

Daily Meditation 5-04-26

Beyond SCOTUS: Conscience vs. Fascism

Good morning

In today's meditation, we're dealing with a very serious issue, in responding to the terrible Roberts Court decision to do away, to wipe out, to bludgeon the 1965 Civil Rights Act. Conscience versus Fascism.

I'm going to share with you a very, very important article, I highly recommend you go into it. It's from Mother Jones, January/February, 2026, called "Blame John Roberts for Everything," by Pima Levy and Ari Fuhrman. And they were anticipating in this article, what was going to happen regarding the destruction of civil rights law that just occurred this past week. And they go through the history of John Roberts, who, when he was nominated for Chief Justice, said, "Oh, it's just a matter of being umpires calling balls and strikes" and so forth. But as they point out earlier in the article, it becomes clear that Roberts' promise to be a "neutral umpire" was a lie. We are watching a rigged game, and Roberts set it up.

Roberts' Court has spent Trump's second term not applying the law, so much as clearing it out of his way. In a matter of months, the Court's 6-3 GOP aligned majority has permitted a long list of lawless actions, including firing independent agency commissioners, using racial profiling and immigration sweeps, disappearing immigrants to authoritarian and war-torn nations, and define Congress's power of the purse. But all this anti-democratic America didn't start in 2025. Roberts has been embedding white dominant authoritarianism into the country's source code for two decades. They defend, or they cite a Harvard law professor: "You really can trace in so many ways the moment we're in, to critical decisions surrounding our law of democracy."

Shelby County v. Holder: the decision overruled Congress, and freed states with histories of discrimination to change their voting rules, permitting the creation of 115 voter suppression laws in more than 30 states. Many were inspired by Trump's election laws. In another case re. partisan gerrymandering: The court actually said political questions are beyond the reach of the federal courts. In other words, they refused to address gerrymandering. Instead, they got on board with it absolutely, in this most recent decision. And in the decision, Roberts pinky-swore that courts could still block "racial discrimination in districting."

But of course, the latest decision destroys that entirely. So that was a lie. *These redrawn maps could shift up to 19 seats to the GOP in 2026, and could create a permanent GOP control of Congress, according to one expert. And of course, Citizens United led to and created the appearance of political corruption, where billionaires have increased their contributions 160-fold.* Political contributions 160 times more now than before the Citizens United decision of 2010 when Roberts promised, Oh, this isn't going to do any corruption at all to our system. As they point out, Elon Musk himself contributed \$290 million to win Congress for Trump, the previous election.

They go into more of Roberts' ground under President Bush: he was very much involved in the decision of when Al Gore won the majority in Florida, that reversed that decision and got Bush elected instead of Gore. He was part of that decision, part of that movement. And his whole ideology has been to increase the power of the presidency. And he says about the infamous decision, July 1, 2024, Trump v. the United States, that granted presidents criminal immunity for official acts. They say legal scholars were aghast.

But legal scholar, law professor Aziz Huq of University of Chicago, said that *this is a capstone to a chain of Roberts opinions through the years: to put the presidency outside statutory laws. And Trump immediately put this to the fast test when he was sworn-in in January 2025, firing Inspectors General, dismantling agencies created by Congress, withholding spending appropriations appropriated by Congress, removing regulations protected by Congress, and defied numerous other laws. And Trump's killing of boatloads of civilians, saying they were trafficking narcotics. As part of this immunity, we are now operating under a Robertsian reimagining of the separation of powers, in which laws passed by Congress are mere suggestions for a monarchical president. Presidents can commit crimes with immunity. Doctrine that is anathema to the Constitution and the rule of law. All of it has been validated by Roberts' Court.*

Adding justices to alter the Court's makeup is one resolution, one way to go. They talk about how the Court overruled Colorado's decision to keep Trump off its ballot, using Section Three of the 14th Amendment, which bars oath-breaking insurrectionists from holding office. And of course, this has everything to do with January 6th. *In an unsigned decision, five conservative justices invented new law by saying only Congress could enforce Section Three, and only in a specific way that the court dictated.* And of course, Jack Smith: *The court delayed reaching a decision of presidential immunity that could have allowed a trial. Roberts' opinion effectively halted the prosecution — and of course, in November, Trump won. And Roberts Court handed Trump almost unlimited power to defy the law without accountability. The present Court has used the shadow docket to*

uphold Trump's actions about 90% of the time, repeatedly bailing him out of any obligation to follow the law. Roberts has totally replaced the rule of law with partisan loyalty, ruling that ICE can consider race when seizing people off the street, while colleges can't consider it when admitting students; and that Trump can withhold funds appropriated by Congress in defiance of the legislative spending powers.

The Court's reputation has fallen. The Court has treated public exigency as a significant basis for its authority, in favor of just alignment with the GOP, says one law professor. It seems like what the Court is trying to do is maximize the likelihood of future GOP control. In still one more law up for debate, the court is weighing one of the last remaining limits on billionaires' financing campaigns. It's no mystery how the justices are likely to rule. At this point, the court is in a love triangle with Republicans and billionaires, facilitating a jurisprudence that subordinates workers' rights in response to democracy, to the whims of the Ultra Rich. We are moving to a point where there will be a democracy in name only.

Serious stuff. Very, very serious. I highly recommend this article. But even if you don't read the whole thing, I've summarized it for you. Yes: it's a question of conscience and democracy versus rule by the few and for the few.

Thank you. We'll see you next week.