



Written by [C. Mitchell Shaw](#) on April 23, 2018

Liberal Law Professor Alan Dershowitz Continues to Defend Trump

In the wake of the FBI raids on the home and offices of President Trump's personal lawyer, Michael Cohen, the president has an odd defender: famed liberal law professor and Clinton supporter Alan Dershowitz. And Dershowitz (shown) is making what are perhaps the best arguments in Trump's defense anyone has made so far — all based on the Constitution.



Other leftists are busying themselves by claiming that Trump and his campaign colluded with Russia to put him in the White House and by trying to justify the FBI seizure of communications and documents that are clearly a matter of attorney/client privilege. But Dershowitz is standing out from the crowd by speaking publicly in defense of the president — or more accurately, in defense of the constitutional issues involved.

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Dershowitz recently took a pounding for saying that the seizure of privileged communications is not something the Left should encourage, much less celebrate. Speaking to CNN the liberal civil-libertarian said, "I am not a supporter, I am not a defender of Donald Trump the person, I'm a defender of civil liberties and basic due process," adding that the issue here is not to sacrifice constitutionally-protected civil liberties in an effort to "get Trump."

While Dershowitz has been accused of "siding with Trump," he made his point clear for all that will hear it: "I do not want to be his lawyer, I don't want to give him legal advice — I can't give legal advice on a one to one basis. I can only state what I believe are the constitutional issues on national television."

Dershowitz, who said he "did not vote for Trump" but did vote for both Obama and Clinton and "would prefer" Clinton in the White House, backed up his claim that he does not want to be Trump's lawyer and is not a "defender of Donald Trump the person," saying, "One of the reasons I don't want to be his lawyer is because I have no interest in what happened to him before he became president." He added, "I'm only interested in the Article Two issues — the constitutional issues. I'm interested in doing what the American Civil Liberties Union has failed to do, and that is defending the rights of all Americans."

His pointed reference to the ACLU was due to the press release the organization issued "defending, justifying, and praising the raid on Michael Cohen's office without alerting the Americans to the risk that happens if you allow invasions into a lawyer, a doctor, a priest, a spousal privilege," according to Dershowitz, who described himself as "the default guy on civil liberties."



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Dershowitz makes a good point by expanding this issue and showing the implications of the FBI's seizure of privileged communications. If this is allowed, what protects an individual's privileged communications with his doctor? Or his minister? Or his wife?

This is not the first time Dershowitz has spoken about the willingness to sacrifice constitutional issues that seem to be part and parcel of partisan politics. When Trump was under fire for allegedly telling former FBI Director James Comey to drop the investigation into former National Security Advisor Michael Flynn, Dershowitz told CNN that "the president is the head of the executive branch" and "constitutionally, he can control the branch." He went further, saying, "He could tell the director of the FBI, 'Do not prosecute Flynn.'"

And in November 2017, he appeared on *Fox and Friends*, where he criticized the Russia probe headed by Special Counsel Robert Mueller. After that segment aired, CNN's Brian Fallon — who was the Clinton campaign press secretary, and therefore clearly has a personal dog in this fight — took the low ground in a tweet implying that Dershowitz was on the Trump payroll. "Dershowitz calling for the Mueller probe to be shut down is adequate basis to wonder whether Trump is paying," Fallon tweeted. Dershowitz responded with a tweet of his own, saying, "How low can you get to suggest I'm being paid for saying what I've been saying for 50 years. Shame on you."

More recently, CNN legal analyst Jeffrey Toobin — who describes his former professor, Dershowitz, as his "mentor" — debated Dershowitz on a segment of Anderson Cooper's show. In that debate, he accused Dershowitz of "carrying water" for Trump, saying:

I'm not carrying any water.

I'm saying exactly the same thing I've said for 50 years and Jeffrey you ought to know that you were my student. I have never deviated from this.

I have never deviated from this point. The fact that it applies to Trump now rather than applying to Bill Clinton is why people like you have turned against me. Don't you understand that principle requires bipartisanship and non-partisanship? And that's who I am and have always been.

But Dershowitz wasn't finished. He went on to say:

I have no interest in whether Donald Trump is exonerated or not. If the evidence is against him, I will be the first person to call him out on it. What you accuse me of is not being partisan. You want me to have a different standard against Donald Trump than I did in relation to the Clintons and with everybody else.

Dershowitz wrapped up his comments by telling his former student, "I have been utterly and completely consistent and non-partisan and, Jeffrey, you haven't."

Dershowitz also said that Trump's firing of Comey was within the president's constitutional arsenal — even if the single reason for doing it would have been to bring an end to the investigation of Russian collusion. Toobin said that would amount to obstruction of justice. Dershowitz said it would be impossible for that to be an act of obstruction. "You have to have an illegal act, he said, adding, "And you can't have an illegal act when the president acts within his constitutional authority."

Whatever else he is, Dershowitz appears to be a principled defender of the Constitution. In that regard, he stands head and shoulders above many Republicans who — for all their lip service to the Constitution — seem to cherry-pick the document, taking what they like and ignoring the rest.

Fortunately, his principled stance appears to give him the courage to stand firm — even as the media



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arm of his own party attacks him for defending the civil liberties of all Americans when they are threatened by the president's political enemies in an attempt to deligitimize his presidency.

Photo of Alan Dershowitz: John Nacion/STAR MAX/IPx



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