The Phyllis Schlafly Report

Lawfare Versus Trump and Our Country

By John and Andy Schlafly

April 8, 2025

The Left has filed more than 170 lawsuits against President Trump despite his commanding margin of victory last November. Lawsuits by liberal nonprofits frustrate the will of the People by blocking Trump's ability to deport dangerous foreigners, downsize government, and end the funding of harmful projects.

On Monday night, the Supreme Court gave Trump a partial victory on his deportation of Venezuelan gang members, but included enough loopholes for the Left to continue its interference with his executive authority. The Court properly tossed out Democrat-appointed D.C. federal judge James Boasberg's class-action certification for illegal aliens, but allowed immigration groups to sue in Texas instead.

The Court invited individual lawsuits to be brought on behalf of every single person whom Trump tries to deport. Lawsuits take years to litigate, and the practical result is that only a handful could be deported.

An essentially infinite amount of money and free legal time is available on the Left to try to thwart Trump at every turn. Biden, Obama, and Clinton filled the federal judiciary with hundreds of judges who welcome these lawsuits.

The response by Judge Boasberg on Tuesday was alarming. He ordered the submission of additional briefs in the Venezuelan deportation case, rather than dismiss it for lack of jurisdiction as the Supreme Court held.

In a separate ruling Monday, the High Court suspended an order by another Obama-appointed judge requiring the government to bring back an alien deported to El Salvador. Newly confirmed Solicitor General John Sauer won his first case right out of the gate when Chief Justice Roberts quickly granted Sauer's emergency application for a stay of the order requiring Trump to bring back an alleged MS-13 gang member from El Salvador.

Sauer has arrived in D.C. just in time as the emergency appeals to the Supreme Court in the next 60 days may decide the ability of Trump to enact the mandate of the People who elected him. After the Supreme Court refused to stay an injunction against one of Trump's

defunding orders, last Friday night a 5-4 ruling allowed Trump to cut off a small amount of educational funding to states.

On March 24, Biden-appointed Judge Deborah Boardman had issued a 68-page preliminary injunction that prohibited the Departments of the Treasury, Education, and OPM from sharing data with DOGE, which is Elon Musk's Department of Government Efficiency in charge of downsizing. The court surprisingly invoked the 51-year-old Privacy Act of 1974 to interfere with federal agencies sharing information with each other.

Quickly appealed by the Trump Administration to the Fourth Circuit, a fortunate random selection of 2 Republicans and 1 Democrat were assigned to this case and they issued a stay of the activist ruling pending appeal. Next a Democrat-appointed panel judge requested a hearing en banc, which was defeated by an 8-7 vote such that the good decision stands.

But Democrats have a commanding 7-4 active-judge majority on the D.C. Circuit, where many of the challenges to Trump go on appeal. In a nearly unprecedented move, the D.C. Circuit just went en banc to reverse a panel decision that had allowed Trump to fire a member of the National Labor Relations Board, and a member of the Merit Systems Protection Board.

Even left-leaning Politico called this order by the D.C. Circuit as "highly unusual." This tees up another case for Sauer to argue in the Supreme Court, perhaps on an emergency basis, in order to restore the authority of the president to fire high-ranking federal officials.

On Tuesday the Supreme Court held in favor of Trump by staying an injunction against his firing of 16,000 federal probationary workers. By a 7-2 margin, the High Court found that the plaintiff organizations lacked standing to object to these terminations, such that these firings can proceed.

The Leftist lawfare is "popping up every single day, trying to control his executive power. ... It's basically a game of whack-a-mole with these District Court judges ... But that's why we're appealing all of these cases ... up to the Supreme Court," Attorney General Pam Bondi told Fox News Sunday.

On Tuesday morning, the ACLU quickly filed a new lawsuit in New York to invoke the right established by the Supreme Court on Monday night for illegal aliens: a right of habeas corpus to challenge their detention. But their detention is only temporary before they would be deported and attain freedom back in their homeland.

John Sauer, the man who overcame the lawfare against candidate Trump such that he could be elected president, is the new Solicitor General in charge of cases before the Supreme

Court. He is certainly going to be very busy in appealing and overturning the activist rulings by Democrat-appointed lower court judges against Trump's program to Make America Great Again.

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