

## **Seminar: Trump and the Presidency**

Eric Posner

University of Chicago Law School

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2 Credits

PRELIMINARY, March 18, 2017

Donald Trump's election was one of the most polarizing events of recent American political history. While Trump's supporters celebrated the victory of their candidate, many of Trump's critics argued that Trump's election was illegitimate, and demonstrators took to the streets. Even after a short time in office, Trump's actions have—according to his critics—showed a profound indifference to democratic institutions. They complain that he has violated constitutional norms by retaining his business ties, issuing aggressive executive orders, and attacking the press, among other actions. But are the critics right? Is Trump a normal president or a constitutional aberration?

We will examine these questions from the standpoint of law, history, and political theory. The focus of the class is what Trump means for the presidency and the constitutional system. Students will be expected to discuss the issues in a dispassionate, civil, academic fashion.

Requirements. Students must do all the assigned reading, and write three 5-page response papers. Each of them is due at 5 pm the day before class. All students must also begin the discussion in one class by making a 5 minute presentation based on the readings. The grade will be based 50% on the response papers, and 50% on class participation.

### **Syllabus**

The assignments below are tentative. I will adjust them as events warrant.

#### **Class 1. Populism in the United States**

Remini, Andrew Jackson, chs. 1, 5-8 [course pack]

Goebel, [The Political Economy of American Populism from Jackson to the New Deal](#), 11 Stud. in Amer. Pol. Dev. 109 (1997)

Sanson, [“What He Did and What He Promised to Do...”: Huey Long and the Horizons of Louisiana Politics](#), Louisiana History: The Journal of the Louisiana Historical Association (2006)

Bannon, [Comments at Vatican Conference](#) (2014)

Trump, [Inaugural Address](#) (2017)

#### **Class 2. Presidential Systems and Populism in Latin America**

Levitsky & Loxton, [Populism and Competitive Authoritarianism in the Andes](#), Democratization, 20, 107 (2013)

Corrales & Penfold-Becerra, [Venezuela: Crowding Out the Opposition](#). Journal of Democracy, 18, 99 (2007)

Valenzuela, [Latin American Presidencies Interrupted](#), Journal of Democracy, 15, 5 (2004)  
Pepinsky, [Life in Authoritarian States Is Mostly Boring and Tolerable](#), Vox, Jan. 9, 2017  
Feldenkirchen et al., [Donald Trump Is the World's Most Dangerous Man](#), Spiegel Online, Feb. 1, 2016  
Blackman, [Donald Trump's Constitution of One](#), National Review, May 12, 2016  
Brownstein, [The Formidable Checks and Balances Imposing on President Trump](#), Atlantic, Feb. 16, 2017

### **Class 3. What Is Trumpism?; Why Was Trump Elected?** **Guest speaker: Professor Mike Seidman**

#### Part 1. The Election

Lafsky, [The Complete History of Dirty Politics: A Q&A on Anything for a Vote](#), Freakonomics (2007)  
Profiles of U.S. Presidents, [Richard M. Nixon—Dirty Tricks](#)  
Washington Post, [Trump's Campaign Promises](#) [skim]  
Silver, [Education, Not Income, Predicted Who Would Vote For Trump](#), Nov. 22, 2016  
Osnos et al., [Trump, Putin, and the New Cold War](#), New Yorker, March 6, 2017

#### Part 2. What is Trumpism?

Public Decius Mus [Anton], [The Flight 93 Election](#), Claremont Review of Books (2016)  
NPR, [Interview of Richard Spencer](#), Nov. 17, 2016  
Chait, [Donald Trump, Pseudoauthoritarian](#), New York, Feb. 21, 2017  
Taub, [White Nationalism Explained](#), New York Times, Nov. 21, 2016  
Inglehart & Norris, [Trump, Brexit, and the Rise of Populism: Economic Have-Nots and Cultural Backlash](#) (2016)

### **Class 4. Immigration; The Travel Ban Executive Order**

[Donald J. Trump Statement on Preventing Muslim Immigration](#) (Dec. 7, 2015)  
[Executive Order: Protecting the Nation from Foreigner Terrorist Entry into the United States](#), Jan. 27, 2017  
[Washington v. Trump](#), Ninth Circuit  
[Aziz v. Trump](#), Eastern District of Virginia  
[Executive Order: Protecting The Nation From Foreign Terrorist Entry Into The United States](#) (2), March 6, 2017  
Borjas, [The Immigration Debate We Need](#), New York Times, Feb. 27, 2017  
Higham, Strangers in the Land, chs. 3-4 (2011) (feel free to skim) [on course website]  
Adida et al., [Muslims in France: Identifying a Discriminatory Equilibrium](#), Journal of Population Economics, 27, 1039 (2014) [you may limit yourself to the Introduction and Conclusion]

[REVISE: add Ninth Circuit Bybee dissent and use more recent opinion striking down travel ban]

## **Class 5. The Press; Bureaucratic Resistance and the “Deep State”**

### Part 1. The Press

[Transcript of Trump’s CPAC speech](#), Feb. 24, 2017

Gessen, The Putin Paradigm, [NYR Daily](#), Dec. 13, 2016

Hennessey & Murillo, [Law of Leaks](#), Lawfare, Feb. 15, 2017

Liptak, [Barring Reporters from Briefings: Does it Cross a Legal Line?](#), New York Times, Feb. 28, 2017

### Part 2. Bureaucratic Resistance

Observer, [The Spy Revolt Against Trump Begins](#), Feb. 2, 2017

Pozen, [The Leaky Leviathan](#), Harvard Law Review (2013)

Harris & Lippman, [Trump’s Enemies Within](#), Politico, Feb. 2, 2017

Hathaway & Weiner, [Dissenting from Within the Trump Administration](#), Just Security, Jan. 17, 2017

Fisher, [What Happens When You Fight a “Deep State” That Doesn’t Exist](#), New York Times, March 10, 2017

## **Class 6. Corruption; Emoluments and Conflicts of Interest**

Geewax, [Trump’s Businesses And Potential Conflicts: Sorting It Out](#), NPR, Dec. 5, 2006

Craig & Lipton, [Trust Records Show Trump Is Still Closely Tied to His Empire](#), New York Times, Feb. 3, 2017

Eisen et al., [The Emoluments Clause](#), Brookings, Dec. 16, 2016

Grewal, [The Foreign Emoluments Clause and the Chief Executive](#), 2017

Rosenzweig, [Strategy and Tactics for Investigating the Russian Connection](#), Lawfare, March 5, 2017

## **Class 7. International Relations**

[This class will meet in Room III at 12:15-1:20 pm on Tuesday, May 9, instead of on Thursday, May 11. You may bring lunch.]

[Draft Executive Order—Moratorium on New Multilateral Treaties](#)

[Draft Executive Order—Auditing and Reducing U.S. Funding of International Organizations](#)

Anton, [America and the Liberal International Order](#), Journal of American Affairs (2017)

Erlanger, For Europe, There’s a New Threat in Town: The U.S., [New York Times](#), Feb. 2, 2017

Weissman, Trump Has One Big Idea to Fix America’s Trade Deals, [Slate](#), Feb. 7, 2017

Brooks, Donald Trump Has a Coherent, Realist Foreign Policy, Foreign Policy, April 12, 2016  
[course pack]

Goldsmith, [The Trump Onslaught on International Law and Institutions](#), Lawfare, March 17, 2017

## **Class 8. Implications of Trump’s Presidency for Politics and for Constitutional Reform**

**Guest speaker: Professor William Howell**

Robin, [The Politics Trump Makes](#), n+1, Jan. 11, 2017.  
Kreitner, [Interview with Stephen Skowronek](#), The Nation, Nov. 22, 2016  
Howell & Moe, [America's Antiquated Constitution](#), Prospect (2017),

Others TBD