

Trump's trial shows legal system works, but his rhetoric left scars



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Reporter

PERSPECTIVE

Three weeks ago, former US president Donald Trump became the first and only ex-president to be convicted of a felony. And while the presumptive Republican nominee has returned to the campaign trail, his ongoing outbursts disparaging the courts are a reminder that this is anything other than a normal election. As he awaits sentencing on the 34 charges he was convicted of in the New York hush-money case, Trump has continued to suggest that the charges against him were politically motivated and that he would try to use the legal system to go after his own political enemies if he wins this fall.

Trump's legal issues have continued to split the country. About half of all voters approve of his conviction in the New York hush-money trial, according to polling conducted since the verdict, and they're also evenly split on whether the trial was fair, according to a YouGov/The Economist poll from June 2-4. Perhaps unsurprisingly in our highly polarized times, Republicans were much more likely than Democrats to think the charges Trump faced were politically motivated in an AP-NORC poll from earlier this month. Though there's some evidence the conviction may have hurt him with independents and shifted his overall chances slightly downward, the state of the presidential race overall seems to remain unchanged at a tie.



Trump has a long history of attacking judicial institutions and officials that's only continued in his recent legal cases, which he has consistently painted as a partisan "witch hunt" against him. Trump's claims of an unfair trial reverberate through the Republican Party and the right-wing media environment, the experts said, reflecting and amplifying the persistence and effectiveness of his narrative.

So, while Trump's conviction hasn't seemingly had any drastic impacts on his (re)electoral prospects yet, it's still unclear how this and the other unprecedented legal challenges he's embroiled in — and his rhetoric surrounding them — will impact either the election or the criminal justice system more broadly. The question isn't going anywhere as Trump still faces criminal charges in three other cases, and a decision in his case arguing that he has immunity for any of his actions while in office is expected to come down from the Supreme Court next week. With that in mind, 538 turned to legal and political experts to assess where we are in the aftermath of the historic conviction and what challenges lie ahead.

Experts: Legal system working

When Manhattan District Attorney Alvin Bragg's office first announced the charges against Trump in the hush-money case a little over a year ago, even some progressive observers were dubious about both the case's legal merits and its political implications, with some arguing that its details were "underwhelming" in the face of Trump's other alleged crimes. In fact, reporting has shown that Bragg himself sometimes played a reluctant part in the case given its weighty political implications.

However, experts pointed out that bringing the case was actually a sign that the rule of law was working. "If you are going to say that, well, you can't prosecute Donald Trump because he is a popular political figure with a big platform ... then you are actually conceding ... that the fundamental democratic principle that no one is above the law actually isn't true and can't be enacted," said Kristy Parker, special counsel at Protect Democracy, a non-partisan anti-authoritarian group.

Rachel Barkow, a professor at the NYU School of Law, also emphasized the aspects of normalcy

in the unusual situation, noting that the charges brought against Trump were relatively common, as is the general practice of elevating misdemeanors to felonies. "The supporters of Trump find it to be a witch hunt against him or particularly political when in fact ... prosecutors do stuff like that all the time," Barkow said. While the bar for bringing charges against a former president should be high, she said, Trump shouldn't have impunity. "At a certain point, the rule of law does depend on bringing charges."

And once the decision to bring charges was made, the trial was "textbook," said Deborah Pearlstein, director of the program in law and public policy at Princeton University. "The judge handled the trial incredibly well, the evidence was thoroughly and well-presented, the defendant was extremely well-represented, due process was complied with, the jury was able to give the evidence full and

fair deliberation," she said. "This looked like just the way you would want the criminal justice system to operate in an ideal circumstance." The other legal experts I spoke with agreed and pointed to the norms and procedures followed by the prosecution and the judge to ensure that the defendant, former president or not, had a fair trial. "Human beings run the justice system, and it is possible that they can do things for improper reasons," said Parker. "But the system itself is designed to root that out and correct for it." She pointed to guidelines her organization has published, which include ensuring an open trial observed by the public and the press, the defendant's opportunity to present a defense, and for the case to be decided by a jury of the defendant's peers — all of which happened in the New York trial.

"We prosecuted a former president of the United States and the legal system didn't collapse,"

Pearlstein said. "On the contrary, it behaved incredibly well. We are able, just like every other Western democracy that's faced this issue, to handle prosecuting political leaders. If we weren't able to do that, I would worry profoundly about the fate of the rule of law in this country. So, in that sense, it's a wonderful success, a case study, a proof of concept. It's a good thing."

But Trump's rhetoric had repercussions

That said, the execution of the trial itself isn't the only point of concern when it comes to Trump's relationship with the justice system. Legal experts are worried how Trump's statements about the case, and his broader willingness to attack or undermine the legitimacy of the judicial system, bode ill for future cases and may have

already eroded public faith in the courts. Indeed, Trump has a long history of attacking judicial institutions and officials that's only continued in his recent legal cases, which he has consistently painted as a partisan "witch hunt" against him.

Trump's claims of an unfair trial reverberate through the Republican Party and the right-wing media environment, the experts said, reflecting and amplifying the persistence and effectiveness of his narrative. "Almost the entire Republican Party has gotten in line. ... They say things like, 'Oh, this is how he speaks, it's not what he means,' even though there's evidence to suggest that this is exactly what he means," said Jennifer Lawless, a political scientist at the University of Virginia. "I think they give permission to voters to say, 'All right, well, it's not going to be as dangerous as I might expect.'"

"Donald Trump, from the minute he was indicted on the first counts, made it clear that his perspective was that there was a two-tiered system of justice, that the jury would not treat him fairly, that the judge was out for him, and that the entire criminal justice system is rigged against him," Lawless went on to say. "And so, at least for his base and for a lot of Republican voters, the expectation was that it didn't matter whether he was convicted or not, he was not treated fairly."

So, it wasn't too surprising when, after the verdict came down on May 30, many Republican leaders continued to decry the process as a partisan weaponization of the justice system. "Democrats cheered as they convicted the leader of the opposing party on ridiculous charges, predicated on the testimony of a disbarred, convicted felon," said House Speaker Mike Johnson on the social platform X. Trump's disparagement of the justice system as a political tool



Trump supporters hold signs saying "WITCH HUNT," in reference to legal allegations against Republican presidential candidate Donald Trump, at his first campaign rally where he announced his candidacy in the 2024 election in Waco, Texas, on March 25, 2023. LEAH MILLIS/REUTERS