

Twitter Thread by Sheldon Whitehouse



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Right-wing extremists want to give state legislatures power to overturn federal elections — and finish what they started after the 2020 election. How? Here's their scheme.

First, years of gerrymandering and dark money have built obedient Republican state legislatures — just look what red states did to abortion rights.

Next they turn to The Court That Dark Money Built. Years of packing extremists onto the Court and political pressure have brought an obedient Court supermajority to power.

Then they send in dark-money front groups like the Honest Elections Project, which has filed an amicus brief in the Supreme Court that lays out the plan. Who is this group?

Honest Elections Project calls itself a “nonpartisan organization devoted to supporting the right of every lawful voter to participate in free and honest elections.” Wrong. This group promotes voter suppression under the guise of “election integrity.”

Now look at the “independent state legislature” theory that this group is pushing, which says that the Constitution forbids state courts to block any law state legislatures pass about federal elections – even if the laws violate the state constitution.

Rings a bell? It's the theory pushed by Trumpster John Eastman to overturn the 2020 election (he also filed an amicus brief in this case). If the GOP justices go along, it would unwind our democracy as we know it.

Under this theory, radical, gerrymandered state legislatures could try to impose almost any voting restrictions. It could end independent commissions that prevent gerrymandering and other laws that protect voting rights.

And extremists like Eastman hope that it would even let them pick election winners, overriding the state's popular vote.

The fringe doctrine they're pushing first cropped up in — of all places — Bush v. Gore (three FedSoc Justices were involved in Bush v Gore, btw), but SCOTUS never adopted it. Yet three R justices (Thomas, Alito, Gorsuch) have endorsed it.

The extremists think they won't need to sack the Capitol next time. Just (illegally) fix the vote in Republican state legislatures and run it up to the captured Supreme Court for a rubber stamp. Bingo — Bush v. Gore 2.0.

This is what the Scheme to capture SCOTUS was for: creating a captured Court amenable to extreme ideologies that serve Republican big donor interests.

Who was behind this Scheme? The same guy behind the Honest Elections Project: Leonard Leo, who from his Federalist Society perch stocked the Court with Roberts, Alito, and three Trump justices.

And Leo's Honest Elections Project isn't even a real group. It's a legal "fictitious name" of another group that also operates under other "fictitious names," including the Judicial Crisis Network.

The Judicial Crisis Network took in checks as big as \$17 million to run TV political ads for Gorsuch, Kavanaugh, and Barrett. The whole Court Capture Scheme looks to have cost more than \$580 million — the big donors weren't messing around.

The Federalist Society became their dark-money turnstile, grooming and selecting loyal judges. How do we know? Trump plus his White House Counsel plus FedSoc founder plus a Republican Senate Judiciary chair all bragged about it. Not subtle.

Recap: the Justices put on the Court via Leo's FedSoc are getting marching orders from Leo's Honest Elections Project, which under a different "fictitious name" also funded the TV ads to confirm the Justices. Not normal.

To cap it all off: Leo also just got a \$1.6B political slush fund from a far-right billionaire to influence our politics using right-wing dark money schemes. It worked for Court capture; what's next?