

DONALD TRUMP HAS CHOSEN TO PAY MILLIONS TO TRASH RULE OF LAW

I have a standing complaint that reporters serially fall into Donald Trump's trap of reporting on his courtroom tantrums rather than the evidence of his fraud and crime presented therein. But I'm going to do just that, because I believe reporters are misunderstanding the way in which Donald Trump is approaching the second E. Jean Carroll trial and what it bodes for his attack on democracy ahead.

It started with a series of requests to delay the trial so Trump could attend the funeral of Melania's mother.

The funeral was a ruse: even as he made the requests, Trump continued to obviously and publicly plan campaign events in New Hampshire for the period of potential delay. After initial denials, Alina Habba renewed the request to the famously irascible Judge Lewis Kaplan. That drew a predictable rebuke, in response to which Habba mouthed off to the judge.

Earlier Wednesday, Kaplan told Habba to sit down after she tried yet again to get Kaplan to postpone the trial on Thursday so Trump could attend his mother-in-law's funeral.

"I will hear no further argument on it. None. Do you understand that word? None. Please sit down," Kaplan said.

"I don't like to be spoken to that way," Habba responded.

Habba had to have know this would go over poorly. She attended Trump's first rape trial. Plus, even a parking garage lawyer from New Jersey would know of Kaplan's strict decorum in

his court.

Habba invited follow-on rebukes by failing other basic rules of trial decorum.

Over the course of the day, Trump's attorneys asked Kaplan first to recuse, then for a mistrial, just as they repeatedly did with Judge Arthur Engoron in Trump's civil fraud trial.

Then Carroll took the stand. Throughout, Trump audibly fumed, leading Carroll's lawyer to ask Judge Kaplan to quiet him. That led, again predictably, to a clash between him and Kaplan.

"Mr. Trump has the right to be present here. That right can be forfeited, and it can be forfeited if he is disruptive, which is what has been reported to me," the judge said.

Kaplan then spoke directly to Trump, who was seated at the defense table. "Mr. Trump, I hope I don't have to consider excluding you from the trial," he said. "I understand you are probably very eager for me to do that."

At that point, Trump threw up his hands, saying, "I would love it. I would love it."

"I know you would. I know you would," Kaplan replied. "You just can't control yourself in this circumstance, apparently."

Trump shot back: "You can't either."

Again, all this was predictable. And commentators are probably correct in guessing that they'll lead the jury to boost the award.

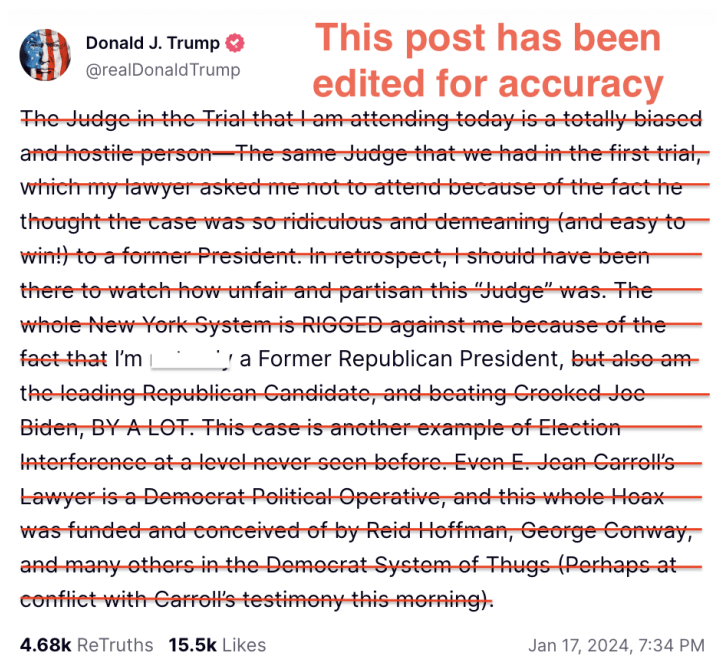
But two things about this reality theater make me convinced it is also entirely planned.

First, something led Joe Tacopina to drop off the team the day before trial. In the past, other lawyers have dropped when they had a conflict with Boris Epshteyn, who continues to

run the reality TV show that substitutes for Trump's legal defenses. And Epshteyn even attempted to speak up, before Judge Kaplan told him, as he has told Habba repeatedly, to take a seat.

The other indication that this has all been carefully scripted are Trump's posts, rolling out even as he sits in the courtroom without his phone, defaming Carroll again over and over, or bitching about Kaplan. Either Trump drafted those posts in advance, or granted a staffer license to defame and attack on his behalf.

This one attacking Judge Kaplan, for example, suggests that his (male) lawyer asked him not to attend his last rape trial, but now he is attending to witness what Trump falsely claims is bias and unfairness.



Trump is attending this trial, which will almost certainly result in much larger award for Carroll than she would otherwise get, in order to delegitimize it.

And Trump has decided it is worth millions to do that.

Given that he's a notorious cheapskate who stiffes his lawyers, that ought to give commentators pause. Does he simply plan to not pay, setting up further confrontation and

ultimately a contempt fight? What then? A call to violence?

This ploy comes at a key time, too. After the Iowa caucus, with its anemic turnout signaling Trump's expected victory may shrink the GOP so badly it will lose races up and down the ballot, political journalism instead turned to treating the results themselves as news. WaPo paid almost 20 journalists to write 10 stories the day after the caucus! Political journalists want to pretend everything is normal.

Yet Trump has not been running a campaign. He has been running an effort to consolidate the party to him, increasingly committed to his attack on rule of law.

Within days (hopefully), the DC Circuit will rule that he is not immune (and therefore Joe Biden can't assassinate him with impunity), which will finally set up a test of SCOTUS' willingness to rule against him criminally.

His other court filings are similarly descending into louder and louder wails.

At the same time, even before joining Mike Roman's challenge to Fani Willis in Georgia, he has started working her into court filings in other cases, as in this motion to compel in the Florida case.

A January 12, 2024 congressional inquiry and other sources indicate that such materials exist. See Ex. 63.

Specifically, Congress sent a letter to "Attorney Consultant" and "Special Assistant District Attorney" Nathan Wade regarding documents suggesting that Wade helped coordinate with the Biden Administration in 2022. One of Wade's invoices indicates that he devoted eight hours to a "conf. with White House Counsel" on May 23, 2022. *Id.* at 2. The meeting occurred within weeks of the New York Times reporting on President Biden's leaked statement that President Trump "should be prosecuted," Ex. 62 at

1, and around the same time that Jonathan Su, from the White House Counsel's Office, was working with NARA to manipulate the PRA in an effort to disclose records to the FBI and the January 6th Committee.

Willis will not formally respond until early February, after responding to Nathan Wade's divorce, leaving a vacuum where any explanation should be. And while I think this report gets ahead of the verified facts, it's a good warning of where the challenge to Willis may go. Until that is resolved, Trump will try to taint every single legal case against him with a tie to Willis.

Plus, it's not just Trump whose legal woes are coming to a head. Peter Navarro is set to be sentenced January 25, and there have been sealed filings in DOJ's civil suit to recover encrypted comms from him that should have been provided under the President Records Act. Steve Bannon's New York trial is set for May.

Roger Stone is even back under investigation (even beyond the January 6 investigation) for his reported discussions of assassinating Jerry Nadler or Eric Swalwell.

Trump's entire fascist cohort would, in a normal world, be facing up to the possibility of consequences for their acts.

But that's not how this crowd rolls. They would rather bring down rule of law in the US than face consequences themselves. Indeed, it's such a central part of their plan that Trump's actually willing to spend money – or invite contempt, followed by whatever incitement with which he responds.

It is a category error to view Trump's trial tantrums within the rubric of normal legal consequences, even in Kaplan's entirely predictable courtroom. They are, instead, part of a concerted effort to take down rule of law. For years, Trump has been training his cult to

loathe rule of law, and his latest theater is all part of that process.

Even as Trump is ensuring he will be the GOP's only possibly choice in November, he is also guaranteeing that the entire party will need his attack on rule of law to succeed.

Trump's fascist mouthpiece, Stephen Miller, has even already started a campaign claiming that Joe Biden is causing the chaos that Trump is about to unleash.

It's all part of the plan.