

# [***A Right-Wing Supreme Court Could Make Biden a Dictator by Mistake | Opinion***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BXN-ST51-DY68-12P1-00000-00&context=1516831)

Newsweek.com

May 1, 2024 Wednesday 12:26 PM EST

Copyright © 2024 Newsweek Inc. All Rights Reserved



**Length:** 994 words

**Byline:** David Faris

**Highlight:** The conservative members of the rogue, corrupt, illegitimate Supreme Court indicated last week that they might extend total immunity to former President Donald Trump.

**Body**

In a sequence of events that many people somehow found surprising, the conservative members of the rogue, [*corrupt*](https://www.demos.org/blog/clarence-thomas-undermining-supreme-court), illegitimate [*Supreme Court*](https://www.newsweek.com/topic/supreme-court?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) [*indicated last week*](https://slate.com/news-and-politics/2024/04/supreme-court-immunity-arguments-which-way-now.html) that they might extend total immunity to former President [*Donald Trump*](https://www.newsweek.com/topic/donald-trump?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) for any crimes he committed while in office. Justice [*Neil Gorsuch*](https://www.newsweek.com/topic/neil-gorsuch?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) [*promised*](https://www.usnews.com/news/national-news/articles/2024-04-25/we-are-writing-a-rule-for-the-ages-supreme-court-justices-give-little-away-during-oral-arguments-on-scope-of-trumps-presidential-immunity) a decision "for the ages"—a power that goes weirdly unmentioned in the Constitution they pretend to apply literally. And if they do, in fact, plan to declare that presidents are unassailable gods who exist above and beyond any conceivable law, President Biden and the Democrats need to be prepared to get radical—and quickly.

One of the wildest things about this potential ruling is that it could grant Biden near-dictatorial powers with months remaining in his term. The far right has spent years caricaturing America's mild-mannered, institutionalist president as some kind of jackbooted tyrant. He's coming [*for your guns*](https://thefederalist.com/2021/06/23/biden-pledges-to-take-away-guns-as-violent-crime-surges-in-american-cities/)! Biden and his henchmen are using lockdowns [*to impose*](https://thefederalist.com/2022/01/18/why-ruling-class-minions-are-so-suddenly-doing-damage-control-on-covid/) a "Great Reset" on human society! Biden is going [*to replace*](https://www.axios.com/local/richmond/2024/03/04/donald-trump-rallies-in-richmond-super-tuesday) all the white people in America so Democrats never lose another election! Biden is [*coming for*](https://thefederalist.com/2023/03/23/granholm-testimony-shows-white-house-more-focused-on-banning-gas-stoves-than-energy-security/) your gas stoves, meet us at the barricades!

The irony is that all of these fantasies that right-wing shock jocks use [*to move*](https://nymag.com/intelligencer/2017/05/how-does-alex-jones-make-money.html) large quantities of snake oil and overpriced, MAGA-branded merchandise to their credulous listeners could actually come true if the Supreme Court endorses Trump's lunatic immunity theory. Trump's lawyer, John Sauer, after all, claimed in front of the court that if a president perpetrates a coup, it should be considered "an official act" according to their novel interpretation of the separation of powers. It is not clear who or what could possibly stop Biden himself from arresting his critics, aggrandizing power to himself or even personally driving the bulldozer that he uses to level the Supreme Court building.

Stipulating that Biden is almost literally the least likely of any elected official in either party to actually do any of this stuff, the invitation itself should be terrifying, even to the most reactionary conservative member of the Supreme Court. The president of the United States commands arguably the most awesome and destructive powers in the history of the world. He or she can start a war—even a nuclear war—with basically no constraints except getting permission from [*Congress*](https://www.newsweek.com/topic/congress?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) within 60 days. You can do a lot of damage with nuclear warheads in 60 days. The executive branch contains an enormous and fearsome set of interlocking surveillance and coercive apparatuses that simply cannot be entrusted to someone who is openly committed to wantonly violating the law and dismantling democracy.

Without any fear of legal consequences, the president could declare martial law at will, deploy the military against American citizens and cities, personally murder critics, journalists, and rivals, or issue a legal memo suspending the U.S. Constitution indefinitely. The only real constraint on the president's powers in a world in which Justice [*Samuel Alito*](https://www.newsweek.com/topic/samuel-alito?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) and his friends decide that Donald Trump exists beyond the rule of law is the willingness of other people to carry out the orders. And after sitting through a viewing of the Academy Award-winning film [*Zone of Interest*](https://www.rogerebert.com/reviews/the-zone-of-interest-film-review-2023), about how the commander of Auschwitz had garden parties in the backyard while the screams of murdered innocents echoed around them, I wouldn't necessarily count on anyone to know where the line is.

This means that Biden cannot simply sit back, let this atrocity unfold and then offer some limp pushback after the decision. That's been the [*Democratic Party*](https://www.newsweek.com/topic/democratic-party?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)'s standard operating procedure since [*Republicans*](https://www.newsweek.com/topic/republicans?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) brazenly stole the swing seat on the court in 2016, and then escalated the court wars over and over and over again. The moment calls for much more decisive action than the 2021 Supreme Court reform commission created by the then-new Biden administration that issued [*a report*](https://www.whitehouse.gov/pcscotus/final-report/) and then disappeared into the ether.

The six hard-right justices on the court have gotten used to wielding their increasingly outrageous and disruptive dictates without any meaningful pushback. Biden therefore must warn the court, not that he will indulge his newfound tyrannical powers by governing like a gangster, but that he and his party will start working in earnest to curtail the institution's ill-gotten authority.

"My fellow Americans," he should intone in a nationally-broadcast address as soon as is humanly possible, "the Supreme Court is contemplating its most dangerous decision in all of American history, one that would give myself, Donald Trump and all future presidents the powers of a dictator. And I am hereby warning this rogue court, that if they go down this path, they will destroy the institution of the Supreme Court forever. My administration will no longer consider itself to be bound by its decisions, and at the first possible opportunity we will expand the number of justices on the Court to counter the dangerous power accumulated by unelected, activist judges appointed by popular vote losers. We will return the institution to its proper place in our constitutional order—as one co-equal branch, rather than the unaccountable master of all three."

Feel free to play around with the language, but if the president cannot bring himself to issue a warning, to threaten retaliation and escalation, it will not just lead to more outrageous behavior by this court but serve as an invitation for the far-right to go ahead and stage the authoritarian takeover they have been dreaming of for years.

*David Faris is an associate professor of political science at Roosevelt University and the author of* It's Time to Fight Dirty: How [*Democrats*](https://www.newsweek.com/topic/democrats?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) Can Build a Lasting Majority in American ***Politics***. *His writing has appeared in* The Week*,* The Washington Post*,* The New Republic*,* Washington Monthly *and more. You can find him on Twitter @davidmfaris.*

*The views expressed in this article are the writer's own.*

[*Link to Image*](https://d.newsweek.com/en/full/2386582/front-supreme-court.jpg)

**Graphic**

In front of the Supreme Court

ALLISON BAILEY/Middle East Images/AFP via Getty Images

People demonstrate against Trump while the Supreme Court hears oral arguments on his claim of immunity from prosecution for alleged crimes committed during and after leaving office, Washington, D.C., April 25.

**Load-Date:** May 1, 2024

**End of Document**