

Fenestrate Press presents

On 249: Reflections on What the USA Could Still Mean

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Comprising the following articles:

- The American System of Democracy has Crashed — Elizabeth Lopatto and Sarah Jeong
- The Fourth Of July, Rethought — Ken White
- So Shines A Good Deed In A Weary World — A.R. Moxon

"When life closes a door, throw knowledge through a window."

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July Fourth happened. It was celebrated, by some truly awful people, as the day on which they:

- made tax cuts for billionaires permanent, by removing health insurance from millions of parents and children;
- dramatically expanded funding for the masked, uniform-free kidnappers roaming the US “detaining” anyone whose skin isn’t alabaster, regardless of (alleged) criminal status or even (actual) citizenship;
- got the Supreme Court to agree that it was fine to send anyone, without any due process, to a failed state and ongoing war zone with which they have no prior relationship;
- were allowed by the media to blame the National Weather Service, which they have gutted, for floods caused by global climate change (and which, incidentally, were still accurately reported by the skeleton crew still fighting to report reality at the NWS); and
- announced that to celebrate the 2026 quarter-millennium anniversary of the declaration of the United States of America, they would hold a bloodsport event at the White House to thank a prolific campaign contributor.

There’s little to celebrate in today’s news. The moment requires a clear-eyed assessment; neither nihilism nor inchoate rage will serve us best. In this leaflet, Sarah Jeong and Elizabeth Lopatto will take us on a speedrun of the horrors of the week, Ken White will remind us of how past mistakes can be made, if not right, at least the subject of apology and reckoning, and A.R. Moxon will provide us with a rallying cry: “I can celebrate a country that doesn’t exist yet. A world I can see even though it isn’t here. A day of true independence, of human beings, from the evil human spirit of supremacy.”

Happy Fourth of July. Let’s do as many did 249 years ago and decline to look past what is not acceptable.

finds himself overwhelmed, yet determined to return to his home country of the United States and be an abolitionist light against the midnight sky of human chattel slavery. The book with this passage, in which the man imagines his father’s response to this:

You’ll be spat at, shot at, lynched, pacified with medals, spurned by backwoodsmen! Crucified! Naive, dreaming Adam. He who would do battle with the many-headed hydra of human nature must pay a world of pay & his family must pay it along with him! & only as you gasp your dying breath shall you understand, your life amounted to no more than one drop in a limitless ocean!

And then the man Adam gives his retort.

Yet what is any ocean but a multitude of drops?

Footnotes:

1. <https://www.theguardian.com/world/2025/jun/04/ms-rachel-gaza-children?ref=the-reframe.com>
2. <https://www.buzzfeed.com/alanavalko/ms-rachel-gaza-advocacy?ref=the-reframe.com>

That's a hell of an ending to a show that was otherwise merely pretty good.

The field of supremacist darkness can feel overwhelming. There's just so much of it; sometimes, it seems to stretch from one end of the horizon to the other without respite. And there should be no doubt that the darkness does intend to snuff out light wherever it can. There should be no doubt that in times of darkness there is danger in being light; there is danger in being an undeniable and unignorable point of reference and differentiation. The price of being light is this: people of evil will try to snuff your light out, because they know full well what it means and they cannot bear it. That's why supremacy defaults to ignorance in a deliberate sabotage of knowledge; to complacency in sabotage of conviction; to denial in sabotage of all confessions of truth; to oppression in sabotage of any act of repentance; and to war and murder in sabotage of any true act of reparation.

Yes, the darkness can be very dark. It can seem as if it is winning. It seems that way today, on my country's 249th birthday.

But *can* I be light? Of course I can. You can, too. You're a person, and so am I. Light is part of our shared humanity.

Even people of evil can be light, if they choose to be. If they do, you'll know, because they'll stop being darkness, and they'll start being light. If they don't, they won't, and they'll try to make that our fault. There's nothing we can do about that. That's their choice.

But we have a choice before us, too, you and I. I can be light today, and so can you.

I think I can celebrate that, even today.

I can celebrate a country that doesn't exist yet. A world I can see even though it isn't here. A day of true independence, of human beings, from the evil human spirit of supremacy.

I'll finish this piece with another work of art that I thought was pretty good, but had a real banger of an ending that transcended. This time it's the book *Cloud Atlas*, by David Mitchell. It ends with a man named Adam who has come face to face with the human capacity for evil, and

The American System of Democracy has Crashed

Elizabeth Lopatto and Sarah Jeong

Jul 4, 2025

Originally published: <https://www.theverge.com/policy/697301/trump-supreme-court-founding-fathers-july-4>

Once upon a time in America, there was a tyrant. And Congress rejected him totally.

The tyrant, of course, was King George III, the target of the Declaration of Independence^[1]. We take it for granted now, but the Declaration was an enormous political innovation — in it, the country that became the United States of America laid claim to certain “unalienable” rights, rights that took precedence over any king or crown.

To protect those rights, our Founders declared that the People were allowed to “alter” or “abolish” the government — in this case, British rule over the American colonies.

The point of the famous preamble to the Declaration — “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” — is that the government should exist to protect our rights, a radical proposition in an era when governments mostly existed on the basis that one guy was descended from another guy. Over time, the idea that “the People” have “unalienable rights” became so standard that it slipped into cliché, the stuff of car commercials. But this was not a throwaway line. These rights are repeated throughout the founding documents of the United States. Life and liberty aren't just there for decoration — they are essential to the spec. They are the reason why the entire American system has been designed the way it has.

The Declaration pronounces these rights to be so important that it's worth overthrowing a government over them. But one should not undertake revolution against a tyrannical government lightly, the Declaration says, going on to provide a massive litany of complaints as justification. In modern times, the full list was considered to be the boring part of this document, lacking the vim and vigor of "we hold these truths to be self-evident" and other such bars from the preamble. But this year, it's become a... *bracing* read.

Listed among the reasons to boot the British monarch are:

- "transporting us beyond Seas to be tried for pretended offences[2]"
- "Obstructing the Laws for Naturalization of Foreigners[3]; refusing to pass others[4] to encourage[5] their migrations hither[6]"
- "erect[ing] a multitude of New Offices, and send[ing] hither swarms of Officers to harrass our people"[7]
- keeping "among us, in times of peace[8], Standing Armies without the Consent of our legislatures"[9]
- attempting "to render the Military independent of and superior to the Civil power.[10]"
- "cutting off our Trade with all parts of the world[11]"
- "depriving us in many cases, of the benefits of Trial by Jury[12]"
- "excit[ing] domestic insurrections amongst us[13]"

"Transporting us beyond Seas to be tried for pretended offences" really hits different now, huh? Trump's secret police have been kidnapping people[14], and in some cases, sending them to random countries they're not even from, including to Centro de Confinamiento del Terrorismo (CECOT), a notorious prison in El Salvador. The abductees need not have done anything wrong; having tattoos[15] or the word of a corrupt cop is enough[16]. American citizens, including children[17], can also be seized[18] and ejected[19], even by mistake[20] — and the long-term Republican goal[21] is to do this on purpose[22].

From the beginning, this has all been profoundly un-American, and it wasn't surprising when the Trump administration ran into some legal problems. A district court judge issued an injunction against the Department of Homeland Security, requiring it to add a fairly basic form of due process to its deportation machine. Detainees set to be deported must be told where they are going, so they can have the

The reason people of evil try to smother any point of light is because they know that in a field of darkness, light becomes something undeniable and unignorable; becomes a point of reference and a point of distinction, and that there really isn't anything they can do about it.

Dark needs perfect darkness to be perfectly dark.

Whenever and wherever light appears, all dark can really do is act as a perfect contrast to light. Dark can't do a god damned thing about that.

Meanwhile, all light needs to do to shine in dark is to *be*.

So I ask myself: what light can I be? Can I know something that I didn't know before? Can I speak that truth into the world? Can I change my own behavior as a result of that new awareness? Can I, in this knowledge and conviction and repentance actually repair something that is broken? Can I stand in solidarity with somebody who needs a friend?

Can I love something that is good *just because* it is good?

Can I despise something that is evil, *just because* it is evil?

I think I can. I think you can, too.

And I think that it will be easier for me to be light if you'll be light. I think it'll be easier for you to be light if I'll be light.

I'm way behind on TV, which I have to mention as preface to the fact that I just finished True Detective's first season. It was pretty good, in my opinion, but it had a great ending. In the final scene, True Detective (Woody Harrelson) and his partner Truett Detective (Matthew Allrightallrightallright) are out in a parking lot, contemplating the night sky. True Detective points out that, in the battle between light and dark, dark seems to have a lot more of the field. Darkness, opines True Detective, appears to be winning.

"I don't know," Truett Detective muses. "There didn't used to be anything up there but dark. I think the light might be winning."

those who decided to be ignorant about vaccines have become. Or, let's leave Covid behind and just think of how the suggestion that Palestinian human beings, many of them children, should stop being slaughtered by the thousands, and stop being starved, and stop being shot when seeking food, is taken as an expression of hate and hostility^[1], or even terrorism^[2]. Think of the ways that solidarity is being criminalized as hate, the way that solutions are being demonized as dangerous, the way that diversity is being framed as divisive, the way knowledge is being framed as elitism, the way moral principles are being framed as exclusionary, the way consequences for abuse are being framed as vindictiveness.

You can see it pretty much anywhere. You can certainly see it in the mass murder and corruption bill. There's stuff in there that doesn't really seem to be helping anybody at all, deliberate sabotages of sustainable energy and dismantling of environmental protections designed to prevent the earth from being unable to sustain human life, and a bunch of stuff that just seems to be there to destroy things that help and help things that destroy.

I ask myself, why? Why oppose everything that is good wherever it is found, with such predictable frequency, and with such performative vigor? Why do those who ascribe to our foundational evil human spirit of supremacy so inevitably find themselves at a place where they seem to hate what is good simply because it is good, who seem to love what is evil simply because it is evil?

I'll tell you what I think.

I think it's because dark is not the opposite of light, but rather the absence of light.

I think it's because light shines in the darkness, and the darkness has not overcome it.

When you do something that shows you care about other people, you show how those who refuse to care about other people don't.

You don't do it by attacking anyone, but just by being.

chance to explain that being sent to that specific country may result in their torture or death. "This small modicum of process is mandated by the Constitution of the United States," the judge wrote.

"Small" is too fucking right; giving someone the opportunity to pipe up before being shipped off to a place that might kill them is not exactly a radical affirmation of human rights. But this is where we are as a country: the right-wing justices of the Supreme Court stayed the injunction. So the DHS can now go right back to shipping people off to CECOT — or somewhere even worse — without telling them where they are going or hearing out why they should not go.

The pause on the lower court's injunction happened via what is known as "the shadow docket." By temporarily blocking or declining to block a lower court's order, SCOTUS makes a decision without officially making a decision, and can do so without bothering to explain its reasoning.

Even though there is no written opinion for the ruling, there is a dissent from the three liberal justices. "The Government has made clear in word and deed that it feels itself unconstrained by law, free to deport anyone anywhere without notice or an opportunity to be heard," wrote Justice Sonia Sotomayor. She concluded that the majority is "rewarding lawlessness." When the lady is right, she's right.

President Trump has always been explicit about his desire to seize as much power for himself as possible, and he's now surrounded by people who share his urge for total control. Trump has told his followers they "won't have to vote anymore"^[23] if he is elected. The Trump Organization's official merch store sells a "Trump 2028" hat^[24]; the last time he lost an election, he incited an armed insurrection^[25] against Congress while it was certifying the results. After coming back into power, he ordered a dictator-chic military parade^[26] to celebrate his birthday. He took over the troops of the California National Guard^[27] — bypassing the California governor — to deploy them against Californians protesting against his immigration raids. He has formally directed criminal investigations^[28] into people who opposed him. Most recently, he has casually threatened to arrest Zohran Mamdani, the Democratic nominee for New York mayor, over his

pledge to fight back against ICE; his underlings have done one better and threatened to strip him of citizenship and deport him^{[[29]]}.

Trump has mostly issued executive order after executive order to enact his agenda, because Congress doesn't have the votes to pass such unpopular laws. He's also used executive orders to defang the laws Congress *has* passed, like the TikTok ban^{[[30]]}, which has now led directly to Congress passing unpopular laws on the promise that Trump will simply override the provisions he doesn't like^{[[31]]}. Congress is meant to be the most powerful part of the federal government, but the Republican Congress under Trump has receded into a group of weak-willed simpletons, content to sell out their constituents for little more than signed merch^{[[32]]}.

Not content with usurping Congressional authority, Trump's executive orders have barged straight into reinterpreting and rewriting the Constitution itself — for example, by purporting to end birthright citizenship^{[[33]]}, a cornerstone of the US as we know it.

Now, in theory, there is one last important check on a power-mad president, one whose contempt for the laws of the land knows no bounds. That check is the Supreme Court, a body of jurists who serve life terms, and who can strike down illegal actions at will.

Last week, the court issued a ruling in a lawsuit over the birthright citizenship executive order. As it does so often these days it made an enormously consequential decision without actually making a decision. While declining to actually consider whether or not Trump's EO is unconstitutional, SCOTUS ruled that lower courts cannot issue a nationwide injunction against that order. But the *de facto* result is that citizenship is a privilege, and not secured by birth^{[[34]]} in the 28 states that haven't sued to challenge one of Donald Trump's executive orders.

It is an odd decision, not least because birthright citizenship is guaranteed by the 14th Amendment to the Constitution, the first sentence of which reads^{[[35]]}: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

malice and ignorance and theft and bullying and domination? How to live among people so committed to supremacy that they'd rather have it than life?

And how to live a human life during such dark days?

In times like this, I do what most of you do. Obviously, I turn to the Beastie Boys.

One of them, named Adam Yauch, aka MCA, said this:

Dark isn't the opposite of light, it's the absence of light.

I believe this to be an expression of his religious practice. MCA was a Buddhist, and it certainly seems in line with Buddhist thinking, though the line came from a song called “Namaste,” which I believe is from the Hindu tradition. Either way RIP to Adam Yauch, gone from us too soon.

In the United States, my own religious tradition, which is christianity, has mostly given itself over to the evil human spirit of supremacy in order to reap the benefits of cultural domination, but it has a famous quote that goes along similar lines. It goes like this:

The light shines in the darkness, and the darkness has not overcome it.

If you have no light, then what you have is dark. That's pretty simple and obvious, right?

But if you have a light—even a little bit of light—what you have is something unignorable (try sleeping in a dark room with a single bright light in it). More, you have a point of reference. Even more, what you have is a point of distinction.

You have something that dark can't deny, that's for sure.

I don't know if you've noticed just how opposed to basic kindness people have become, but it sure is present in our everyday society. Covid exposed this in a big way. Think of how opposed to the very sight of other people masking those who don't want to wear masks have become. Think of how opposed to other people getting vaccines

that look like humans but exist only to consume them in order to extend their unnatural lives.

But they aren't vampires. They're people. When you think of all the wonderful things people can be, you can share in that as part of your shared humanity. We have to say, this, too, is what people can be. People can look at all the wonderful things, and decide "not for me," and choose instead ignorance and destruction.

So, my friend is right. (He shouldn't get a big head about it. He's wrong about other stuff.)

Let's not say "evil people," then. Let's say "people of evil." It's the best I can do.

If you question these people of evil, they'll tell you that they are just making the hard-nosed pragmatic decisions that are necessary to ensure our safety. This is clearly pure bosh. If these decisions were pragmatic and necessary, they wouldn't rely exclusively on lies and self-contradictory nonsense and hypocrisy for their rationales, and if they were meant to ensure safety, they wouldn't create so much death and destruction and pain and suffering.

I'm also told that one should never ascribe to malice that which can also be explained by ignorance. This is meant to be a morally sophisticated position, but I don't know. It seems to me that ignorance is a core property of malice, and letting malice off the hook simply because it also happens to be ignorant is not so much a sign of moral sophistication but rather falling for a game that is pretty obviously designed to swindle rubes.

Anyway, it's hard to credit the conservative movement with ignorance. If they were ignorant they'd sometimes accidentally choose less evil over more evil, but no. No matter where you set them, no matter how many times you spin them around, their moral compasses point with unerring certainty toward maximum atrocity and cruelty, and their gleeful celebration of it suggests that this isn't about hard-nosed pragmatism, but rather a genuine desire for evil things to happen.

How to live among people who have decided to hate and fear kindness and knowledge and creativity and diversity, and to love cruelty and

To be clear, SCOTUS didn't override the 14th Amendment, it just pretended that it would be some kind of a horrible overreach^[36] to tell the executive branch that the 14th Amendment is real.

This is alarming for a lot of reasons, but the 14th Amendment in particular — a Reconstruction Amendment enacted after the Civil War of 1861 — is the cornerstone^[37] of modern-day constitutional law.

Before the Civil War and Reconstruction, the Bill of Rights didn't apply to state governments^[38]: New York could abridge its citizens' right to free speech, even if the federal government couldn't. The 14th Amendment guarantees that states cannot deprive Americans of "life, liberty, or property, without due process of law," words that already appeared verbatim in the 5th Amendment (which had previously only applied to the federal government).

It's notable that these words keep getting repeated — almost like those "unalienable" rights of "life, liberty, and pursuit of happiness" are really important. The Reconstruction Amendments — the 13th, 14th, and 15th — weave together the threads of the Constitution, the Bill of Rights, and the Declaration of Independence. They were a critical update, you might say, one that patched the Founders' system-destroying error of perpetuating slavery while simultaneously declaring all men to be created equal. The 14th acknowledges that states, too, can be tyrants. Whether it is George III, the feds, or the slave-holding antebellum states, the People have rights against the powerful. That is what America is about.

Over the next 150 years, the Supreme Court began to grapple with the admittedly broad categories of life, liberty, and property (and/or pursuit of happiness). The problem is that you can't just look up "life" and "liberty" in a dictionary and get a bulleted list of what Americans can or cannot do. But by the mid-20th century, the Supreme Court was asserting that Americans have the fundamental right to contraception^[39].

Since condoms aren't mentioned in the Constitution, the legalese version gets a little complicated. In short, the "penumbra" of rights created by the 1st, 3rd, 4th, 5th, and 9th Amendments, applied to the states via the 14th, imply a constitutional right to privacy.

This seems like a lot of technical steps to get to “the state of Connecticut can’t arrest Mrs. Griswold for handing out diaphragms to women who want to have sex without getting pregnant.” But it turned out that Americans really liked not going to jail for not getting pregnant, almost as much as states loved trying to force people to give birth. Twelve years later, the court handed down *Roe v. Wade* — the now-overturned precedent that established the right to abortion — relying on the *Griswold v. Connecticut* right of privacy.

In the decades since, right-wing jurists (who were*, completely coincidentally*, Catholics subscribing to strong religious proscriptions against contraception and abortion) pushed back. This whole penumbras thing was far too vibes-based, they argued. Right-wing legal theory can be mostly summarized as a backlash against vibes-based jurisprudence. It’s why you get textualism (what really matters is the words as written down) and originalism (what really matters is what the founding fathers thought).

Weirdly, these objections stuck. “We’re all textualists now^[40],” said liberal Justice Elena Kagan in 2015, referring to how common it had become to use Justice Antonin Scalia’s textualist methods in assessing laws. Meanwhile, Justice Clarence Thomas keeps a mocking sign in his office^[41] that reads, “Please don’t emanate in the penumbras.”

Sometimes it takes a non-legal brain to see through the absolute bullshit that has taken root in the intellectual heart of American courts — bullshit so deep that judges are now turning to AI^[42] to tell them what words *really* mean. The founding fathers had some highly specific issues with George III, to be sure, but the very core tenets of *life, liberty, and the pursuit of happiness* (and/or property) are pretty vibes-based stuff. These are vibes turned up to eleven in the Declaration of 1776, enshrined in the Bill of Rights in 1791, and repeated and reiterated in the Reconstruction Amendments of 1868.

The Republican legal mind nickels and dimes the People on their rights, and then goes, “Is this what the Founders wanted?” Conveniently, and *completely coincidentally*, this thinking often works against women, racial minorities, immigrants, and other undesirables. Meanwhile, when the birthright citizenship EO contradicts the plain text of the

too, were socially liberal but fiscally conservative. Yes, and who gives a shit.

I’m coming up against a spiritual struggle today, something people less privileged than me have had to deal with for their whole lives, which is how to live among millions of evil people.

I should define what I mean by that. And I must be careful to say that I don’t use “evil people” to extricate myself from my own complicities with our supremacist system, a thing that I only now and only imperfectly apprehend.

I’m reminded of a friend who doesn’t like the term “evil people,” because he’s in touch with the reality that evil is something spiritual; a human spirit (or a series of beliefs if you prefer) that determines what propositions and goals and possibilities human potential will set itself toward accomplishing. And he’s in touch with the reality that humans are art, and it is their beliefs and actions that are evil. So he’s not wrong to be wary of that term, “evil people.” I apologize to him.

But still, I look at a picture of our grotesque anus-mouthed fascist clown of a president and a couple of his spray tanned sycophants laughing and celebrating the founding of a new death camp down Florida way, and I look at people actually buying and wearing merchandise emblazoned with what I guess they think is a clever name for this concentration camp, and I have to confess, I don’t know how to think of them as anything other than *evil people*.

There comes a point at which human beings have abandoned the art of our shared humanity to such an extent, there comes a point at which human beings have so embraced malice and so rejected human empathy, there comes a point at which somebody is dancing with joy because people are being slaughtered and hunted and chased with nowhere to go, there comes a point at which somebody is frightened only when the slaughter of other human beings stops, that I find my consciousness no longer makes the separation; can think not of human art corrupted by evil beliefs, but rather of *evil people*—quite literally, people of evil, people who have so given themselves over to evil that it suffuses them, blood, bone, and tissue. You can understand how people in different cultures independently came up with the idea of vampires, of things

beings, and all others are not. and those people who are human beings deserve to own those who are not human beings, to use them while they are useful, and then to discard them when they are not, and in the time between to punish them if they refuse to be owned, and to kill them if they resist the punishment. The ownership and use and punishment and murder of human beings is what supremacists refer to when they talk about their principles and values, and as I said it represents a pretty foundational belief in the United States. We were a land of slavery from the start, in case you hadn't heard.

We've got all sorts of supremacy in this country; male supremacy and able-bodied supremacy and hetero supremacy and christian supremacy, and on and on, but you can boil it down to *white supremacy* because while white supremacists will tell you that whiteness has something to do with culture and genes, it really only means "the people who get to be considered human."

So this bill was passed in order to murder people along white supremacist lines, so that their bodies can be sold and their corpses can be robbed, and it is very unpopular, but it still enjoys support from tens and tens of millions of people, and the people who promised to do all this theft and murder won enough votes to take power, and now they get to enact it. A lot of the people who are going to be harmed first and hardest are the people who voted for it. Many of them will tell you they didn't vote for all that, and will explain that they had made themselves ignorant of all the promises of theft and murder, although I do notice that you ask most of these folks about their votes, they'll tell you that even though they didn't vote for all this, if given the chance, they'd do it again. It almost seems as if they'd rather have white supremacy than life.

Some people support the murder and theft because they love the murder, while others love the theft. This latter group are careful to assure the rest of us about the distinction. It's meant to be a moral distinction; those who ascribe to it apparently find it meaningful. They'll tell you that they are socially liberal but fiscally conservative and stuff like that. Good for them, I guess. I suppose there were among the corpse-looters and profiteers in Nazi Germany some who didn't bear personal bigoted animosity toward Jewish people and Roma and gay and trans people and political dissidents and trade socialists, too. They,

Constitution, the textualists are nowhere to be found. Kinda gives the whole game away, doesn't it?

As a result of Donald Trump's first term in office, the right wing of the Supreme Court gained a supermajority, one it will have for the foreseeable future. The moment this happened, the fig leaf of textualism and respect for the law fell away, and the true objective became clear: to allow the most powerful people in the country to do whatever they wanted.

When the Founding Fathers replaced their king with a new system of government, they were keen on preventing the fledgling nation from reverting back to monarchy. They did this by spreading power around as much as possible. Their first attempt mostly just distributed power among the states^[43]; this turned out not to work so well. The second attempt — the one that we presently live under — consolidated more power at the federal level, but diced it up into a tripartite system of government: Congress, the courts, and the president. The idea was that these three branches would all compete for power, keeping any one of them from becoming too powerful.

The court claimed to reshuffle the balance of power last year by overturning the long-standing doctrine of Chevron deference^[44] in *Loper Bright Enterprises v. Raimondo*, apparently believing that federal agencies under the executive branch — like the guys who make sure your water is clean^[45] or the guys who make it so your gym has to let you cancel your membership^[46] — had become too powerful. Knocking down Chevron deference essentially meant it was now open season on these regulatory agencies, because now it's easier than ever to challenge their rule-making. More opportunities to pipe up and complain, you might say. Meanwhile, if the federal government is to regulate air, water, and click-to-cancel^[47], it would be better if the legislative branch wrote actual laws.

But how do you square reducing the power of the executive branch with how Trump's secret police are assaulting and detaining Democratic lawmakers? Representative LaMonica McIver was indicted^[48] for "forcibly impeding and interfering with federal officers" as they arrested Newark Mayor Ras Baraka^[49] for attempting to

enter a Newark detention center. Senator Alex Padilla was wrestled to the ground^[50] and handcuffed for attempting to ask a question of Homeland Security Secretary Kristi Noem during a press conference. New York City comptroller Brad Lander was arrested at immigration court^[51] for accompanying a migrant. The Supreme Court promised us a kneecapped administrative state. When do we get to kneecap ICE?

Forget lawyer-brain for a minute. There's no need to overthink this supposed tension. The Republican majority of the Supreme Court of the United States has a perfectly coherent worldview: the strong get to trample the weak.

Fossil fuel companies, the crypto industry, and nationwide internet service providers deserve process; the asylum-seeker imprisoned at CECOT does not. A neighborhood wrecked by a hurricane, the gambling addict at rock-bottom, the principle of net neutrality^[52] itself — these victims of the war on the administrative state simply do not matter. The text doesn't matter. Constitutional balance doesn't matter. Only power matters. (In *West Virginia v. EPA*^[53], the 2021 case that led to *Loper Bright*, Kagan ruefully called back to her previous “we're all textualists” remark, writing in her dissent, “It seems I was wrong. The current Court is textualist only when being so suits it.”)

The right-wing Supreme Court's hypocrisy is not the only thing to blame for our present state of affairs. The founding fathers' tripartite system of government was mostly working out until all three branches succumbed to some kind of contagious monarchism.

But it's clear the Founders' anti-king protocol is now failing. The executive is an egomaniac who simply does not believe in life, liberty, or due process. Congress, in the firm grip of naked ideologues and flaccid cowards^[54], has flopped as a constitutional counterbalance, incapable of punishing Donald Trump for an actual armed insurrection on January 6th, 2021^[55]. The Supreme Court, on the other hand, hasn't failed — it has actively accelerated the conflagration, even ruling that Trump has absolute immunity^[56] for acts on January 6th. This is what makes the court's Republican supermajority so dangerous, so profoundly immoral. Congress might be too short-sighted, deadlocked, and weak in character to pump the brakes. But SCOTUS, an

So Shines A Good Deed In A Weary World

A.R. Moxon

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I don't really feel like celebrating my country today. It doesn't seem worth celebrating. We've got a supremacist mass murder theft and corruption bill that just passed the House of Representatives with nothing but Republican votes in favor, and only two Republicans voting no. A lot of people are going to die so that people who have more money than they could ever spend can have even more, and a lot of people who only feel safe when others are suffering and dying can feel a little more safe. So it's my country's 249th birthday, and the old girl looks awful sick.

The new bill is a mass murder bill because it will kill people in mass quantities and those who passed it did so in full awareness of that and with a clear motive; also because it sets up a framework for the sort of industrialized and administratively managed mass murder we've seen before in history when people like to dress up in the boots and the hats and the lapel pins with little skulls on them; also because from a budgetary standpoint it makes the racist ethnic cleansing kidnap squads known as ICE into a de facto branch of the military dedicated to waging domestic war against the citizens of the United States. It's a theft bill because it takes all the value that the people of this country generate and snatches it away from the people who generated it. It's a corruption bill because it gives all that stolen value to the people who used their wealth to buy power and then used the power to steal more wealth.

The bill is a supremacist bill because it has the same philosophical foundation as my country (which is the United States in case I hadn't mentioned it). That foundation is the idea that some people are human

They waited 54 years, until after most of them were dead. It was not until 1990 that Congress finally addressed this particular stain on our honor and granted them citizenship. (Their promised benefits were not even brought to a vote until 2008, when most of the happy men I saw that day were dead.) Hence this July naturalization ceremony.

After Judge Lew naturalized the veterans who were too infirm to stand in the main ceremony, he quickly took the stage in the main room. A frantic, joyous hush descended, and the dozens of veterans stood up and took the oath. Many wept. I kept getting something in my goddam eye. And when Judge Lew declared them citizens, the families whooped and hugged their fathers and grandfathers and the children waved the little flags like maniacs.

I had the opportunity to congratulate a number of families and hear them greet Judge Lew. I heard expressions of great satisfaction. I heard more comments about how long they had waited. But I did not hear bitterness on this day. These men and their children had good cause to be bitter, and perhaps on other days they indulged in it. On this day they were proud to be Americans at last.

Without forgetting the wrongs that had been done to them, they believed in an America that was more of the sum of its wrongs. Without forgetting 54 years of injustice, they believed in an America that had the potential to transcend its injustices. I don't know if these men forgave the Congress that betrayed them and dishonored their service in 1946, or the subsequent Congresses and administrations too weak or indifferent to remedy that wrong. I don't think that I could expect them to do so. But whether or not they forgave the sins of America, they loved the sinner, and were obviously enormously proud to become her citizens.

I am grateful to Judge Lew for taking me to that ceremony, and count myself privileged to have seen it. I think about it every Fourth of July, and more often than that. It reminds me that people have experienced far greater injustice than I ever will at this country's hands, and yet are proud of it and determined to be part of it. They are moved by what Lincoln called the better angels of our nature to believe in the shared idea of what America should be without abandoning the struggle to right its wrongs. I want to be one of them.

institution designed to step back and think about the big picture, knows exactly what it's doing, and is chillingly enthusiastic.

The current Republican Supreme Court is unlike anything the Founders could have ever possibly envisioned — a partisan instrument of a destructive political force, neither a check nor a balance on an executive that is threatening to strip citizenship from opposition politicians^[57] and is commandeering the state national guard^[58] against a state's people over the objections of their governor. It is a root-access attack on the system itself, a virus with the ability to overwrite the founding documents of the nation.

You can call it a lot of things: right-wing radicalism, dictator envy, anti-democratic theocracy. But one thing's clear. "Conservative" has never been more of a misnomer. The Republicans are conserving nothing: not due process^[59], not precedent, and certainly not the truth^[60].

In 2006, when he was nominated to the Supreme Court,^[61] Samuel Alito told the Senate that *Roe v. Wade*, the case that once enshrined the right to abortion, had been decided and was "an important precedent." Sixteen years later, he penned the majority opinion overturning *Roe*. Justice Alito may have been cagy in the lead up to his confirmation, but his fellow justices were less so — Neil Gorsuch called *Roe v. Wade* "the law of the land" in his 2017 Senate confirmation hearings; Brett Kavanaugh supposedly told Senator Susan Collins^[62] in a private meeting in 2018 that *Roe* was "settled law." Both justices joined the opinion overturning *Roe*, which calls that decision "egregiously wrong from the start."

Fair play and forthrightness are, apparently, not things we expect while *appointing a judge to sit atop of the entire American legal system for the rest of their life*. But setting that aside, it's baffling that the right-wing legal establishment is seen as *patient* and *strategic* while Trump is a force of nature that might not pass the Turing Test.

As Donald Trump's imperial presidency rolls forward across the wreckage of Congress on tank treads greased by the Supreme Court, there's scant evidence of a legal movement for limited government or states' rights. Trump is not the useful tool of an aggressive right-wing movement. Why look for complex explanations when there is a

very[[63]] simple one[[64]] at hand? He is the king they serve enthusiastically, a leader whose lies and lawlessness they both enable and mirror.

Two-thirds of the country oppose the fall of Roe; about as many reject the total presidential immunity given by Trump v. US. (You see, the Supreme Court is perfectly capable of rocking the boat: when it lets Trump do what he wants to do, it is because this is the America that the Republican justices believe in.)

What's a red-blooded American to do when their government becomes destructive to life, liberty and the pursuit of happiness? The Declaration of Independence has some notes about "the Right of the People to alter or to abolish" its existing government "and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

But that was another time, right? Surely nobody wants to take the Founding Fathers' original words literally. Their original meaning and original intent can't just be superimposed on American life today, not when American values are very different from the values of 1776. In Trump's America, the national ethos is simply a boot on your neck, forever.

Happy Independence Day!

Footnotes:

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Judge Lew — the first Chinese-American district court judge in the continental United States — grabbed his robe from the trunk and walked briskly into the VFW hall with his externs and clerks trailing behind him. We paused in the foyer and he introduced us to some of the VFW officers, who greeted him warmly. He donned his robe and peered through a window in a door to see hundreds of people sitting in the main hall, talking excitedly, the children waving small American flags and streamers about. One of the VFW officers whispered in his ear, and he nodded and said "I'll see them first." The clerks and my fellow extern were chatting to some immigration officials, and so he beckoned me. I followed him through a doorway to a small anteroom.

There, in a dark and baroquely decorated room, we found eight elderly men. These were too infirm to stand. Three were on stretchers, several were in wheelchairs, two had oxygen tanks. One had no right arm. A few relatives, beaming, stood near each one. One by one, Judge Lew administered the naturalization oath to them — closely, sometimes touching their hands, speaking loudly so they could hear him, like a priest administering extreme unction. They smiled, grasped his hand, spoke the oath as loudly as they could with evident pride. Some wept. I may have as well.

One said, not with anger but with the tone of a dream finally realized, "We've waited so long for this."

And oh, how they had waited. These men, born Filipinos, answered America's call in World War II and fought for us. President Franklin D. Roosevelt asked the men of the Philippines to fight, promising them United States citizenship and veterans benefits in return. 200,000 fought. Tens of thousands died. They weathered the brutal conditions under Japanese occupation, fought a valiant guerrilla war, and in some cases survived the Bataan death march.

In 1946, Congress reneged on FDR's promise. Filipino soldiers who fought for us and their families were not given their promised citizenship, let alone benefits. Many came here anyway, had children who were born U.S. citizens, and some even became citizens through the process available to any immigrant. But many others, remembering the promise, asked that it be kept. And they waited.

requires recognizing our wrongs and fixing them, in the face of a surge of banal America-is-never-wrong propaganda and censorship. I still believe we can do better. I am just more acutely aware that doing better will not be easy and may not be peaceful, and that doing it will require fighting people just as dedicated to low and ugly values, and that we may lose.

But the story also reminds me I am not entitled to wallow. I am fortunate. I have autonomy, power, a voice. America's history is the story of people — like those Filipino-Americans — who had much less and faced far more daunting circumstances and kept fighting. It would be shameful to give up that fight. The bullies may win, but they will not win by default, and they will not win without a bloody battle.

The Fourth of July

Nearly thirty-five ago, in the hot summer of 1992, I was working as an extern for Judge Ronald S.W. Lew, a federal judge in Los Angeles. One day in early July he abruptly walked into my office and said without preamble “Get your coat.”

Somewhat concerned that I was about to be shown the door, I grabbed my blazer and followed him out of chambers into the hallway. I saw he had already assembled his two law clerks and his other summer extern there. Exchanging puzzled glances, we followed him into the art-deco judge's elevator of the old Spring Street Courthouse, then into the cavernous judicial parking garage. He piled us into his spotless Cadillac and drove out of the garage without another word.

Within ten awkward, quiet minutes we arrived at one of the largest VFW posts in Los Angeles. Great throngs of people, dressed in Sunday best, were filing into the building. It was clear that they were families — babes in arms, small children running about, young and middle-aged parents. And in each family group there was a man — an elderly man, dressed in a military uniform, many stooped with age but all with the bearing of men who belonged in that VFW hall. They were all, I would learn later, Filipinos. Their children and grandchildren were Filipino-American; they were not. Yet.

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The Fourth Of July, Rethought

Ken White

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For years, I have retold the story reprinted below every Fourth of July. It describes a formative experience in my life and in my identity as an American. I still feel powerfully many of its sentiments: my fondness and appreciation for the late Judge Lew, my admiration for the courage and fortitude of the Filipino soldiers and their families, my belief in America as a set of aspirational values worth pursuing.

But things change. The brave and patient men who were naturalized that day are dead. Judge Lew passed away several years ago. And every day of 2025 is a reminder that no set of values is guaranteed to endure: that the America those men believed in is no promise, but a hope.

Every day of 2025 I am reminded that many of my fellow citizens do not share my view of America. The America I love is not a stretch of soil or a place where the people of my blood lived and died. It's a set of impudent and improbable goals: the rule of law and equality before it, liberty, freedom of speech and conscience, decency. We have always fallen short of them and always will, but we wrote them down and decided to dedicate ourselves to pursuing them. That's worth something.

The people I despise, and who despise me, believe America's values and goals are blood, soil, swagger, and an insipid and arrogant conformity. They are the values of bullies and their sycophants. They may prevail. There's no promise they will not.

Yet I am still moved to tell this Fourth of July story. It's become an act of defiance, because the story is contrary to the prevailing values of 2025. I still believe that those Filipinos coming to America and becoming Americans is something to celebrate, in the face of a surge of cruel and ignorant nativism. I still believe that being good American