

Trump vs. Democracy

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The US House of Representatives marked a milestone today as it decided to report out articles of impeachment on Trump. But there's a bigger picture to consider. The impeachment represents a new stage in the political 'food fight' between the two wings of the political-economic elite in the USA. It also represents a further escalation in the crisis and decline of American Democracy—a decline that's been going on since at least the early 1990s, when Newt Gingrich and the radical right took over the House and declared publicly their strategy was to create a dysfunctional US government. In retrospect, Gingrich has certainly succeeded.

But it's not just since Newt. US Democracy has been in decline on a number of fronts since the 1970s, which corresponds with the rise of Neoliberal economic policies. Late stage Neoliberalism today is in crisis. Since the 2008 crash political elites and policy makers have been attempting to restore it to its pre-2008 momentum but have failed. Obama failed. Trump's regime should be viewed as an attempt to restore it in a new, virulent aggressive Neoliberalism 2.0 form. Trump has been only partially successful to date as well, and will likely fail as well regardless of the 2020 election outcome.

A new crisis is around the corner in 2020, driven by accelerating fundamental changes in the nature of capitalism itself. At least three forces will further exacerbate the internal contradictions within the neoliberal policy regime. They include the deepening of Artificial Intelligence technologies that will further devastate and already rapidly changing labor market, eliminating or reducing tens of millions of simple decision making jobs. It will radically transform as well product markets and distribution systems of 21st century capitalism. It will change the nature of money itself. All these trends are already underway and will continue to intensify in the years immediately ahead. Neoliberal capitalism will also not be able to resolve the climate crisis, also accelerating. Third, it has already generated a level of unsustainable corporate, financial, household and government debt which inevitably must lead to financial markets imploding the next decade.

As these basic material forces generate a long term crisis, contradictions within the neoliberal policy regime continue to intensify as well. The four elements of Neoliberal policy—or Neoliberalism in practice—are Fiscal, Monetary, Industrial and External (trade, money capital flows, currency exchange rates, and the twin deficits). What's been happening since 2008 is that the advancement of neoliberal policy in one or more of these four elements negates the restoration or advancement in one or more of the other three. The contradictions within Neoliberalism are intensifying, in other words, just as more fundamental technological and capitalist system changes are developing as well. The outcome next decade will likely be a major global economic crisis, the dimensions of which will make the 2008-09 event pale in comparison.

In order to advance, deepen, and expand Neoliberalism has had to limit and eliminate elements of Democracy. Neoliberalism and Democracy, even in the limited American form of Democracy, are essentially incompatible. The historical record since the 1980s confirms this. On a number of levels, as Neoliberal policies have advanced, Democracy has atrophied. This is not by accident nor a mere correlation.

Moreover, the decline of Democracy has accelerated since the 1990s, and especially so after 2000. It is evident in the collapse of any semblance of campaign finance reform, in the transformation of the two political parties into vehicles increasingly of corporate and investor wealth subsidization, in the assertion of the Supreme Court to interfere with electoral processes and to legally enable corporate-investor political influence, in the spread of voter suppression by various means (i.e. a new Jim Crow also endorsed by the Supreme Court), widespread gerrymandering, a greater role played by the electoral college to prevent popular sovereignty, passage of special courts in free trade treaties that negate popular sovereignty, attacks on civil liberties (patriot act, NDAA spying and surveillance, etc.) and guarantees of the Bill of Rights, a transformation of the so-called 'fourth estate' of media-press into vehicles of ideology, a transformation of the two political parties into institutions more tightly controlled by money interests—the list is long and growing (and deepening). With the crisis of 2008-09 the process of Democracy decline in America has been accelerating.

And that process has reached a new milestone with the articles of impeachment of Trump forthcoming. For the behavior of Trump has clearly violated numerous provisions of the US constitution. What we have under Trump is an assault on Representative government and the formal institutions of Democracy, as limited as they may already be.

Make no mistake, however. This development reflected in Trump's regime is not an isolated, individual event. Trump's attack on Democracy is just the latest stage of the assault on Democracy that has been gaining momentum under Neoliberalism since the 1980s, accelerating after 2000 under George W. Bush, and intensifying in the post-2008 period even further.

And it's going to get worse in 2020 in the run up to the 2020 November election. It is not alarmist to project that the 2020 election will be close. Trump probably has an electoral college advantage, even if he loses the popular vote by even more than he did in 2016. Behind him is a sycophant Republican party and a base of at least 30% of the population that would vote for him regardless of any crime he might commit. He has his ideological bullhorn in Fox News, Breitbart, and Twitter and he will use it, increasingly aggressively. Should he lose the election, chances are more than even he will refuse to acknowledge that loss. Should he win it narrowly, he will likely turn vindictively against those who opposed him. He is a 'down and dirty' street fighter, weaned on the corrupt and questionable practices of New York commercial property speculators. In short, there will likely be a constitutional crisis circa the November 2020 election, the likes of which are comparable only to the 1850s American political debacle. (Trump himself has said if not elected there will be a 'civil war' again in the USA).

American Democracy and the US system is about to enter a period of instability it has not witnessed since the early 1930s. Hold onto your seats, folks, the real show hasn't even yet begun!

The following passages summarize my views on the deepening contradictions of

Neoliberalism and its fundamental incompatibility with Democracy in the era of Trump. It is an excerpt from the concluding chapter, 'Neoliberalism v. Democracy' in my recently published book, *The Scourge of Neoliberalism: US Economic Policy From Reagan to Trump*, Clarity press, January 2020). It illustrates how Trump's regime reflects an intensifying assault on Democracy in America, the latest stage of that incompatibility of a new aggressive, virulent form of Trump Neoliberalism with Democracy in America as we've known it.

Trump's Assault on Democratic Government, Chapter 10, *The Scourge of Neoliberalism*, by Dr. Jack Rasmus

As Neoliberalism has become more aggressive under Trump, so too have the attacks on democracy and democratic government.

After three years in power, and with the House of Representatives and much of the mainstream media challenging him after the November 2018 elections, the President is clearly drifting toward usurping the authority and, in some cases, even the functions allocated by the US Constitution to Congress—specifically to the US House of Representatives—toward a view he is above the law and unimpeachable. Toward a view that his presidency is more than a 'co-equal' branch of government. Toward a view he can and should govern when necessary by bypassing Congress. Toward a view the Constitution means he can force states to abandon their rights to govern. And toward a view the president can publicly attack, vilify, insult, coerce, and threaten opponents, critics, and whomever he chooses.

That drift includes the expansion of Executive branch rule-making at the expense of Congress and the legislative branch; the broadening use of 'national security' declarations by the president to bypass Congressional authority; and the refusal to recognize US House authority as it exercises its Constitutional responsibility to undertake investigations of corruption in the executive branch.

Usurpation of Legislative Authority

Presidential rule making by Executive Order has been long embedded in the US political system. In the past, however, Executive Orders by presidents have been issued where the president clearly has authority to issue such, or else in cases where Congress has not passed specific legislation—such as Obama's EOs enabling children born in or brought to the US by non-citizen immigrant parents to have deferment from deportation. EOs have not been typically issued, however, that directly change the intent or the funding authorization of legislation passed by Congress. Not so in the case of Trump.

Passing laws requires their accompanying funding authorization. The monies allocated to a program by Congress are required to be spent on that specific program. However, under the cover of invoking a national emergency, Trump recently unilaterally transferred money allocated by Congress and authorized by the US House for defense spending to fund his border wall. This creates a dangerous precedent. Might Trump now divert authorized spending by Congress to other programs? This is clearly a constitutional issue now. Trump is in effect governing by 'national security decree' in direct challenge to Congressional legislative authority. The much heralded 'separation of powers' in US government has been undermined to a degree.

Drift Toward Tyranny

In addition to expanding Executive rule-making at the expense of Congress and the legislative branch, and his refusal to cooperate with Congressional subpoena and investigation rights under the Constitution, worrisome signs keep arising that indicate Trump also considers himself personally 'above the law'.

The US political system has always given the President authority to pardon individuals, which is usually undertaken at the end of their term in office. It's a curious and decidedly un-democratic practice that has been increasingly institutionalized in recent decades under Neoliberalism, by both Republican and Democrat presidents and governors. A hallmark of American political ideology proclaims to the public that 'no one is above the law'. Yet, some are, as executive pardons have become increasingly commonplace. But these are presidential (and governor) executive pardons of others. No president to date has publicly suggested that he himself might be above the law or has the right to 'self pardon'. But Trump has.

The process of usurping legislative authority, to fund his preferred programs at the expense of Congress, may have just begun, but the drift by Trump toward an imperial presidency in domestic legislation may well expand as his confrontation with Congress grows. Second, his suggestion of the right to assume power of self-pardon smacks of Tyranny. These trends—toward usurpation and tyranny—represent decided undemocratic principles that the president feels comfortable with.

Although in early form, the trends suggest a view by Trump that the presidency is an institution 'more equal' than the other branches of government. It has long been obvious that, in foreign affairs, the presidency since the 1960s—and even before—has been becoming more 'imperial'. Presidents go to war without obtaining a war declaration by Congress, as was clearly intended by the US Constitution—token limits by the 1970s era 'war powers act' notwithstanding. The Trump presidency may reflect an extension of this imperial attitude to domestic US politics, i.e the emergence of what might be called the imperial presidency in domestic affairs.

Redefining Separation of Powers

The Trump presidency's disregard for Constitutional norms in its relationship with Congress, and in particular the US House of Representatives, has recently become evident as well in Trump's outright refusal to allow executive branch employees to testify to Congress, subpoenas notwithstanding. This stonewalling is but another example of the Trump presidency's view that the Executive and Legislative branches are perhaps not 'co-equal' under the Constitution. Constitutional authority clearly provides the US House with investigative powers. Trump's refusal to cooperate with that Congressional authority represents yet another reinterpretation of Constitutional separation of powers.

Reinterpreting the Supremacy Clause

Trump's offensive against California's auto emissions rule exemplifies his reinterpretation of the Constitution's 'supremacy clause' and states' rights. It has long been accepted that state laws cannot provide less than a similar federal law. For example, states cannot pass a minimum wage lower than the federal minimum wage. But they can pass legislation providing more than the federal minimum wage. Trump's attack on California emissions in

effect means the state cannot pass tougher emission standards than the federal standards, which are far less stringent. If that becomes a legal precedent, states logically could not pass legislation that is either less than or greater than the federal requirements. It's a violation of the federalism principle in the Constitution.

Assuming the Power of the Purse

Trump's trade wars represent yet another example of Executive powers expansion. The trade wars have generated tens of billions in additional tariff revenues for the executive branch. These funds have been used in part by the president to issue direct subsidies to US farm interests in the amount of \$28 billion over the past year. A constitutional argument can be made that payment of subsidies in such amount should be authorized only by legislation raised and authorized by the US House. The Constitution's intent gave the US House the authority of 'power of the purse' to raise and authorize spending of revenues—and not the Executive.

Disregarding Democratic Norms & Practices

Other disturbing examples abound of the Trump presidency disregard for accepted democratic norms and practices.

Never before has a president so blatantly attacked the press and media that criticized him. Or vilified political opponents as 'traitors' and 'criminals'; or publicly demanded candidates be 'arrested and locked up'; or incited popular mobilizations against protestors and his critics; or launched purges within his own bureaucracy (in particular the intelligence agencies) and political party; or declared if Congress were to try to impeach him it would mean a new civil war in the country. These are not just the verbal railings of an aberrant personality who by chance attained the highest office of US government.

These are actions that reflect a calculated and fundamental disregard for even the limited form of democracy that still prevails in US government institutions today. They are views that reflect a belief that Executive powers of the president should and must be expanded—even if at the expense of the authority of legislative branch of government (Congress or states); even if it at the expense of the legitimacy of the press and 'fourth estate'; even if it deepens the polarization of US society and incites citizen to citizen violence. Trump believes it is all necessary in order to implement his policies and programs—and this is what we must keep foremost in mind—it's a Neoliberal program.

The key question for assessing the future of Neoliberalism is whether Trump is a product of the evolution of Neoliberalism and its impact on political institutions and practices—or whether the Trump presidency is an aberration outside that evolution?

Trump: Inevitable or Aberration

Is a Trump-like political figure the inevitable consequence of the need to introduce post 2008-09 a more aggressive, virulent form of Neoliberalism? Would an alternative president have to have moved in the same anti-democracy direction to get his/her agenda passed in the era of deepening domestic and global opposition to Neoliberalism? Perhaps that alternative president might have been less crude, less brash, less apt to 'shoot from the hip' on policy and political initiative—less likely to engage in early morning social media excesses; and indeed therefore have been even more clever and effective.

But one should make no mistake. Trump is not a lone wolf who slipped into the US presidency by accident or ineptitude of his opponents. Neoliberalism required a more aggressive restored form following the crisis it faced in the wake of the 2008-09 crash. Certain moneyed interests were in 2016, and are still, behind Trump. And if it wasn't him, it would have been another chosen to shake up the old political establishment that was beginning to lose control over growing discontent at home and growing capitalist competition abroad.

The problem with Trump in the end has been his style, which has made it impossible for him to unite US business interests, and the traditional political elites, behind him in an effort to jointly restore the Neoliberal policy regime. Instead, he has precipitated an internecine political fight within the ruling class in America—i.e. a classic post-crisis political 'food fight' between two wings of the American economic and political elite.

A similar post-crisis split and internecine ruling class conflict has been occurring globally elsewhere as well—not just in Trump's America. In the UK (Brexit), in France (the National Front), Germany (the rise of Afd), in several eastern European countries (Hungary, Austria, Poland), in various countries in Latin America (Argentina, Brazil, Ecuador), and in Asia in India and Philippines. All are trying to come to terms with slowing economies and an emerging global recession, as Neoliberal policies failed globally after 2008-09, giving rise to right wing autocrats and anti-democratic politicians. And in virtually all cases, including the US, in attempting to re-establish Neoliberalism on firmer ground, democracy, democratic norms, and institutions have been the victims.

The Trump era represents only the deepening of anti-democracy trends in the US that have been evolving since the introduction of Neoliberal policies circa 1980. In the Neoliberal era the two mainstream political parties became more oligarchic in their programs and representation. Money deepened its hold on government and politics steadily over the decades. Electoral processes became more the purview of the rich and powerful. Gerrymandering and voter suppression became more the norm than the exception. Popular sovereignty and representative government for all, more a fiction than fact. Public wants and needs that can only be fulfilled by government have been increasingly ignored, in favor of interests and requests of tens of thousands of paid lobbyists. And citizens' civil liberties and rights have been increasingly limited, circumscribed, and surveilled.

The correlation between the rise and expansion of Neoliberalism and the decline of democracy in the US is irrefutable. Whether the correlation also represents a direct causation depends on whether each milestone event associated with the expansion of Neoliberalism occurs in tandem with, or in consequence of, an event marking a further deterioration of democracy.

And here the evidence and examples abound: the transformation of the political parties in the 1980s and early 1990s and rise Neoliberal tax and monetary policy. The radical right takeover of the US House in 1994 and advent of free trade. Gore v. Bush, the selection of the president by the judiciary in 2000 and still more tax cuts, war spending, the end of campaign finance reform, the Patriot and NDAA Acts and the attacks on civil liberties and democratic rights, and free trade treaties with their capitalist courts and negation of representative government. Thereafter, Obama followed by the Supreme Court's Citizens United and related decisions, widespread gerrymandering, intensifying voter suppression, more war spending, more business tax cuts, more deficits, more free money to investors and bankers, more attacks on unions, more wage compression. And now Trump.

It's more than just a 'smoking gun'. It's certainly not just coincidental that democracy in America has been in decline—and on so many fronts—during the era of Neoliberalism. Nor is it coincidental that under Trump the decline of democracy in America has intensified, and has begun to assume an attack on the prevailing constitutional form of government itself.

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Jack Rasmus is author of the just published book, 'The Scourge of Neoliberalism: US Economic Policy from Reagan to Trump', Clarity press, January 2020. (The book is available at discount from his blog, jackrasmus.com, and his website, <http://kykloproductions.com>, where reviews of the book are also available.

Featured image: Trump reinstate sanctions against Iran (White House photo by Shealah Craighead)

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