



The End of American Democracy?

Dismantling and Resistance

Summer 2026 Syllabus

11:45 a.m. – 1:15 p.m.

From 8th to 19th June

(Hybrid course: in person and online)

Professor Nathalie Martin, University of New Mexico School of Law

martin@law.unm.edu

COURSE DESCRIPTION

Students will receive a course packet with all the assigned readings; additional materials may be provided as the course progresses since we will address the subjects treated in real-time.

This course is focused on the current political context of rapid change and uncertainty. We will explore the Trump administration's efforts to restructure and dismantle many federal agencies; eliminate diversity, equity, and inclusion (DEI) efforts by institutions receiving federal funds (including agencies, universities, and non-profit organizations, *inter alia*); target immigrants for removal (including U.S.-citizen children of people who do not have lawful immigration status and some lawfully-present non-citizens); erase LGBTQ+ rights; and attack the judiciary, law firms, law school clinics, and individual lawyers.

Just as the Administration has vigorously worked to curtail rights and freedoms, there has been massive resistance to those efforts. Resistance includes formal resistance (e.g., judges protecting litigants from Immigration and Customs agents and prosecutors refusing to file improper charges) and informal resistance through organizing and movement-building. Relatedly, we will analyze how states are responding, including efforts to further erode *and* protect rights such as abortion, separation of church and state in public schools, and books in schools and libraries.



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SCHEDULE

DAY ONE (8th June): Introduction to Common Law and the U.S. Legal System (in person)

In this class, we discuss a broad overview of the U.S. legal system. We discuss how civil law differs from common law, sources of law in the American legal system (including the Constitution, legislation, executive orders, case law, and administrative regulations), federalism, and how to brief cases.

Read: pp.1-38 in Overview of U.S. Law (Podgor and Cooper); U.S. Circuit Court Map

DAY TWO (9th June): Introduction to Common Law and the U.S. Legal System, continued (in person)

In this class, we will continue our prior discussion. We will use the case of *Regina v. Dudley and Stevens* to illustrate how judges develop common law and how lawyers use court cases to shape the law. Students will prepare a case brief for the case, and we will discuss the case using the Socratic method. To understand a modern application of case law, we will discuss the use of precedent by federal judges to strike down a current Trump executive order.

Read: pp. 105-120 in Overview of U.S. Law; *Regina v. Dudley and Stevens* excerpt
Assignment: Case brief of *Regina v. Dudley and Stevens*

DAY THREE (10th June): U.S. Constitutional Law, Governmental Structure (online)

We begin a discussion of the U.S. Constitution. We also will discuss the concerns of the Framers and Founders, basic constitutional structure, focusing on the separation of powers (including constitutional and legislative limits on executive powers of the President), federalism, and the rule of law. We will explore how the constitution allows the federal government to set a floor of rights that states can (and do, in many instances) exceed.

Read: U.S. Constitution; New Mexico Supreme Court statement on DEI.
Assignment: Bring five questions you have about the Constitution for class discussion.



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DAY FOUR (11th June): U.S. Constitutional Law, Individual Rights (online)

We will explore the individual liberties guaranteed in the Bill of Rights. We discuss how the original application of the Bill of Rights (as only limiting the federal government) became the modern application of the Bill of Rights (as also limiting state and local governments), *stare decisis*, and the role of the Supreme Court in reviewing actions of the legislative and executive branches.

Read: All Amendments to the Constitution and accompanying explanations; excerpt of *Dobbs v. Jackson Women's Health*.

Assignment: Case brief of *Dobbs*. Come prepared to discuss whether the decision strikes down the right to abortion altogether.

DAY FIVE (15th June): The U.S. Constitution in Context-- Diversity in Higher Education (online)

Using analytical tools from the prior classes, we will discuss Trump's efforts to eliminate DEI altogether. We will explore the legal mechanisms (including case law, administrative regulations, and executive orders) upon which he attempts to rely and the responses of federal and state courts and other important actors such as Harvard and other universities and the American Bar Association. We consider whether *Students for Fair Admissions (SFFA) v. Harvard/UNC* (2023) actually provides support for DEI abolition efforts.

Read: excerpt of *SFFA v. Harvard/UNC* (2023)

Assignment: Case brief of *SFFA*.

DAY SIX (16th June): Common Law Workshop, Part 1 (in person)

We begin by discussing the role of case precedent. We discuss how statutes interact with the common law cases. We walk through an exercise in a non-legal context designed to help students understand how a judge uses precedent in deciding a case. We then discuss two U.S. Supreme Court cases interpreting the Fourth Amendment of the U.S. Constitution (the right to be free from unreasonable searches or seizures) and a New Mexico case. We end by introducing the facts of a third case involving the same legal issue that we will be working with in Part 2 of the Common Law Workshop.

Read: case excerpt of *United States v. Mendenhall* (1980) and *Torres v. Madrid* (2021)



DAY SEVEN (17th June): Common Law Workshop, Part 2 (in person)

We continue our common law workshop by applying what we have learned to the facts of the third case introduced in the prior class. Students are divided into teams. Each team is assigned to represent either the government or the citizen. At the end of the class, each team will give a brief argument to the judge (the professor), using the case precedent discussed in class, to convince the judge to rule in their favor.

Read: None

DAY EIGHT (18th June): Review; Questions and Answers (in person)

We will review the concepts learned in the course. Bring your questions.

Please also research efforts by the Trump administration to regulate (or de-regulate) an area of particular interest to you. Please also research formal and informal resistance efforts to that area. For example, if you choose to research the imposition of tariffs, you should investigate the business sector responses, the courts' responses in terms of the federal spending class, and related Congressional activity.

DAY NINE (19th June): Final Exam (in person)

You may bring your notes, class handouts, and readings for the class, but no other materials.