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Supreme Court lets Trump fire hundreds of Education Department workers and dismantle the agency

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WASHINGTON – An ideologically divided [Supreme Court](#) on July 14 allowed the Trump administration to fire hundreds of workers from the Education Department and continue other efforts to dismantle the agency.

The court's three liberal justices opposed the order, the latest win for President Donald Trump at the high court.

Justice Sonia Sotomayor said the majority handed Trump the power to repeal laws passed by Congress “by firing all those necessary to carry them out.”

“The majority is either willfully blind to the implications of its ruling or naïve,” Sotomayor wrote in her 19-page dissent, “but either way the threat to our Constitution’s separation of powers is great.”

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The majority did not explain its decision in the brief, unsigned order.

The decision came a week after the court [allowed](#) the administration to move forward with large-scale staffing cuts at multiple agencies.

Trump is trying to fulfill his campaign promise to end the Education Department and move school policy to the states.

"Today, the Supreme Court again confirmed the obvious: the President of the United States, as the head of the Executive Branch, has the ultimate authority to make decisions about staffing levels, administrative organization, and day-to-day operations of federal agencies," Education Secretary Linda McMahon said in a statement.

She said the administration will continue to perform education-related functions required by law while "empowering families and teachers by reducing education bureaucracy."

The Education Department workers were placed on administrative leave in March and were to stop receiving salaries on June 9 before a judge intervened at the request of Democratic-led states, school districts and teachers' unions. The government has been spending more than \$7 million a month to continue paying the employees who remain unable to work, according to the American Federation of Government Employees.

U.S. District Judge Myong Joun in Massachusetts said the White House's decision to fire more than 1,300 workers has prevented the federal government from effectively implementing legally required programs and services. Such changes can't be made without the approval of Congress, which created the department in 1979, Joun ruled in May.

The Boston-based 1st U.S. Circuit Court of Appeals backed that decision. The court said the administration provided no evidence to counter Joun's "record-based findings about the disabling impact" of the mass firings and the transfer of some functions to other agencies.

The Justice Department said the Constitution gives the executive branch, not the courts, the authority to decide how many employees are needed.

"The Department of Education has determined that it can carry out its statutorily mandated functions with a pared-down staff and that many discretionary functions are better left to the States," Solicitor General John Sauer told the Supreme Court.

An executive order Trump signed in March directed McMahon to "facilitate the closure of the Department of Education."

Republicans have long accused the federal government of holding too much power over local and state education policy, even though the federal government has no control over school curriculum.

McMahon announced roughly half the agency's workforce **would be eliminated** through a combination of mass layoffs and voluntary buyouts. That would have reduced the staff from 4,133 workers when Trump began his second term in January to 2,183 workers.

The administration also wants the Small Business Administration to take over student loans and move special education services to the U.S. Department of Health and Human Services.

Joun's May 22 order blocked the administration from transferring those functions and required the department to reinstate fired workers.

The appeals court said Trump doesn't have to employ as many Education Department workers as the previous administration but can't cut so many that the agency can't function as Congress intended.

States challenging the moves said the administration removed nearly all the workers who certify whether colleges and universities qualify for federal student aid programs. And it gutted the department in charge of the data used to allocate billions of dollars to states, lawyers for New York and other states told the Supreme Court.

Unless the firings are reversed while the courts are deciding if the administration is acting legally, "it will be effectively impossible to undo much of the damage caused," lawyers for the Democracy Forward Foundation had told the Supreme Court.

After the court's decision, Skye Peryman, president and CEO of Democracy Forward, said the group will "aggressively pursue every legal option as this case proceeds to ensure that all children in this country have access to the public education they deserve."

The Justice Department had told the Supreme Court that the harms to the government from having to rehire the workers as the litigation continues are greater than any harms the challengers said they'll suffer from diminished department services. The department also opposed the challenge on procedural grounds.