



Deutsch-Amerikanische
Juristen-Vereinigung e.V.



BUCERIUS LAW SCHOOL
HOCHSCHULE FÜR RECHTSWISSENSCHAFT

CONSTITUTIONAL LAW

IN THE AGE OF TRUMP

DAVID FAIGMAN

CHANCELLOR AND DEAN, UC HASTINGS

WEDNESDAY, 14. NOVEMBER 2018, 6.00 pm
MOOT COURT (ROOM 1.21)

Afterwards:

Informal discussion with pretzel and wine

CONSTITUTIONAL LAW IN THE AGE OF TRUMP

ABSTRACT

A key founding principle of American Constitutional Democracy is that of “checks and balances.” In *The Federalist*, James Madison famously observed, “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.” Since men are not angels – and our governors surely are not – “the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.” The founders of the American Constitution sought to embed checks and balances through two basic divisions of power. First, they divided sovereign authority between the states and the federal government, a principle known as “federalism.” The second involved the further division of the federal government into three branches – the legislature, executive and judiciary – a principle known as “separation of powers.” However, during the first two years of the administration of President Donald Trump, two of the three branches, the legislature and executive, were controlled by one party, and those two have done as much as they could to take control of the third. This left the federal government largely bereft of any checks and balances, with only federalism as a possible restraint on federal overreach. Chancellor & Dean David Faigman will discuss the consequences of this concentration in power and what it has meant over the last two years and what we can expect following the mid-term American elections over the next two years. Topics of concern range widely, and will include immigration, religious freedom, freedom of speech, foreign relations and the war power, and the sanctity of the judiciary.



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BIOGRAPHICAL INFORMATION

Chancellor & Dean David Faigman is the John F. Digardi Distinguished Professor of Law at the University of California Hastings College of the Law and holds an appointment as Professor in the School of Medicine (Dept. of Psychiatry) at the University of California, San Francisco. He received both his M.A. (Psychology) and J.D. from the University of Virginia. Professor Faigman clerked for the Honorable Thomas M. Reavley, Senior Judge of the U.S. Court of Appeals for the Fifth Circuit. Prof. Faigman is the author and co-author of numerous articles, essays, and books. He has served as a Senior Advisor to the President's Council of Advisors on Science and Technology's Report, "Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods."