



Washington Examiner

The risk for Trump running as the 'law and order' candidate: He is in charge

W. James Antle III & Rob Crilly

July 24, 2020

Donald Trump Jr. and Trump campaign aide Boris Epshteyn retweeted images of Portland burning with a similar message: This is Joe Biden's America.

Then came the rejoinders: But Donald Trump is president.

This highlights the dilemma Trump faces as he tries to run on a law-and-order platform against the civil unrest gripping major American cities, uniformly with Democratic mayors, since the death of George Floyd in police custody earlier this year. Unlike Richard Nixon in 1968, who also ran as a law-and-order candidate, Trump is the incumbent president, muddying his message that Democrats are to blame for the lawlessness. But the more Trump acts to quell the violence, the more ownership he has of the problem.

Trump is nevertheless plunging ahead, announcing an escalation of the "Operation Legend" initiative offering federal assistance to cities coping with a surge in violence. It is named for LeGend Taliferro, a 4-year-old boy who was shot to death while sleeping in Kansas City. "This bloodshed must end, this bloodshed will end," Trump said on Wednesday.

"President Trump has made clear: The federal government stands ready and willing to assist any of our state and local law enforcement partners across the nation responding to violent crime," concurred Attorney General William Barr.

But Democratic mayors in cities such as Portland and Chicago are resisting. Chicago Mayor Lori Lightfoot said Trump's focus on homicides in her city are intended to distract from what she described as his COVID-19 mismanagement. Oregon Gov. Kate Brown, a Democrat, has likened Department of Homeland Security agents present in Portland protecting a federal courthouse to an invading army.

"President Trump has taken an unprecedented approach to communicating and working with our nation's governors and mayors to guarantee they have the resources they need and the ability to make the best on-the-ground decisions, but he has not backed away from exposing these officials for their inaction, not based on partisanship but because it's the right thing to do," said White House deputy press secretary Judd Deere. "The most fundamental responsibility of elected officials at every level of government is keeping our citizens safe while respecting their constitutional rights. President Trump has made clear that if state and local officials do not meet this sacred responsibility, he will take action to protect our citizens and ensure safe, healthy communities."

The Trump campaign and its surrogates have not hesitated to tie the liberal mayors' inaction to Biden, the presumptive Democratic nominee. "Despite scores of videos coming out of cities like Portland highlighting the destructive actions of the left-wing mob, when Biden isn't being a 'mute bystander,' he's defending rioters as 'peaceful protesters,'" said the Republican National Committee rapid response team on Thursday. "Biden's lack of reaction to violence is a stark reminder that you won't be safe in Joe Biden's America. President Trump on the other hand reminded the American people that he is the law and order President."

"Joe Biden and his team of leftwing radicals are ok with this happening in every city and town across America," Don Jr. wrote as he retweeted journalist Andy Ngo's video of flames flickering in Portland. "They refused to condemn these criminals!" wrote Epshteyn, who retweeted the same video, adding, "A Joe Biden presidency would bring this destruction and chaos to all of America."

But CNN's Kaitlan Collins challenged the president on Wednesday about why the buck didn't stop with him, pointing to his criticism of Barack Obama for urban violence. The *Wall Street Journal's* Bill McGurn invoked Colin Powell's warning to George W. Bush about invading Iraq: "The hysterical reaction to the limited DHS intervention in Portland illuminates the Pottery Barn rule: The moment Mr. Trump intervenes in a troubled city, he owns it."

The legal issues involved also become complicated when cities and states don't request federal help. "In Portland, I think the situation is much different. Reasonable minds can differ about how to read it, but my read is that Trump thinks violent protests make him look weaker, and he has a preference for what we might call 'muscular responses' when those are available," said Clark Neilly, vice president for criminal justice at the libertarian Cato Institute. "And I think there are very serious and constitutional and other kinds of legal concerns about what we have seen in terms of a federal response."

Charles Stimson, senior legal fellow at the conservative Heritage Foundation, said Trump is well within his rights to deploy federal officers. "That's not trampling on states' rights, because states don't have a say in whether federal troops can come into their state," he said. "They are not a country. They are part of a republic, and there's a Constitution, with amendments to the Constitution that allow individuals to have rights up against the government."

Republican strategist Ford O'Connell said Trump needs to keep taking his message straight to the public, with "succinct, realistic, and informative" briefings. "Then not only will key voters come home to him because they will see him as front and center in the battle against the virus, but they and others will be far more receptive to his messages concerning Biden being a figurehead for the far-left of the Democratic Party and the need for law and order in our cities," O'Connell said.