist Russian incursions be withheld unless President Zelensky announced an investigation into Joe Biden, his likely opponent for the 2020 election. The Department of Defense confirmed that the funding had cleared all of the national security requirements for release, but Trump refused to release the aid. In the fall of 2019, the House of Representatives impeached the president for seeking political campaign assistance from a foreign government. In addition to seeking campaign help from a foreign country, Trump’s withholding of

funds constituted a breach of the Impoundment Control Act (GAO 2018). Under bipartisan pressure, the funds were eventually released, partially in the following fiscal year.

Trump also impinged on the authority of Congress when he issued memoranda purporting to provide federal money to extend employment benefits when Congress would not and suspending the collection of payroll taxes. These memoranda were carefully constructed and probably technically legal, but they violated the spirit of separation of powers (Levin and White, 2020; Rudalevige 2020).

### *The Power to Investigate*

It has long been established that the authority to investigate is necessarily implied in the constitutional grant of “all legislative powers” to Congress, as long as there is valid legislative purpose (Corod 2019). Every modern president has struggled with Congress over the limits of how far that power reaches, but presidents and Congress have generally come to some compromise and accommodation on the limits of any specific investigation. President Trump, however, pushed his assertion of authority to refuse to cooperate with Congress beyond previous presidents.

The Framers of the Constitution expected that the separate branches of government would balance each other because “ambition must be made to counteract ambition.” They thought that Congress would defend its own prerogatives and rein in an overreaching executive. If the president abused his power, the Constitution provided a final backstop by giving the House the power to impeach and the Senate the authority to remove the president from office. James Madison argued that “some provision be made for defending the Community agst the incapacity, negligence or perfidy of the chief Magistrate” (Farrand 1911, 65). In Federalist 65 Hamilton said, “offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust” would lead to impeachment and removal. During the constitutional convention, impeachment was seen as an extreme remedy for a president who abused his power.

But if Congress is conducting an impeachment inquiry, it must gather evidence to judge whether the president has egregiously abused his authority. The evidence which it must collect is often in the executive branch. If Congress cannot subpoena witnesses and materials, it cannot adequately judge whether the president should be impeached. Thus, when the House opened an impeachment investigation against President Trump in 2019, it subpoenaed witnesses who had evidence about potential violations of law or abuses of power by the president.

But President Trump completely refused to allow executive branch officials to testify before the House. Who can testify before Congress can be limited, for example by executive privilege, but Trump refused to allow all officials, across the board, to testify. The president’s counsel Pat Cipilone wrote to Speaker of the House, Nancy Pelosi, “Given that your inquiry lacks any legitimate constitutional foundation, any pretense of fairness, or even the most elementary due process protections, the Executive Branch cannot be expected to participate in it” (Cipilone 2019). Since the Constitution provides that the House “shall have the sole Power of Impeachment,” it is difficult to convincingly argue that the process is not constitutional.

Although some administration officials, primarily career civil servants, did respect the House subpoenas, twelve political appointees complied with Trump’s order to disobey the subpoenas. In addition, more than 70 categories of materials were subpoenaed, but they were ignored by Trump.

This categorical refusal to comply with congressional subpoenas is unprecedented (Bowman 2020). The House responded to Trump's actions by impeaching him for "Abuse of Power" (Article I) by soliciting "the interference of a foreign government, Ukraine, in the 2020 United States Presidential election," and "Obstruction of Congress for his "categorical and indiscriminate defiance of Subpoenas issued by the House" (Article II). The Senate refused to hear witnesses, and voting along party lines (save for one) decided not to remove the president.

What the Framers did not foresee was the development of political parties and the polarization of Congress in the late 20<sup>th</sup> and early 21<sup>st</sup> century. Thus, if one House of Congress is held by the president's party, and the Trump precedent holds, it is unlikely that future presidents could be impeached and removed. If future presidents decide that they can spend money from the treasury that has not been appropriated by Congress, and refuse to spend money on programs they disagree with, they will be able to usurp the most important power of Congress, the power of the purse. And if they decide to refuse to comply with congressional subpoenas, they may be able to thwart the final check on an abusive president, impeachment and removal from office.

### **The Justice System**

The function of law enforcement is inherently an executive branch function, and there are no formal laws that forbid the president from intervening in particular investigatory or prosecutorial cases. But the norm of Justice Department independence from White House political pressure had been strong since the abuses of the Nixon administration in the Watergate break-in, political sabotage, and the "Saturday Night Massacre." In addition to the Nixon abuses, presidents from Roosevelt through Nixon occasionally used the FBI to gather intelligence on their political opponents and saw the Justice Department as protecting them politically.

After the Nixon abuses, an ethos developed in the Justice Department under both Republican and Democratic administrations that presidents can set overall policy direction in DOJ, but intervention in particular cases is inappropriate (Renan 20018, 2206-2218). These expectations were reinforced by Justice Department rules and procedures. Attorneys general issued memoranda that proscribed contacts and communication between the White House and DOJ personnel, except through specific channels (Renan 20018, 2206-2218). Congress reinforced the expectation of political independence of DOJ and the FBI during nomination hearings, establishing the expectation that attorneys general and FBI directors would act independently of White House control. When these norms were violated in the past, there was significant pushback from Congress and the press that reinforced the norms (Renan 2018, 2210).

These norms, expectations, and ethos were violated by President Trump in numerous ways. Even before he took office, President-Elect Trump told FBI director James Comey that he expected "loyalty" from him. Comey promised loyalty to the law, but understood that Trump was demanding personal loyalty (Apuzzo and Schmidt 2017). He also asked then FBI Director James Comey to go easy on Michael Flynn, the national security adviser who had lied to government officials about talking with the Russian ambassador during the transition. Trump also publicly called for the FBI to reopen its closed investigation of Hillary Clinton's emails. Trump thought that the Justice Department should protect his own political interests rather than act independently to enforce justice. He was frustrated that he could not shut down the Mueller investigation. Trump famously declared, "I have absolute right to do what I want to do with the Justice Department" (CBS News 2017).

When the FBI was conducting an investigation of possible cooperation between the Trump campaign and Russia, Attorney General Jeff Sessions, acting on Justice Department guidelines, recused himself from the investigation because he might have been implicated in a potential crime. As the investigation of possible cooperation continued in the spring of 2017, Trump expressed frustration with Attorney General Sessions for recusing himself and not firing FBI Director Comey. He publicly criticized Sessions and asked several members of his White House staff to get Sessions to resign, though they refused (Mueller Vol. II, 5-6, 78, 86, 117-119 ). Finally, in May 2017 Trump fired Comey, and Acting Attorney General Rod Rosenstein appointed Robert Mueller to conduct the investigation of the Trump campaign.

It was an extraordinarily unusual situation to have a president fire the FBI director, then publicly rebuke and impugn the integrity of his appointed leadership of the Department of Justice, including his Attorney General, his Deputy Attorney General, the Deputy's appointee, Mr. Mueller, as well as the Acting Director of the FBI, Andrew McCabe. After Rex Tillerson had left the administration, he recalled, "So often, the president would say, 'Here's what I want to do and here's how I want to do it,' and I would have to say to him, 'Mr. President, I understand what you want to do, but you can't do it that way.' It violated the law" (Parker and Rucker 2019).

The Justice Department prosecuted Trump's national security adviser, Michael Flynn, for lying to the FBI about his communications with Russian foreign minister Sergey Kislyak during the transition. In December 2019 Flynn pleaded guilty to two counts of lying. As part of a plea deal, DOJ agreed to ask for a minimum sentence and not prosecute Flynn for lobbying for Turkey without registering. After public support from President Trump in June of 2020, before Flynn was to be sentenced, William Barr reversed the DOJ indictment and supported Flynn's lawyers' appeal to drop the charges against Flynn. It was virtually unprecedented for the Justice Department to withdraw an indictment after a person had pleaded guilty (Mazetti, et al. 2020).

## **Pardons**

The Framers of the Constitution put the pardon power into the Constitution to allow the president to exercise mercy, to right an injustice, or to quell an insurrection or rebellion (Hamilton, Federalist 65). There is no doubt that President Trump had the constitutional authority to grant pardons and clemency, but many of the pardons in his first four years in office, were different from the practice of previous presidents.

Although other presidents have granted pardons in questionable cases, the pardons have often come at the end of their terms (e.g. H.W. Bush pardoning Casper Weinberger or Clinton pardoning his half brother and Marc Rich). But President Trump used the pardon power more frequently for more political purposes and to protect himself. He pardoned Arizona Sheriff Joe Arpaio who violated a criminal contempt of a court order to stop racial profiling, in line with Trump's hostility toward immigrants from Mexico (Pfiffner and Florence 2019). He pardoned an Army officer who had been convicted of killing an Iraqi prisoner and did not allow the Navy to punish a SEAL who had violated the Navy rules of conduct.

Several times Trump offered prospective pardons for breaking the law. For instance, he said that he would pardon DHS officials if they broke the law in building his wall with Mexico. In his efforts to

slow asylum seekers at the Mexican border Trump told DHS secretary Kirsten Nielsen to stop people at the border. When she told him that it would violate the law, Trump replied “Then we’ll pardon them” (Rucker and Leonnig 2020, 397). Trump told subordinates that they should “take the land” at the border in order to complete his wall with Mexico. In a meeting when he was told that some of his orders were illegal, he responded, “Don’t worry, I’ll pardon you” (Miroff and Dawsey 2019).

Trump tried to protect himself from potentially harmful testimony regarding the Mueller investigation by dangling pardons. As Robert Mueller reported, “Michael Cohen discussed pardons with the President’s personal counsel” and Trump “used inducements in the form of positive messages in an effort to get Cohen not to cooperate, and then turned to attacks and intimidation to deter the provision of information or undermine Cohen’s credibility once Cohen began cooperating.” This was an improper use of the pardon power, as the Mueller report explained, because it “include[s] the offer or promise of a pardon to induce a person to testify falsely or not to testify at all” (Mueller 2019, Vol. II, p. 134).

The president also dangled a pardon to Paul Manafort. As Special Counsel Mueller reported, “The President and his personal counsel made repeated statements suggesting that a pardon was a possibility for Manafort, while also making it clear that the President did not want Manafort to ‘flip’ and cooperate with the government.” (Mueller 2019, Vol. II, p. 131]). Manafort was convicted of financial fraud and lobbying violations in Ukraine and was sentenced to seven and a half years. The pardons dangled to Cohen and Manafort were abuses of the office of the Presidency because they encouraged people to commit a crime (providing false testimony) in the future.

In December 2019, Trump’s friend and political operative, Roger Stone, was convicted of seven felonies, including witness tampering, obstruction of justice, and lying to federal officials about his connections with Wikileaks. In accord with Justice Department guidelines, career prosecutors recommended a sentence of 7 to 10 years. Trump publicly criticized the judge who sentenced Stone and signaled that he would likely pardon Stone. “Roger was a victim of a corrupt and illegal Witch Hunt. . .He can sleep well at night!” “Cannot allow this miscarriage of justice!” (Crouch 2020). Stone admitted the effectiveness of Trump’s pardon dangle: “I had 29 or 30 conversations with Trump during the campaign period. . . . He knows I was under enormous pressure to turn on him. It would have eased my situation considerably. But I didn’t. They wanted me to play Judas. I refused” (Fineman 2020).

After Trump’s tweet, political appointees at DOJ submitted a memo arguing that the recommended sentence be considerably more lenient. Because of the perceived political interference with the normal course of justice, four career prosecutors withdrew from the case in protest. Stone was then sentenced to 40 months in prison (Bandos 2020). The judge in Stone’s case, Amy Berman Jackson, said, “He was not prosecuted, as some have complained, for standing up for the President. He was prosecuted for covering up for the President” (Toobin 2020). Shortly before Stone was required to report to prison in July 2020, President Trump commuted his sentence, saying that Stone was convicted on “process based charges” based on the “Russia hoax,” which was a “witch hunt” (Baker, et al 2020).

The commutation for Stone was part of a pattern in which President Trump used the pardon power to send political signals and help people with political or personal links to him. Thirty-one of thirty-six

of Trump's pardons or commutations were granted to persons who had close personal or political connections to Trump and had not been screened by the Pardon Attorney. Jack Goldsmith, Director of the Office of Legal Counsel in the Bush 43 administration, concluded that "no president in American history comes close to matching Trump's systematically self-serving use of the pardon power" (Goldsmith and Gluck 2020).

After Stone's sentence commutation, Robert Mueller wrote, "When a subject lies to investigators, it strikes at the core of the government's efforts to find the truth and hold wrongdoers accountable." Stone was prosecuted and convicted because he committed federal crimes. He remains a convicted felon, and rightly so" (Mueller 2020). After the commutation, Sen. Mitt Romney (R-Utah) summed up his perspective in a tweet: "Unprecedented, historic corruption: an American president commutes the sentence of a person convicted by a jury of lying to shield that very president" (Blake 2020).

The Framers of the Constitution gave the pardon power to the president despite warnings that it could be abused (Pfiffner 2019b). George Mason objected to giving the executive the power to pardon because he might use the pardon power, "to screen from punishment those whom he had secretly instigated to commit the crime, and thereby prevent a discovery of his own guilt" (Farrand 1966, 639). James Madison addressed Mason's objection to the president's pardon power by arguing that abuse of the pardon power could be remedied by impeachment: "If the president be connected in any suspicious manner with any persons, and there be grounds to believe he will shelter himself; the house of representatives can impeach him. . . . This is a great security" (Madison 1788). But as President Trump's success in avoiding removal from office demonstrates, impeachment is not always an adequate remedy for abuse of power.

Trump is also the only president who publicly proclaimed that he could exercise a self-pardon. In 2018, he tweeted, "As has been stated by numerous legal scholars, I have the absolute right to PARDON myself" (Wagner, John. 2018). A self pardon was never considered in the Constitutional Convention or the Federalist Papers; no president has attempted it; and there are no Supreme Court discussions of the possibility. Very few scholars agree that a self-pardon is consistent with the Constitution. In Federalist 10, James Madison wrote, "No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity." A presidential self pardon clearly violates this principle, among others (Pfiffner 2019b).

### **Abusing National Security Institutions**

As president, Trump was constitutionally the commander in chief of US military forces. Yet he often acted as if he could use the military for his personal political interests rather than as a steward for national security. Despite his touting of US military superiority, he claimed to know more about the military than general officers. He denigrated them in person, undermined the chain of command, and attempted to use them for his own political purposes. In addition, he systematically undercut US intelligence agencies.

### **Trump and the Generals**

One of the most important norms of the status of the military is enshrined in the Constitution, which declares that the president is commander in chief of all military forces. This structural decision of the Framers stemmed in part from the way that British soldiers asserted political control over the American colonies. The Declaration of Independence asserted: “He [King George] has affected to render the Military independent of and superior to the Civil Power.”

As commander in chief, it is well established that the president can exercise authority over US forces around the world and at any level. Nevertheless, over American history, norms of the proper relationship between the commander in chief and the military have established the principle that military forces are in the president’s control but not at his personal disposal. The military is particularly suspicious of being used for domestic political purposes. Professional military education institutions and the ethos of the armed services emphasize that the military should be apolitical. In a break with tradition, President Trump used some of his speeches to military audiences to encourage them to support his domestic political priorities (Sonne and Rucker 2018; Carter 2018).

For all of his posturing about the military power of the United States, President Trump did not respect the norms of military leadership nor did he respect the norms of the chain of command. President Trump undermined the independent professionalism of the US military in a number of ways. In his campaign for the presidency, Trump denigrated the military. He declared that “our military is a disaster” and in “shambles.” He said that Vietnam war hero John McCain who was held a prisoner of war in Hanoi for more than five years was overrated. “I like people who weren’t captured” (Milbank 2016). His relationship with the military may have been colored by his exemption from military service during the Vietnam War because of bone spurs. He told Howard Stern in February 2016 that His “personal Vietnam” was avoiding getting a sexually transmitted disease (Eder and Philipps 2016; Milbank 2016).

But once in office, Trump reveled in the strength of the military, speaking of “my generals” and bragging about the destructive power of his “nuclear button.” He declared, “There’s nobody bigger or better at the military than I am. . . . I know more about offense and defense than they will ever understand, believe me” (Bacevich 2017). For July 4<sup>th</sup> celebrations in 2019, despite the reluctance of military leaders to use the holiday for political purposes, Trump insisted that the annual parade demonstrate a show of military force (Shear et al. 2019). The generals that Trump initially appointed, Mattis, Kelley, and McMaster, along with Tillerson were considered “the adults in the room.” But after two years, all of them had left the administration (Mann 2017). In addition to his unwarranted braggadocio, Trump violated important norms that have evoked resistance from his secretaries of defense and condemnation from former military leaders.

Trump demonstrated his attitude toward his secretaries of state and defense as well as the most senior leadership of the U.S. military in his meeting with them in July 2017. The meeting took place in “the Tank,” the most secure room in the Pentagon reserved for military decisions of the highest order. After Tillerson and Mattis briefed Trump on the status of U.S. forces around the world, Trump complained that our allies had not been paying the United States for our soldiers stationed overseas. He lashed out at the top civilian and military leaders: “You’re all losers. . . . You don’t know how to win anymore. . . . I wouldn’t go to war with you people. . . . You’re a bunch of dopes and babies.” No commander in chief had ever spoken to his top national security appointees in that manner (Leonnig and Rucker 2020).

Later, Trump was quoted as calling soldiers who had died in their service “suckers” and “losers,” and saying, “my fucking generals are a bunch of pussies” (Goldberg 2020; Woodward 2020; Haberman 2020c). Reacting to the press coverage of the Woodward book, Trump attacked the integrity and judgment of his top military leaders, “the top people in the Pentagon. . . . fight wars so all of those wonderful companies that make the bombs and make the planes and make everything else stay happy” (Woodward 2020; Sanger, et al. 2020).

### *Using Military Forces in Domestic Politics*

There is a strong norm that the US military should not be used within the United States except in exceptional circumstances. Although the president can use regular military troops domestically in the United States, several laws, including the Insurrection Act of 1807 and the Posse Comitatus Act limit the circumstances in which he can do so. Trump has undermined this norm a number of times. He sent military troops to the US border with Mexico, though they did not engage directly in border enforcement.

Most striking, however, was Trump’s decision to have Lafayette Square, in front of the White House, cleared of demonstrators who were protesting the killing of African American George Floyd by a white policeman who knelt on his neck for more than eight minutes. Trump ordered 1,600 troops from the 82nd Airborne flown to the Washington area, though they were not deployed in the city of Washington. National Guard troops used flash bang grenades, pepper spray, and rubber bullets to clear the space so that Trump could walk across the square and pose with a Bible in front of St. John’s Episcopal Church, which has often been visited by Presidents. Trump also threatened to confront protestors with “thousands and thousands of heavily armed soldiers, military personnel, and law enforcement officers” (Starr 2020). Trump was accompanied on his walk to the church by Chairman of the Joint Chiefs, General Mark A. Milley in his combat military uniform and secretary of Defense Mark Esper. Milley later apologized for his participation, saying, “I should not have been there.” Defense Secretary Mark Esper also said he was against using military troops in domestic situations, except in the “most urgent and dire of situations” (Cooper 2020a).

This episode and others have led former national security officials to break the longstanding norm of not publicly criticizing the commander in chief. Immediately after leaving his office as secretary of defense, James Mattis refused to criticize president Trump despite his evident disapproval of his behavior as president. Mattis articulated the reasons for his reticence: “If you leave an administration, you owe some silence. . . . I may not like a commander in chief one fricking bit, but our system puts the commander in chief there” (Goldberg 2019).

Given Mattis’ strong feelings about the norm of not criticizing a president in office, it took a lot to move him to go public with his criticism of Trump. After the killing of George Floyd and the driving of protestors from Lafayette Square, Mattis issued a statement condemning the president’s actions. “Donald Trump is the first president in my lifetime who does not try to unite the American people – does not even pretend to try.” “We are witnessing the consequences of three years without mature leadership.” “We know that we are better than the abuse of executive authority that we witnessed in Lafayette Square” (Schmitt and Cooper 2020).



After the killing of George Floyd, proposals were made to rename military bases that were named after Confederate Generals. Former Secretary of Defense, Robert Gates, agreed, saying that the bases named after Confederates represented “The dark side of our history. . . . The events since the killing of George Floyd present us with an opportunity where we can move forward to change those bases” (Baker 2020a). Top military leaders in the Pentagon were favorable to the proposals, but President Trump decided against it (Petraeus 2020). Carefully evading Trump’s wishes, Defense Secretary Mark Esper issued guidelines specifying the types of flags that could be displayed in military installations, which would exclude the Confederate flag (Cooper 2020b). That such an entrenched norm was broken by former military leaders demonstrates how dangerous they thought that Trump was for the United States (Hanson 2020).

In addition to subtle resistance from those still in office, former military leaders criticized Trump’s actions. A letter signed by 89 retired defense officials called on the president to stop “tarnishing the military” by using military force against domestic demonstrations. Signers included former Secretaries of Defense, Leon Panetta, Chuck Hagel, Ashton Carter, and William Cohen. “He [Trump] has gone so far as to make a shocking promise: to send active-duty members of the U.S. military to “dominate” protesters in cities throughout the country. . . . putting our servicemen and women in the middle of politically charged domestic unrest risks undermining the apolitical nature of the military that is so essential to our democracy. The members of our military. . . . must never be used to violate the rights of those they are sworn to protect” (Letter from 89 former Defense Officials 2020).

### *Disrespect for the Chain of Command*

Trump disrupted the chain of command when he blocked the promotion of Lt. Col. Alexander S. Vindman, who had been wounded in Iraq, and who testified in impeachment hearings. As a Ukraine expert on the NSC staff, Vindman had prepared the talking points for Trump. But after he witnessed Trump pressuring Ukraine president Zelensky to help him by investigating his campaign rival, Joe Biden, Vindman reported it to the NSC counsel. As soon as the Senate refused to remove Trump from office, Trump had Vindman and his brother removed from the NSC staff. White House staffers told Pentagon officers to find negative material in Vindman’s background to justify blocking his promotion, but none was found (Wright 2020; Schmitt and Cooper 2020b). When it was clear that Trump would not approve his promotion to Colonel, Vindman resigned from the Army. Several political appointees in the Office of Secretary of Defense resigned when Trump blocked their promotions because of their role in certifying that the aid to Ukraine was in the interest of national security (Cooper and Schmitt 2020).

The US military prides itself on its professionalism. It respects the laws of war and has established procedures for disciplining those who violate laws and regulations. In keeping with the norm of respecting the chain of command, presidents seldom intervene at lower levels of decision making, especially in cases of discipline. According to the Uniform Code of Military Justice, the military is sensitive to “command influence” that can affect the judgments of disciplinary actions and courts martial (10 U.S. Code, Sec. 837, Article 37. Command influence).

President Trump showed his contempt for the regular process of military justice by pardoning two officers who were accused of war crimes in Afghanistan. Another intervention led to the removal of the secretary of the Navy, Richard Spencer. SEAL team chief petty officer, Eddie Gallagher, was accused but not convicted of murdering a terrorist suspect in Afghanistan who was in US custody

(Philipps 2019). The jury of experienced SEAL members, his peers, convicted him of bringing discredit on the SEALs for posing for a photograph with the dead teenager's body. The Navy decided that Gallagher would be demoted and stripped of his Trident (SEAL) pin.

President Trump heard of the decisions on the news, and against the advice of his military leaders, intervened in the case and pardoned Gallagher, despite the recommendation of the secretary of the Navy, Richard Spencer, whom Trump fired. Spencer's letter acknowledging his dismissal, stated the intervention of the president in the normal process of the Uniform Code of Military Justice undermined "good order and discipline" in the Navy. "I no longer share the same understanding with the Commander in Chief who appointed me. . . . I cannot in good conscience obey an order that I believe violates the sacred oath I took" (Spencer 2019; Philipps, et al. 2019; Haberman 2019).

In an unprecedented demonstration of lack of confidence in the commander in chief, 70 former Republican national security officials issued a public statement, declaring that President Trump "lacks the character and competence to lead this nation and has engaged in corrupt behavior that renders him unfit to serve as President" (Statement 2020).

### **Trump's Distrust of the Intelligence Community**

The relationship between intelligence officials and presidents is often an uneasy one; presidents want support for their policies, and intelligence officials have a strong ethos to "speak truth to power," even if their reports do not support the president's desired policy direction (Jervis 2010). Presidents Johnson (Vietnam), Nixon (Watergate), and George W. Bush (Iraq war) were suspicious of the CIA and often did not trust its analyses (Andrew 1995; Pfiffner 2004; Whipple 2020b). But President Trump publicly attacked the intelligence community with unprecedented hostility (Geltzer and Goodman 2019).

Tension between Trump and intelligence agencies was evident early in transition preparation when he was openly skeptical of national security briefings, limiting them to once a week rather than daily. He said, "I get it when I need it" (Gonyea 2016). In his speech at CIA headquarters the day after his inauguration, Trump diverged from other presidents when he turned to partisan politics, "probably almost everybody in this room voted for me, but I will not ask you to raise your hands if you did" (Rohde 2020b, 173). No other president has inserted partisan politics into speeches at CIA headquarters. Trump also thought that the intelligence community was responsible for the leak of the embarrassing "Steele Dossier" to *Buzzfeed* (which it was not), which published it during the transition. He said "that's something that Nazi Germany would have done" (Rohde 2020b, 169-170, 173). Trump's denigration of the intelligence community was unprecedented (Rohde 2020a).

Trump saw the intelligence community as part of the "deep state" out to undermine his administration (Barnes and Goldman 2020). He rejected the fact of Russian interference in the 2016 election as a "hoax," despite the consensus among the CIA, NSA, FBI, and the DNI who had "high confidence" in their conclusions. Intelligence briefers were careful about raising the Russia issue in front of Trump for fear of irritating him (Draper 2020). Trump's Director of National Intelligence, Dan Coats, said, "We have been clear in our assessments of Russian meddling in the 2016 election and their ongoing, pervasive efforts to undermine our democracy, and we will continue to provide unvarnished and objective intelligence in support of our national security" (Diamond 2018).

In the spring of 2017 President Trump was becoming increasingly frustrated with the intelligence community's conclusion that Russia had attempted to influence the 2016 elections. He asked Director of National Intelligence Dan Coats and National Security Agency Director Mike Rogers to help him politically by stating publicly that there was not any collusion between the Trump campaign and Russia (Rohde 2020a). He also asked FBI director Comey to deny publicly that Trump was personally under investigation for possible collusion. All three declined to do what the president asked. Comey and Rogers also contradicted Trump's assertion in March 2017 that the White House had tapped phones in Trump Tower during the campaign (Thrush and Haberman 2017).

Trump's ignorance of history and geography and his "willful ignorance" when intelligence findings contradicted his personal view of the world alarmed his intelligence briefers. There was a danger that intelligence officials might censor themselves from presenting information that might upset Trump (Walcott 2019). When confronted with information that did not fit his world view, the president often discounted the underlying information rather than disagreeing with conclusions. "My gut tells me more sometimes than anybody else's brain can ever tell me" (Miller 2019b).

In contrast to previous presidents who regularly paid close attention to oral and written briefings, Trump often turned briefing sessions into monologues about conspiracy theories (Barnes and Goldman 2020; Whipple 2020a). His intelligence briefers were frustrated that Trump rarely, if ever, read the president's daily brief (PDB), and they tried to catch his attention with simplified bullet points and visual images. In his fourth year in office, Trump usually took intelligence briefings only two days a week, and often talked more than the briefers about various subjects irrelevant to the intelligence topics (Bolton 2020, 224; Miller 2019b; Draper 2020).

President Trump's trust in Russian President, Vladimir Putin, seemed to be greater than his trust in his own intelligence agencies. In July 2017, when intelligence reports indicated that North Korea had test fired an intercontinental ballistic missile, Trump dismissed the report as a "hoax," because Vladimir Putin had told him that the report was not true (Miller 2019a). In July 2018 Trump met for two hours personally with Putin in Helsinki with no one present but their interpreters. After the meeting he said that Putin had denied that Russia interfered with the 2016 elections. "I will tell you that President Putin was extremely strong and powerful in his denial today. . . . My people came to me, Dan Coats came to me and some others saying they think it's Russia. I have President Putin, he just said it's not Russia. I will say this, I don't see any reason why it would be" (Diamond 2018; Morin 2018; Draper 2020).

In January 2019 in congressional testimony, Director of National Intelligence Dan Coats and CIA Director Gina Haspel, both Trump appointees, testified before Congress in their annual Worldwide Threat Assessment. In their testimony they noted that North Korea was not likely to give up its nuclear arsenal and that Iran was not violating the nuclear agreement it made in 2016. Trump was upset with their testimony and tweeted, "Perhaps Intelligence should go back to school. . . . The intelligence people seem to be extremely passive and naïve when it comes to the dangers of Iran. They are wrong!" (Landler, Mark 2019). As a result, officials in the ODNI told members of Congress that they would rather not present the annual briefing publicly to Congress for fear that it would provoke the president (Bertrand and Lippman, 2020).

Asserting that “the intelligence agencies have run amok,” Trump replaced DNI Coats with his political ambassador to Germany as acting director, and then appointed his political ally, Texas Rep. John Ratcliffe, who had very little background in intelligence (Draper 2020). Trump fired ODNI inspector general Michael Atkinson for complying with the law and forwarding to Congress the report that national security officials were concerned that Trump broke the law in delaying aid to Ukraine in 2019, which led to Trump’s impeachment (Savage 2020; Morell 2020). He later fired acting DNI Joseph Maguire for allowing a staffer to testify before Congress about planned Russian interference in the 2020 election (Walcott 2020).

Trump’s hostility toward the intelligence community provoked some former officials to speak out publicly in criticizing Trump. This risked the danger of seeming to politicize even more the intelligence process in the United States. Two former intelligence officials who served in Republican administrations went public with their concerns. Former deputy director of the CIA John McLaughlin wrote that former officials were reacting to the “extraordinarily unprecedented context” of the Trump presidency. He noted that the United States was exhibiting “classic warning signs” of fragile democracies that the CIA had analyzed around the world, such as “attacks on institutions, neutralization of opponents, cowed legislatures, publics numbed by repeated falsehoods” (McLaughlin 2018). His concerns were echoed by former director of NSA and CIA, Michael Hayden, who said that Trump does not have the “emotional, intellectual or ethical tools to carry out the responsibilities of his office.” Hayden justified his breaking of the taboo against speaking out against a sitting president by saying “This indeed may be one of those in-emergency-break-glass’ moments. . . . If the king is mad, we have a right to know” (Hayden 2018).

### **Conclusion**

Much of the importance of Trump’s rejection of the established norms of the presidency depends on whether future presidents imitate his actions or return to normal presidential behavior. It is possible that, in part because of political polarization, civility will continue to deteriorate. When asked during the 2016 campaign why he continued to exploit dissension, Trump answered, “I guess because of the fact that I immediately went to No. 1 and I said, ‘Why don’t I just keep the same thing going’” (Dowd 2020). Since Trump continued to profit from his own business in office with no negative consequences, it is possible that other presidents will refuse to divest themselves of their own private sources of income. The United States has been fortunate to have had relatively apolitical and professional military and intelligence institutions, and the resistance of some national security officials has been important in curbing some of President Trump’s excesses. Nevertheless, these political interventions, however justified, set unfortunate precedents for the possible increasing politicization of national security professionals. The broader impact of President Trump’s behavior will depend crucially on the character of future presidents. Equally important will be whether Congress begins to reassert its own constitutional prerogatives or whether congressional partisans will ignore executive aggrandizement by presidents of their own party.

For comments on an earlier version of this article, the author would like to thank Jeffrey Crouch, Chris Edelson, George Edwards, David Hart, Greg Koblenz, Todd LaPorte, David Lewis, Anne Joseph O’Connell, Jim Olds, Andrew Rudalevige, and Michael Tuszka.

## REFERENCES

- Anbinder, Tyler. 2019. "Trump has spread more hatred of immigrants than any American in history." *Washington Post* (November 19).
- Andrew, Christopher. 1995. "American presidents and their intelligence communities." *Intelligence and National Security* (Vol. 10, No. 4, pp. 95-112).
- Apuzzo, Matt and Michael Schmidt. 2017. "Comey Says Trump Pressured Him to 'Lift the Cloud' of Inquiry." *New York Times* (June 7).
- Arendt, Hannah. 1958. *The Origins of Totalitarianism*. Cleveland, OH: Meridian Books.
- Associate Press. 2020. "'LIBERATE!': Trump Pushes States to Lift Virus Restrictions." (April 17).
- Bacevich, Andrew J. 2017. "Leave It to the Generals: A nonstrategy for Afghanistan." *New Republic* (November 8).
- Baker, Peter. 2019). "Once Upon a Time, Seeking Foreign Help Was Out of the Question." *New York Times* (October 7).]
- Baker, Peter. 2020a. "Robert Gates Calls to Replace Base Names From 'Dark Side of Our History'" *New York Times* (June 14).
- Baker, Peter. 2020. "Five Takeaways From John Bolton's Memoir." *New York Times* (June 18).
- Baker, Peter and Eileen Sullivan. 2019. "Trump Publicly Urges China to Investigate the Bidens." *New York Times* (October 3).
- Baker, Peter. et al. 2020. "Trump Commutes Sentence of Roger Stone in Case He long Denounced." *New York Times* (July 10).
- Balz, Dan. 2020. "Trump turned July Fourth into a partisan event. The damage could be long-lasting." *Washington Post* (July 5).
- Bandos, Nicholas, et a. 2020. "Justice Dept. Officials Deliver Stinging Testimony Claiming Politicization Under Barr." *New York Times* (June 24).
- Barnes, Julian and Adam Goldman. 2020. "For Spy Agencies, Briefing Trump Is a Test of Holding His Attention." *New York Times* (May 21).
- Barrett, Ted. 2016. "Trump defended articles of the Constitution that don't exist." *CNN Politics* (July 8).
- Bella, Timothy. 2020. "'Cannot allow this miscarriage of justice!': Trump blasts sentencing recommendation for Roger Stone." *Washington Post* (February 11).

Bertrand, Natasha and Daniel Lippman. 2020. "Trump tightens his grip on intelligence." *Politico* (February 26).

Benner, Katie and Sharon LaFraniere. 2020. "For Barr, Standoff With Prosecutor Adds to String of Miscues." *New York Times* (June 21).

Berman, Russell. 2019. "Uh-Oh, We Shouldn't Have This." *The Atlantic*. (June 14).

Bertran, Natasha. 2020. "Trump's intel power play spooks the spooks." *Politico*. (March 8).

Blake, Aaron. 2020. "Why Trump's pardon history is so unprecedented." *Washington Post* (July 11).

Bolton, John. 2020. *The Room Where It Happened*. NY: Simon and Schuster.

Bowman, Frank O. 2020. "Trump's Defense Against Subpoenas Makes No Legal Sense." *The Atlantic* (January 28).

Broad, William J. and Dan Levin. 2020. "Trump Muses About Light as Remedy, but Also Disinfectant, Which is Dangerous." *New York Times* (April 24).

Burke, Edmund. 1795. "Letter I: On the overtures of Peace." *Select Works of Edmund Burke*. Vol. 3. Online Library of Liberty. <https://oll.libertyfund.org/titles/burke-select-works-of-edmund-burke-vol-3>

Burns, Alexander. 2020. "Trump Attacks an Election He Is at Risk of Losing." *New York Times* (July 30).

Carter, Phillip. 2018. "The Military Is Not a Political Prop." *New York Times* (February 8).

CBS News. 2017. "Trump: I can do whatever I want with the Justice Department." (December 29).

Center for Responsive Politics. 2020. "All the President's Profiting." <https://www.opensecrets.org/trump/trump-properties?cycle=2020>

Chalfant, Morgan. 2020. "Trump: 'The only way we're going to lost this election is if the election is rigged.'" *The Hill* (August 17).

Chafetz, Josh and David E. Pozen. 2018. "How Constitutional Norms Break down." *UCLA Law Review* Vol. 65, pp1430-1459.

Cipilone, Pat A. 2019. Letter to Nancy Pelosi. The White House. October 8.

CNN. 2018. "President Trump mocks being presidential." (March 10).

Cochrane, Emily and Jim Tankersley. 2020. "Trump Threatens to Bypass Congress as Stimulus Talks Fail Again." *New York Times* (August 7).

Cohen, Zachary and Barbara Starr. 2017. "US military leaders condemn racism after Charlottesville violence." *CNN* (August 16).

Cooper, Helene. 2020a. "Milley Apologizes for Roe in Trump Photo OP: 'I Should Not Have Been There.'" *New York Times* (June 11).

Cooper, Helene. 2020b. "Pentagon Sidesteps Trump to Ban the Confederate Flag." *New York Times* (July 17).

Cooper, Helene and Eric Schmitt. 2020. "Defense Secretary Faces White House Pressure on Aides and a Military Promotion." *New York Times* (June 25).

Corasaniti, Nick and Maggie Haberman. 2016. "Donald Trump Suggests 'Second Amendment People' Could Act Against Hillary Clinton." *New York times* (August 9).

Crouch, Jeffrey. 2020. "Will the 'law and order' president pardon Roger Stone? The Hill (June 11).

Dawsey, Josh. 20108. "Trump derides protections for immigrants from 'shithole' countries." *Washington Post* (January 12).

Diamond, Jeremy. 2018. "Trump sides with Putin over US intelligence." *CNN* (July 16).

Dowd, Maureen. 2020. "Joe's Fearsome Weapon Against Trump: Simple Decency." *New York Times* (August 21).

Draper, Robert. 2020. "Unwanted Truths: Inside Trump's Battles With U.S. Intelligence Agencies." *New York Times* (August 8).

Eder, Steve and Dave Philipps. 2016. "Donald Trump's Draft Deferments: Four for College, One for Bad Feet." *New York Times* (August 1).

Edwards, George C. III. 2020. "The Bulley in the Pulpit." *Presidential Studies Quarterly*. Vol. 50, No. 2, (June).

Edsall, Thomas B. 2020. "'The Whole of Liberal Democracy Is in Grave Danger at This Moment.'" *New York Times* (July 22).

Entous, Adam. 2017. "Top intelligence official told associates Trump asked him if he could intervene with Comey on FBI Russia probe." *Washington Post* (June 6).

Fahrenhold, David, and Josh Dawsey. 2020. "Trump's businesses charged Secret Service more than \$1.1 million, including for rooms in club shuttered for pandemic." *Washington Post* (September 17).

Farrand, Max 1966. *The Records of the Federal Convention of 1787* (New Haven: Yale University Press Vol. II.

Federal Election Commission. 2017. Federal Elections 2016.

Fineman, Howard. 2020. "Roger Stone is Saved." *Washington Post* (July 10).

Fisher, Louis. 2020a. "President Trump's Spending Power." Project on Government Oversight (July 2).

Fisher, Louis. 2020b. "President Trump and His Financial Records." Project on Government Oversight (July 17).

Frieden, Tom, et al. 2020. "We ran the CDC. No president ever politicized its science the way Trump has." *Washington Post* (July 14).

Fuchs, Hailey. 2020. "House Can Sue to Force Testimony From McGahn, Appeals Court Rules." *New York Times* (August 7).

Gabor, Rona. 2018. "'Take Out Their Families': Trump, Terrorists and Overly Broad Rules of Engagement." *World Politics Review* (August 23).

Geltzer, Joshua and Ryan Goodman. 2019. "The Pattern and Practice of Trump's Assaults on the Intelligence Community." *Just Security* (September 3).

Goldberg, Jeffrey. 2019. "The Man Who Couldn't Take It Anymore." *The Atlantic* (October).

Goldberg, Jeffrey. 2020. "Trump: Americans Who Died in War Are 'Losers' and 'Suckers.'" *The Atlantic* (September 3).

Goldsmith, Jack. 2017. "Will Donald Trump Destroy the Presidency?" *The Atlantic* (October).

Goldsmith, Jack and Matt Gluck. 2020. "Trump's Aberrant Pardons and Commutations." *Lawfare* (July 11).

Gonyea, Don. 2016. "What Exactly Is The 'President's Daily Brief' And Why is It Important?" (December 13).

Gore, D'Angelo. 2016. "Trump's Revised 9/11 Claim." *Factcheck.org* (August 5).

Gorod, Brianne. 2019. "The Historical and Legal Basis for the Exercise of Congressional Oversight authority." Constitutional Accountability Center (January).

Government Accountability Office. 2018. Letter from General Counsel Thomas Armstrong, "Impoundment Control Act – Withholding of Funds through Their Date of Expiration." Washington (December 10).

Haberman, Maggie, et al. 2019. "Navy Is Said to Proceed with Disciplinary Plans Against Edward Gallagher." *New York Times* (November 23).



- Haberman, Maggie. 2020a. "Trump Adds to Playbook of Stoking White Fear and Resentment." *New York Times* (July 6).
- Haberman, Maggie. 2020b. "Trump Aides Undercut Fauci as he Speaks Up on Virus Concerns." *New York Times* (July 12).
- Haberman, Maggie. 2020c. "Trump Attacked Generals as Weak and Too Focused on Allies." *New York Times* (September 9).
- Haberman, Maggie, et al. 2020. "Trump's False Attacks on Voting by Mail Stir Broad Concern." *New York Times* (June 24).
- Hanson, Col. Tom. 2020. "Flood of anti-Trump sentiment from retired military leaders creates dangerous precedent." *Marine Times* (June 27).
- Hayden, Michael. 2018. "Democracy is alive in the Trump era." *The Hill* (September 10).
- Healy, Patrick and Jonathan Martin. 2016. "Donald Trump Won't Say if He'll Accept Result of Election." *New York Times* (October 19).
- Helderman, Rosalind and Tom Hamburger. 2020. "Russia. Ukraine. China. Bolton account highlights pattern of Trump welcoming foreign political help." *Washington Post* (June 18).
- Hohmann, James. 2020. "With purges and appointments, Trump leaves a lasting mark on inspector general system." *Washington Post* (June 25).
- Hughes, Siobhan. 2016. "Donald Trump's Pledge to Defend Article XII of the Constitution Raises Eyebrows." *Wall Street Journal* (July 7).
- Jackson, David. 2020. "Trump blasts DACE decision asking if people get the impression 'the Supreme Courts doesn't like me?'" *USA Today* (June 18).
- Jervis, Robert. 2010. "Why Intelligence and Policymakers Clash." *Political Science Quarterly*. Vol. 125, No. 2, pp. 185-204).
- Karni, Annie and Peter Baker. 2019. "At Minneapolis Rally, and Angry Trump Reserves Sharpest Attack for Biden." *New York Times* (2019).
- Karni, Annie. 2020. "Trump uses Mount Rushmore Speech to Deliver Divisive Culture War Message" *New York Times* (July 4).
- Karni, Annie and Maggie Haberman. 2020. "At Mt. Rushmore and the White House, Trump Updates 'American Carnage' Message for 2020." *New York Times* (July 4).

Kaufman, Ellie, et al. 2020. "Trump says he opposes funding USPS because of mail-in voting." *CNN Politics* (August 13).

Kessler, Glenn. 2020. "Trump's claim that 99 percent of coronavirus case are 'totally harmless.'" *Washington Post* (July 8).

Kessler, Glenn, et al. 2020. "President Rump has made more than 20,000 false or misleading claims." *Washington Post* (July 13).

Landler, Mark. 2017. "Trump Under Fire for Invoking Nazis in criticism of U.S. Intelligence." *New York Times* (January 11).

Landler, Mark 2019. "An Angry Trump Pushes Back Against His Own 'Naïve' Intelligence Officials." *New York Times* (January 30).

Landler, Mark, et al. 2020. "Trump's Request of an Ambassador: Get the British Opeen for Me." *New York Times* (July 21).

Lee, Michelle Ye Hee and Anu Narayanswamy. "Ivanka Trump and Jared Kushner earned at least \$36 million in outside income last years, new disclosures show." *Washington Post* (August 2).

Leonnig, Carol D. and Philip Rucker. 2020. *A Very Stable Genius*. New York, Penguin Press.

Letter from former military leaders. 2020. "89 former Defense officials: The military must never be used to violate constitutional rights." *Washington Post* (June 5).

Levin, Yuval and Adam White. 2020. "The Return of Pen-and-Phone Constitutionalism." *National Review* (August 9).

Levitsky, Steven and Daniel Ziblatt. 2018. *How Democracies Die*. New York: Crown.

Liptak, Adam. 2020. "John Roberts Was Already Chief Justice. But Now It's His Court." *New York Times* (June 30).

Lozada, Carlos. 2020. "Could Obama have stopped Putin's election interference?" *Washington Post* (June 25).

Madison, James. 1788. "Powers of the President," [18 June] 1788, Robertson, Virginia Debates, pp. 353–54. <https://founders.archives.gov/documents/Madison/01-11-02-0097>.

Mann, James. 2017. "The Adults in the Room." *New York Review* (October 26).

Mazetti, Mark, et al. 2020. "How Michael Flynn's Defense Team Found Powerful Allies." *New York Times* (June 28).

- McCord, Michael. 2019. "Power Struggle Over the Wall: Presidential Emergency Powers vs. Congressional Power of the Purse." *Just Security* (February 21).
- McCormick, Anne O'Hare. 1932. "Roosevelt's View of the Big Job," *New York Times Magazine* (September 11).
- McGinley, et al. 2020a. "Trump without evidence accuses 'deep state' at FDA of slow-walking coronavirus vaccines and treatments." *Washington Post* (August 22).
- McGinley, et al. 2020b. "Inside Trump's pressure campaign on federal scientists over a covid-19 treatment." *Washington Post* (August 30).
- McLaughlin, John. 2018. "Why so many former intelligence officers are speaking out." *Washington Post* (September 7).
- Mervosh, Sarah and Manny Fernandez. 2020. "Months Into Virus Crisis, U.S. Cities Still Lack Testing Capacity." *New York Times* (July 6).
- Milbank, Dana. 2016. Donald Trump's war with the U.S. Military." *Washington Post* (September 9).
- Miller, Greg. 2019a. "Andrew McCabe's disturbing account of working for Sessions and Trump." *Washington Post* (February 14).
- Miller, Greg. 2019b. "Gap continues to widen between Trump and intelligence community on key issues." *Washington Post* (December 11).
- Miroff, Nick and Josh Dawsey. 2019. "'Take the land': President Rump wants a border wall." *Washington Post* (August 27).
- Montague, Zach and Sharon LaFriniere. 2020. "Judge in Roger Stone Case Warns About Attacks on Juror by Trump and Others." *New York Times* (February 25).
- Morell, Michael, et al. 2020. "Trump's Politicization of U.S. Intelligence Agencies Could End in Disaster." *Foreign Policy* (April 28).
- Morin, Rebecca. 2018. "'I don't see any reason why' Russia would have interfered with election." *Politico* (July 16).
- Moss, Richard A. 2017. "Donald Trump is wrong. When Democrats were offered secret help by the Soviets, they refused." *Washington Post* (July 13).
- Mueller, Robert. 2019. *Report On The Investigation Into Russian Interference in The 2016 Election* (Washington: Department of Justice), Volumes I and II.
- Mueller, Robert. 2020. "Robert Mueller: Roger Stone remains a convicted felon, and rightly so." *Washington Post* (July 11).

- Navaro, Peter. 2020. "Anthony Fauci has been wrong about everything I have interacted with him on." *USA Today* (July 15).
- Newland, Erica and Kristy Parker. 2020. "Politically-Motivated Prosecutions: Legal Obligations and Ethical Duties of Prosecutors." *Just Security* website (July 27).
- Orr, Gabby and Marianne Levine, 2020. "Trump's #FireFauci retweet spurs a cycle of outrage and a White House denial." *Politico* (April 4).
- Parker, Ashley and Philip Rucker. 2019. "'You're a prop in the back': Advisers struggle to obey Trump's Kafkaesque rules." *Washington Post* (September 11, 2019).
- Petraeus, David. 2020. "Take the Confederate Names Off Our Army Bases," *The Atlantic* (June 9).
- Pfiffner, James. 1979. *The President, the Budget, and Congress: Impoundment and the 1974 Budget Act*. Boulder, CO: Westview Press.
- Pfiffner, James. 2004a. "Did President Bush Misperceive the Country in His Arguments for War with Iraq?" *Presidential Studies Quarterly*. Vol. 34, No. 1 (March), pp. 25-46.
- Pfiffner, James. 2004b. *The Character Factor: How We Judge America's Presidents*. College Station, TX: Texas A&M University Press.
- Pfiffner, James. 2019a. "The Lies of Donald Trump: A Taxonomy." in *The Trump Presidency and Executive Power*. NY: Palgrave Macmillan, pp. 17-40.
- Pfiffner, James. 2019b. "The Scope of the President's Pardon Power." Testimony before the House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties (March 27).
- Pfiffner, James and Justin Florence. 2019. "Using the pardon power to encourage law breaking." *The Hill* (July 31).
- Philipps, Dave, et al. 2019. "Trump's Intervention in SEALs Case Tries Pentagon Tolerance." *New York Times* (December 1).
- Plumer, Brad and Coral Davenport. 2019. "Science Under Attack: How Trump Is Sidelining Researchers and Their Work." *New York Times* (December 28).
- Rein, Lisa and Tom Hamburger. 2020. "As Trump removes federal watchdogs, some loyalists replacing them have 'preposterous' conflicts." *Washington Post* (May 24).
- Renan, Daphna. 2018] "Presidential Norms and Article II." *Harvard Law Review* Vo. 131 No. 8, pp. 2187-2282.

- Rizzo, Salvador. 2020. "Fact Checker: 20,000." *Washington Post* (July 17).
- Roberts, Molly. 2020. "Anthony Fauci built a truce. Trump is destroying it." *Washington Post* (July 16).
- Rogers, Katie. 2019. "As Impeachment Inquiry Advances, President's Languages Takes a Dark Turn." *New York Times* (October 2).]
- Rogers, Katie. 2020a. "Trump Pointedly Criticizes Fauci for His Testimony to Congress," *New York Times* (May 13).
- Rogers, Katie. 2020b. "Trump on Releasing Hist Tax Returns: From 'Absolutely' to 'Political Prosecution.'" *New York Times* (July 9).
- Rogers, Katie and Nicholas Fandos. 2019. "Trump Tells Congresswomen to 'Go Back' to the Countries They Came From" *New York Times* (July 14).
- Rohde, David. 2020a. "For Now, Donald Trump and William Barr Are Losing Their Way." *New Yorker* (June 23).
- Rohde, David. 2020b. *In Deep: The FBI, the CIA, and the Truth about America's Deep State.* NY: W.W. Norton.
- Rucker, Philip and Robert Costa. 2017. "Bannon vows a daily fight for 'deconstruction of the administrative state.'" *Washington Post*, February 23.
- Rucker, Philip and Carol Leonnig. 2020. *A Very Stable Genius*. New York: Penguin Press.
- Rudalevige, Andrew. 2020. "Trump's latest executive actions have 3 big problems." TMI, *Washington Post* (August 12).
- Sanger, David, et al. 2020. "A Striking Reversal: Trump's Attacks on the Military and Defense Contractors." *New York Times* (September 9).
- Savage, Charlie. 2020. "Inspector General Fired by Trump Urges Whistle-Blowers 'to Bravely Speak up.'" *New York Times* (April 6).
- Schmidt, Michael. 2018. "Trump Invited the Russians to Hack Clinton. Were They Listening?" *New York Times* (July 13).
- Schmitt, Eric and Helene Cooper. 2020a. "Long Silent, Mattis Delivers a Blistering Criticism of Trump as a Divider." *New York Times* (June 4).
- Schmitt, Eric and Helene Cooper. 2020b. Army Office Who Clashed With Trump Over Impeachment Is Set to Retire. *New York Times* (July 8).

Schmitt and Cooper 2020). Schmitt, Eric and Helene Cooper. 2020. Army Office Who Clashed With Trump Over Impeachment Is Set to Retire. *New York Times* (July 8).

Schor, Elana. 2018. “12 former top intelligence officials criticize Trump for pulling security clearance.” *Politico* (August 16).

Segers, Grace. 2020. “Trump says he wasn’t joking about testing slowdown: “I don’t kid.”” *CBS News* (June 23).

Shaub, Walter Jr. 2017. Director, U.S. Office of Government Ethics, “Remarks prepared for delivery at 4:00 pm. On January 11, 2017.” Brookings Institution.

Shaub, Walter Jr. 2020. “Ransacking the Republic.” *New York Review* (July 2).

Shear, Michael, et al. 2019. “Trump Says Tanks Will Be on Display in Washington for July 4. *New York Times* (July 1).

Shear, Michael D. and Maggie Haberman. 2020. “Health Dept. Officials Says Doubts on Hydroxychloroquine Led to His Ouster.” *New York Times* (April 22).

Shear, Michael and Sheila Kaplan. 2020. “A Debate Over Masks Uncovers Deep White House Division,” *New York Times* (April 3).

Shear, Michael and Eileen Sullivan. 2018. “‘Horseface,’ ‘Lowlife,’ ‘Fat, Ugly’: How the president Demands Women. *New York Times* (October 16).

Shear, Michael, and Jim Tankeersley. 2018. “Trump Inflates Size of Tax Cuts by \$4 Trillion in Speech to Farmers.” *New York Times* (January 9).

Shear, Michael and Noah Weiland. 2020. “Fauci Back at the White House, a Day After Trump Aides Tried to Undermine Him.” *New York Times* (July 13).

Shimer, David. 2020. “Rigged: America, Russia, and One Hundred Years of Covert Election Interference. New York: Knopf.

Sonne, Paul and Philip Rucker. 2018. Trump’s visit to Iraq prompts concerns about politicization of military.” *Washington Post* (December 27).

Spencer, Richard. 2019. Letter to the President. (November 24).  
<https://www.washingtonpost.com/context/read-navy-secretary-richard-spencer-s-letter-to-president-trump/2bf70c2a-f811-43be-9e21-b02f1fe54a26/>

Starr, Barbara. 2020. “Pentagon officials express concern as Trump threatens to use military to ‘dominate’ protestors. *CNN Politics* (June 2).

Statement by Former Republican National Security Officials. 2020.  
<https://www.defendingdemocracytogether.org/national-security/>

Struyk, Ryan. 2017. "Fact-Checking Trump's Repeated Unsubstantiated Claim of Widespread Voter Fraud." *ABC News*.( May 11).

Stuckey, Mary E. 2020. "'The Power of the Presidency to Hurt': The Indecorous Rhetoric of Donald J. Trump and the Rhetorical Norms of Democracy." *Presidential Studies Quarterly* (Jun 2020).

Thrush, Glenn and Maggie Haberman. 2017. "At a Besieged White House, Tempers Flare and Confusion Swirls." *New York Times*, May 16.

Toobin, Jeffrey. 2020. "Roger Stone Case Shows Why Trump is Worse than Nixon." *New Yorker* (July 11).

Topan, Tal. 2015. "Lindsey Graham: 'Tell Donald Trump to go to hell.'" *CNN Politics* (December 8).

Trump, Donald. *Time Magazine*, Transcript of Trump speech, June 16, 2015.

Vazquez, Maegan. 2019. "Trump to host G7 at his own Florida resort property." *CNN* (October 17).

Wagner, John. 2018. Trump says he has 'absolute right' to pardon himself of federal crimes but denies any wrongdoing," *Washington Post* (June 4).

Walcott, John. 2019. "'Willful Ignorance.' Inside President Trump's Troubled Intelligence Briefings." *Time Magazine* (February 2).

Walcott, John. 2020. "Trump's Latest Intelligence Meltdown Isn't About the Facts. It's About the Truth." *Time Magazine* (February 20).

*Washington Post*. 2020. "The Trump Organization's secret charged to the Secret Service." (March 15).

Whipple, Chris. 2020a. "Donald Trump, the unbriefable president." *Washington Post* (July 6).

Whipple, Chris. 2020b. *The Symasters: How the CIA Directors Shape History and the Future*. New York: Scribner.

White House. 2017. "Remarks by President Trump and Vice President Pence at CIA Headquarters." Press Office (January 21).

Wolf, Z. Byron. 2018. "Trump's attacks on Judge Curiel are still jarring to read." *CNN Politics* (February 27).

Woodward, Bob. 2018. *Fear*. New York: Simon and Schuster.

Wordland, Justin. 2019. "Donald Trump Called Climate Change a Hoax." *Time Magazine* (July 8).

Wright, Robin. 2020. "Trump's Impeachment Revenge: Alexander Vindman is Bullied into Retiring." *New Yorker* (July 9).

Yourish, Karen and Larry Buchanan. 2018. "Trump still Makes Money from His Properties." *New York Times* (December 19).