

Defending American Democracy: Tools, Lessons, and Legal Battles

On August 21, 2025, Professor Richard Abel, the Michael J. Connell Distinguished Professor of Law, Emeritus, and Distinguished Research Professor at UCLA, spoke with LDAD's Meeting the Moment (MTM) volunteers to talk about his work identifying democratic threats in the United States, particularly those in the past twelve years.

His goal was to provide the MTM volunteers with practical tools to help them deploy their expertise as they reach out to their fellow citizens and use their skills and knowledge to engage businesses, the media, nonprofit organizations, faith communities, civic and community groups, and others in the fight to preserve our democratic institutions.

Below is a summary of Professor Abel's talk.

The Appeal of Autocracy and the Politics of Resentment

To defend democracy, we must first grasp why autocratic leaders like Trump, and those in Hungary, Poland, Turkey, France, Germany, and the UK, gain traction. The politics of resentment is powerful, drawing on two main sources:

- **Economic anxiety:** Forces like deindustrialization, globalization, automation, financialization, and now artificial intelligence have destabilized traditional livelihoods. Paradoxically, policies pushed by autocrats, such as tariffs and benefit cuts, often harm workers most directly.
- **Social status anxiety:** As sociologist Max Weber observed, status competition and anxieties are easily weaponized. American history offers examples from Reconstruction's disenfranchisement and segregation, through white backlash against the Civil Rights Movement (KKK, White Citizens Councils), to contemporary debates around affirmative action, gender, climate change, and LGBTQ rights. The rise of the service economy and educational divides has only deepened these resentments.

Trump's attack on universities and expertise is no outlier—it is part of a global pattern where autocrats delegitimize those who challenge their narratives.

Trump's First Term: A Blueprint for Autocratic Governance

The first Trump administration provided a case study in the incremental—and sometimes brazen—erosion of democratic institutions.

Immigration as a Political Weapon

Immigration policy was—and remains—the cornerstone of Trump's campaigns and executive action. From the Muslim bans (three iterations, two struck down by courts) to family separation at the border, the administration's efforts repeatedly ran up against legal obstacles and were met with public backlash. Policies targeting sanctuary cities, asylum seekers, census data, Deferred Action for Childhood Arrivals (DACA), and Temporary Protected Status (TPS) were often blocked by the courts, with partisan divides evident in judicial decisions.

Weaponizing the Legal System

Trump's efforts to pack the courts, predict and secure the reversal of *Roe v. Wade*, and manipulate prosecutorial actions were numerous. High-profile cases—Roger Stone, Michael Flynn, Paul Manafort—illustrate the use of presidential power for personal and political ends, culminating in pardons and interference with judicial processes.

Assault on Elections

Trump's refusal to accept election legitimacy is another recurring theme. Challenges to voting before and after the 2020 election were largely rejected by the courts, but not without reinforcing doubts and fostering division. These challenges included pressuring Georgia legislators, vocal support of the Proud Boys, Trump's attempt to make Jeffrey Clark Attorney General, to name some.

The events of January 6th, 2021, and the pressure on state officials highlight the ongoing threat to election integrity.

Attacks on Expertise

The administration's handling of the Covid-19 pandemic revealed striking partisan divides: the vast majority of Democratic-appointed judges sided with scientific consensus (56 out of 58), while most Republican appointees did not (70 out of 103). Beyond public health,

attacks extended to universities, the Federal Reserve, climate science, and even weather forecasting.

Efforts to Hold Trump Accountable

Accountability came in several forms—congressional investigations and impeachments, civil society condemnation, and, crucially, the courts. While congressional mechanisms were often stymied by partisan tactics and the refusal of witnesses to cooperate, the judiciary proved more resilient, with both criminal prosecutions and civil actions resulting in significant penalties and public exposure of wrongdoing.

All but 2 of 1,200 people tried for their actions on January 6, 2021, were convicted, with judges of all parties being censorious of these activities. There was no partisan divide in the judiciary on this.

Other activities included the E. Jean Carroll defamation and assault cases (\$5 million and \$83.3 million in judgments), the Sandy Hook families' victory against Alex Jones (\$1.5 billion), and settlements with Dominion Voting Systems and others amounting to hundreds of millions.

Sanctions against Trump's lawyers and efforts to weaponize the legal system were met with financial penalties and professional discipline.

Prosecutions and Legal Battles

At the state and federal levels, investigations and prosecutions continue—ranging from business fraud to election interference and classified documents cases. While some cases have been disrupted or dismissed, and partisan divides in the courts remain, the legal battles persist.

Trump's Second Term: Escalation and Resistance

On Inauguration Day 2025, Trump issued a wave of Executive Orders targeting birthright citizenship, asylum, refugees, and more—all with the potential to permanently undermine democratic institutions. The pardoning of January 6th rioters, investigations into prosecutors and FBI agents, and renewed attacks on oversight mechanisms signal a deepening crisis.

In the first six months of his second term, he has taken multiple steps to undermine democracy—perhaps permanently.

Forms of Resistance

In response, we have seen resistance in several forms—demonstrations, actions by Democrats (and a few Republicans) in Congress, state and local government actions (particularly in blue states and blue cities), media reporting and commentary, and NGOs.

There is a growing consensus that federal courts are the ultimate bulwark against autocracy, so it is essential that lawyers document and explain what they have been doing.

Judicial Activity and Decisions

I have compiled a preliminary collection of judicial decisions organized by category—immigration, transgender rights, freezing federal funding, firing federal employees, eliminating departments and agencies, and more. Most of Trump’s administration’s actions in these areas have been enjoined by district courts, with many decisions confirmed on appeal. The few exceptions often hinge on technicalities or procedural issues, not the merits.

Immigration

Immigration has been the core of Trump’s electoral campaigns and administrative actions. Four district courts have found Trump’s Executive Order ending birthright citizenship unconstitutional, one court’s ruling was affirmed by a Circuit Court with a dissent by a Trump appointee.

District judges have enjoined various ICE activities including: raids in houses of worship, conditioning transportation grants on cooperation with them, sharing Medicaid data with them, deporting asylum seekers, suspending refugee programs, invoking the Alien Enemies Act, basing deportations on protected speech, ending humanitarian parole, retaliating against sanctuary cities, revoking the immigration status of foreign students, separating families, allowing state police to make immigration arrests, police action against demonstrators, and deporting individuals. While the Supreme Court now prohibits nationwide injunctions; several district judges have certified class actions.

Transgender Rights

Trump made scapegoating transgender people another major theme of his 2024 campaign and has quickly carried out his threat to target and degrade them: deleting transgender from federal health pages, curtailing their access to health care, banning them from military service, imprisoning transgender people with their “birth” sex, and refusing to

recognize trans identity on passports. District courts enjoined almost all of these, but the Supreme Court's conservative majority upheld the Tennessee ban on gender affirming care for minors and distorted the notion of free exercise of religion to let parents protect their children from exposure to storybooks about LGBTQ subjects in school.

Freezing Federal Funds

The Trump administration sought to cancel or withdraw federal funds without consulting Congress and often in direct violation of Congress's mandates. Funds impacted include grants to NIH, foreign aid, school grants, teacher training, legal services for migrants, climate research, EPA grants, child nutrition, covid-related school aid, domestic violence, grants to universities (including Columbia, Harvard, UCLA), mass transit funds, funding for EV charging stations, homelessness, Planned Parenthood, humanities education and scholarship, disaster mitigation, and the National Endowment for Democracy. District Courts enjoined almost all these actions.

Firing Federal Employees

The Trump administration tried to fire federal employees from a number of agencies, including USAID, State Department, Office of the Special Counsel, Inspectors General, CIA, Civil Service Board, Federal Employee Labor Board, National Labor Relations Board, PBS, US African Development Foundation, Consumer Product Safety Commission, Department of Education, Department of Health and Human Services, Registrar of Copyrights, and the FTC Commissioner. District courts enjoined almost all these actions.

The Trump administration sought to eliminate entire departments (such as Education) and agencies, including Consumer Finance Protection Bureau, Radio Free Europe and Radio Liberty, VOA, Institute of Peace, Job Corps centers, and Institute of Museum and Library Services.

The many miscellaneous cases that have also come before the judiciary include DOGE's efforts to access information, actions against DEI, applicability of January 6th pardons and attacks on those involved in the prosecutions, attacks on law firms, attacks on government unions, attacks on the media, attacks on the International Criminal Court, takeover of the D.C. Police Department, private enforcement of the Voting Rights Act, and tariffs.

Where Lawyers Are Needed

Your expertise is needed to:

- Research and track ongoing cases within your district, state, or area of focus
- Highlight victories and the strong judicial language defending democracy
- Identify outlier judges and explain procedural versus substantive outcomes to the public
- Collaborate with fellow lawyers and advocacy groups to sustain and expand this work

Conclusion: The Ongoing Battle for Democracy

Despite the relentless assault on democratic norms, the resilience of the courts—and the dedication of those committed to defending democracy—remains a source of hope. Our collective task is to continue documenting, litigating, and educating, correcting misunderstandings and countering despair with facts and action.

Thank you for your time, your vigilance, and your commitment to ensuring that the rule of law endures.

Read More: Professor Abel's Understanding the Threats Series

Professor Abel's Defending American Democracy series—published by Routledge and available on Amazon—was the foundation of his talk. The five volumes are:

- [*How Autocrats Seek Power*](#)
- [*How Autocrats Abuse Power*](#)
- [*How Autocrats Attack Expertise*](#)
- [*How Autocrats Subvert Elections*](#)
- [*How Autocrats Are Held Accountable*](#)

These books are an effort to analyze the multifaceted ways in which the first Trump administration attacked key democratic norms, and to evaluate resistance strategies. This understanding is not only academic—it's essential for shaping our efforts during Trump's second term and in a broader global context.