

MAY THIS WEEK BE A PIVOT

I just wanted to share three lists I've made about this week so far.

Wednesday's hearings

The first was about the range and magnitude of hearings on Wednesday.

4 court hearings today:

- 1) Review of Trump's tariffs in SCOTUS
- 2) Hearing on FBI's review of Jim Comey material w/o new warrant
- 3) Closing arguments and deliberation for sandwich guy in DC
- 4) Preliminary injunction hearing for CBP/ICE invasion of Chicago, featuring Greg Bovino vids

As I noted here, not only did it sound like there are at least five votes to throw out Trump's tariffs, Neil Gorsuch also said some important things about whether Congress can abdicate its power to declare war.

The Comey hearing did not go well for the government. Magistrate Judge William Fitzpatrick ordered the government to hand over everything by end of day yesterday, to load up the grand jury transcripts to the docket, and to answer a bunch of questions.

ORDERED that, by 5:00 p.m. on November 6, 2025, the Government shall produce to Defendant, in writing, the following information:

- *Confirmation of whether the Government has divided the materials*

searched pursuant to the four 2019 and 2020 warrants at issue into materials that are responsive and non-responsive to those warrants, and, if so, a detailed explanation of the methodology used to make that determination;

- *A detailed explanation of whether, and for what period of time, the Government has preserved any materials identified as non-responsive to the four search warrants;*
- *A description identifying which materials have been identified as responsive, if any; and*
- *A description identifying which materials have previously been designated as privileged; and it is further*

Fitzpatrick also forbade the government – which should apply both to this investigative team and the one trying to do the conspiracy against rights case in Florida – from searching the materials.

The government filed a notice of compliance, noting Fitzpatrick's written order was filed just after noon, confirming it had handed him the materials, but not confirming that they had explained the scope and filter questions.

1 The Order at D.E. 161 was received via CM/ECF at 12:13 p.m. on November 6, 2025.

But after that, they filed an appeal of Fitzpatrick's order to load the grand jury transcript that claimed Fitzpatrick had not filed a written order they noted in their earlier docketed filing.

1 A written order pursuant to the Magistrate Judge's oral order at the November 5 hearing has not been entered on the docket.

They didn't say whether they had answered Fitzpatrick's questions (which, in any case, don't reveal whether the investigative team had access). Fitzpatrick could simply file a response saying that Comey has an individualized need to figure out if Miles Starr relied on privileged information to get the indictment before he moves to suppress these warrants; in any case, stay tuned.

As you've no doubt heard, sandwich guy Sean Dunn was acquitted. Kudos to Sabrina Shroff, who is one of the most ferocious defense attorneys in the country.

In Chicago, Judge Sara Ellis enjoined CBP and ICE from continuing to abuse the First and Fourth Amendments of people in the city. Here's Chicago Sun Times' report on the hearing.

After Wednesday, we got two horrible decisions – one at SCOTUS, one in the Sixth Circuit – for trans people. All was not good. But there was important movement in some places.

Will Millennials finally lead us beyond the War on Terror?

The second list marked four things that suggest we could move out of the world Dick Cheney significantly created.

- Monday: Dick Cheney kicks it
- Tuesday: 34-yo Muslim becomes mayor of NYC
- Wednesday: Gorsuch raises grave concerns abt Congress abdicating the power to declare war
- Thursday: Pelosi announces retirement

Even assuming SCOTUS will throw out Trump's tariffs, I'm sure we'll be disappointed by whatever opinion they release doing so. Nevertheless I have hopes that this kind of language from Gorsuch makes it into that opinion.

JUSTICE GORSUCH: – we shouldn't be concerned with – I want you to explain to me how you draw the line, because you say we shouldn't be concerned because this is foreign affairs, the President has inherent authority, and so delegation off the books more or less.

GENERAL SAUER: Or at least –

JUSTICE GORSUCH: And if that's true, what would – what would prohibit Congress from just abdicating all responsibility to regulate foreign commerce, for that matter, declare war to the President?

[snip]

JUSTICE GORSUCH: Can you give me a reason to accept it, though? That's what I'm struggling and waiting for. What's the reason to accept the notion that Congress can hand off the power to declare war to the President?

GENERAL SAUER: Well, we don't contend that. Again, that would be –

JUSTICE GORSUCH: Well, you do. You say it's unreviewable, that there's no manageable standard, nothing to be done. And now you're – I think you – tell me if I'm wrong. You've backed off that position

How to pay for free buses

Finally, there's this observation.

Wednesday: The incoming Mayor of NYC names Lina Khan a key advisor

Thursday: Corrupt shareholders of Tesla create the Trillion dollar Keta-Man

When Jerry Nadler announced his retirement, Lina Khan was one of the first people mentioned as a worthy replacement. She almost immediately said she was not interested.

I'm wondering if she was already thinking about what more she can accomplish as an advisor to Mamdani.

This sure feels like a week that – if we survive long enough to look back at it – was a pivotal one.