

A slowly expanding explosion is currently taking place in the United States concerning the former Trump administration's attempts to spy on the press, members of Congress, and even his own advisors and aides.

The crisis began when it became public that longtime CNN reporter Barbara Starr's 2017 emails were demanded by Trump's Justice Department. As president, Trump was engaged in a war of words with the American press that did not kowtow to him, as did Fox News. This conflict involved both television news (CNN, NBC) and the press (the *New York Times* and the *Washington Post*). Trump took to labeling the American press "the enemy of the people," probably not knowing that this was an old Communist slur. The stated reason to demand 30,000 of Ms. Starr's emails is still unknown, but it is speculated that it involved a government investigation into news leaks into the administration's behavior that the press accused him of engaging in, and that Trump never succeeded in controlling. CNN lawyers succeeded in narrowing the number of emails requested, but Ms. Starr still does not know why the investigation was started or where it went. The emails were requested in 2020, and the judge granting the request imposed a "gag order," instructing everyone not to speak about the case. Ms. Starr was only informed of the situation earlier in 2021. She has written: "Speaking for myself, I don't know what the government was looking for when it snuck into my life. I am not the subject of an investigation and there is no suggestion of wrongdoing."

In the last months of the Trump administration, the Justice Department continued the process in an attack on the printed media. It demanded the email logs of several *New York Times* and *Washington Post* reporters, seizing phone and communications records as well while imposing a gag order that prohibited even high officials of the newspapers be informed. *Times* attorneys managed to beat back the attempt, but this unprecedented activity spilled over into the

Biden Administration even though its officials disclosed the facts to the reporters. The Biden Justice Department came under fire from the *Times* executive editor, whose records the Trump Administration had also tried to seize: “The Justice Department relentlessly pursued the identity of sources for coverage that was clearly in the public interest in the final 15 days of the Trump administration. And the Biden administration continued to pursue it. As I said before, it profoundly undermines press freedom.” A Biden Justice Department spokesperson responded that it had first acted to delay the order and then withdrew the order before any records were supplied. Biden himself called the practice of seizing documents that could be utilized to discover press sources as “simply, simply wrong,” and forbid his Justice Department to engage in the activity. Nevertheless, continuation of the policy, even if brief, has stimulated criticism of the new administration by persons who object to other activities suggesting a that the President was not acting forcefully enough to end the previous administration’s procedures.

What is even more worrying is the recent disclosure that the Trump Administration seized the records of Democratic Congressional leaders, vocal Trump critics, Adam Schiff and Eric Swalwell, both of California and members of the Intelligence Committee of the House of Representatives. This investigation was sniffing out the sources of media reports regarding possible collusion between Trump associates and Russia. The investigation demanded documents not only from the two Democratic representatives, but also from aides and family members, including at least one minor. In this case, the Justice Department succeeded in getting the documents, but no evidence of wrongdoing was found. Nevertheless, once again, a gag order was imposed, and information about the event became public only recently. Seizing such records is unprecedented, except in corruption cases. Former Attorney General William Barr denied all knowledge of these developments under cross examination by then Senator Kamala

Harris. This denial was, essentially, a lie, because the gag orders were renewed by the Trump Justice Department several times. The events also represent a dangerous escalation in making the office of the Presidency, in the wrong hands, a possible steppingstone to dictatorship.

Perhaps even more bizarre is the disclosure on June 13 that the Justice Department had subpoenaed an Apple account belonging to then White House Counsel Donald F. McGahn II in February 2018. The usual gag order was applied. Apple informed McGahn of this development—as was his wife, whose account had similarly been seized—only after the order had expired after being renewed several times. It remains a mystery why the Trump Justice Department issued the request to get information on the White House counsel. Speculation is rife and no doubt more information will come out in the coming weeks. At the time, Robert Mueller was investigating Trump for possible collusion with the Russians. He had ordered his Counsel to fire the special prosecutor, but McGahn refused. However, McGahn rebuffed a congressional committee examining the incident. He has recently met with committee, testifying that the rumors about Trump trying to force him to fire Mueller were accurate. This increases the odds that the President was planning somehow to pressure him by getting access to his account.

Could there be a link between his refusal to testify and the unprecedented action of the Trump Justice Department? Currently there are also Democratic calls to investigate the developments that have just emerged, but will these take place in the face of total opposition by Republicans and some Democrats?

The extraordinary incidents we have learned about in the last weeks demonstrate how Trump as President blatantly violated the norms of the American presidency and how far down the path toward an existential crisis the United States travelled during Donald Trump's four years in power—and what may have happened during second term. Many of these norms are not

spelled out in the Constitution but have generally been adhered to by American presidents. Their adherence has not been perfect, not even by presidents the likes Franklin D. Roosevelt and Barak Obama. However, they have never been shredded like they were during the last four years.

Yesterday Biden's Attorney General Merrick Garland announced that the Justice Department had banned subpoenas, warrants, and court orders to seize reporters' records. First Amendment supporters are calling for congressional action to congress to put Garland's regulations into law. The current polarized political situation makes that seem unlikely.

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