

Nicole Safar and Matt Rothschild: The American Judiciary Faces A Legitimacy Crisis

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Our legal system faces a serious legitimacy crisis.

In recent weeks, ethics scandals have engulfed the US Supreme Court. While Justice Clarence Thomas's [relationship with a billionaire GOP megadonor](#) has faced the most scrutiny, Justice Neil Gorsuch and Chief Justice John Roberts have also been criticized for [bucking disclosure requirements](#) and [rejecting congressional oversight efforts](#). Now, Justice Alito is under [intense scrutiny](#) after reports emerged that he failed to disclose a trip with a major contributor who had business before the court.

As a result, faith in the American judiciary is at an [all-time low](#).

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Wisconsin isn't immune from this trend. Recent Supreme Court candidate Dan Kelly faced backlash for taking \$120,000 from the Republican National Committee and the Republican Party of Wisconsin in the two years prior to his failed campaign. During that time, he offered advice on the [fake elector scheme](#) in the 2020 election. It's no surprise that he opposed stricter [ethics rules](#) for the Wisconsin judiciary.

By electing Judge Janet Protasiewicz in April, Wisconsin voters offered a stark rebuke of the right-wing legal movement and its insidious ethics. We're turning a corner, but our work is only beginning.

The federal courts' decisive shift towards extremism – and its tailspin into ethical

malfeasance – was the result of a decades-long, well-funded strategy masterminded by one man: Leonard Leo.

As a leader of the Federalist Society, Leo has worked behind the scenes to support nearly every Republican judicial nominee in the past twenty years – including the three Supreme Court Justices confirmed under Donald Trump. In 2021, it was reported that he secured a \$1.6 billion windfall from a right-wing scion in Chicago. And now, he finds himself at the center of the corruption allegations plaguing the American judiciary.

The Washington Post recently [revealed](#) that Leo funneled tens of thousands of dollars to Justice Thomas’s wife, Ginni Thomas, with the explicit instruction to make “no mention of Ginni.” In 2017, Leo arranged a [financial windfall](#) for Trump senior advisor Kellyanne Conway, who was, “playing a key role in advocating for Leo’s handpicked list of Supreme Court candidates.”

Leo’s work as the puppeteer of the right-wing Court takeover of the U.S. Supreme Court paid off last year in the Supreme Court’s *Dobbs* decision, which put the right-wing legal movement’s extremism on full display. Here in Wisconsin, it resulted in the reemergence of an 1849 law that bans all abortions.

Even as he orchestrated the rollback of reproductive freedom, Leo has found time to go after our democratic system more broadly. He launched his voter suppression and ‘election integrity’ group, [Honest Elections Project](#), in 2020, and it propagates disinformation campaigns to undermine our elections. It has intervened in court cases in almost every swing state. Here in Wisconsin, for instance, it opposed provisions to make [absentee ballots](#), [vote by mail](#), and [ballot drop boxes](#) more accessible during a global pandemic.

Leo and his extremist cronies have a frightening vision for our country, and we cannot let them win the day. Together, the many can overcome the money.

We must continue to push back against their election subversion and right-wing power grabs, restore legitimacy to the judicial system, and stand up for our most basic democratic freedoms.

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