

# The American Conservative

## Should Donald Trump Have First Amendment Rights?

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March 23, 2016

On Sunday's "Face the Nation," host John Dickerson asked his press panel what the Democrats' reaction would have been to large-scale efforts to block roads and disrupt traffic for those attending a Barack Obama rally during the 2008 campaign. While no one replied directly, Ruth Marcus said, "We know what it would be." The understood answer was the road-blockers would encounter a nationwide crescendo of denunciation, and would be shamed as despicable racists seeking to disrupt the American democratic process.

By contrast, those seeking to disrupt Trump rallies face nothing of the sort. Instead, Trump and his supporters are denounced over and over again for their verbal, or in two or three instances physical, lashings out against those who have repeatedly sought to wreak havoc on their events.

The possibility of widespread violence, instead of the now-routine disruptions, prompted Trump to cancel a Chicago rally on the evening of March 10. The cancellation, and the TV coverage of altercations outside the arena which followed, sparked debates between liberals and leftists over whether creating mayhem around Trump events is politically prudent, morally justified, and tactically effective. No one who scans these debates is likely to come away greatly reassured about the bedrock solidity of the shared commitment to the democratic rules of the game in American politics; one could easily conclude that America is beginning to veer towards a state where political disruption and civil violence will become a kind of norm, as it is in much of the Third World.

After the cancellation, the news networks played in continuing loops footage of confrontations between outnumbered Trump supporters and anti-Trump demonstrators outside the University of Illinois at Chicago venue. The latter sometimes waved Mexican flags or banners flouting their undocumented status, defiantly expressing the belief, newly ascendant on the left, that the United States has no right to enforce its immigration laws.

The essayist Michael Tomasky tweeted, "It's surreal, but if you think this hurts Trump and not the protesters, I fear you are mistaken." This seemingly innocuous tweet was quickly set upon by some of Tomasky's Twitter followers, one of whom labeled him a "tone-policing white liberal." In a [podcast debate](#) between millennial writer-activists Ali Gharib and Jesse Myerson over whether it was a good idea for the left to shut down Trump rallies, Tomasky was singled out for disdain along with [Damon Linker](#), who had written the left's proper response to Trump's events was not to disrupt them. Myerson used the word "cowardice" before adding he didn't actually know Linker personally. The former Occupy Wall Street activist, who had created a [small splash](#) by publishing a kind of communist manifesto for millennials in 2014, argued that almost

any action which prevented Trump from speaking was justified, so long as it succeeded. The important thing was to show strength, not weakness. Forcing Trump to cancel a rally showed the demonstrators' strength. Chicago was thus an unambiguous victory.

For his part, Gharib—who took the part of “liberal” in the “liberal-leftist” dialogue—managed to remind one of nothing so much as the hapless liberals of the 1960s, invariably ready to concede the moral high ground to the far left, while seeking to defend, almost apologetically, the “process” rules of liberal democracy. We agree completely with your aims, they would say to radicals which wanted not civil rights or the end of the Vietnam War but “revolution” on some sort of Maoist or Castroite model. Gharib did note that leftists or liberals might one day have some use for the right to rent a hall and hold a political meeting, so it was perhaps not a wise precedent to deny it to Donald Trump. The mounting of continuous disruptions of the rallies of a “racist fascist” was perfectly alright with him however.

One could see similar modes of thinking elsewhere in the ranks of well placed mainstream commentators: Jonathan Chait claims that Trump poses an “unprecedented threat” to American democracy, “spreading poisons” though its system, but says that the “whole premise of democracy is that rules need to be applied in every case without regard to the merit” of the cause benefitting from them. Chait expressed dismay that most of his Twitter followers disagreed with this last point.

One of the rare anti-Trump commentators who managed not to embarrass himself by fawning over the good intentions of those who wanted shut Trump down was the Cato Institute's Walter Olson, who wrote unambiguously,

If Side A rents a hall for a rally and Side B comes in and shouts down A's speaker, what has happened is better described as “mob rule” than as “free speech.”

As several observers noted, the culture of shouting people down or denying them the right to speak has been growing rapidly on the left in recent years. Bernie Sanders himself had his microphone seized and a rally disrupted by Black Lives Matter activists, an incident to which Trump has sometimes referred in his own speeches. Olson noted that many who engaged in recent shutdowns, such as one against Federalist Society speaker Orrin Hatch, are not young or black but actually staffers of an exceedingly well-funded liberal think-tank. The lack of respect for the free speech of those one disagrees with was a noticeable feature of last fall's wave of campus protests, from Yale to Claremont, which had no connection to Donald Trump. Ali Gharib's concerns notwithstanding, respect for free speech does not rank highly on the progressive hierarchy of values.

Yet the sanctity of the rules of the democratic process, and right of one's opponents to express themselves freely may not be the most important issue to arise from these incidents. If Donald Trump were really a dangerous fascist, rather than a 69-year-old businessman who holds fairly populist (and popular) attitudes towards American immigration law, one could more readily empathize with the soul-searching of progressives wondering how to counter him. The communist Jesse Myerson (I am not red-baiting, this is how he describes himself) has a point when he asserts that no one is a free-speech absolutist.

But to concede, with a kind of lazy or passive credulity, the left-wing definition of Trump as a “racist fascist” is in its way as alarmingly wrongheaded as proclaiming he and his supporters should be denied their opportunity to hire a venue and hold a peaceful rally. This kind of smearing has many parallels, but one it evokes most clearly the left-wing rhetoric of the 1960s, where the United States was presented as irredeemably fascist, racist, and imperialist—“Amerika” or “Amerikkka” in the rhetoric of the day.

About Trump, there are several more or less indisputable facts. Trump is a self-promoting businessman who is running for president on a platform which appeals most strongly to a white working class which has lost economic security and social stature to economic globalization and immigrant wage competition. Their kids have disproportionately served in the armed forces, subject to repeated deployments for pointless wars plotted by their more educated countrymen. I have attended nearly a half-dozen Trump events and stood in lines for hours chatting with these people. A fascist mob they are not.

What is a Trump speech like? Typically the tone is conversational. Much of it is about polls, or joking about other candidates. Ted Cruz is “the Canadian.” The audience is with Trump on the jokes, they know the lines in advance. The media—as with its recent credulous reporting about Trump’s “questioning of Romney’s faith”—seems determinedly unable to discern when Trump is joking.

In policy terms, most of the content of Trump’s talk is about trade and trade deals, along with special-interest financing of politicians. I’m not sure Trump’s supporters fully believe he will renegotiate America’s trade arrangements successfully, or bring any factories back. I am certain they appreciate being part of a movement which gives the president a mandate to do that. They might well have preferred to support a more normal politician—for Trump’s trade policy positions seems to me fairly similar to what Richard Gephardt was saying in the late ’80s and ’90s. But Trump is what they have. Things for them are now mostly far worse than they were in Gephardt’s time. And a Trump rally is more fun than a Gephardt rally.

You actually don’t hear much talk about immigrants at a Trump rally, beyond the occasional reference to “beautiful Kate” who was murdered in San Francisco by a criminal illegal alien who was free to roam because San Francisco is a “sanctuary city.” References to The Wall, both a concrete and symbolic promise to enforce—to *actually enforce*—America’s *existing* immigration laws, are however a big part of any Trump rally. Deporting 11 million illegals (which would be a public relations and logistical nightmare) is not. If any of the *bien pensants* lamenting the fascist aura surrounding Trump events want to correct me, it’s possible I’ve missed something: as I’ve said, I’ve been only to five Trump events, all in New Hampshire. But nothing I’ve heard from the Trump stage is racist or fascist. Not even close.

About violence, what can one say? I believe there have been three incidents in which disruptive protesters have been punched or manhandled. One can’t excuse this, though in most of the instances the circumstances were somewhat unusual. In one case, an old man sucker-punched a much younger one who was giving him the finger while being escorted out. In another, an African-American Trump supporter took offense at a protester garbed in Confederate symbols (and yelling what we can only imagine). These are the incidents which are discussed again and again on TV, out of a data set involving dozens of Trump rallies, hundreds of disruptions, and

hundreds of thousands of people. Even the *Washington Post* has felt obliged to report upon the pure hatred which seems to infest the Trump protesters.

Honestly, in what universe does an individual feel entirely safe going to someone else's political rally in order to disrupt it? For example, if people (as someone on Twitter suggested to me) descended upon on a Hillary event, whipped out placards with photos of late-term aborted fetuses, and started shouting about baby-killing, would they be treated with overwhelming civility? One would hope so, of course, but one can't be sure they would be. And if this happened repeatedly, again and again and again?

It is true that Trump plays the tough guy on stage—"Get him out of here," or in some cases, "In the old days he'd get a punch in the nose" or be "carried out on a stretcher." I'm sure this is unwise, and fairly certain Trump will stop doing it if the violence at his rallies persists. But those words seem to me most of all a way of diffusing tension, giving people something to think about while the disrupters are removed. Trump's campaign is, after all, about giving voice to the aspirations of largely powerless people. Trump can't very well show that he can be pushed around by the dorm-room Marxists and professional protesters who come to disrupt his rallies.

Donald Trump is of course a candidate with many obvious flaws: he is crass, egotistical, and seemingly not well versed in policy. If he is elected, there is a considerable chance he would be unable to do anything to improve the lives of his supporters, or that he would sell them out by acting like a more or less normal Republican. This is what Michael Brendan Dougherty, a shrewd observer of the Trump phenomenon, feels is the most likely scenario. But there is also a chance that, once in office, he would try, with some success, to carry out a nationalist populist program, particularly in regards to trade. The result would be a subtle reshuffling of winners and losers, a shift in who gains from federal policies and who does not. We all know who has gained the most in the past 30 years. Perhaps under Trump the national-income shifts would go in the other direction.

My sentiments about Trump are mixed, but I certainly hope the people who have waited for hours outside gymnasiums to hear him can, for once, win some partial political victories.