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—shown 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]
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)

**Class 3. What Is Trumpism?; Why Was Trump Elected?**

*Guest speaker: Professor Mike Seidman*

**Part 1. The Election**

Profiles of U.S. Presidents, *Richard M. Nixon—Dirty Tricks*
Washington Post, *Trump’s Campaign Promises* [skim]
Osnos et al., *Trump, Putin, and the New Cold War*, New Yorker, March 6, 2017

**Part 2. What is Trumpism?**

Chait, *Donald Trump, Pseudoauthoritarian*, New York, Feb. 21, 2017

**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]

[REVISE: add Ninth Circuit Bybee dissent and use more recent opinion striking down travel bean]
Class 5. The Press; Bureaucratic Resistance and the “Deep State”

Part 1. The Press
Transcript of Trump’s CPAC speech, Feb. 24, 2017
Hennessey & Murillo, Law of Leaks, Lawfare, Feb. 15, 2017

Part 2. Bureaucratic Resistance
Observer, The Spy Revolt Against Trump Begins, Feb. 2, 2017
Harris & Lippman, Trump’s Enemies Within, Político, Feb. 2, 2017
Hathaway & Weiner, Dissenting from Within the Trump Administration, Just Security, Jan. 17, 2017

Class 6. Corruption; Emoluments and Conflicts of Interest

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
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
Howell & Moe, America’s Antiquated Constitution, Prospect (2017),

Others TBD