THE Skanner

Challenging People to Shape a Better Future Now

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Opinion

The 900-Page Guide to Snuffing Out American Democracy

Ben Jealous

Guest Columnist

What if there was a blueprint for a future presidential administration to unilaterally lay waste to our constitutional order and turn America from a democracy into an autocracy in one fell swoop?

That is what one far-right think tank and its contributors created. And more than a hundred other far-right organizations have now signed on to support that blueprint. What could possibly go wrong?

Maybe you have heard about Project 2025. It was cooked up by the far-right Heritage Foundation. That organization's leader says we are in a "second American Revolution" that he suggests could turn violent if those who oppose their disastrous plan to kill our democracy do not get in line behind it.

For its 51-year history, the Heritage Foundation has always been an instrument of the Far Right. Around 2016, it started to become dangerously extreme. Project 2025, and its 900-page guidebook for ending the American experiment, is perhaps its most extreme – and dangerous – initiative yet.

The premise behind Project 2025 is that our constitutional system of checks and balances somehow is skewed against the American people based on their politics. It is an argument that itself exposes the extremity of those making it.

Our Constitution provides a framework, as do our democratic institutions, for political debate and disagreement within the natural parameters of our system of government. Although our country has too often bucked the very principles of our founding, we used to be able to agree that, generally, America is a Republic that elects its leaders through representative democracy. And that for our government to serve the best interests of all its people, we must protect debate and a free exchange of ideas, as well as the mechanisms of democracy itself and the separation of powers among the three branches of government.

> “It allows the president to usurp power from other branches of government, like Congress's power of the purse

Project 2025 wants to throw all that out the window. It attacks democratic institutions that separate nonpolitical civil service from loyalty to any particular party or leader. It prescribes purging the federal government of anyone who might be considered disloyal to the ruling party. It allows the president to usurp power from other branches of government, like Congress's power of the purse. Project 2025 endorses presidential powers that include ignoring how Congress appropriates spending, where the president has the unquestioned authority to redirect congressionally passed spending at will.

Democracy Forward, a pro-democracy legal organization, refers to Project 2025 as "among the most profound threats to the American people." That is due to the plan's clear harm to the lives, livelihoods, and wellbeing of countless millions of Americans – "from attacking overtime pay, student loans, and reproductive rights, to allowing more discrimination, pollution, and price gouging," according to Democracy Forward.

It is no wonder that when Americans learn about the Project 2025 roadmap, they reject its policy prescriptions overwhelmingly.

A recent survey by Navigator Polling found strong opposition to Project 2025's possible impacts on healthcare: "83 percent oppose removing protections for people with pre-existing conditions, 81 percent oppose putting a new tax on health insurance for people who get coverage through their employer, and 80 percent oppose banning Medicare from negotiating lower prices and eliminating the $35 monthly insulin cap."

Project 2025 also calls for defunding public education and eliminating Head Start, the early education program that serves a million primarily low-income children. It lights the path for actions that could reduce food assistance for 40 million people and cost hundreds of thousands of people their jobs.

Read the rest of this commentary at **TheSkanner.com**

SCOTUS Decision Seizes Power to Decide Federal Regulations

Charlene Crowell

Guest Columnist

The Supreme Court issued several consequential rulings in its recently concluded term. One such decision reversed a 40-year precedent commonly known as the Chevron doctrine, that gave federal agencies the authority to write rules that enforced and implemented laws passed by Congress.

But on June 28, a sweeping majority opinion authored by Chief Justice John Roberts ignored judicial precedent to hold that only the courts would decide regulation. In the SCOTUS majority view, judges alone would now decide highly specialized rules crafted to maintain reliable consumer safety standards governing our food, public health, occupational safety, clean water, higher education and more, bypassing the high-level expertise of civil servants in affected agencies.

Roberts' opinion included: "Perhaps most fundamentally, Chevron's presumption is misguided because agencies have no special competence in resolving statutory ambiguities. Courts do... Courts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority."

For Black and Latino Americans, this power-grab by the court throws into doubt and potentially weakens current agency rules that sought to bring us closer to the nation's promises of freedom and justice for all. In two particular areas – fair housing and financial regulation – many hard-won victories aimed at addressing inequalities could be opened up to review and reversal.

> “In one fell swoop, the majority today gives itself exclusive power over every open issue

In a scorching dissent, Associate Justice Elena Kagen, joined by Justices Sonya Sotomayor and Ketanji Brown-Jackson, outlined the consequences of the majority ruling.

"In one fell swoop, the majority today gives itself exclusive power over every open issue—no matter how expertise-driven or policy-laden—involving the meaning of regulatory law," wrote Kagen. "As if it did not have enough on its plate, the majority turns itself into the country's administrative czar...Today's decision is not one Congress directed. It is entirely the majority's choice."

For example, the 1968 Fair Housing Act was strengthened by a HUD rule known as Affirmatively Furthering Fair Housing (AFFH). Originally a 2015 initiative of the Obama administration, an updated version was proposed in 2023 by the Biden administration that according to HUD would "achieve integrated living patterns, overcome historic and existing patterns of segregation, reduce racial and ethnic concentrations of poverty, increase access to homeownership, and ensure realistic and truly equal access to opportunity and community assets."

Central to the rule was the development of written local 'Equity Plans' that incorporated citizens' concerns into a meaningful plan of action.

Similarly, the Consumer Financial Protection Bureau (CFPB), created by 2010's Dodd-Frank Wall Street Reform & Consumer Protection Act, implemented in 2017 a payday lending rule that required requiring lenders to determine whether consumers had the ability to repay before approving predatory loans like payday, vehicle title and certain other high-cost installment ones.

But two years later, a change in administration and agency director led to a court-ordered stay in rule implementation. In response, a coalition of advocates that included the Center for Responsible Lending wrote then-CFPB Director Kathleen Kraninger with warnings of how the agency was abandoning its consumer protection mission.

"[S]ince its 2017 leadership change, the CFPB has repeatedly failed to support the August 19, 2019, compliance date the agency established for these important provisions," the coalition wrote in part. "The Rule's payments provisions will protect consumers from significant harm by restricting an unfair and abusive practice: payday and vehicle-title lenders' repeat attempts to debit borrowers' bank accounts, after two consecutive withdrawal attempts fail due to insufficient funds.

Read the rest of this commentary at **TheSkanner.com**