The Phyllis Schlafly Report

Supreme Court's Getting Busy

By John and Andy Schlafly

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Suddenly the Supreme Court has a pile of cases that could decide the future of the MAGA movement, on everything from deportation to transgender policy to firing federal workers. The queue stacks up at the High Court with appeals of judicial activist rulings against Trump.

Liberals are shrewd enough to file their lawsuits against Trump in the U.S. Court of Appeals for the Ninth, First, and D.C. Circuits, which rule for them nearly every time. The anti-Trumpers then hedge their bet by filing multiple identical lawsuits within additional left-leaning Circuits, while meticulously avoiding the Republican-dominated Fifth and Eighth Circuits.

While a candidate, Trump heroically overcame lawfare against him which has blocked presidential candidates in Brazil, Romania, and most recently in France. "That sounds like this country," Trump complained about the French judge who recently banned Marine Le Pen from running for president while "she was the leading candidate."

The Ninth Circuit just ordered Trump to allow transgender soldiers to remain in our military. The Democrat-majority Ninth Circuit denied a request by Trump to stay a ruling by a federal court in Tacoma, Washington, that blocks Trump from eradicating the transgender culture that has crept into our Armed Services.

San Francisco is a venue favored by liberals for their lawfare against Trump, and one of the many Democrat-appointed judges there just blocked the revocation of temporary protected status (TPS) for 350,000 Venezuelans. Through this TPS status, which should never have been granted by the Biden Administration, Trump is being prevented from deporting these non-citizens back to their homes.

It is onward from these activist courts to the Supreme Court, which traditionally has deferred to the president on military issues, as he is the commander-in-chief of the Armed Forces. But the Supreme Court has been wobbly on the transgender issue, and Chief Justice Roberts may seek a compromise middle ground where there is none.

On Tuesday, Democrats controlling 23 states and Washington, D.C., filed a new lawsuit against Trump's Department of Health and Human Services (HHS) and its Secretary, RFK Jr.,

over their cancellation of $12 billion in funding. “The COVID-19 pandemic is over, and HHS will no longer waste billions of taxpayer dollars responding to a non-existent pandemic that Americans moved on from years ago,” HHS announced.

RFK Jr. has proven to be one of Trump’s finest Cabinet picks, firing 10,000 employees from the bloated HHS bureaucracy while shifting it away from its hidden agenda to promote the pharmaceutical industry. Vaccine stocks fell on Monday after the departure last Friday of the FDA official who oversaw the rollout of Covid-19 vaccines.

This week the Court is already tackling the issue of deporting illegal aliens to Venezuela, as Chief Justice Roberts ordered a speedy response by 10 a.m. on Tuesday from the plaintiffs who persuaded Judge James Boasberg to block deportations by Trump. Already before the High Court are cases concerning Trump’s suspension of funding of DEI programs in schools, his termination of birthright citizenship, and his firing of probationary federal employees.

The acting Solicitor General Sarah Harris, who formerly clerked for Justice Clarence Thomas, wrote in her brief to the Supreme Court, “Does a single district-court judge who likely lacks jurisdiction have the unchecked power to compel the government of the United States to pay out (and probably lose forever) millions in taxpayer dollars?”

“This court should put a swift end to federal district courts’ unconstitutional reign as self-appointed managers of executive branch funding and grant-disbursement decisions,” she argued.

Meanwhile, the abortion shield law enacted by the State of New York has resulted in a court clerk there refusing to register a judgment obtained by Texas Attorney General Ken Paxton against a New York abortion provider. The judgment is based on a New York physician prescribing chemical abortion pills to someone in Texas contrary to Texas law.

The blue states of California, Colorado, Maine, Massachusetts, New York, Rhode Island, Vermont, and Washington have all enacted laws to shield their abortionists who expand their services into red states that restrict abortion. When there is enforcement of pro-life laws against out-of-state abortion providers, the blue states refuse to allow the registration of judgments from other states.

Louisiana has issued a criminal indictment against the same New York abortionist on charges of illegally prescribing chemical abortion to a teenager in Louisiana. The Democrat New York Governor refuses to extradite the defendant to Louisiana.

These pro-abortion shield laws violate the Full Faith and Credit Clause of the U.S. Constitution, which commands states to recognize each other's court rulings. Not since before the Civil War has there been such open defiance by one group of states against another, and the Supreme Court will be asked to resolve this, too.

John and Andy Schlafly are sons of Phyllis Schlafly (1924-2016) and lead the continuing Phyllis Schlafly Eagles organizations with writing and policy work.