

# [***Trump's inflammatory rhetoric has been effective for him so far but poses real danger***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BP6-H6S1-JBSS-S00G-00000-00&context=1516831)

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**Body**

(CNN) &#8212; An undercurrent of implied violence has always been an essential ingredient of [*Donald Trump's*](https://www.cnn.com/politics/president-donald-trump-45) strongman persona. As the ex-president's first trial and the general election approach, he is turning up the heat, creating a tense political atmosphere.

He [*shared a video*](https://www.cnn.com/2024/03/30/politics/trump-biden-video-truth-social-violent-rhetoric/index.html) on Friday of a pickup truck featuring an image of a bound President Joe Biden on the back, causing outrage among Democrats. That followed Trump's stepped up verbal attacks against [*Judge Juan Merchan*](https://www.cnn.com/2024/03/26/politics/trump-hush-money-trial-gag-order/index.html), who will oversee his New York hush money case beginning in two weeks. Trump has also been singling out the judge's daughter, who has done work for Democratic campaigns, as he seeks to delegitimize the case against him.

In some ways, this is classic behavior from Trump and follows multiple previous social media threats to judges, political opponents and anyone who angers him. But the context of looming trials and the election is important. No other presumptive Republican nominee or former president has acted in anything like this fashion. While Trump, who has pleaded not guilty in all matters against him, is subject to various partial gag orders in several cases, it's hard to believe any other defendant would be allowed to continually threaten and demean judges and their courts in such a manner.

"I've presided over thousands of hearings and trials during my nearly 20 years as a trial judge and never did any defendants in my courtroom show such disrespect for the court system as what's shown by Donald Trump," retired Superior Court of California Judge LaDoris Cordell told CNN's Omar Jimenez on Sunday.

But the Republican Party mainly ignores or excuses Trump's conduct. His power in the party is so absolute that standing up to him costs promising politicians their careers. And his surge to the GOP nomination shows that vast numbers of grassroots voters are fine with his antics. Indeed, they bolster his anti-establishment appeal.

Trump and his supporters argue that his criticism of the legal system is justified because he is the victim of political persecution from Democrats, including Biden. The narrative ignores the gravity of many charges against Trump, including over his attempt to overturn the 2020 election, and the fact that prosecutors operate within the constraints of a legal system that includes many protections for defendants. Trump is also exhausting every avenue of appeal provided by the Constitution he decries. Nonetheless, the persecution argument - which unites his legal defenses and his major campaign theme - is a potent political message. Like many of Trump's gambits, it subverts reality and gives him an edge over adversaries bound by the facts.

The legal, constitutional and political consequences of Trump's behavior were underscored by two major interviews on CNN in recent days - one with a GOP lawmaker and one with [*a federal judge*](https://www.cnn.com/2024/03/29/politics/federal-judge-donald-trump-rebuke/index.html).

Speaking to CNN's Dana Bash on "State of the Union" Sunday, Republican Rep. Mike Lawler demonstrated the contortions that more traditional GOP lawmakers must perform to remain politically viable in the age of Trump. Lawler's plight is significant because he represents one of the handful of New York districts that secured the narrow GOP House majority in the 2022 midterm elections and will be critical to the party's hopes of defending the chamber in November. His electorate also shares some characteristics of the more moderate, suburban areas in swing states that Trump could alienate with his outlandish rhetoric.

Judge Walton's warning

On Thursday, [*US District Judge Reggie Walton*](https://www.cnn.com/2024/03/29/politics/federal-judge-donald-trump-rebuke/index.html), one of DC's most respected jurists, told CNN's Kaitlan Collins about the dangerous implications of the ex-president's invective against judges and the courts.

Walton said Trump's attacks posed grave security risks and had profound consequences for the justice system. "It's particularly problematic when those comments are in the form of a threat, especially if they're directed at one's family," said Walton, a veteran of many politically sensitive cases.

"I mean, we do these jobs because we're committed to the rule of law, and we believe in the rule of law. And the rule of law can only function effectively when we have judges who are prepared to carry out their duties, without the threat of potential physical harm," he added.

Walton, appointed to judicial positions by both President George Bush and President George W. Bush, warned about the irresponsibility of rhetoric that singles out judges and leaves them vulnerable to physical attacks. "It's a reality that it's not inconceivable that something could happen. We always have to hope that it doesn't occur," Walton said.

In the past, Walton has argued that assaults on the 2020 election by Trump followers taken in by his rhetoric are harming the US' capacity to act as a global beacon of democracy.

"America was not great on that day. And I'm sure when I go to other jurisdictions to say how they can be like America, they'll say, 'Why should I want to be like America when you are all trying to tear down your own country?'" Walton told a Capitol riot defendant who pleaded guilty before him in 2021.

Warnings from a senior judge will not deter the four-times-indicted Trump. He will continue to act in the same inflammatory manner because it works for him politically. The former president has long complained about unfairness and bias among judges and prosecutors. It's one way he hedges against losses in court and delegitimizes unfavorable verdicts.

History suggests Trump's attacks on Merchan will reach a new pitch running up to this month's trial. In a Truth Social post last week, for instance, the ex-president blasted Merchan as "totally compromised" and described his daughter as a "Rabid Trump Hater." His attacks did not appear to violate a partial gag order in the case that barred him from attacking witnesses and others. But it clearly raises security risks for Merchan and his family.

Prosecutors have asked the judge to clarify whether the order covered his family members and those of the district attorney and others. Cordell told CNN that if Trump breaks an expanded gag order, he should be detained.

"There should be only one response: 'Bring your toothbrush, Donald Trump, because you're going to sit in a jail cell for a while,' " she said.

Merchan is not the first judge who must question his safety. Judge Tanya Chutkan, who is presiding over the federal election interference case in Washington, DC, [*had her security increased last year, CNN reported*](https://www.cnn.com/2023/08/07/politics/security-judge-tanya-chutkan-trump-january-6/index.html).

Trump's attacks on the judiciary play into the foundation of his political career - that he's a rebel outsider tearing down a political system his supporters believe disdains them. When he says at his rallies that he's being prosecuted so his followers aren't, he always raises a cheer. But he also lionizes supporters serving time in jail for their role in the invasion of the Capitol - often playing a recording of January 6 defendants singing the national anthem in prison overlaid with him reciting the Pledge of Allegiance. In itself, the tape is an affront to the legal system and the judiciary.

To some extent, the ex-president has been able to exploit political statements by prosecutors who are Democrats. These include Fulton County District Attorney Fani Willis, who is bringing an election interference case in Georgia, and New York Attorney General Letitia James, who secured a massive judgment against Trump, his adult sons and the Trump Organization in a civil fraud case. These matters are subject to the rules of evidence like any other case - but Trump's complaints have a powerful political impact on his base and foster a sense of collective injustice.

His assault on the judiciary, however, also comes with a heavy cost to democracy. He perpetuates the impression that the rule of law is not neutral and applied with the same rigor to every citizen. His claims that he's the victim of political persecution are likely to stain the reputation of the legal system long after his cases have been adjudicated or he has left ***politics***. Trump has often suggested, for instance, that as a Republican, he can only get a fair trial in a district where jurors are disproportionately likely to vote for the GOP. If the principle were applied to its full extent, it could destroy the nonpartisan legal system.

Even Supreme Court Chief Justice John Roberts recognized the danger in Trump's partisan categorization of judges during his first term when he warned in 2018, "We do not have Obama judges or Trump judges, Bush judges or Clinton judges. What we have is an extraordinary group of dedicated judges doing their level best to do equal right to those appearing before them. That independent judiciary is something we should all be thankful for."

That independent judiciary, however, poses a threat to Trump's power - like other institutions of accountability, such as the federal bureaucracy and the media, which have also attracted his ire. Aspiring autocrats always seek to demean and politicize judicial systems to make them less effective at providing restraint when they win power.

The political risks of Trump's approach

While the ex-president injected energy into his primary campaign with his attacks on the judiciary and incendiary response to his legal troubles, he may now be taking a political risk.

Ahead of a rematch this fall, Biden's campaign has been increasing efforts to seize on Trump's wild behavior to portray him as an existential threat to democracy and the rule of law and as unfit to return to the Oval Office. Biden campaign spokesman Michael Tyler called out Trump for sharing the image of the president painted on the tailgate of a truck. He warned that the ex-president is "regularly inciting political violence and it's time people take him seriously - just ask the Capitol Police officers who were attacked protecting our democracy on January 6." Trump campaign spokesman Steven Cheung accused Democrats and "crazed lunatics" of calling for violence against Trump, without offering examples, and complained again of the weaponization of the legal system.

When senior Republicans, some of whom have endorsed Trump, are asked to respond to such incidents, they often try to pretend they haven't heard of them, or argue they wouldn't act in such a way themselves. But they know they can't rebuke Trump.

In his "State of the Union" interview Sunday, Lawler, an up-and-coming New York Republican, demonstrated how Trump's rhetoric overshadows his party. "The former president has every right to defend himself in court," Lawler told CNN's Bash in a non sequitur response to a question about Trump. "I think everyone needs to tone down the rhetoric, the language. And, obviously, social media has become a vehicle by which to bludgeon people. I just think, at the end of the day, the former president, current president, and on down, all of us have a responsibility to check our language."

Lawler added: "I think the focus of this campaign and this election should be on the American people and the issues facing the American people." But the fact that the political discussion is not on issues like the economy, housing, health care or law and order comes down to Trump.

If the former president loses the election, his rhetoric might explain why. If he wins, it could be the precursor to the most tempestuous presidency in modern history.

CORRECTION: This story has been updated to correct the description of the image of Biden on the back of the truck.

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