

One Wisconsin Now: Dan Kelly's time on State High Court answers the question — yes, he's an extremist Dan Kelly's decisions expose him as right-wing judicial activist

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MEDIA CONTACT

Mike Browne, Deputy Director
mike@OneWisconsinNow.org
(608) 444-3483

MADISON, Wis. — Three years ago Dan Kelly joined the Wisconsin State Supreme Court after being appointed by then Gov. Scott Walker. At the press conference announcing his selection, Kelly refused to answer questions about his extremism raised by his writings on affirmative action and same-sex marriage. While he may have refused to answer questions three years ago, One Wisconsin Now Research Director Joanna Beilman-Dulin noted his record on the court has answered them — yes, Dan Kelly is a judicial extremist.

“When he was appointed by Scott Walker to the state Supreme Court in 2016, Dan Kelly dodged questions about his extremist background,” said Beilman-Dulin. “But his tenure on the court has definitively answered them — yes, Dan Kelly is a judicial extremist.”

At the time of his appointment, Kelly dodged questions about his writings in which he equated affirmative action with slavery and he praised as the best opinion of the last thirty years a homophobic rant from deceased U.S. Supreme Court Justice

Antonin Scalia he attempted to pass off as a dissent in a 2015 case establishing marriage equality.

Beilman-Dulin pointed to opinions which Kelly authored or joined and his positions on court rules as examples of his extremism in action including:

Authoring the opinion requiring the City of Madison let people carry hidden weapons on city buses (Wisconsin Carry, Inc. v. City of Madison);

Refusing to require a pipeline company with a poor record of safety to carry additional insurance to protect citizens and clean water (Enbridge Energy Company, Inc. v. Dane County);

Allowing a right-wing college professor who harassed a student to get his job back even though his private employer suspended him over the incident and other alleged inappropriate behavior (John McAdams v. Marquette University);

Refusing to enforce the state open records law and allowing former right-wing Milwaukee County Sheriff David Clarke to keep immigration detainment records secret (Voces de la Frontera, Inc. v. David A. Clarke, Jr.);

Opposing reforming court rules to set standards requiring judges with conflicts of interest to recuse from cases and voting to close court conferences to the public and media.

Most recently, Kelly joined in throwing out the doctrine of stare decisis in a case where he also seems to have thrown out the appearance of impartiality, taking thousands of dollars in campaign contributions from board members of an organization while it was arguing the case before him and immediately after he joined in ruling in their favor.