



Follow

...

Marty Lederman

@martylederman.bsky.social

14.4K followers 292 following 628 posts

Professor at Georgetown University Law Center; former DOJ/OLC attorney

Posts

Media

Videos

- Marty Lederman @martylederman.bsky.social · 1h

Judge Amy Berman Jackson extends the TRO on removal of Special Counsel Hampton Dellinger for 72 hours, and indicates that she plans to rule **on the merits** on Saturday. [1]

[storage.courtlistener.com/recap/gov.us...](https://storage.courtlistener.com/recap/gov.uscourts.dcd.277297/gov.uscourts.dcd.277297.27.0_1.pdf)

https://storage.courtlistener.com/recap/gov.uscourts.dcd.277297/gov.uscourts.dcd.277297.27.0_1.pdf

storage.courtlistener.com

1

2

6

...
- Marty Lederman @martylederman.bsky.social · 1h

Meanwhile, the Acting SG wrote to SCOTUS that "the harms to the Executive Branch from the ... TRO have become even more concrete," in the sense that Dellinger has taken steps to try to protect the legal rights of six fired probationary employees. [2]

www.supremecourt.gov/DocketPDF/24...

1

3

...
- Marty Lederman @martylederman.bsky.social · 1h

She further indicates to the Court that if Judge Jackson rules for Dellinger on the merits on Saturday, "it may become necessary for the government to request further relief." [3]

2

...

Simply an amazing song (*not* on the album, though!). (Missing Eliana A.'s magical harmonies/bass, but great to hear Allison and Brad.)

www.youtube.com/watch?v=-0fN...



THE TONIGHT SHOW STARRING JIMMY FALLON

WAXAHATCHEE:
MUCH ADO ABOUT NOTHING

Waxahatchee: Much Ado About Nothing | The Tonight Show Starring Jimmy Fallon
YouTube video by The Tonight Show Starring Jimmy Fallon

www.youtube.com

1

9



Marty Lederman @martylederman.bsky.social · 1d
Att'n, @daphnek.bsky.social: Perhaps I was the last to know, but TikTok decided not to petition for cert. in the Anderson Section 230 case from the Third Circuit.

1

1

Marty Lederman @martylederman.bsky.social · 1d

~~Marty Lederman~~ litigation updates by DC is in the first instance, asking courts of appeals to issue stays of the "universal" scope of the preliminary injunctions (sitting en banc) in which we explained why public school students don't have a First Amendment right to misgender their classmates. [1]

storage.courtlistener.com/recap/gov.us...

OLENTANGY LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, *et al.*
Defendants-Appellees.


On Appeal from the United States District Court
for the Southern District of Ohio, Eastern Division,
Case No. 23-cv-01595, The Honorable Algenon L. Marbley

BRIEF FOR PROFESSORS PAMELA S. KARLAN AND MARTIN S. LEDERMAN AS *AMICI CURIAE* IN SUPPORT OF DEFENDANTS-APPELLEES AND AFFIRMANCE

Pamela S. Karlan 559 Nathan Abbott Way Stanford, CA 94305	Jaime A. Santos GOODWIN PROCTER LLP 1900 N Street, NW Washington, DC 20036 (202) 346-4000
Martin S. Lederman 600 New Jersey Ave., NW Washington, D.C. 20001	Andrea S. Goodman GOODWIN PROCTER LLP 100 Northern Avenue

January 28, 2025

Parents Defending Education v. Olentangy Local School Dist, et al, Docket No. 23-03630 (6th Cir. Jul 31, 2023), Court Docket (1).pdf | Powered by Box

 georgetown.app.box.com

1

6

35

...

[View full thread](#)

Marty Lederman @martylederman.bsky.social · 3d

There's nothing constitutionally problematic about a court imposing rules that (in the words of the D. Colo. judges' Practice Standard) are designed to "[c]reat[e] a courtroom where all litigants, witnesses, and counsel feel welcome and respected." [8]

2

6

...

Marty Lederman @martylederman.bsky.social · 1d

UPDATE: Turns out, unsurprisingly, that there's no restriction on counsel's speech. Judge Crews does, however, offer a welcome lesson about basic courtesy and respect.

storage.courtlistener.com/recap/gov.us...



Bluesky

Create account

Sign in

 storage.courtlistener.com**Marty Lederman** @martylederman.bsky.social · 1d

"Plaintiffs confuse respect and courtesy for bias and prejudice."

Very good opinion by Judge Crews on use of pronouns in federal litigation about a transgender woman.

(Turns out, unsurprisingly, that there's no restriction on counsel's speech.)

[storage.courtlistener.com/recap/gov.us...](https://storage.courtlistener.com/recap/gov.uscourts.cod.238802/gov.uscourts.cod.238802.76.0.pdf)

<https://storage.courtlistener.com/recap/gov.uscourts.cod.238802/gov.uscourts.cod.238802.76.0.pdf>

 storage.courtlistener.com**Marty Lederman** @martylederman.bsky.social · 1d

Nicely done, Judge Crews.

[storage.courtlistener.com/recap/gov.us...](https://storage.courtlistener.com/recap/gov.uscourts.cod.238802/gov.uscourts.cod.238802.76.0.pdf)

<https://storage.courtlistener.com/recap/gov.uscourts.cod.238802/gov.uscourts.cod.238802.76.0.pdf>

 storage.courtlistener.com**Marty Lederman** @martylederman.bsky.social · 2d

Still the case that no one has obtained a copy of any of AG Bondi's letters to, e.g., Apple and Google, (wrongly) ensuring them that they're not violating the law by hosting/supporting TikTok? Somewhat surprised that none has leaked out yet. (And what is DOJ saying in response to FOIA requests?)

**Marty Lederman** @martylederman.bsky.social · 4d

The sacred-norm evisceration continues.

www.espn.com/mlb/story/_/...

[Create account](#)[Sign in](#)

**'It was time': Yanks welcome new facial-hair rule**

New closer Devin Williams and several former Yankees stars helped nudge owner Hal Steinbrenner into changing the franchise's decades-old policy on facial hair.

www.espn.com

1



2



Marty Lederman @martylederman.bsky.social · 5d

Evergreen post: Sam's analysis is essential reading.

☐ **Sam Bagenstos** @sbagen.bsky.social · 5d

My latest newsletter post, using yesterday's DDC opinion on the Trump mass firings as a jumping-off point.

Ordinary Judging in Extraordinary Times

buttondown.com/sbagen/archi...

Ordinary Judging in Extraordinary Times

Yesterday, Judge Casey Cooper of the District Court for the District of Columbia issued an order denying an injunction that would have stopped the Trump...

buttondown.com



3

11



Marty Lederman @martylederman.bsky.social · 5d

Two things of note:

(1) DOJ had already announced this to the 3d and 4th Circuits.

(2) Trump is also asserting the authority to fire MSPB members without cause--though that is subject to a pending TRO now on appeal in CTADC. If Trump prevails on the MSPB issue, the ALJ argument falls away.

BREAKING: DOJ announces that administrative law judge removal protections are unconstitutional, although DOJ Chief of Staff Chad Mizelle's wording leaves unclear whether all such protections are unconstitutional or just certain ones. It also leaves unclear what DOJ is actually doing as a result.



The United States Department of Justice

FOR IMMEDIATE RELEASE
WWW.JUSTICE.GOV/NEWS

February 20, 2025

Statement from Justice Department Chief of Staff Chad Mizelle

"Today the Department of Justice determined that multiple layers of removal restrictions shielding administrative law judges (ALJs) are unconstitutional.

Unelected and constitutionally unaccountable ALJs have exercised immense power for far too long. In accordance with Supreme Court precedent, the Department is restoring constitutional accountability so that Executive Branch officials answer to the President and to the people."

###

ALT

1

2

3

...



Marty Lederman @martylederman.bsky.social · 6d

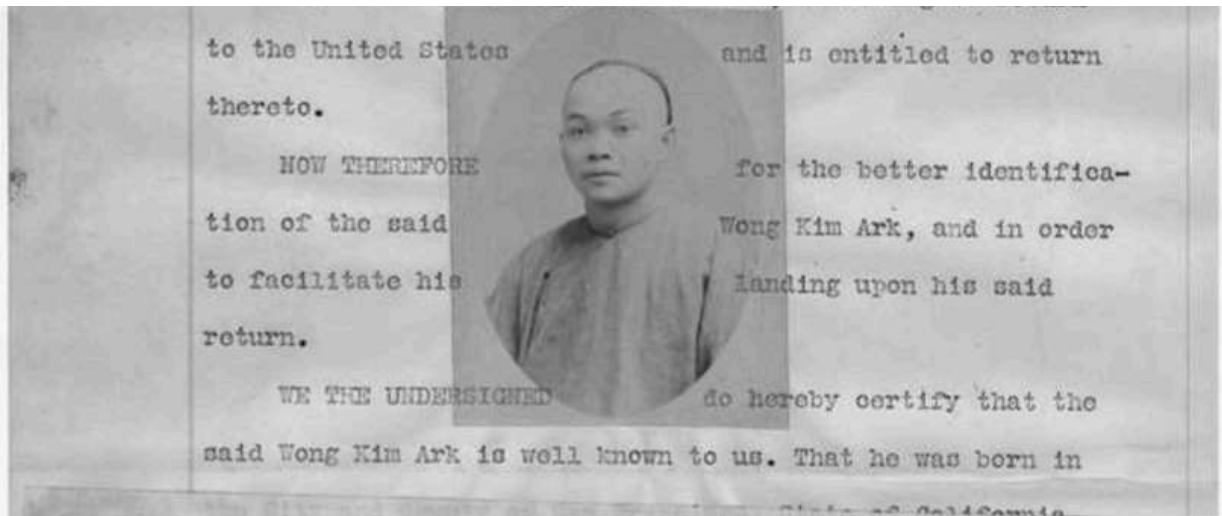
ICYMI: Honored to collaborate with Adam, Pam, Trevor and Cristina on this piece, explaining why the Barnett/Wurman initiative to defend the Trump "birthright citizenship" E.O. is not only flawed in several important substantive respects but also undermines the E.O. itself and DOJ's defense of it.

Just Security @justsecurity.org · 7d

The Fundamental Flaws in the Barnett/Wurman Defense of Trump's #Birthright Citizenship Executive Order

by @adambcox.bsky.social, Pamela Karlan, @martylederman.bsky.social, @twmorrison.bsky.social, and Cristina Rodríguez

www.justsecurity.org/108070/funda...



The Fundamental Flaws in the Barnett/Wurman Defense of Trump's Birthright Citizenship Executive Order

"In their apparent effort to give credence to the Trump Executive Order, Professors Barnett and Wurman indefensibly ignore these core, constitutive principles."

www.justsecurity.org



1



9



21



Marty Lederman @martylederman.bsky.social · 7d

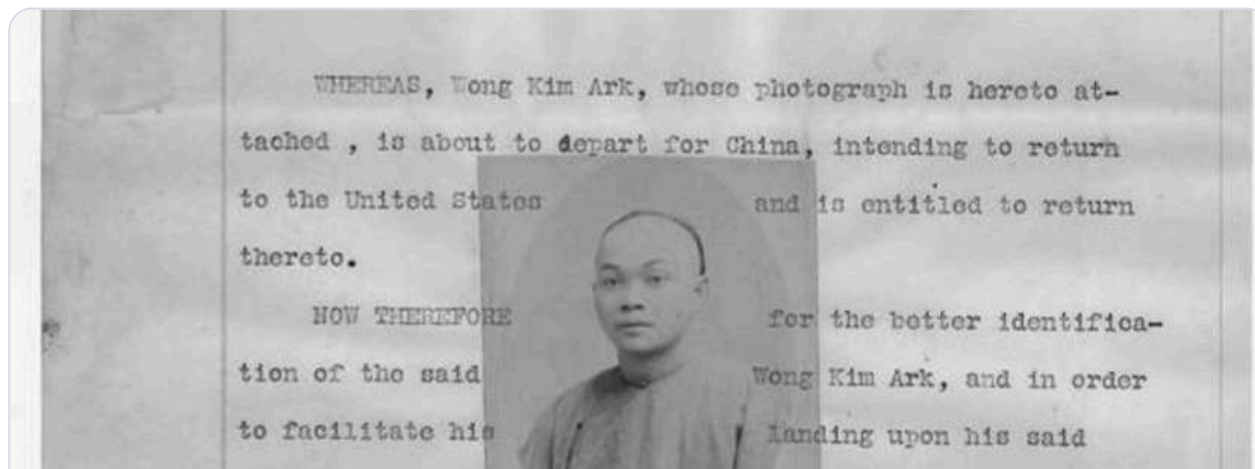
Some thoughts ...

 **Just Security** @justsecurity.org · 7d

The Fundamental Flaws in the Barnett/Wurman Defense of Trump's #Birthright Citizenship Executive Order

by @adambcox.bsky.social, Pamela Karlan, @martylederman.bsky.social, @twmorrison.bsky.social, and Cristina Rodríguez

www.justsecurity.org/108070/funda...



The Fundamental Flaws in the Barnett/Wurman Defense of Trump's Birthright Citizenship Executive Order

"In their apparent effort to give credence to the Trump Executive Order, Professors Barnett and Wurman indefensibly ignore these core, constitutive principles."

www.justsecurity.org

1

3

8

...



Marty Lederman @martylederman.bsky.social · 9d

Highly recommended: Eyal Benvenisti on "The Resilience of International Law in the Face of Empire."

www.justsecurity.org/107820/resil...



The Resilience of International Law in the Face of Empire

We may be effectively reverting to an era of imperial rule. But history has demonstrated that international law has a long memory.

www.justsecurity.org

1

3

5

...



Marty Lederman @martylederman.bsky.social · 9d

Head's up: Judge Sorokin's opinion last Thursday in Doe v. Trump (D. Mass.) is the best thing any court has yet issued about the birthright citizenship controversy--not only on the merits but also on standing, the right to sue and the scope of injunction.

<https://storage.courtlistener.com/recap/gov.uscourts.mad.279876/gov.uscourts.mad.279876.144.0.pdf>

storage.courtlistener.com

1

31

88

...



Marty Lederman @martylederman.bsky.social · 10d

Re-upping.

Marty Lederman @martylederman.bsky.social · 12d

If anyone has a copy of one of the AG's letters on TikTok, please share. (There shouldn't be any legal confidentiality concerns, given that it's correspondence from a government official to a private company about the latter's legal duties and presumably doesn't reflect, e.g., trade secrets.)

4

...



Marty Lederman @martylederman.bsky.social · 10d

Unsurprisingly, in her application to the SCOTUS to vacate the TRO, Acting SG Harris tells the Court that "[t]he Executive Branch takes seriously its constitutional duty to comply with the orders of Article III courts."

utexas.app.box.com/s/h0m91y7nes...

HAMPTON DELLINGER

APPLICATION TO VACATE THE ORDER ISSUED
BY THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
AND REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY

SARAH M. HARRIS
Acting Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

Bessent v Dellinger Vacatur Application.pdf | Powered by Box

utexas.app.box.com

BREAKING: On a 2-1 vote, the DC Circuit rejects the Trump administration's request that Trump be allowed to immediately fire Hampton Dellinger, the head of the U.S. Office of Special Counsel. DOJ asked the appeals court to stay a TRO, which the majority notes would be a "sharp departure" from norms.

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 25-5028 **September Term, 2024**

1:25-cv-00385-ABJ

Filed On: February 15, 2025

Hampton Dellinger, in his personal capacity
and in his official capacity as Special Counsel
of the Office of Special Counsel,

Appellee

v.

Scott Bessent, in his official capacity as
Secretary of the Treasury, et al.,

Appellants

BEFORE: Katsas*, Childs, and Pan, Circuit Judges

ORDER

Upon consideration of the emergency motion for stay and the opposition thereto,
it is

ORDERED that this appeal be dismissed for lack of jurisdiction, the emergency
motion for stay be dismissed as moot, and the alternative request for mandamus relief
be denied.

This case comes before the court on the government's appeal of a temporary
restraining order ("TRO") entered by the district court on February 12, 2025, and the
government's request that we stay the TRO pending resolution of the appeal. The TRO
mandates that Hampton Dellinger "continue to serve as the Special Counsel of the
Office of Special Counsel," even though the President, acting through the Presidential
Personnel Office, sought to remove Dellinger from that position on February 7, 2025.

ALT

Although a TRO ordinarily is not an appealable order, the government asks us to
make an exception and hear its appeal because the TRO "works an extraordinary
harm" and is set to last for fourteen days. Stay Mot. 8-9. Alternatively, the government
requests that we construe its stay motion as a petition for a writ of mandamus and grant
the petition, which would have the effect of reversing the TRO. The government filed its
appeal and stay motion on the evening of February 12, 2025, and requested a ruling
from this court within two days, by noon on February 14, 2025, so that the Acting
Solicitor General "has the opportunity to seek expeditious review from the Supreme
Court if this Court denies relief." *Id.* at 3.

The relief requested by the government is a sharp departure from established
procedures that balance and protect the interests of litigants, and ensure the orderly
consideration of cases before the district court and this court. Instead of entertaining an
emergency appeal of a TRO, the normal course would be for us to wait for the district
court to issue a ruling on the preliminary injunction, which would be immediately
appealable. Indeed, many of the issues raised in the stay motion will be addressed by
the district court at the preliminary-injunction hearing on February 26, 2025. The district
court has promised to issue its preliminary-injunction ruling with "extreme expedition."
Order Denying Stay Mot., *Dellinger v. Bessent*, No. 25-385 (ABJ), at 2 (D.D.C. Feb. 13, **ALT**
2025). ECF No. 19. Moreover, that ruling will rest upon a more complete record for our

USCA Case #25-5028 Document #2100953 Filed: 02/15/2025 Page 16 of 27

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 25-5028 **September Term, 2024**

KATSAS, *Circuit Judge*, dissenting: The President removed Hampton Dellinger
from his position as Special Counsel, the sole head of a federal agency that wields
executive power in prosecuting enforcement actions before the Merit Systems
Protection Board. The district court then ordered the President to recognize Dellinger
as the agency head for two weeks. Despite the limited duration of that order, I would
stay it immediately. As explained below, the President is immune from injunctions
directing the performance of his official duties, and Article II of the Constitution grants
him the power to remove agency heads.

ALT

1

3

14

...

Marty Lederman @martylederman.bsky.social · 11d

This is an excellent, comprehensive piece on the lawlessness of the Trump/Bondi TikTok moves--including that they "seriously erode[] the credibility of the political branch's national security determinations" in future litigation. SCOTUS can't be very pleased about Trump's contempt for its judgment.

Alan Rozenshtein @alanrozenshtein.com · 12d

With Apple and Google capitulating, TikTok's gambit to have Trump save it through non-enforcement may have actually worked, but at a terrible cost for the rule of law. My latest for @lawfare.bsky.social. www.lawfaremedia.org/article/the-...

The TikTok Ban Withers Away

As Apple and Google put TikTok back in app stores, Trump's non-enforcement policy threatens to permanently nullify Congress's law.

www.lawfaremedia.org

1

11

17

...

Marty Lederman @martylederman.bsky.social · 11d

Still waiting to see the actual Bondi letters to Apple, Google, et al. What's her articulated explanation of why they aren't violating the law?

I'm somewhat surprised intrepid reporters (or FOIA requesters) haven't yet uncovered them



Marty Lederman @martylederman.bsky.social · 12d

Daniel Day-Lewis reportedly has been retained as a Special Government Employee to illustrate implementation of this Executive Order.

www.whitehouse.gov/presidential...



Marty Lederman @martylederman.bsky.social · 12d

That's nothing--you should see what the sanction is for a reporter who uses a paper straw.

www.whitehouse.gov/presidential...



Ending Procurement and Forced Use of Paper Straws

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered: Section 1.

www.whitehouse.gov

Natasha Bertrand @natashabertrand.bsky.social · 15d

Associated Press: "Today we were informed by the White House that if AP did not align its editorial standards with President Donald Trump's executive order renaming the Gulf of Mexico as the Gulf of America, AP would be barred from accessing an event in the Oval Office."

8



Marty Lederman @martylederman.bsky.social · 12d

Don't lose sight of what's most disturbing/corrosive about the current DOJ events. Bove's corrupt reasons for the decision to withdraw the Adams charges are bad enough. But far more troubling is the intimidation of DOJ attorneys and, worst of all, ... [1]

1

9

36



Marty Lederman @martylederman.bsky.social · 12d

... Bove's/Bondi's insistence that an attorney's oath of office eliminates any "discretion to interpret the Constitution in a manner inconsistent with the policies of a democratically elected President and a Senate-confirmed Attorney General." [2]

2

3

34



Marty Lederman @martylederman.bsky.social · 12d

What's the most ahistorical, wrongheaded and dangerous three-word phrase in a SCOTUS opinion? This Administration is a vivid illustration that it just might be: "all of it." 591 U.S. at 203.

1

12

Marty Lederman @martylederman.bsky.social · 12d

Marty Lederman @martylederman.bsky.social · 12d

Thanks, Rick -- this is extremely useful.

Barb McQuade @barbmcquade.bsky.social · 12d

Bill Hersh has put all Public Integrity Section lawyers into a room with 1 hour to decide who will dism. FBI and DOJ personnel or else will be fired. Sending them, Dr. Q. to stand by their oath which is to support the Constitution, not the president's political agenda. The Court enforces rather than strikes down our civil service system.
www.justsecurity.org/107708/purge...



What Just Happened: Purges at the DOJ and FBI — How Do and Don't the Civil Service Laws Apply

Expert Backgrounder on how civil service laws do or do not protect DOJ and FBI officials from retaliation.

www.justsecurity.org



↻ 1

♥ 7



Marty Lederman @martylederman.bsky.social · 12d

If anyone has a copy of one of the AG's letters on TikTok, please share. (There shouldn't be any legal confidentiality concerns, given that it's correspondence from a government official to a private company about the latter's legal duties and presumably doesn't reflect, e.g., trade secrets.)



↻ 9

♥ 12




Marty Lederman @martylederman.bsky.social · 12d

PLEASE READ THIS! (And, lawprofs, please share it with your students.)

Some thoughts on the resignation of Danielle Sassoon as acting US Attorney for the SDNY and what it means for how we educate lawyers:

open.substack.com/pub/bradwend...



Legal Ethics Stuff

A cranky, opinionated newsletter on lawyers' and judges' conduct, regulation, and sometimes even a little moral...

[Subscribe](#)

Danielle Sassoon and Professional Identity

In the last Legal Ethics Stuff (Feb.

open.substack.com



1



1



6



Marty Lederman @martylederman.bsky.social · 12d

Att'n all lawprofs: This is a model for our students.

☐ **Joyce White Vance** @joycewhitevance.bsky.social · 13d

This is the courage required of people who serve at the Justice Dept. Sassoon resigns, at no small personal cost, to protest the unjust order from DC to dismiss the case against Mayor Adams. Without fear of favor. www.nytimes.com/2025/02/13/n...





Manhattan's Federal Prosecutor Quits After Adams Case Is Ordered Dropped (Gift Article)

Danielle R. Sassoon, the interim U.S. attorney for the Southern District of New York, quit after the Justice Department told her to withdraw corruption charges against Mayor Eric Adams.

www.nytimes.com

1

3

18

...



Marty Lederman @martylederman.bsky.social · 14d

Agreed. I haven't seen anything as comprehensive, clear and astute--and therefore as chilling--as this.

☐ **Henry Farrell** @himself.bsky.social · 15d

www.foreignaffairs.com/united-state... This is by far the best, clearest and most realistic analysis of what we're in for that I've seen.



The Path to American Authoritarianism

What comes after democratic breakdown.

www.foreignaffairs.com

6

50

123

...



Marty Lederman @martylederman.bsky.social · 12d

Please also read Anne Applebaum



Create account

Sign in



There's a Term for What Trump and Musk Are Doing

How regime change happens in America

www.theatlantic.com



4

7



Marty Lederman @martylederman.bsky.social · 12d

Anyone obtained a copy of one of AG Bondi's almost certainly unlawful letters to Apple and Google? Please post.

☐ **Steve Vladeck** @stevevladeck.bsky.social · 13d

Between the Bove/Sassoon/Adams contretemps and Attorney General Bondi's preposterous letters to Apple and Google, Thursday was about as bad a day for the Department of Justice's credibility as we've seen in generations.

Me, via "One First":

www.stevevladeck.com/p/124-the-th...





124. The Thursday Night Massacre(s)

Two very different episodes on Thursday provide growing evidence of a Department of Justice that is showing less respect, by the day, for the rule of law.

www.stevevladeck.com



Reposted by Marty Lederman



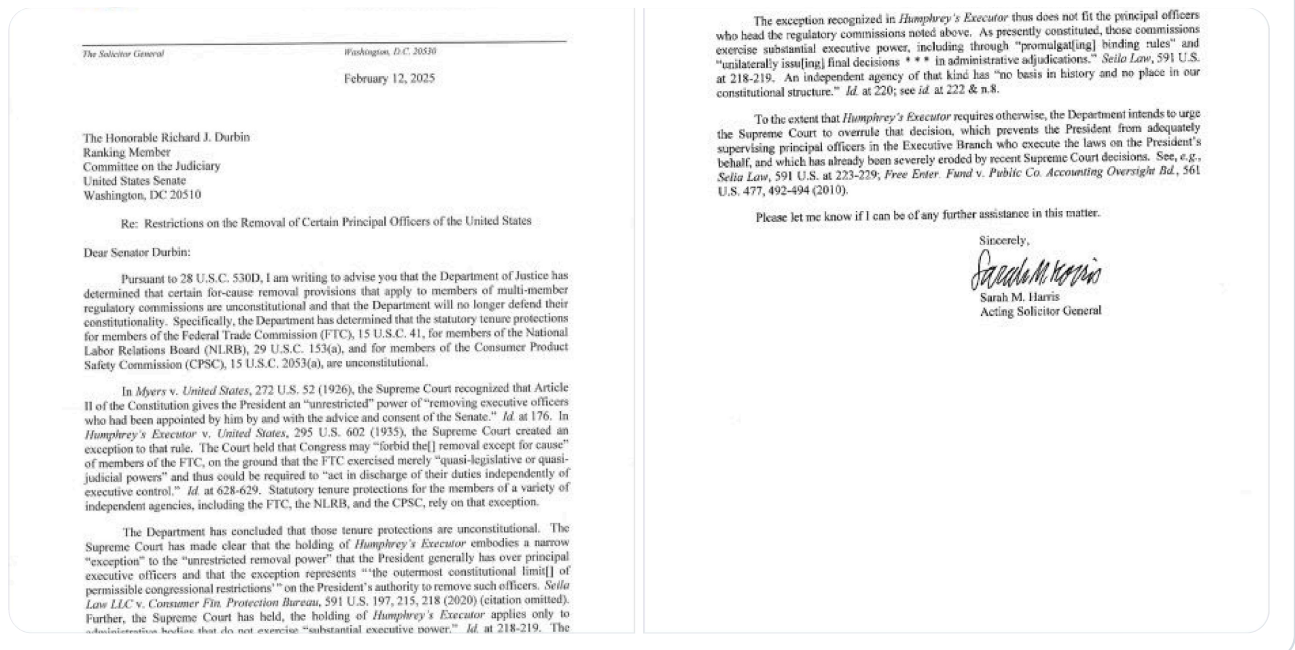
Leah Litman @leahlitman.bsky.social · 14d

Trump DOJ confirms they will ask SCOTUS to overrule Humphrey's Executor rather than defend independent agencies / multi member commissions like the FTC, etc.

(So they're arguing Trump can fire the boards and commissioners that lead these agencies)

Josh Sisco @sisco.bsky.social · 14d

This is a big deal. The DOJ will no longer defend for cause removal protections for commissioners of agencies like the FTC, removing a barrier to the President firing minority commissioners at will



Marty Lederman @martylederman.bsky.social · 14d

TFW a Trump-appointed judge writes that it is a "novel and complex" question whether

www.ca10.uscourts.gov/sites/ca10/f...

<https://www.ca10.uscourts.gov/sites/ca10/files/opinions/010111187673.pdf>

www.ca10.uscourts.gov

25

78

187

Marty Lederman @martylederman.bsky.social · 15d

I predict the readership of this excellent article by Nick Perrillo is about to increase exponentially.

harvardlawreview.org/print/vol-13...

The Endgame of Administrative Law: Governmental Disobedience and the

Scholars of administrative law focus overwhelmingly on lawsuits to review federal government action while assuming that, if plaintiffs win such lawsuits, the government will do what the courts say.

harvardlawreview.org

2

37

69

Marty Lederman @martylederman.bsky.social · 15d

TFW the President of the United States renders obsolete the syllabi in both of your current courses (CONLAW and The Law Governing the Use of Force) on virtually a daily basis.

Acyn @acyn.bsky.social · 15d

Reporter: Mr. President, take it under what authority? It is sovereign territory.



2

6

14

...



Marty Lederman @martylederman.bsky.social · 15d

Philadelphia "Sounds": An impossible task to narrow this to 10 cuts, but this is a great selection by [@lindsayzoladz.bsky.social](#) (especially if Gamble & Huff must be limited to a single entry).

www.nytimes.com/2025/02/11/a...



10 Songs That Celebrate the Sound of Philadelphia

Explore the city's rich musical history with songs from Patti LaBelle, Alex G, the Roots and more

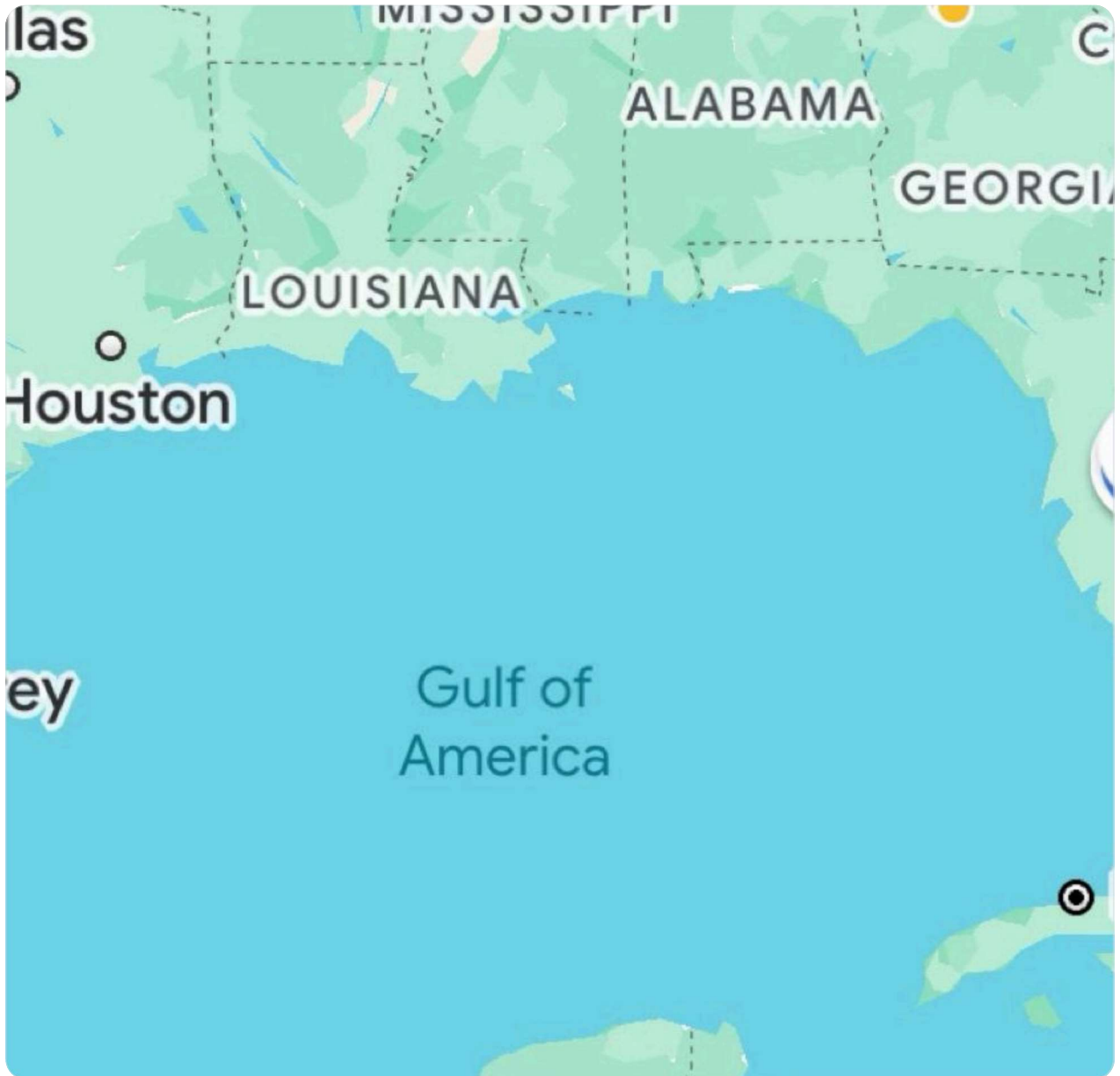


Marty Lederman @martylederman.bsky.social · 15d

Law-nerd alert: Be on the lookout for Westlaw and Lexis--perhaps even the SCOTUS in the U.S. Reports--editing para. 17 of CJ Marshall's opinion in *McCulloch v. Maryland* to read: "this vast republic, from the St. Croix to the Gulph of [America]."

 **Oliver Willis** @owillis.bsky.social · 15d

Look at this Orwellian dumb as fuck bullshit on Google Maps now. We live in the dumbest world. I hate it here.



Marty Lederman @martylederman.bsky.social · 15d

 **Oliver Willis** @owillis.bsky.social · 15d

Look at this Orwellian dumb as fuck bullshit on Google Maps now. We live in the dumbest world. I hate it here.



 4

 5

 31

...



Marty Lederman @martylederman.bsky.social · 15d

Dreading that moment when Westlaw and Lexis start editing para. 17 of CJ Marshall's opinion in *McCulloch v. Maryland* to read: "this vast republic, from the St. Croix to the Gulph of [America]."



 1

 9

...

 Reposted by Marty Lederman

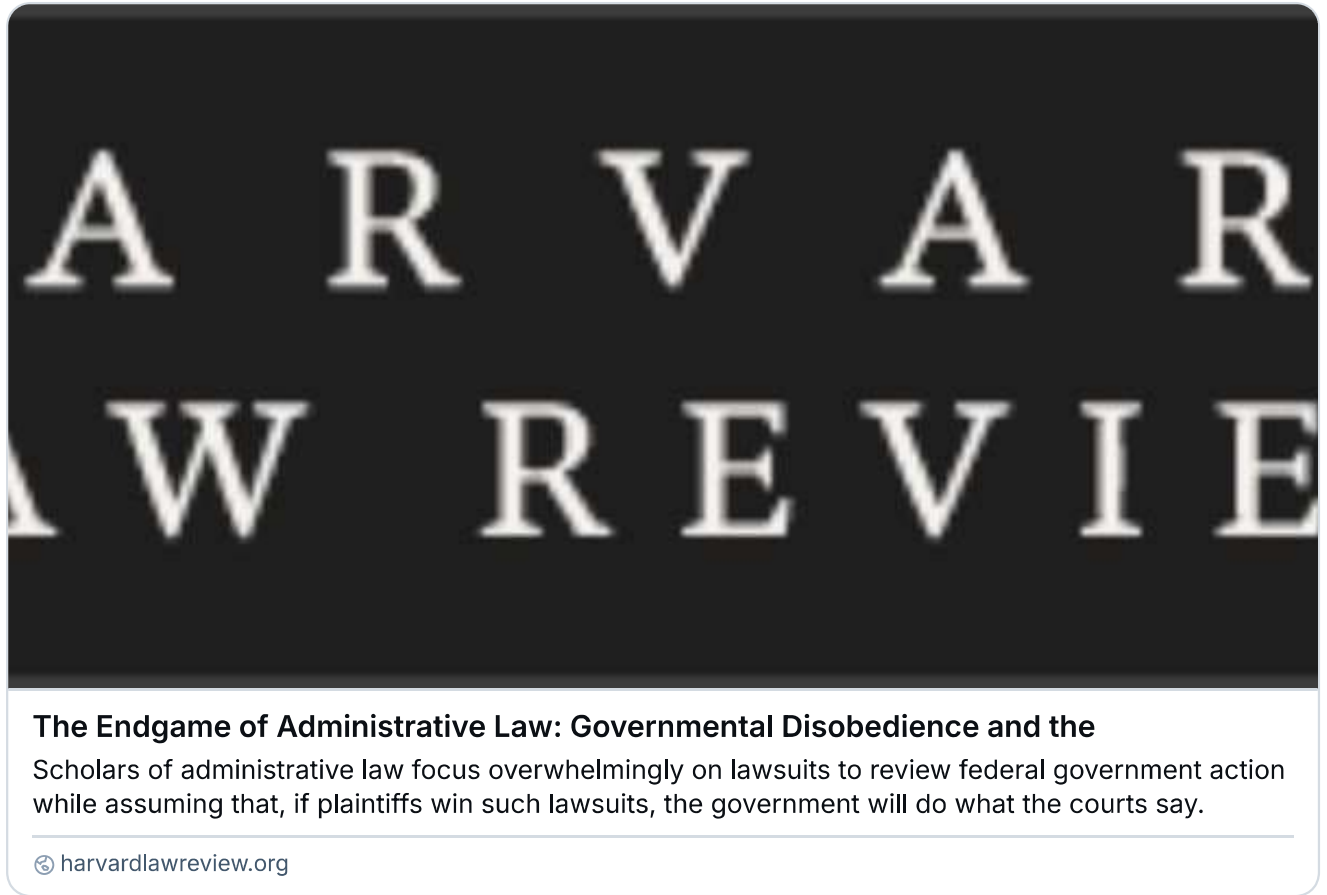


Bluesky

Create account

Sign in

read Parrillo (2018) on governmental disobedience as the "endgame of administrative law," now's the time.



3

19

37

...



Marty Lederman @martylederman.bsky.social · 18d

Please read this piece now--on the very challenging questions of "anticipatory obedience" now facing so many schools, hospitals, DOJ attorneys, other federal workers, corporations, etc. [1]

www.nytimes.com/2025/02/08/o...





Opinion | To Obey Trump or Not to Obey

The voluntarily surrender of the public's power is how autocracies are built.

www.nytimes.com

2

6

19

...



Marty Lederman @martylederman.bsky.social · 18d

For the very reasons [@mashagessen.bsky.social](#) describes, I'm not sure their ultimate advice (in short, "resist") is necessarily right--it's an **extremely** context- and fact-dependent dilemma. But this is certainly a good place for the conversation to start. [2]

1

1

6

...



Marty Lederman @martylederman.bsky.social · 18d

Again, I'm sympathetic to the pickle NMEC is in. Even so, (i) neither the E.O. itself nor its "spirit"(!) regulates what NMEC may do; (ii) it's not at all clear that DOJ has legal authority to impose these conditions; (iii) and, in any event, the conditions at most could apply to future funding.

Marisa Kabas @marisakabas.bsky.social · 19d

NMEC plans to comply with DOJ threats. This email was sent out Wednesday night to staff, but it noticeably doesn't mention anything specifically about LGBTQIA+ kids or "So there!" moment. AD and Max Christie combine for 49/18/9, with six of seven from three DOJ, just general compliance with executive orders.

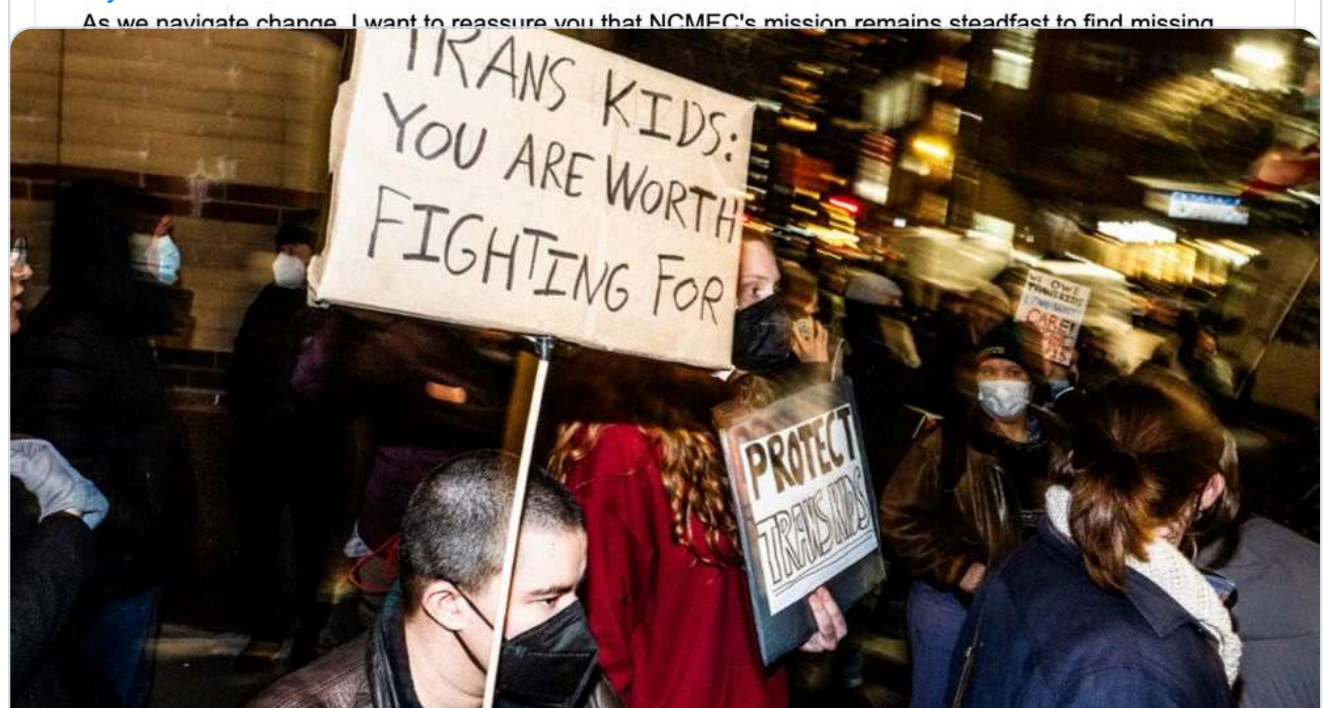
Good Evening NCMEC

3

I'm sorry for the late night email! It's been a busy year so far and I wanted to take a moment to share some updates with you.

I understand hospitals' trepidation. But the E.O.s themselves don't regulate them, and even when HHS and other agencies act, the conditions they try to apply might not be legally authorized, and, in any event, they can only apply to "future" funding.

www.nytimes.com/2025/02/08/n...



Trans Youth Are Rattled by Efforts to Ban Gender Care. So Are Hospitals.

President Trump's executive order threatening hospitals' funding if they provide gender transition care for youth has caused chaos in the transgender health landscape.

www.nytimes.com



5

16



Marty Lederman @martylederman.bsky.social · 18d

Anyone aware of any public (or other) resources explaining what HHS & other agencies have done (in terms of funding cutoff threats; Medicaid; etc.) to pressure schools, hospitals, insurance companies, etc., w/r/t transgender matters apart from athletics (medical care; restrooms; pronouns; etc.)? [1]

There are many reports of entities changing their policies and practices, but not much (that I've seen, anyway) about what they've heard from the federal government apart from the executive orders themselves. How much of the reaction is anticipatory? [2]



3



Marty Lederman @martylederman.bsky.social · 18d

I'm fairly confident this will be an evergreen post:

Sam's column today is indispensable.

Sam Bagenstos @sbagen.bsky.social · 18d

Indirect Costs and Trump's Attack on Independent Voices.

My latest post:

buttondown.com/sbagen/archi...

Indirect Costs and Trump's Attack on Independent Voices

By Samuel Bagenstos A strong democracy requires a robust independent sector. Organizations and associations that stand apart from the governing state regime...

buttondown.com



5



20



Marty Lederman @martylederman.bsky.social · 20d

Nice reminder that this is one of the single greatest, most mesmerizing television performances of all time.

www.youtube.com/watch?v=sop2...



Bluesky

Create account

Sign in