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The Most Ridiculous, Right-Wing Supreme Court That Dark Money Could Buy

The high court's conservative supermajority is in your body, helping elect Trump, and in-your-face corrupt. No one is going to stop them

BY ANDREW PEREZ

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Supreme Court justices pose for their official photo in Washington, D.C., on Oct. 7, 2022. OLIVIER DOULIERY/AFP/GETTY IMAGES

OVER THE PAST two decades, the Supreme Court has been captured by dark-money interests, and justices are reshaping our laws and society according to their reactionary, far-right vision. It's a problem that would only be compounded with a second Donald Trump administration pursuing an extreme, right-wing policy agenda.

Trump's judicial adviser, Leonard Leo, who helped select three Supreme Court justices, can take pride in his work. His network, which recently received a historic \$1.6 billion

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infusion, spent millions to confirm those justices, and works to influence both the justices' caseload and their decisions. Leo recently marveled at his work — and the opportunity at hand.

“We have a great Overton window in the next couple of decades to really try to create a free society,” Leo said about the Supreme Court. “And I think we should take full advantage of it.”

Yes, the deck is stacked. Right-wing extremists can impose their ideological and religious views on the rest of us — at will. The justices have their lifetime appointments, and a lucrative reward system: Benefactors provide them with private jet rides and superyacht trips, buy their homes, supply them with teaching side hustles, and occasionally even steer consulting payments to their spouses. The notion of accountability is a foreign one; the justices can fly flags at their homes associated with efforts to overturn the 2020 election and Christian nationalism. Their spouses can try to overturn elections. Americans are losing faith in the Supreme Court, but it doesn't matter. The justices have hard power — no one is going to stop them.

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The conservative Supreme Court supermajority has already ended federal protections for abortion rights in the *Dobbs* case, invalidated many gun regulations, and limited federal regulators' power to curb carbon emissions and protect our drinking water. It has found that businesses can deny services to LGBTQ+ customers (based on fake grounds), pushed prayer into public schools, demanded states subsidize private religious schools, ended college affirmative action policies, and blocked President Joe Biden's student loan forgiveness plan.

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This term, justices chose to hear cases pushing the following conservative goals: limiting access to the abortion pill mifepristone; allowing states to bar hospitals from providing emergency abortion care; allowing domestic abusers to have guns; preemptively blocking Congress from instituting a wealth tax; limiting challenges to racial gerrymanders designed to disenfranchise African Americans; overturning a bedrock administrative law doctrine that says judges should defer to the executive branch's interpretations of laws passed by Congress, putting environmental, labor, and employment rules at risk; and opening up long-standing federal regulations to new challenges.

“What we’re seeing with this term of the Roberts Court is they are hand-picking these cases to advance the program that they’ve been implementing for years now, which really reached a pitched moment in the *Dobbs* case, but which continues — they’re not done rewriting our rights and limiting our rights,” says Lisa Graves, executive director of the progressive watchdog group True North Research.

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Hammering home how corrupt an institution it is, the Supreme Court agreed to hear a case seeking to legalize gratuities for politicians. The case involves an Indiana mayor who steered two government contracts to a garbage truck company, which then paid him \$13,000. At oral arguments, justices debated whether the \$13,000 thank-you payment is too similar to taking a teacher to the Cheesecake Factory to constitute bribery. The high court has consistently narrowed the definition of corruption in recent years, but this case, coming amid the court's unprecedented ethics controversies, is brazen.

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And then there's the court's shameless advocacy for Donald Trump, who assembled this monstrosity. In the first case, the Supreme Court ruled that states cannot keep Trump off their ballots under the 14th Amendment, which prohibits insurrectionists from serving in office. The court's decision to hear the second Trump case — over his facially ridiculous, dangerous claim to having expansive immunity in perpetuity for acts he committed as president — delayed his federal criminal trial for attempting to overturn the 2020 election results and had his team “literally popping champagne,” as a lawyer close to Donald Trump told *Rolling Stone* at the time.

In the wake of Trump's New York hush-money trial, conservative lawmakers are now calling on the Supreme Court to overturn his criminal conviction. Although the case would first need to go through New York appellate courts, House Speaker Mike Johnson (R-La.) argued “the Supreme Court should step in.” Trump similarly wrote on Truth Social, “The United States Supreme Court MUST DECIDE!”

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Republicans know the prospect of a second Trump term is too good for the Supreme Court to pass up. Imagine what the justices could accomplish in partnership with Trump and his MAGA devotees, who are obsessed with rolling back reproductive rights, civil rights, and environmental regulations — and, above all, punishing their enemies.

The potential for destruction would be immense. The justices and their dark-money allies are ready to seize their opportunity and take full advantage of it.

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