



'Experts' agree: Trump is a dangerous threat to the legal system

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The anti-Trump headlines practically leap off the page.

The New York Times went with this: "Trump Could Threaten U.S. Rule of Law, Scholars Say."

The Washington Post online version: "Trump's Personal, Racially Tinged Attacks on Federal Judge Alarm Legal Experts."

Now it's important to stress that the billionaire's personal attacks on the judge hearing the Trump University lawsuit are indeed troubling. The fact that he's tripled down in telling the Wall Street Journal and CNN that U.S. District Judge Gonzalo Curiel has an "inherent conflict of interest" in the case because he's of Mexican heritage—the guy is from Indiana—is rather stunning coming from a presidential candidate.

But as with all things Trump, his confrontational style sometimes causes a blurring of the lines between straight news coverage and commentary.

What the Times and Post stories have in common is that they hang their hat on legal "experts." This allows the papers to seem above the fray, because after all, they're just quoting other people.

But the experts here are a vehicle, in my view. The headlines could just as well read "Attacks Alarm Media Experts."

The experts didn't spontaneously form a PAC and issue a press release. Reporters set out to round them up to flesh out stories that essentially say Trump is out of control.

The way these stories are framed is an editorial judgment.

The Post story is milder and more narrowly focused, saying Trump's bashing of Curiel has "set off a wave of alarm among legal experts, who worry that the -Republican presidential

candidate's vendetta signals a remarkable disregard for judicial independence. That attitude, many argue, could carry constitutional implications if Trump becomes president."

The Times piece is more sweeping and alarmist:

"Donald J. Trump's blustery attacks on the press, complaints about the judicial system and bold claims of presidential power collectively sketch out a constitutional worldview that shows contempt for the First Amendment, the separation of powers and the rule of law, legal experts across the political spectrum say."

And it says that even scholars on the right "warn that electing Mr. Trump is a recipe for a constitutional crisis."

Keep in mind that many experts have strong political opinions. They are not denizens of some ivory tower of neutrality. The Times quotes people from places like the libertarian Cato Institute who may have a dim view of Trump.

Take this quote from David Post, who writes for the Volokh Conspiracy, a conservative legal blog. He said of Trump: "This is how authoritarianism starts, with a president who does not respect the judiciary."

So now we have a presidency based on authoritarianism and a recipe for a constitutional crisis.

Deep in the piece, the Times gets around to acknowledging that there's another president who has been accused of lawlessness:

"Republican officials have criticized Mr. Obama for what they have called his unconstitutional expansion of executive power."

Now I always give reporters credit for going out and interviewing people on the record. But is there no lawyer on the planet (other than Alberto Gonzalez) who could be found to take a less alarmist view of Trump's remarks?

In this case, at least, the experts do seem to match the media mindset on the danger of Donald Trump.