The Phyllis Schlafly Report

Trump's 18-0 Winning Streak in SCOTUS

By John and Andy Schlafly

September 9, 2025

No NFL team in the last 50 years has attained perfection without a loss, but this is Trump's record in the U.S. Supreme Court: 18-0. His splendid Solicitor General, John Sauer, has racked up 18 wins this year, in staying lower court decisions against Trump and thereby allowing the President to exercise the full "executive power" granted by Article II of the Constitution.

These victories have been on emergency applications to the Supreme Court, where it is difficult to obtain the Justices' attention and even more challenging to prevail. Also called the "shadow docket," these wins by Trump have come quickly, without oral argument, often by a 6-3 or greater margin.

Seven of these wins have been on deporting illegal aliens, five on firing unnecessary federal workers, four on terminating wasteful federal spending, one on ending transgender personnel in the military, and one on stopping the epidemic of nationwide injunctions by district court judges.

On Monday, Chief Justice Roberts granted a stay to Trump, as requested by Sauer, of a D.C. Circuit ruling that had blocked Trump from removing a Commissioner of the Federal Trade Commission. Despite being on the Court's traditional summer vacation until it returns later this month, Roberts granted Trump's request on the second business day after it was filed.

An even bigger victory for Trump came on Monday from the Supreme Court when it stayed a Ninth Circuit ruling that had blocked Trump's deportation campaign in Los Angeles County, where an estimated 10 percent of its 10 million residents are illegal. Justice Kavanaugh wrote a concurrence agreeing with Sauer's argument that ethnicity can be relevant in deciding whether to investigate someone's immigration status.

Kavanaugh explained that Supreme Court precedent and common sense allow "apparent ethnicity" to be a "relevant factor" to be considered by immigration officials, not alone but in conjunction with other relevant factors, in forming a "reasonable suspicion" sufficient to

justify a so-called *Terry* stop. Further investigation is then required before arresting or deporting a suspect.

This does not mean that Hispanics or any other group can be deported based on their ethnicity, but merely that ethnicity can be one of several factors justifying further investigation. “Importantly, reasonable suspicion means only that immigration officers may briefly stop the individual and inquire about immigration status,” Kavanaugh explained.

Indeed, a recent immigration raid occurred at a Hyundai electric vehicle plant in Georgia, where illegal aliens from South Korea were caught, identified, and detained. Congress should investigate how hundreds of these Asian illegal aliens migrated here illegally.

The Hyundai raid also cast doubt on the premise that foreign car manufacturers are helping Americans by locating a few plants here. In this case, the manufacturing jobs were going to illegal aliens from the country of the foreign competitor.

Trump has been winning in federal appellate courts, too. On Monday a 2-1 Republican majority on a panel in the Fourth Circuit ruled in favor of Trump on his authority “to lay off thousands of probationary employees across multiple federal agencies.” The Democrat on the panel dissented, in *Maryland v. USDA*.

Many more lawsuits against Trump are percolating through the federal court system on the road to ultimate review by the Supreme Court. There are signs that justices on the High Court are growing impatient with the defiance by liberal lower court judges of precedents in favor of Trump, which has burdened the Supreme Court throughout these summer months to stay the anti-Trump decisions.

Supreme Court Justice Neil Gorsuch, one of the less conservative justices, expressed his exasperation on August 21 while the justices were on summer vacation. “So this is now the third time in a matter of weeks this Court has had to intercede in a case squarely controlled by one of its precedents.”

“All these interventions should have been unnecessary, but together they underscore a basic tenet of our judicial system: Whatever their own views, judges are duty-bound to respect the hierarchy of the federal court system created by the Constitution and Congress,” Gorsuch wrote while quoting precedent, in this victory for Trump in *NIH v. American Public Health Association* to allow him to terminate research grants.

After being forced to work all summer to block anti-Trump rulings by federal judges in district and appellate courts, mostly in the First and DC Circuits where liberals have forum-shopped their cases to obtain Democrat-appointed judges, the Supreme Court returns on Monday, September 29, 2025. Then it will hold its traditional "long conference" to dispose of hundreds of petitions for certiorari that accumulated while they were away.

The following week, the Supreme Court begins its oral arguments for its "2025 Term" that will last until the end of June next year. Trump can expect to win many more reversals of flawed lower court rulings that liberal judges are rendering against him.

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