

JOHN ROBERTS SUBJECTS AMERICA'S SCHOOL CHILDREN TO THE WHIMS OF A WRESTLING PROMOTER

Every time the Supreme Court does something outrageous to empower Trump's fascism, as it did yesterday by letting Trump shut down a statutorily-mandated agency, Department of Education, I try to think of an area to politically organize around and push back on the action.

I do this not out of any pollyannaish desire to diminish how problematic the court's actions are. Though Justice Sotomayor already enumerated those in her dissent.

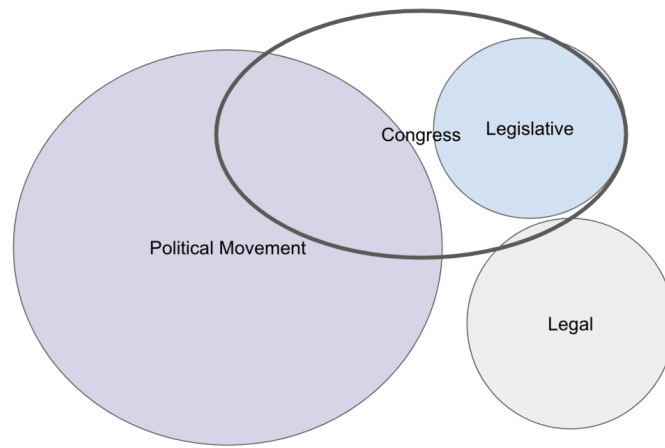
The equities, too, cut against the Government. While "equity does not demand that its suitors shall have led blameless lives as to other matters, "it does require that they shall have acted fairly and without fraud or deceit as to the controversy in issue." Precision Instrument Mfg. Co. v. Automotive Maintenance Machinery Co., 324 U.S. 806, 814-815 (1943) (citing Keystone Driller Co. v. General Excavator Co., 200 U.S. 240, 245 (1933)). The Government has continued to press a plainly pretextual explanation for the mass firings in court, even as the Executive makes inconsistent statements to the public. See supra, at 12-13, and n. 14. That the majority sees fit to repay that obfuscation with emergency equitable relief is troubling.

The relative harms to the parties are also vastly disproportionate. While the Government will, no doubt, suffer

pocketbook harms from having to pay employees that it sought to fire as the litigation proceeds, see App. 169a-170a, the harm to this Nation's education system and individual students is of a far greater magnitude. The Department is responsible for providing critical funding and services to millions of students and scores of schools across the country. Lifting the District Court's injunction will unleash untold harm, delaying or denying educational opportunities and leaving students to suffer from discrimination, sexual assault, and other civil rights violations without the federal resources Congress intended. The majority apparently deems it more important to free the Government from paying employees it had no right to fire than to avert these very real harms while the litigation continues. Equity does not support such an inequitable result.

The decision was all the worse when you consider – as Chris Geidner and others have – that two years ago, SCOTUS overruled Joe Biden's far more modest exercise of executive authority, student loan relief. This was SCOTUS putting their right wing thumbs on the scale to help Trump attack education.

I'm not turning to politics to ignore the damage of this ruling (though it does help to avoid despair). Rather, I do this because – as I tried to lay out in this post and this graphic – ultimately we need to win this battle politically.



Ultimately we need to convince robust majorities in the country that Trump's policies are destroying their lives. In the case of destroying the Department of Education, we need people in school districts around the country to understand how Trump's defiance of Congress harms local education.

Even the remedies for SCOTUS' abuse of power that many advocate – expanding the court, impeaching the justices who rewrote the Constitution for Trump – would require far more political backing than any such effort currently has or could have had under Biden.

You have to fight and win the political battle.

The United States has had to fight back from disastrous Supreme Courts in the past. But it takes fighting the political battle.

And this battle is a particularly noteworthy one.

A lot of white extremism in the US arises from a backlash to integration (the rabid excuse for eliminated Department of Education). But Americans love their local schools; one of the few political bright spots last year came when Kentucky beat back a heavily funded constitutional amendment pushing school vouchers. The far right Moms for Liberty has suffered increasing setbacks in recent years, after an initial surge. More importantly, those two political battles show how, when schools are involved, previously apolitical people will come

out and fight hard in their communities. A lot of the funding and programming targeted by this decision will hurt rural districts, so this fight will extend far beyond suburban school districts.

This has the possibility of mobilizing PTA moms who don't think of themselves as political actors, the kind of civil society you need to fight fascism.

Plus, think of the optics of this! Trump has sicced a wrestling promoter currently fighting allegations of fostering sexual abuse of boys on school children. Let me repeat that: Trump has sicced a billionaire wrestling promoter, currently fighting allegations she overlooked sexual abuse of boys, who has absolutely no expertise on education, on school children. That's the person who is going to start taking away educational opportunities for poor kids.

John Roberts just gave this billionaire wrestling promoter accused of letting an employee sexually exploit boys sanction to start destroying local school programs.

That's a pretty easy story to get parents outraged about.