

Opinion **Instant Insight**

## Trump and American democracy's time of trial

The US political system will come under huge pressure over the coming year

**GIDEON RACHMAN**



Nadine Seiler holds a banner in front of the federal courthouse where Donald Trump is expected to answer charges later this week © Reuters

**Gideon Rachman** 5 HOURS AGO

The future of democracy in America will turn on the trials of Donald Trump — and the political turmoil that will surround them.

[The latest indictment](#) of the former president — in connection with his efforts to overturn the results of the 2020 presidential election — is the most important case that Trump faces. It goes to the heart of the argument that he is a threat to American political freedom.

Three principles fundamental to the workings of any successful democracy are at stake. First, that leaders are elected and that all sides will respect the outcome of an election. Second, that nobody — not even a president — is above the law. Third, that the truth can be established in a court of law and that the court's verdict should command the respect of all politicians and of society at large.

[Trump's](#) effort to fight back against the indictment relies on a rejection of that third principle — the idea that all sides respect the impartiality of the law. The former president portrays the case against him as a political vendetta. In a statement made just after the indictment was issued, the Trump campaign compared the federal government's prosecution of him to “Nazi Germany in the 1930s, the former Soviet Union, and other authoritarian, dictatorial regimes”.

The danger and the drama of this situation is heightened by the fact that Trump's trial for conspiracy to overturn the last presidential election is likely to take place in the midst of the next presidential election — in which he remains the favourite to be the Republican party nominee. Trump's strategy will be to turn the 2024 election into a second, concurrent trial — this time before the court of public opinion.

The issues that normally dominate a US presidential election — the economy or foreign policy — are likely to be pushed to one side: subsumed by the fact that one of the two main candidates will be on trial.

Indeed, it is likely that Trump will face five or more separate sets of legal proceedings over the coming year. A trial for falsifying business records is set to begin next March. A trial over the mishandling of classified information is set for May. A civil trial for business fraud is scheduled for October. And Georgia may soon file a further case against Trump for his efforts to thwart the 2020 vote in that state.

To his opponents, the fact that Trump faces so many different charges is proof of his profound corruption. For his supporters however, the sheer number of cases — and the fact that they are all coming to a head in the middle of an election — are simply proof that he is the victim of a vast, government conspiracy.

Much of the Republican party is already arguing that the federal authorities are covering up the alleged corruption of Hunter Biden, [Joe Biden](#)'s son — which they claim implicates the president himself. The shrillness of the campaign against the “Biden crime family” is now only likely to intensify.

This latest and most serious indictment seems very unlikely to shake Trump's grip on the Republican party. Recent polls have shown the former president miles ahead of all his declared challengers for the party nomination in 2024. Each successive indictment seems to have actually strengthened Trump's support among Republican voters.

This situation presents his Republican political rivals with an acute dilemma. Do they accept Trump's narrative that he is being unfairly persecuted — and thus bolster his reputation as a martyr who must be supported? Or do they reject it — and antagonise the party's voters, whose support they need?

The comments of Ron DeSantis, the nearest rival for the nomination, suggest that he is basically supporting Trump's narrative. The Florida governor greeted the latest indictment by decrying the “weaponisation of government”. He also suggested that

Washington DC, where the trial will take place, is a “swamp” — where Trump cannot get a fair trial.

If Trump does win the Republican nomination, his party's dilemma will only become more acute. They will have to support a candidate who likens the federal government to the Nazi regime. This is a message that will go down well in Moscow — but could be difficult to stomach for a party of super-patriots that likes to sing, “I'm proud to be an American”.

But while Trump's legal problems probably make him more likely to win the nomination, they make him less likely to win the presidency itself. Recent opinion polls have shown Trump neck-and-neck with Biden in a general election. But they also show growing reservations after the cases against him — even among Republicans. The sheer time and expense of simultaneously fighting an election — and many separate legal cases — are also likely to take a toll on Trump, who is 77 years old.

Even so, victory remains a possibility. The flaws and misdemeanours that the trials will reveal have been known to American voters for many years — and yet Trump's political support has remained robust. Joe Biden is now 80 years old and could suffer any manner of mishap. And a third-party candidate could still enter the race and draw votes away from Biden.

If Trump wins the election in 2024, he will hope that the power of the presidency will free him of the danger of future convictions. It is a stark choice — the Oval Office or a prison cell.

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