

The United States is in a period of enormous and grave constitutional turmoil. America is in the midst of multiple and extraordinary constitutional *crises* occasioned by the return to the U.S. presidency of Donald Trump and the actions of the Trump administration during its first year in office.

* Can a President of the United States refuse to enforce laws enacted by Congress whenever he does not agree with them? Can a president rewrite, modify, or amend provisions of a law he dislikes on policy grounds? Can a President constitutionally refuse to spend appropriated funds, temporarily or permanently, at his sole discretion? Can a President constitutionally, by executive order, shut down government agencies, departments, or programs he doesn't like?

* Can a President fire, at will, career federal prosecutors and federal law enforcement agent, whose prior duties included work in investigations or prosecution of Trump himself, simply because they did such work? Can the President target federal law enforcement at political enemies – and decline to enforce the law against political allies? Can the President use federal law enforcement discretion to intimidate or extort compliance with political policies?

* Can a President of the United States revoke, by executive order, birthright U.S. citizenship, conferred by the Fourteenth Amendment to the Constitution, because a person's parents were not legal residents of the United States? Can the president deport, remove, or exclude, non-citizens for any reasons he deems appropriate, for reasons of alleged conflict with U.S. foreign policy? Can the president do so because he disagrees with such persons' views or expression? Can the President declare groups of persons "enemy aliens" and remove them without further legal process? Can a President disregard or defy temporary restraining orders, injunctions, and other judicial orders because of disagreement with courts' decisions?

* Can a President, by unilateral executive order not authorized by laws of Congress, impose punishment or penalties on private persons, individuals, institutions – universities, private law firms, businesses – because of their past or present engagement in advocacy or representation of others in opposition to his views, or because of the views or affiliations of some of its members or employees?

* Can a President engage in war – the lethal use of state force without due process against an enemy force or power – against any nation (or even non-state actors, as a substitute for criminal law enforcement) he chooses, without authorization from Congress? Can he threaten the use of force against nations in order to coerce or intimidate them into complying with his wishes? Can he use the military, without limit, for domestic law enforcement or policy purposes?

These are just some of the specific issues that have arisen in the first months of the new Trump administration. From a broader perspective, the Trump regime's early actions raise even more serious questions that go to the survival of America as a free, constitutional republic governed by the rule of law:

* What dangers to constitutional government are presented by Mr. Trump's efforts to centralize federal government power in the executive branch and in himself personally? By his efforts to eliminate, eviscerate, or evade – or simply to disregard – "checks" on presidential power

possessed and exercised by the other branches of the federal government? What dangers are created by Trump's pursuit of an agenda of personal and political vengeance in exercising federal law enforcement power? By executive orders targeted at political opponents that seek to punish, penalize, or prohibit expression and advocacy the administration dislikes, and that seek to suppress political dissent and opposition in general? Is the United States in danger of descending into an anti-constitutional regime of authoritarianism?

In this lecture, Professor Michael Stokes Paulsen of the University of St. Thomas (Minneapolis, Minnesota) will outline the contours of several of these constitutional issues. Of possible special interest to members of the legal profession in Denmark, Professor Paulsen will focus specifically on the constitutional freedoms of USA lawyers and law firms to engage in legal representation and advocacy without government penalty or reprisal for their viewpoints, causes, clients, partners, and affiliations. In U.S. constitutional law, these matters sound in "The First Amendment" to the U.S. Constitution: the freedoms of speech, press, petition, and association. These matters also impact on the legal system's integrity and the rights of persons and institutions to legal representation and counsel.