

The Phyllis Schlafly Report

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Wanted: An Unconfirmable Attorney General

With the sudden departure of Pam Bondi, President Trump is searching for a new Attorney General. He may be looking for a new Deputy AG as well.

Under current Federal law, President Trump has the power to appoint an attorney to fill these crucial offices in an interim or "acting" capacity for up to 210 days without Senate confirmation.

A glance at the calendar reveals that this year's midterm elections are set for November 3, 2026, which is exactly 210 days from April 7. Coincidence? We think not.

The next Attorney General and Deputy AG should be someone who is willing and able to accomplish the MAGA goals within that 210-day time frame, or he'll be another failure. These 210 days (30 weeks) could be virtually all the time that remains on the clock for the second Trump administration.

No one passes a basketball to a player who ignores dwindling time on a shot clock. No coach installs a quarterback after the final two-minute warning who ignores the game clock.

The liberal media and even some of Trump's advisers are telling him that he needs to choose a new Attorney General who is confirmable by the Senate, but that is malarkey. Trump needs an Attorney General who will get the job done before the midterms, such as someone who could not be confirmed by the weak sisters in the Senate.

Before a nominee could even be voted on by the full Senate, he would have to pass the gauntlet of the Senate Judiciary Committee, where Republicans hold a 1-vote margin that several of Trump's best nominees have failed to clear. The RINO lame duck Sen. Thom Tillis (R-NC) is on that committee, and he should not be allowed to block a strong nominee.

Certain types of attorneys should be ruled out of consideration immediately. The next Attorney General should not come from a major Establishment law firm, should not be a former lobbyist or lobbyist wannabe, and should not be a former federal prosecutor.

If the next Attorney General is afraid of liberals, Congress, or the media, then he will fail to make badly needed changes at the Justice Department. MAGA still awaits a prosecution of ringleaders among more than 200 Justice Department employees who wrongfully persecuted Trump.

Many excellent candidates would do a terrific job at saving our country from the Swamp. Former Rep. Matt Gaetz, Ed Martin, Mike Davis, and Sidney Powell would be superb choices without worrying about Tillis and other RINOs.

President Abraham Lincoln did not win the Civil War by appointing an insider to lead the Union Army. After D.C.-favored generals like George McClellan failed to get the job done, it was the outcast, probably unconfirmable U.S. Grant who ultimately won the war.

Even if eventual confirmation could be assured, we don't have time to waste on a long and agonizing confirmation process, with the clock winding down for the midterms. The next Attorney General should not subject himself to browbeating by liberals, as when Markwayne Mullin had to make a damaging retreat from Trump's deportation agenda before he could be confirmed as Secretary of Homeland Security (which includes ICE).

The ideal candidate would be someone who views D.C. and the liberal media with contempt, as Trump does. Anyone who seeks praise on Capitol Hill or by the press should not apply for this job that requires wrestling with Swamp creatures.

If the next Attorney General cannot get the job done for MAGA in 210 days, then he should not be appointed. Coaches do not give the ball to players who ignore the game clock as it winds down to zero.

There is probably no confirmable candidate for the top two positions in the Justice Department who will fulfill the MAGA goals that Trump promised in 2024. If a majority of the senators approve of a candidate, then he is unacceptable to MAGA.

In 2020, the Senate-approved Attorney General Bill Barr abruptly quit his office early to avoid post-election issues, and then obtained a book deal for his memoir entitled "One Damn Thing After Another." That failure would probably happen again if Trump picks a confirmable candidate to lead the DOJ.

Nearly everyone liked by senators in D.C. is angling to make a buck for himself, as many senators themselves are, too. Several have left the Senate to cash in with private equity firms, while others take lucrative corporate jobs as Barr did after being Attorney General under President George H.W. Bush.

Installing MAGA leadership at DOJ was one of the key pledges made to the American people in 2024, which helped elect Trump and other Republicans. The vacancy at the position of Attorney General makes it possible now to honor that pledge.

Conversion Therapy Wins Big in SCOTUS

Do physicians and counselors have the right to speak freely to their patients and clients? One would think that licensed professionals enjoy the First Amendment as much as anyone else, but 23 Democrat-controlled states and the District of Columbia have passed laws making it illegal for counselors to help young people go straight, in the face of confusion about sexual orientation or gender identity.

These state laws ban what is known as "conversion therapy," a scary term that Wikipedia falsely contends is a form of child abuse. More than 100 cities and counties have also banned conversion therapy for minors, despite how local ordinances are not typically so political.

But on March 31, the U.S. Supreme Court ruled that all such laws are almost certainly invalid, because the First Amendment protects the right of professional counselors to give advice without viewpoint discrimination, even on controversial topics like sexual orientation.

In his ringing opinion in favor of the Colorado Christian counselor who brought the case, Trump-appointed Justice Neil Gorsuch wrote: "The Constitution does not protect the right of some to speak freely; it protects the right of all. It safeguards not only popular ideas; it secures, even and especially, the right to voice dissenting views."

It is not surprising that Gorsuch was assigned to write this decision, as he is from Colorado and presided on the Tenth Circuit in Denver before going to the Supreme Court. But the strength of his opinion is refreshing, particularly given how he had declined to support granting certiorari in similar prior appeals.

Kaley Chiles, the licensed mental health counselor who challenged Colorado's ban on so-called conversion therapy, is indeed a committed Christian, but six Justices ruled in her favor in a strong endorsement of freedom of speech regardless of religion. By a 6-3 margin the Court held that "every American possesses an inalienable right to think and speak freely, and a faith in the free marketplace of ideas as the best means for discovering truth."

Concurring with the Republican majority, Obama-appointed Justice Elena Kagan agreed that "because the State has suppressed one side of a debate, while aiding the other, the constitutional issue is straightforward."

The single dissenting opinion was authored by Biden-appointed Justice Ketanji Brown Jackson who, during her memorable confirmation hearing, was unable to say what a woman is. In her overwrought, cliche-ridden opinion, Justice Jackson said "the majority plays with fire in this case," "opens a dangerous can of worms" and "we could now be standing on the edge of a precipitous drop in the quality of healthcare services in America."

In his response to Jackson's heated dissent, Justice Gorsuch wrote that Justice Jackson "may believe that state-imposed orthodoxies in speech pose few dangers and many benefits in this field (and who knows what others). But their policy is not the First Amendment's."

Although the speech ban at issue in this case attracted only one vote on the Supreme Court, it is frightening that such an onerous restriction on free speech has been passed by legislatures of nearly half our states. The gist of those state laws, which Joe Biden's appointee to the Court would have upheld, is that doctors and other licensed professionals have no right to give their own best advice, but must convey state-approved messages to their clients or patients.

The lobbyists for those laws argue that conversion therapy has a low success rate. However there is no evidence that the rate is any worse than for other common therapies, such as for losing weight or stopping addictions.

The decision in favor of free speech is now the law of the land in the United States, but the battle is not over, because many professional societies still oppose the use of talk therapy or counseling to guide young people struggling with issues of sexual orientation or gender identity. You can expect professional counselors like Kaley Chiles to be harassed by some state licensing boards if they dare to fully exercise their free speech.

Colorado, which has become one of the most liberal states despite formerly being conservative, may not give up in its attempt to censor conversion therapy. Justice Kagan invited it and other opponents of conversion therapy to try again with a content-based restriction, rather than a viewpoint-based limitation, although it is far from clear what Justice Kagan has in mind.

A viewpoint-neutral limitation on counseling would require liberals to cut back on their grooming campaigns. Most conversion therapy bans, including Colorado's, allow therapy to encourage transitioning to become transgendered.

Speech bans similar to Colorado's are still the law in countries that don't have a First Amendment, such as Canada. Originally drafted in the 1980s to ban counseling about sexual orientation, most of these laws were subsequently expanded to ban counseling about gender identity, too.

Billionaire Tax Measure Rattles Golden State

Billionaires have been fleeing California because of a ballot measure seeking to impose a one-time tax of 5% on their wealth. Promoted by unions, endorsed by Sen. Bernie Sanders (D-VT), and doing well in gathering signatures to be on the November ballot, this citizen-initiated ballot measure has support by 50% of voters plus another 14% who are undecided but lean "yes," according to an early poll.

This Billionaire Tax Act would be retroactive to Jan. 1, 2026, and many billionaires are not waiting around for the election results. Mark Zuckerberg, one of the top five wealthiest persons in the world who founded Facebook which is headquartered in California, has reportedly already decided to move to Florida, where there is not even an income or estate tax.

Google co-founders Sergey Brin and Larry Page, venture capitalist David Sacks, and Uber co-founder Travis Kalanick have also reportedly moved out of California. There are more than 200 billionaires in California, the most of any state, and their total wealth exceeds $2 trillion.

Wealth, including unrealized capital gains on stock ownership, has never been taxed before. But the California ballot measure would both revise its state constitution and enact a new law imposing this tax, which could have cost Zuckerberg more than $10 billion dollars had he remained a resident of California.

California has the largest homeless population of any state, totalling nearly 200,000 people, and 50% of our country's unsheltered population lives in California. It is projected to have a budget deficit of $18 billion this year, and then have future annual deficits of $20 to $35 billion.

This red ink cannot flow forever, and states are not allowed to file for bankruptcy. Unlike the federal government, California cannot print its own money to pay off its debts.

Suddenly there is a sharp uptick of interest in super-luxury homes in Wyoming, reports the *New York Post*, with the explanation that more California billionaires are looking to flee to that mostly tax-free state. Several centibillionaires, including Elon Musk and Oracle's Larry Ellison, previously left California; Musk moved to Texas and Ellison moved to a Hawaiian island that he purchased.

Roughly 20 states allow citizen-initiated ballot measures, as California does. Over the years other ballot measures, like raising the minimum wage, were enacted by landslide margins in California and Oregon and then spread to many other states in imitation.

One of the easiest states to place a new law on the ballot for majority vote is Colorado, where liberals have run up a $1.5 billion annual deficit that is forcing cuts in programs and which could impact Medicaid services for the poor. Half the states face budget shortfalls as federal funding for them dries up.

Democrat-controlled legislatures in blue states like New York and New Jersey, which lack a process for citizen-initiated ballot measures, can put wealth taxes up for a vote by the people. Wealthy individuals can also flee from these states to low-tax alternatives like Florida, Texas, and Wyoming.

Backers of California billionaire's tax predict that it will raise $100 billion, of which 90% would be allocated to public health services. The remaining 10% would go toward education and food assistance programs.

Public health services in California include coverage for costly transgender operations and treatments. The California Medicaid program, known as Medi-Cal, requires coverage of this and prohibits any discrimination based on transgender issues.

Billionaires are donating money to try to defeat this ballot measure in California, and usually the side that spends the most is the side that prevails. Already $35 million has been pledged or donated by billionaires against this.

But the retroactive effect of this billionaire tax is designed to prevent anyone from escaping its bite by moving shortly before or after the election. Someone worth $10 billion would be taking a $500 million risk by staying in California while hoping to defeat this ballot measure by popular vote.

It appears that many Big Tech billionaires are not big fans of direct democracy after all. Common expressions like "the people have spoken" or "pro-democracy" are not how they really feel when it comes to holding onto their own wealth, which in most cases is from gains in the stock market during deficit-spending by the federal government.

California Gov. Gavin Newsom, who aspires to become the people's president, is against this billionaire's tax. It does not look like Bernie Sanders or most progressives will be endorsing Newsom in light of his position.

A permanent national income tax did not exist until the 16th Amendment was added to the U.S. Constitution in 1913. As with proposals for a wealth tax, the original federal income tax was imposed only on the richest Americans, but then inevitably expanded to tax most workers.

Progress on Returning Refugees

A bright spot in immigration policy, the issue on which President Trump polls the best, is the progress being made toward removing unwanted refugees from our country. On March 16 Trump won the second of two court victories in March in favor of his policy to roll back Democrat practices to import massive numbers of refugees from the third world.

Ten days after taking office, President Trump ended the misuse of the refugee program by issuing Executive Order No. 14163, "Realigning the United States Refugee Admissions Program." Biden had brought in more than 100,000 so-called refugees in fiscal year 2024, which was the highest level in 30 years.

Trump has properly sought to revoke the Temporary Protected Status (TPS) of whole communities of Haitians and Syrians who were brought into our country under the fiction that they were being politically persecuted back home. Haitians famously settled mostly in Springfield and Columbus, Ohio, totaling about 350,000 people nationwide, and Trump won the election by campaigning on sending them and other mislabeled refugees back home.

Haiti is a poor country victimized by crime, but has strict gun control that impedes the ability of law-abiding residents to defend themselves, and no death penalty to deter murder. Visitors who have valid U.S. gun permits are not allowed to carry their arms in self-defense in Haiti.

As to Syria, the Biden Administration and liberals supported the toppling of the Syrian regime in December 2024 while Biden was still president. The theory that allowed thousands of Syrians to remain in our country as refugees from the former Assad regime no longer applies, and it's time for them to go home.

Yet lower federal courts in liberal New York, Seattle, and Washington, D.C., have stymied the Trump Administration's revocation of the "temporary" status that Biden conferred, in order to prevent Trump from sending refugees back home. Trump's phenomenal Solicitor General, John Sauer, applied for emergency relief with the U.S. Supreme Court to stay two of these lower court decisions against Trump, and the Ninth Circuit ruled directly for Trump in the third case.

On March 16, the Supreme Court mostly granted Trump's requested relief, by scheduling oral argument on this issue by late April and thereby signaling that a full decision will be rendered by the end of June. While the Court did not authorize the immediate removal of these refugees, it appears that their return will become possible by summer.

Earlier in March, in *Pacito v. Trump*, the Ninth Circuit held in favor of Trump's Executive Order that halted the flow of so-called refugees into our country. That court recognized the nearly unlimited authority granted by Congress to the President to halt this misguided program.

More good news came from the First Circuit concerning the deportation of illegal aliens. Two of the three judges on the panel, including a Republican and a Democrat-appointed judge, ruled that Trump may be allowed to deport an illegal alien to a third country if his homeland refuses to accept him.

As a spokesman for the Department of Homeland Security (DHS) explained in response, "the Biden Administration allowed millions of illegal aliens to flood our country, and the Trump Administration has the authority to remove these criminal illegal aliens and clean up this national security nightmare."

The DHS spokesman said that if "activist judges had their way, aliens who are so uniquely barbaric that their own countries won't take them back, including convicted murderers, child rapists and drug traffickers, would walk free on American streets."

Last year Trump prevailed on this issue in the U.S. Supreme Court, but then the district judge said the facts had changed and continued to block Trump's deportations to third countries. The district judge wanted a process by which the illegal alien would have a "meaningful opportunity" to object to being deported to another country after his homeland rejects his return.

But the ongoing campaign of deporting illegals has slowed, and there are reports that someone in the White House has told Republicans not to use the phrase "mass deportation." Other than a few reposts on his X account, White House Border Czar Tom Homan was quiet for several weeks.

The self-deportation campaign, by which DHS was paying illegal aliens $2,600 each to voluntarily leave through the use of a government phone app, depends on involuntary deportations to be effective. A total of 2.2 million people had self-deported through January of this year, and Democrats were furious about an ad campaign encouraging more illegal aliens to self-deport.

Democrats view illegal aliens as their future voters, as many Somalis have become in Minnesota after obtaining citizenship. Realistically, this is the last opportunity to deport illegals, while Republicans control all branches of the federal government and public opinion strongly favors border control.

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