

Random thoughts after Trump's second indictment



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Guest columnist

Donald Trump's June 8 classified documents indictment in Florida is breathtaking in its alleged sweeping disregard of law and law enforcement. The cautionary word "alleged" almost doesn't have to be used in the previous sentence because Trump himself has publicly admitted many of the transgressions outlined in the 44-page, 38-count indictment.

We should no longer be surprised at Trump's violations of the law. They are so numerous and repetitive that we (let alone the ponderous legal system from which more consequences will follow) have difficulty keeping up with them. He breaks the law and talks about it in broad, public, recorded, televised daylight — his own proverbial shooting someone on Fifth Avenue. The unbelievable scope, openness and frequency leave us playing so much catch-up that important considerations can be smothered, even left unsaid. Let me discuss a few.

1. Some fundamentals: Our nation was born through change by revolution. Should we thus be tolerant of revolutionary acts? Should we not bother to investigate and prosecute subversion of the orderly and lawful transfer of elected power, for example?

No. We have a constitution that must be followed. If it is flawed it can and should be amended, as it has 27 times in our 234 years since its adoption in 1789.

All government employees must take an oath that includes supporting and defending the Constitution. We require that oath to assure common ground in the belief we adopted a constitution that respects the people, their rights, and their ability to make peaceful changes, including elections and passing laws when necessary. If you violate the law or the Constitution, you must expect to suffer the consequences. Martin Luther King Jr. suffered repeatedly, and we celebrate him because he brought about change nonviolently by showing some laws to be unjust.

Sometimes the law, including the Constitution, needs to be tested in its scope. Freedom of speech permits advocacy for change, but

not unlawfulness or violence to accomplish it. The nation must protect itself from such unconstitutional change, be it Fort Sumter, Terry Nichols, Ted Kaczynski or Jan. 6 rioters.

2. As a nation in a world of nations, we must have some secrecy from time to time. We have a right and a need to defend and protect those secrets. We have a classification system to do it. Fortunately, we have also enacted a Freedom of Information Act for use when secrecy is overdone and morphs into keeping proper information from the governed.

3. If former President Trump is convicted of violation of secrecy laws, he ought to go to jail, as countless lesser violators have. And the more so because his actions were numerous, deliberate, dangerous, obstructive, hypocritical and conspiratorial.

4. It will be a disaster if the amateur and shameless Judge Aileen Cannon presides over Trump's Florida trial. It is not clear she was even chastened by her two humiliating reversals by the U.S. Court of Appeals for the Eleventh Circuit for interfering with the August 2022 Mar-a-Lago search warrant. She has the

discretion as a trial judge to cause incredible injustice favoring Trump, as she seems inclined to do. She can allow Trump his customary delays after delays after delays. Jury selection decisions can benefit Trump. Many evidentiary questions give her broad discretion with which to favor Trump. These kinds of decisions cannot readily be appealed, and an acquittal can never be appealed. Even if convicted, think of her possible sentencing of little or no jail time for Trump!

5. The pardon of Richard Nixon for his criminal acts, in addition to costing President Ford his reelection, cost us 50 years of presidential accountability. True, we do not want to be a banana republic that willy-nilly prosecutes ex-officeholders; banana republics also, however, do not enforce the law equally. Fortunately, we have been able to avoid that likeness for 234 years, but there comes a time that flagrancy requires Justice by any name, and with a capital "J."

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