

The Collapse of the American Constitutional Republic?

The Constitutional Crisis of the Second Trump Regime

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America is in a period of grave constitutional crisis. It is, arguably, the most serious such period of crisis in its history. Certainly, it poses the greatest internal threat to the survival of America as a free constitutional republic since the U.S. Civil War (1861-1865).

The American constitutional crisis consists of the return to power of Donald Trump as President of the United States, the systematic anti-constitutional actions of the Trump regime during its first year, and the threat of further degradation of the U.S. constitutional order. The Trump Crisis has many aspects. In combination, these features threaten the collapse of the American constitutional republic: the return to the presidency of a constitutionally ineligible, disqualified individual (despite that disqualification); the legal indulgence of such a return to power, and the endorsement of its exercise, by a pliant, timorous, accommodating U.S. Supreme Court; the rapid concentration and centralization of executive, legislative, and judicial power in a single lawless individual and the administration he controls; the authoritarian assertion and exercise of unilateral lawmaking power, contrary to law and contrary to the Constitution, in domestic U.S. matters and in matters affecting the entire world; the elimination, evasion, or evisceration of effective “checks” and “balances” within the U.S. constitutional system against such usurpations and abuses of power; the support and sycophancy of his Cabinet, his political party, his Congress, and his Supreme Court, in nearly all instances of presidential lawlessness or usurpation of authority; his systematic attempted suppression and punishment of political dissent, opposition, and resistance; his regime’s assault on the freedoms of speech, press, assembly, and due process; his prosecution of political enemies for their views and positions; his attacks on and attempted punitive actions directed against private, free institutions such as universities and the legal profession; and his multiple other, specific violations of the U.S. Constitution directed against individuals and groups disfavored by the regime. The magnitude, and the seriousness, of the anti-constitutional departures, depredations and depravities of the Trump administration – coupled with the inability or failure (so far) of the American political and constitutional system to counteract or correct them – raises serious questions concerning whether America will continue to survive as a free constitutional republic.