

The background of the entire page is a close-up, slightly blurred image of the American flag, showing the stars and stripes in shades of red, white, and blue. The flag is draped and folded, creating a sense of movement and texture.

DEMOCRACY  
FORWARD 

# **The Second Front:** The Escalating Right-Wing Legal Threats Beyond the White House

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Four lines of attack eroding rights, concentrating power, and undercutting an effective government

April 2026

# INTRODUCTION

Decades of calculated advocacy by the [well-funded](#) right-wing legal movement helped [lay](#) the [groundwork](#) for Donald Trump's second term as president. The movement is now emboldened to take its aggressive and harmful legal agenda even further.

The pro-democracy community is fighting extreme, authoritarian forces on at least two fronts. The first front consists of the president's often unlawful use of executive power, which continues to throw communities across America into crisis and garner significant national attention. On a second, less visible front, a coordinated right-wing legal movement, operating both alongside and independent of the administration, is advancing an ideological agenda while dismantling pro-democracy protections at the federal, state, and local levels. The right-wing legal movement is not only abusing and misusing power, it is seeking to fundamentally shift the rules of the game to its advantage and the detriment of our democracy.

The first front is being fought nationwide, in courtrooms, in classrooms, and in the streets. In fact, the pro-democracy movement has been credited with coordinating the largest and most effective strategy against unlawful administrative action in modern history.

The second front cannot be allowed to operate unchallenged or under the radar. That is why Democracy Forward Foundation closely monitors the actions of right-wing legal organizations across the country, analyzing thousands of cases, policies, enforcement actions, news articles, and other vectors to map and respond to their extremist agenda. The cases initiated in federal courts by right-wing legal organizations that have advanced since January 20, 2025, demonstrate four key lines of attack to erode rights, concentrate power, and undercut an effective government. This report explains each line of attack, describes illustrative cases, and analyzes the impact each case could have if the right-wing legal movement wins in the courts.



## THE RIGHT-WING LEGAL MOVEMENT'S KEY LINES OF ATTACK ARE:

1. **Eliminating access to reproductive rights;**
2. **Misusing freedom of speech and religion to restrict healthcare and bodily autonomy;**
3. **Targeting protections for transgender students; and**
4. **Gutting government protections for workers and consumers.**

The right-wing organizations advancing these lines of attack have clear ties to individuals serving at the highest levels of the Trump-Vance administration, including White House Deputy Chief of Staff for Policy and Homeland Security Advisor Stephen Miller (formerly of America First Legal), Assistant Attorney General for Civil Rights at the U.S. Department of Justice Harmeet Dhillon (formerly of Center for American Liberty and Dhillon Law Group), and the Director of the Office of Management and Budget Russell Vought (formerly of the Center for Renewing America).



*Justices Alito and Thomas, two of the six conservative justices whose rulings have reshaped American law — from overturning *Roe v. Wade* to expanding presidential immunity. Photo by Chip Somodevilla/Getty Images*

Many of these right-wing groups partnered on [authoring](#) Project 2025, the Heritage Foundation-led authoritarian [blueprint](#) for Trump's second term. Organizations leading the implementation of an extremist agenda include the Federalist Society, a group that notoriously [engineered](#) the conservative takeover of the U.S. Supreme Court, which [restricted](#) access to abortion, [shredded](#) protections for students facing systemic barriers to higher education, and [expanded](#) presidential immunity from criminal prosecution. Other groups at the forefront of these efforts include Dhillon Law Group, which [defended](#) Trump and his allies before the [January 6 Congressional Committee](#), and Alliance Defending Freedom (ADF), a Southern Poverty Law Center-designated [hate group](#), which is working to outlaw abortion, erode rights that protect the LGBTQIA+ communities, and eliminate the separation of church and state.

As right-wing legal organizations groups continue to file new legal challenges every week, understanding this legal landscape is critical for the pro-democracy legal community to mount an effective defense – and to do so at scale. Many of the cases tracked in this report are still pending, meaning they could provide

opportunities for amicus (“friend-of-the-court”) briefs or even intervention from pro-democracy parties now or on appeal. The pro-democracy movement may also look to the cases that follow as illustrative examples of the right wing's aims, helping to inform public education and broader advocacy strategies. These vital efforts will help ensure we are using every tool at our disposal to shield our rights from the right-wing legal movement's offensive.

## ATTACK 1

# Eliminating Access to Reproductive Rights

Since the anti-abortion movement achieved its long-masterminded outcome in the U.S. Supreme Court, overturning the federal right to abortion in [Dobbs v. Jackson Women's Health Organization](#), the [same right-wing actors](#) continue to undermine access to reproductive healthcare in states. By spreading misinformation, targeting workers' rights, and seeking to regulate so-called crisis pregnancy centers and medication abortion, these efforts could further circumscribe, if not block altogether, access to essential healthcare for millions of people.

### SPREADING MISINFORMATION

[National Institute of Family and Life Advocates v. Jennings](#) (D. Del., 1:25-cv-00173)

So-called crisis pregnancy centers (CPCs) [are fake clinics](#) designed by anti-abortion activists to look like health clinics, but they utilize pressure tactics, shame, and misinformation to convince people to abstain from getting abortions and receiving other reproductive healthcare. They are often not staffed by licensed healthcare providers. Even after the Supreme Court's decision in favor of CPCs in [National Institute of Family and Life Advocates v. Becerra](#) on First Amendment grounds, states have continued to investigate and regulate CPCs across the country. ADF and other organizations have advanced litigation and [legislation](#) in many states to defend CPCs. In [National Institute of Family and Life Advocates v. Jennings](#), for example, ADF represents both a CPC in Delaware and the National Institute of Family and Life Advocates, a nonprofit network of clinics that [provides legal counsel](#) to CPCs and was also the plaintiff in [Becerra](#). The [Jennings](#) plaintiffs are challenging a [Delaware law](#) that requires CPCs to post a notice if they are not licensed medical facilities and do not have licensed medical providers on staff. The plaintiffs claim that the law constitutes "compelled speech" in violation of the First Amendment and infringes upon their religious rights, while in reality, the law serves to provide pregnant people with accurate information about an industry that seeks to mislead and confuse. In March 2025, the district court [ordered](#) Delaware not to enforce the law while the case proceeds. If ADF continues to have success protecting CPCs and shielding them from transparency, it would represent a critical blow to attempts to ensure that pregnant people receive accurate information and are not misled or lied to about their reproductive healthcare options.



A crisis pregnancy center advertises free services – often staffed by non-medical personnel and designed to steer patients away from abortion and other reproductive healthcare options.

## UNDERMINING EMPLOYMENT PROTECTIONS

### [\*Pregnancy Care Center of Rockford v. Bennett\*](#) (7th Cir., 26-1861)

ADF represents a CPC and the Catholic Diocese of Springfield, Illinois. The plaintiffs are challenging a 2024 [Illinois law](#) outlawing discrimination, including in employment and public education, related to reproductive health decisions, including contraception, fertility care, assisted reproductive technology, miscarriage care, pregnancy care, and abortion care. Under the law, employers cannot fire employees or refuse to hire applicants based on their reproductive health decisions. Plaintiffs and ADF argue they should have the right to discriminate against employees and job applicants by speaking against reproductive healthcare options they oppose, not accommodating employees' reproductive health needs, and firing employees for their reproductive healthcare choices, based on the plaintiffs' First Amendment expressive, speech, and religious rights, as well as their Fourteenth Amendment equal protection rights. The judge granted the defendant's motion to dismiss in March 2026, and plaintiffs appealed that decision in April 2026. If the plaintiffs' claims ultimately succeed, individuals may lose job opportunities based on their personal, private healthcare decisions, forcing them to choose between their livelihood and bodily autonomy.



## ATTACKING MEDICAL PROFESSIONALS

### [\*Rodriguez v. Coeytaux\*](#) (S.D. Tex., 3:25-cv-00225)

[Jonathan Mitchell](#), an anti-abortion lawyer and advocate, represents a man suing a California physician who allegedly mailed medication abortion pills that were taken by the man's former partner in Texas. This case was recently amended to become the [first suit](#) attempted under a 2025 Texas law that purports to [enable](#) anyone to sue someone who allegedly manufactures, provides, distributes, or mails abortion medication. The plaintiff is bringing a wrongful death claim, as well as a claim to stop the doctor from mailing abortion medication to people in Texas, and is seeking an injunction to block the doctor from countersuing the plaintiff. The state of Louisiana has [indicted](#) the same California doctor. The suit is also an [attempt](#) to revive the long-dormant [Comstock Act](#) – passed in the 1800s to outlaw the mailing of “vice.” The plaintiff has filed a motion for a preliminary injunction, which is pending. If Mitchell and other right-wing extremists succeed in this case and others, medical providers may be less willing to send medication abortion pills out of state, further limiting the ability of people to access reproductive healthcare.



## DEPRIVING PATIENTS OF MEDICATION

### [Louisiana v. Food and Drug Administration](#) (5th Cir., 26-30203)

ADF and the state of Louisiana are suing the U.S. Food and Drug Administration (FDA) on behalf of the state and an individual woman who took abortion medication. Plaintiffs and ADF are challenging the FDA's [2023 Risk Evaluation and Mitigation Strategy](#) (REMS) for mifepristone, which removed the drug's in-person dispensing requirement. The 2023 REMS eased the burden on patients by increasing mifepristone access and treatment flexibility by permitting telehealth providers and certified pharmacies to dispense mifepristone. The plaintiffs and ADF claim that the 2023 REMS violates both the Administrative Procedure Act and the Comstock Act, representing another attempt to revive the law. If plaintiffs' efforts succeed, the removal of the 2023 REMS would affect access to mifepristone nationwide. Like [Food and Drug Administration v. Alliance for Hippocratic Medicine](#) (now [Missouri v. Food and Drug Administration](#)) and [Florida v. Food and Drug Administration](#), this case is part of the right-wing legal movement's campaign to disregard the volumes of scientific evidence that mifepristone is safe and further limit the ability of people to obtain reliable and effective reproductive healthcare. In April 2026, the court stayed the case while the FDA reviews the mifepristone REMS and denied ADF and Louisiana's attempt to halt dispensing of the drug by mail or in pharmacies nationwide. Plaintiffs have appealed the stay. GenBioPro, the manufacturer of a leading generic mifepristone product, [intervened](#) on behalf of defendants with Democracy Forward and Arnold & Porter as counsel.

### — *Impact* —

People and families will suffer if their access to reproductive health care is jeopardized, they are shamed for their health care choices, misled by unlicensed "medical" centers, or denied care from doctors and pharmacists fearful of punishment for doing their jobs.

## ATTACK 2

# Misusing Freedom of Speech and Religion to Restrict Healthcare and Bodily Autonomy

The First Amendment includes protections for freedom of speech and the free exercise of religion, but right-wing groups have perverted those freedoms in recent years to undermine public health, wellbeing, and bodily autonomy. Often, these groups start by chipping away at the legal protections for [youth](#) before expanding their lines of attack to adults. In addition to gutting abortion access, the movement has also sought to weaponize the First Amendment to undermine critical vaccination policies, limit access to lifesaving gender-affirming healthcare, and promote harmful and unscientific [conversion “therapy.”](#)

Right-wing groups with close ties to the Trump-Vance administration are at the forefront of these legal challenges. For example, U.S. Secretary of Health and Human Services Robert F. Kennedy, Jr., a [vocal vaccine skeptic](#) and former chairman of the anti-vaccine activist group Children’s Health Defense, has moved to weaken vaccine safety measures, although a [recent court order](#) has temporarily blocked some of the worst changes. President Trump also [named](#) two ADF leaders to advisory boards of the Religious Liberty Commission and [appointed](#) the head of First Liberty, a Christian nationalist law firm, to serve on the Commission.

There are a number of recent right-wing cases misusing the First Amendment to limit access to services, undermine healthcare outcomes, and attack bodily autonomy, including:

### ATTACKING VACCINATIONS

#### [Children’s Health Defense v. McDonald](#) (E.D.N.Y., 2:25-cv-06877)

In 2019, New York state [repealed](#) the religious-beliefs exemption to its school vaccine law in an attempt to curb the worst measles outbreak in decades. Multiple lawsuits followed, challenging the lack of a religious exemption as a violation of the First Amendment’s Free Exercise Clause. In *McDonald*, Children’s Health Defense argues the Supreme Court’s recent decisions in [Mahmoud v. Taylor](#) (holding that parents’ religious rights were violated when they did not receive advance notice and the opportunity to opt their children out of LGBTQ+-inclusive material in public schools) and shadow-docket ruling in [Mirabelli v. Bonta](#) (a case brought by anti-LGBTQIA+ right-wing group Thomas More Society over requiring California teachers to disclose a student’s transgender identity to parents who claim a religious right to know) support their claims. The Second Circuit Court of Appeals is also weighing the impact of *Mahmoud* and *Mirabelli* in a similar challenge to the New York vaccine law brought by First Liberty and the law firm Lehotsky Keller Cohn ([Miller v. McDonald](#)). A court holding that the First Amendment requires religious exemptions from vaccination laws would weaken [herd immunity](#) and constrain the government’s ability to effectively respond to public health crises.

## ATTACKING GENDER-AFFIRMING HEALTHCARE

### [Scott v. Minnesota Board of Pharmacy](#) (D. Minn., 0:25-cv-03347)

Medically accepted [standards of gender-affirming healthcare](#) for transgender people can include the prescription of puberty blockers, hormone replacement therapy, and (exceedingly rarely for youth) gender-affirming surgery. When access to gender-affirming healthcare is restricted, transgender people face [higher rates](#) of depression, anxiety, and even suicidality. Yet right-wing groups have sought to undermine access to this essential healthcare through legislation, litigation, investigations, and more. Borrowing from the right-wing playbook to restrict reproductive rights, Upper Midwest Law Center, which also attacks voter and union protections as well as effective government regulation, represents two Minnesota pharmacists who claim they are religiously opposed to dispensing gender-affirming medication. After their employer informed them they were legally required to dispense prescriptions without discrimination, they refused to comply. One of the plaintiffs was fired, and the other had her hours reduced. They sued the employer and the state Board of Pharmacy, alleging that the employer's actions violated their religious rights under the First Amendment as well as federal employment law. The district court denied the employer's motion to dismiss several claims in December 2025, and settlement negotiations are ongoing. If courts recognize pharmacists' right to refuse to dispense medication they have religious objections to, it will be harder for everyone to access the prescriptions they need, with the burden falling disproportionately on transgender people and other vulnerable groups.



## PROMOTING “CONVERSION THERAPY”

[\*Catholic Charities of Jackson v. Whitmer\*](#) (6th Cir., 25-1105)

So-called “conversion therapy” is the [dangerous and discredited](#) practice of attempting to change a person’s sexual orientation or gender identity. Every major medical association [opposes](#) practicing “conversion therapy” on youth, and [27 states](#) have outlawed or restricted it. Yet right-wing groups have recently brought a number of First Amendment challenges to bans on youth “conversion therapy,” arguing that the bans violate therapists’ freedom of speech. Therapists and governments have fiercely debated what level of scrutiny courts should apply to those laws, with therapists arguing for “strict scrutiny” and governments arguing for the more deferential “rational-basis” review. In March 2026, the Supreme Court issued an alarming but narrow ruling in favor of an ADF-backed therapist in [Chiles v. Salazar](#), sending her case back down to the lower courts for application of strict scrutiny. The majority held that Colorado’s law banning youth “conversion therapy” warrants higher scrutiny because it discriminates on the basis of the therapist’s viewpoint, but the Court did *not* say that the practice is safe or effective or that states have no authority to ban harmful medical practices, including “conversion therapy.” ADF is also litigating a similar challenge in [Missouri](#), representing a Christian counselors challenging youth “conversion therapy” bans in Kansas City and Jackson County.

In *Catholic Charities of Jackson v. Whitmer*, the therapist plaintiffs are represented by the Becket Fund for Religious Liberty, another right-wing nonprofit law firm dedicated to breaking down the separation of church and state. In December 2025, the federal Sixth Circuit Court of Appeals (which encompasses Kentucky, Michigan, Ohio, and Tennessee) issued a [decision](#) in *Whitmer* applying strict scrutiny and further concluding that the therapists were likely to succeed on their claims that Michigan’s ban on youth “conversion therapy” violates their free-speech rights. The Institute for Justice and the right-wing organization Ethics & Public Policy Center filed amicus briefs in favor of this result, as did eleven red states. The dissenting judge criticized the majority opinion for “t[ying] states’ hands as to medically-repudiated practices,” potentially “subject[ing] wide swaths of medical regulations to strict scrutiny,” and deciding the case without waiting for the Supreme Court’s guidance in *Chiles*.



### — Impact —

All people suffer when the First Amendment is misused as a sword to impose one narrow worldview and harm those who disagree, rather than a shield that protects diverse beliefs.

## ATTACK 3

# Targeting Protections for Transgender Students

Since January 2025, the right-wing legal movement has rapidly accelerated its attacks on LGBTQIA+ individuals generally and transgender people specifically in states, localities, and at the federal level through a number of cases. Both in leading the way through its own legal efforts and in capitalizing on the federal and some state governments' efforts, the movement seeks to enshrine its [exclusionary](#) view of transgender children and adults through legal jurisprudence.

Right-wing organizations and leaders continue to [target](#) transgender and gender non-conforming youth, their families, and the policies and schools that protect them from harm in particular. A frequent tactic is to represent parents, educators, and school staff who object to school policies supporting



transgender students, such as policies prohibiting school officials from "[outing](#)" students to parents who may be unsupportive of, or even hostile to, reports that their child is transgender. Right-wing groups frequently argue that these policies violate parents' fundamental rights under the Fourteenth Amendment and their religious rights under the First Amendment (with many citing the Supreme Court's decision in *Mahmoud v. Taylor* regarding religious objections to LGBTQ+-inclusive classroom material). These claims undermine the ability of public schools to serve all students and disregard transgender children's own First Amendment right to self-expression, threatening students' health, wellbeing, dignity, privacy, and ability to learn in a safe and supportive environment.

Unfortunately, the Supreme Court has signaled early support for these kinds of parental rights arguments against transgender youth, even while [refusing](#) last year to

hear a parental-rights argument made in *support* of transgender youth. In March 2026, the Court released a shadow-docket decision in [Mirabelli v. Bonta](#), as noted above. The terse, unsigned decision in *Mirabelli* expanded on *Mahmoud* and concluded that the parents were likely to succeed on both their First and Fourteenth Amendment claims, but provided little analysis to help guide lower court decision-making in future cases. As the state of California recently pointed out in a [filing](#) seeking to clarify the impact of *Mirabelli*, a broad interpretation of this ruling could require educators to out students even "to parents who would engage in abuse." This case is yet another step in a concerning trend of the Supreme Court issuing opinions that infringe on the rights of and harm transgender people.

Other cases (outside of the Supreme Court) that could similarly endanger transgender youth include:

## ATTACKING POLICIES PROTECTING TRANS STUDENTS

### [\*Doe v. Weiser\*](#) (10th Cir., 25-1037)

In Colorado, two parents represented by Center for American Liberty, an anti-LGBTQIA+ legal nonprofit organization, are challenging the state's law allowing public school students to use the name and pronouns of their choosing without parental notification or consent. The parent plaintiffs allege that the law violates the Fourteenth Amendment's substantive due process protections for fundamental rights, including a parent's right to direct the upbringing of their children. A preliminary injunction was denied in January 2025. The parents appealed the denial, and oral argument on appeal was held in September 2025. Both parties have since filed multiple notices of supplemental authority, including discussing the import of *Mirabelli*. So far, no court or judge has agreed that the parent plaintiffs or any public school students face any imminent or ongoing harm. If the plaintiffs succeed, parents in the Tenth Circuit (which encompasses Colorado, as well as Kansas, New Mexico, Oklahoma, Utah, and Wyoming) could force school officials to deadname and misgender their child. Refusing to use a transgender person's chosen name and pronouns is a [harmful](#) and dangerous practice.

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## CHALLENGING GENDER-AFFIRMING PRACTICES

### [\*Heaps v. Delaware Valley Regional High School Board of Education\*](#) (D.N.J., 3:24-cv-00107)

A New Jersey parent sued his child's school district for using affirming pronouns for his child without his permission and for not changing to the use of the pronouns the parent requested. The parent also challenges the school district's policy that the district "shall accept a student's asserted gender identity; parental consent is not required" and that "[t]here is no affirmative duty for any school district staff member to notify a student's parent of the student's gender identity or expression" is unconstitutional. The parent alleges a violation of his statutory and constitutional parental rights under the Fourteenth Amendment. In November 2024, the New Jersey district court ruled that the parent was unlikely to succeed on those claims, citing a lack of "historical or legal precedent or authority" applying the Fourteenth Amendment to these circumstances. ADF represented the parent on appeal to the Third Circuit and was supported by amicus briefs from other right-wing organizations including the Manhattan Institute and Family Policy Alliance. The parent voluntarily dismissed that appeal in January 2026, and the case is now proceeding in the district court in the wake of *Mirabelli*.

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## PROTECTING HARMFUL AND EXCLUSIVE PRACTICES

### [\*Theis v. Intermountain Education Service District Board of Directors\*](#) (9th Cir., 25-5641 and 25-8039)

ADF is also representing an Oregon school social worker who is suing his former employer. The school district directed the social worker to remove books from his office titled *He is He, She is She*, and *Johnny the Walrus* which, according to the plaintiff, promoted a "binary gender view" that he supported. The district's directive to the plaintiff described the books' display as biased and hostile, in violation of its policy against discrimination and harassment. The social worker alleges that the directive and the threat of future disciplinary action for similar behavior was a violation of his First Amendment rights.

Notably, ADF and many other right-wing groups [argued](#) that the First Amendment *supported* the censorship of LGBTQIA+-inclusive books in [Mahmoud v. Taylor](#). In August 2025, the district court determined that the school district could constitutionally limit his book displays during testing sessions and interactions with students, but not when students were not present. ADF and the social worker appealed the partial injunction and the case is currently before the Ninth Circuit. Multiple right-wing organizations have filed amicus briefs supporting the social worker, including Defending Education and Advancing American Freedom, a far-right nonprofit and political advocacy organization founded in 2021 by former Vice President Mike Pence. If the plaintiff's claims succeed, this could embolden educators and support staff to utilize books, lessons, and tools that further exclude marginalized students.



*"All Boys Aren't Blue," a memoir by George M. Johnson, is among the LGBTQIA+-inclusive books at the center of right-wing legal battles over what students can access in schools.*

## **WEAPONIZING NONDISCRIMINATION LAWS AGAINST TRANS ATHLETES**

### **[Batie-Smoose v. The Board of Trustees of the California State University](#) (N.D. Cal. 3:26-cv-01876)**

The Child & Parental Rights Campaign, a legal nonprofit dedicated to anti-trans activism, represents former San Jose State University (SJSU) volleyball coach Melissa Batie-Smoose in a lawsuit against the Board of Trustees of the California State University system. Batie-Smoose alleged that the university wrongfully suspended and then terminated her employment after she filed a Title IX complaint with the university alleging discrimination based on sex because there was a transgender woman on the women's volleyball team. SJSU responded by emphasizing that even if Batie-Smoose was dismissed based on her complaint, that is not sex discrimination because she was not treated differently because of *her* sex. If the plaintiff's claims succeed, it could distort sex-discrimination law beyond recognition by allowing for the possibility of transphobic grievances being prioritized over genuine discrimination and harassment. The Trump-Vance administration is aggressively [advancing](#) a similar anti-trans interpretation of Title IX against SJSU as well as other [institutions](#) and [states](#), reversing the federal government's [former position](#) that the law bars discrimination on the basis of sexual orientation and gender identity. In March 2026, SJSU affirmatively [sued](#) the administration over its threat to revoke SJSU's federal funding over alleged noncompliance with Title IX for allowing the same trans student to play on their girls' volleyball team from 2022-2024. The university says it was complying with Title IX and the Equal Protection Clause under binding legal precedent and following the National Collegiate Athletic Association's and other athletic associations' rules at the time.

### **— Impact —**

These actions by far-right legal organizations are part of a broader campaign to erase transgender identities and impose oppressive, authoritarian gender norms that deny all people the freedom to live their lives authentically.

## ATTACK 4

# Gutting Government Protections for Workers and Consumers



*OSHA officers — the kind of oversight right-wing legal groups are now seeking to eliminate through federal litigation.*

The cases highlighted so far make clear that the right-wing legal movement wants to limit the rights of individuals to make personal choices in how they live their lives. But make no mistake: their ultimate goal is to dismantle the programs and policies, built over decades, that enabled dynamism and economic prosperity while also protecting and empowering people and communities. In other words, they take aim at the very concept of a government For the People.

Even with President Trump contributing to the anti-consumer, anti-worker cause, the right-wing legal movement has not stopped its own push to hamstring a government that serves everyone. They are capitalizing on recent Supreme Court decisions like [Securities and Exchange Commission v. Jarkesy](#) and [Loper Bright Enterprises v. Raimondo](#) to undermine the enforcement of laws that keep workplaces safe, hold consumer products to high standards, and protect people from retaliation. Under the Trump-Vance administration, federal agencies have sharply curtailed making and enforcing commonsense rules that protect the public. Still, right-wing groups want to press further, filing lawsuits to dismantle existing regulations, sometimes going so far as to argue that entire agencies or programs are unconstitutional. The following cases illustrate ongoing efforts since the beginning of 2025 to undermine the capacity of government to function effectively and in the public interest:

## MAKING WORKPLACES LESS SAFE

### [Texas International Produce Association v. Occupational Safety and Health Administration](#) (N.D. Tex., 2:25-cv-00261)

Congress created, and President Richard Nixon signed into law, the [Occupational Safety and Health Administration](#) (OSHA) in 1971 to address growing workplace safety concerns. Since then, OSHA has limited workers' exposure to [lead](#), [asbestos](#), and other carcinogens; guaranteed access for all workers to [safety equipment](#) needed to carry out jobs; and for the right to [report safety violations without fear of being retaliated against](#). Despite OSHA's effectiveness, right-wing legal groups continue to litigate to try to undermine workplace safety protections. Southeastern Legal Foundation and Texas Public Policy Foundation, two right-wing legal groups, recently filed a [lawsuit](#) representing two Texas associations that seek to strip OSHA of its ability to require minimum workplace standards—including commonsense preventative measures like “prepar[ing] detailed exit plans” for office emergencies, keeping first aid kits accessible, and conducting trainings on how to properly use tractors to minimize injury. If OSHA falls to right-wing efforts, Congress would have to pass an entirely new law on workplace safety – leaving job sites across the country vulnerable and less safe unless and until Congress acts. The lawsuit hinges on the legal doctrine of nondelegation, which says there is a limit to how much power Congress can hand over to an agency without giving away its “core” legislative power. This argument, however, has been universally unsuccessful since 1935 (and the Supreme Court [rejected](#) a very similar, high-stakes nondelegation challenge less than a year ago). OSHA is defending its authority and filed its first brief in March 2026.

## WEAKENING CONSUMER PROTECTION

### [Heroes Technology v. Consumer Product Safety Commission](#) (D.C. Cir., 25-1003)

At the same time that Congress wanted to protect workplaces, it also wanted to protect consumers from dangerous products. Out of this effort came the Consumer Product Safety Act of 1972 and the [Consumer Product Safety Commission](#) (CPSC), which is designed to “[protect the public against unreasonable risks of injuries and deaths](#) associated with consumer products.” CPSC, for example, works to [recall products](#) that end up posing choking risks to infants, containing excessive lead levels or unsafe batteries, or risking fires. In 2024, the CPSC issued [a safety standard](#) for infant support cushions to avoid infant deaths from suffocation, entrapment, and falls. That standard followed the [deaths](#) of 79 infants, and 124 injuries, in the 12 years prior to the standard's adoption. And yet, the right-wing legal organization New Civil Liberties Alliance is currently representing an infant products company [challenging](#) the rule, arguing that CPSC acted unlawfully because infant support cushions should not be considered “durable” products (which require a different process before a standard can be set). This lawsuit continues a “death by a thousand cuts” approach to slashing some of the government's most important responsibilities to the benefit of business: removing authority bit by bit from agencies like the commission, and leaving consumers at greater risk with every successful strike. The government defended the rule before the court in November 2025, and a decision could come at any moment.



UNITED STATES OF AMERICA  
CONSUMER PRODUCT  
SAFETY COMMISSION

## ATTACKING WORKERS' RIGHTS

### [MOSenecaManufacturer v. Federal Mine Safety and Health Review Commission](#) (8th Cir., 25-1349)

After passing safeguards for the workplace and for dangerous consumer products, Congress passed the Federal Mine Safety and Health Act of 1977, expanding protections for the mining industry's "[most precious resource—the miner](#)." This law established the [Mine Safety and Health Administration](#) (MSHA), which ensures mines are operated and maintained to health and safety standards meant to prevent death, physical harm, and debilitating illnesses like [black lung disease](#). MSHA also explicitly protects miners from retaliation for reporting safety violations. In parallel, Congress created the independent [Federal Mine Safety and Health Review Commission](#) to [resolve](#) any disputes over MSHA orders. Despite how MSHA has [made mines safer](#), the right-wing legal movement wants to put an end to the commission's authority to protect miners. Pacific Legal Foundation (PLF) currently represents the operator of a Missouri silica mine that is accused of breaking the law by instructing miners not to speak with inspectors, and firing an employee for exercising their right to assist with a federal inspection. Rather than defend its actions, the mine is [challenging the entire structure](#) of the commission as unconstitutional, even though the commission that Congress established has been operating successfully and constitutionally for nearly 50 years. The mine operator and PLF [argue](#) that the commissioners and administrative law judges are too protected from executive control, that the mine must be given a jury trial, and that violations of the Mine Act must be litigated in court, instead of within the commission. A win for the mine operator and PLF would gut protections for a group that gave up not only their health but, at times, their lives in service of their employing mines. The commission is defending its authority here. The Eighth Circuit heard argument in the case in January 2026, and a decision on whether the mine operator will evade accountability is pending.



### — *Impact* —

Workers will be at increased risk of injuries and death, consumers will unknowingly buy everyday products that do not meet quality and safety standards, and everyone will suffer under a government that cannot effectively protect people from unsafe business interests.

# CONCLUSION

In the past year, the right-wing legal movement has continued to push the boundaries of the law in harmful directions, acting as a force multiplier alongside the Trump-Vance administration. Its playbook is to advance coordinated legal attacks across numerous venues nationwide, targeting historically marginalized and vulnerable groups, including transgender youth, immigrants, workers, and people seeking access to healthcare, as well as the institutions that could protect them, including schools, hospitals, and government agencies.

The ultimate aim of the right-wing legal movement is to concentrate power in the hands of a privileged few people and corporations. But this dynamic doesn't account for the fact that the pro-democracy legal movement has access to the same courts and other venues for change as the right-wing legal movement. Lawyers and other advocates are already involved in some of the cases outlined in this report, representing defendants, intervenors, and amici to defend laws and policies protecting fundamental rights. Advocates are also calling on state governments to do more to support people and institutions under attack.

Democracy Forward and our pro-democracy partners will continue to track and respond. The right-wing legal movement in America is powerful and well resourced, but it is no match for the united front of people who believe in liberty and justice for all.

This report was developed using data from Democracy Forward's Legal Action Warning (LAW) Project. Case information is current as of April 27, 2026. The LAW Project monitors the development of legal doctrines across key, rapidly evolving areas of law—civil rights; education equity, discrimination against LGBTQIA+ people; diversity, equity, and inclusion; federal funding; and the scope of injunctive relief. It also includes a new Right-Wing Organization Tracker that allows users to see which right-wing organizations are most active on specific policy issues, as well as the particular tactics they use.

The LAW Project helps people see the full picture, giving them the tools to fight back against attempts to use courts to attack democratic rights and undermine democratic institutions. To learn more about the LAW Project, visit [data.democracyforward.org](https://data.democracyforward.org), and to request access, visit [data.democracyforward.org/access/](https://data.democracyforward.org/access/).