

## IDEAS

# The Trump Infallibility Doctrine

The president cannot fail—he can only be failed.

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YURI GRIPAS / REUTERS

William Barr was outraged about the special-counsel investigation into Russian interference in the 2016 election.

The claim that President Donald Trump could have obstructed justice by conducting official acts, such as firing the FBI director, was “fatally conceived,” he wrote in a June 2018 memo, and could do “lasting damage to the presidency and the administration of law in the executive branch.” Still, Barr conceded, it was theoretically possible for the president to obstruct justice.

“Thus, for example, if a President knowingly destroys or alters evidence, suborns perjury, or induces a witness to change testimony, or commits any act deliberately impairing the integrity or availability of evidence, then he, like anyone else, commits the crime of obstruction,” Barr wrote. “Indeed, the acts of obstruction

alleged against Presidents Nixon and Clinton in their respective impeachments were all such ‘bad acts’ involving the impairment of evidence.”

Grand-jury documents in the now-concluded investigation led by former Special Counsel Robert Mueller, obtained by *BuzzFeed News* through a Freedom of Information Act request, show that Trump had clearly met Barr’s own standard for presidential criminality. Yet once that evidence reached Barr, now the attorney general of the United States, he waved away the president’s crimes, then misrepresented the conclusions of the Mueller report to the public and an all-too-pliant press.

The episode is a microcosm of how Republican elites rationalize their continued protection of the president, despite voluminous evidence of his criminality. The same pattern plays out, over and over. First, Republicans establish a red line they believe Trump would never violate—such as suborning perjury or explicitly strong-arming a foreign country to frame a political opponent—and point to that as the boundary that needs to be enforced. Then, after the president crosses that red line, Republican elites—whether lawmakers, current or former government officials, or conservative media figures—invent a whole new line and devote all their energy to explaining why Trump’s crossing of the previous boundary is perfectly acceptable, even admirable.

Barr’s handling of the Mueller investigation is a textbook example. Aside from the ample evidence of obstruction in the special counsel’s report, the grand-jury documents recount Michael Cohen’s testimony that the president’s attorneys pushed him to falsely tell Congress that Trump’s efforts to build a Trump Tower in Moscow ended far earlier than they actually did. The truth is that while Trump was deflecting blame from Russia for interfering in the 2016 election, despite having been briefed on the Kremlin effort to intervene on his behalf, he was still seeking the Russian government’s approval for his building project in Moscow. That is, Trump had a financial incentive to use his credibility as the Republican presidential nominee to lie to the public about Russian election interference.

Cohen testified, both privately and, later, publicly, that he was “indirectly told” by Trump to lie to Congress, but the documents obtained by *BuzzFeed News* also shed light on the messages he was receiving from Trump allies. FBI records state that Cohen “was told if he stayed on message, the president has his back, the president loves you.” Yet despite this clear evidence that Trump had induced a witness to change his testimony—meeting the standard that Barr himself had set—the attorney general told the public that “the evidence developed during the Special

Counsel's investigation is not sufficient to establish that the President committed an obstruction-of-justice offense."

Similarly, Republican senators who have previously denied that Trump withheld military aid to Ukraine in order to extort that country's president into publicly implicating former Vice President Joe Biden for a crime that never occurred are now poised to openly defend Trump's actions in this regard. The allegations against Trump, which are supported by witness testimony, independent reporting, and the White House's own doctored transcript, make a mockery of principles that Republicans claim are threatened by an illiberal left: due process, freedom of speech, and democracy.

A state where critics of the state can be criminalized is one where they will not speak. A country where members of the opposition party can be implicated in imaginary crimes is one where they will not run. And a nation where the president can simply demand investigations of those he dislikes is one where free elections cannot take place. When abuses of power are left unchecked, their damage compounds. A president who gets away with such things will attempt to get away with far worse. This is a road map to despotism, and the more vigorously Republicans defend the president, the closer they come to embracing it.

In October, Senator Lindsey Graham stated that he might support impeachment: "If you could show me that Trump actually was engaging in a quid pro quo, outside the phone call, that would be very disturbing." But now that multiple Trump officials have testified that the president wanted to condition aid to Ukraine on a public announcement that Joe Biden and his son were under investigation, Republican senators have decided strong-arming Ukraine to frame Biden was not just proper, but admirable. "He honestly believes that there may have been corruption in Ukraine, and before he turns over \$400 million of American taxpayer money, he's entitled to ask," Senator John Kennedy told *The Washington Post*.

Similarly, Trump's allies in the conservative media have gone from denying that the president engaged in extortion to justifying it. The conservative pundit Ben Shapiro went from "No quid pro quo, no impeachment ... no moving goalposts" to "There was a quid pro quo. The question was if it was a corrupt quid pro quo." Fox News personalities have similarly argued that there was no quid pro quo, but that even if there was, Trump was duty-bound to extort Ukraine into framing the Bidens for a crime that never took place. The arguments may change, but their logic never does: Trump is infallible, and his critics, whether liberal Democrats or lifelong Republicans, are illegitimate.

As with Trump's obstruction of the Mueller investigation, Republicans set red lines they believed Trump would never be so stupid and corrupt as to cross. But now that they've learned he did, most Republicans are fine with it. This dynamic persists because Republican officials no longer feel any obligation toward American citizens who are not Trump supporters. Yes, elected Republicans have a duty to represent their constituencies. But the point of representative government is having elected officials who can distinguish between when it is time to seek political advantage, and when it is time to shield the foundational elements of democracy itself from destruction.

The Republican embrace of "Real America" talk has hardened from political rhetoric into ideological principle. Those who are not Real Americans cannot legitimately wield power or criticize those who do, and therefore no effort to deprive those who are not Real Americans of power can be illegitimate.

Nationalism, by definition, draws lines around who belongs and who does not; the core of Trumpist nationalism is the claim that the minority of voters who support the president are the only ones empowered to shape the direction of the country, and the only ones who can confer legitimacy on the U.S. government. The president's supporters have begun arguing not only that the constitutional process of impeachment is illegitimate, but that Trump losing reelection would be a "coup."

Under this standard, nothing Trump does—no federal crime, no act of corruption, no attack on the institutions of American democracy—can be considered immoral or unjust, so long as he retains his core political support. Neither can other institutions—Congress, the courts, or the press—be considered legitimate if they defy Trump, the only legitimate vessel of popular will. It is a quasi-religious doctrine of infallibility, backed by the power of the federal government and the president's allies in Congress and the media. As the president's newly appointed faith adviser, Paula White, put it, "President Trump will overcome every strategy from hell, and every strategy of the enemy, every strategy, and he will fulfill his calling and his destiny."

In keeping with American historical tradition, the boundaries of this true nation within a false nation lie along predictable racial, religious, and cultural lines. Under Trumpism, only white, conservative Christians can confer legitimacy on a government or a president. Those who are not members of that nation, or who have not purchased honorary membership through slavish hyperbole, have no right to question its legitimacy. And paradoxically, any Trumpist who substantively

questions the president is branded a Never Trumper, and exiled from the true nation. Trumpists have moral obligations only to one another, the rest of the country—the rest of the world—be damned.

Those searching for the red line Trump can cross that will magically turn the Republican Party against him will be disappointed. As long as Trump maintains the support of the people the GOP has concluded are the only Americans who matter, they will sustain him, no matter how many crimes he commits, no matter how much of his corruption is exposed, and no matter how many catastrophes he arbitrarily creates overseas. This is the logic of Trumpist nationalism: permanent minority rule by those who have decided that they are the only real Americans.

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