

To: Interested Parties

From: Caroline Ciccone, President of Accountable.US

RE: Judicial Power Grabs, Judge Shopping, and Project 2025: How This Supreme Court Term Reveals Threats to American Democracy

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The Supreme Court's conservative majority issued numerous decisions in its 2023-2024 term that will fundamentally reshape American society for the worse. With growing ethics issues plaguing the Court, an extreme conservative supermajority unafraid to use its role for political means, a conservative legal movement intent on brazenly manipulating the judiciary at all levels to achieve favorable rulings, and multiple cases considering the former president's potential abuses of power, the common thread throughout most of this year's decisions is undermining democracy by gutting checks and balances and giving powerful special interests more control over Americans' lives.

From judicial power grabs to judge shopping to Project 2025, this Supreme Court term has exposed ongoing threats to American democracy:

1. Multiple of the Supreme Court conservative majority's key rulings paved the way for Project 2025's agenda, the far-right MAGA blueprint for a potential future administration.
2. The Court's extreme conservative majority is carrying out brazenly political acts.
3. The Supreme Court continues to be plagued by a full-blown corruption crisis, orchestrated by right-wing players like Leonard Leo.
4. The conservative legal movement has ramped up its use of judge shopping, manipulating the judiciary to undermine democracy and forcing fringe legal theories up to the Supreme Court.

Here are the threats to our democracy revealed by this Supreme Court term:

- 1. Multiple of the Supreme Court conservative majority's key rulings paved the way for Project 2025's agenda, the far-right MAGA blueprint for a potential future administration.**

The Heritage Foundation's [Project 2025](#) is a MAGA blueprint threatening to undermine American democracy by gutting checks and balances, consolidating power within the executive branch, and more. In the final week of its term, the Supreme Court delivered multiple power grab rulings which took a page out of the Project 2025 playbook by upending precedent and granting extraordinary new power to the president and activist judges.

- In overturning the long-standing **Chevron deference doctrine**, the Supreme Court's conservative majority granted activist judges even more authority to rewrite rules in favor of corporations and special interests, disrupting the separation of powers while abandoning decades of precedent. The decision was the latest in a series of power grabs from an extreme Supreme Court conservative majority intent on giving corporations and special interests more control over Americans' lives.
- The Court's ruling in **Corner Post** extended the time frame for challenging federal regulations, further empowering special interests and activist judges.
- In its final decision of the term, the Supreme Court's conservative majority found criminal immunity from "official acts" in **Trump v. US**, effectively empowering the president to act without impunity, an expansion of presidential powers that threatens democracy.

These rulings will severely impact everyday Americans' lives by stripping necessary authority from the federal government, making it harder to serve people. Agencies will have more difficulty implementing climate solutions, addressing public health needs, ensuring workplace safety, and more. Industry is already moving to strike down safeguards that don't favor them, but protect millions of ordinary folks. The impacts of these decisions will reverberate for years to come.

These decisions also embolden extremists threatening to enact an authoritarian agenda. Project 2025 has already promised to take advantage of a weakened administrative state and presidential immunity to gut checks and balances, establish an authoritarian executive, and consolidate power with the president to implement a deeply unpopular right-wing agenda. With these judicial power grab rulings, the Supreme Court's extreme conservative majority greenlit Project 2025's goals, chipping away at precedent to make a potential future authoritarian takeover by Project 2025 extremists even easier.

2. The Court's extreme conservative majority is carrying out brazenly political acts.

In the eleventh hour, the Supreme Court's conservative majority ruled that former president Donald Trump is criminally immune for "official acts," punting the specifics of the case back down to the lower courts. **In doing so, the high court reimagined the role of the American president as a king immune from any consequence if they commit crimes.** With both its extreme ruling in favor of Trump and its continued delay in the case, the conservative majority clearly put its thumb on the scale for its preferred candidate, revealing that **it is more concerned with playing politics than upholding the core American value that no one is above the law.**

The ruling comes on the heels of others like the Chevron deference cases and *Corner Post* which gut checks and balances and concentrate more power within the executive branch — choices made by a conservative majority that has replaced jurisprudence with politics.

The implications of a politicized Court majority are dire. Americans must be able to trust the highest court in the land to operate as a nonpolitical judicial body tasked with considering the most complicated and most consequential legal questions. The majority's political acts not only undercut the legitimacy and credibility of the institution, but also give us a glimpse of future terms where the Court could overstep its power, rubber stamping fringe legal theories and disrupting decades of precedent to force a far-right agenda on ordinary people in service of wealthy Americans, corporations, and special interests.

3. **The Supreme Court continues to be plagued by a full-blown corruption crisis, orchestrated by right-wing players like Leonard Leo.**

The Supreme Court is caught in a corruption crisis of its own making, facilitated by right-wing influence-peddlers like Leonard Leo. From luxury travel to lavish perks, conservative justices on the high court have used their positions of power to personally benefit. They've also refused to recuse themselves from cases in which they have clear conflicts, instead delivering rulings from which their billionaire buddies stand to benefit:

- ***Trump v. US*:** The same Justices caught accepting lavish perks from their wealthy benefactors without facing consequences appear to want to keep Trump from facing the consequences of his involvement in the January 6th attack. Conflicted Justices are seemingly working to serve the interests of the billionaire benefactors who serve them — and throwing everyday Americans under the bus.
- ***Chevron deference cases*:** Conflicted justices sided with their wealthy pals in this power grab case which overturned decades of precedent and stripped power from agency experts, harming the federal government's ability to serve everyday Americans. [Justice Neil Gorsuch](#) has maintained a cozy, decades-long relationship with billionaire oil baron Philip Anschutz. [Justice Clarence Thomas](#) did not disclose his participation in private political fundraising retreats sponsored by the Kochs, which served as a fundraising draw for the expansive network that has brought countless cases directly before the Supreme Court, including these Chevron challenges.
- ***Moore v. US*:** In the midst of an ongoing corruption crisis, the Supreme Court heard the “billionaire bailout” case, which threatened to deliver a major victory to multinational corporations and billionaires hoping to avoid paying their fair share in taxes. Justice Thomas — who keeps a decades-long cozy relationship with billionaire benefactor Harlan Crow — strongly dissented. The case itself was forced up to the high court by a right-wing [advocacy group](#) tied up with these same billionaires and special interests.

Thanks to this ongoing corruption crisis, public trust in the Supreme Court [remains at all-time lows](#). [Solutions](#) have been introduced, but conservatives in Congress have refused to support common sense ethics measures. **Urgent reform — from an enforceable ethics code to [legislative action](#) — is needed to restore integrity and credibility to the Court.**

4. The conservative legal movement has ramped up its use of judge shopping, manipulating the judiciary to undermine democracy and forcing fringe legal theories up to the Supreme Court.

Conservative legal groups have made judge shopping a go-to tactic, cherry-picking judges that will rubber-stamp their right-wing causes. They've gone even further to target single-judge districts, zeroing in on specific extremist judges they believe are most likely to greenlight their fringe legal theories. **One thing is clear: Judge-shopping is a purely political strategy that conservatives use to manipulate the judicial system for political gain.** It undermines the credibility of our judiciary — and ultimately our democracy — by subjecting everyday Americans to judicial decisions that have been contrived to deliver a favorable outcome.

AHM v. FDA, the challenge to the widely-used abortion pill mifepristone, is a prime example of a judge-shopped case that never should have made it to the high court. This case laid bare the strategy of manipulation the far-right legal infrastructure has been successfully deploying in collusion with their ideological allies in Northern Texas, at the Supreme Court, and elsewhere in the judiciary. The Supreme Court's unanimous decision was a clear rejection of the unusually extreme, fringe arguments used to force this case to the highest levels of our judiciary — but right-wing groups have only ramped up their use of manipulative tactics like judge shopping in the time since.

In addition to the mifepristone challenge, [at least 13 cases](#) total have been shopped to Judge Matthew Kacsmaryk's courtroom in Northern Texas by right-wing corporations and special interest groups looking to all but guarantee a favorable ruling — with six filed in just the *past three months*. These cases are part of a coordinated, anti-democratic effort to systematically roll back Americans' rights, including the right to abortion, birth control, and more, led by far-right groups like Alliance Defending Freedom and bankrolled by key right-wing funders like Leonard Leo. **It shouldn't be possible to abuse our judicial system in this way.**

With no binding rules curbing judge shopping, many of these cases will still be able to travel up the far-right judicial pipeline — from Northern Texas to the Fifth Circuit to the Supreme Court — with barely any scrutiny, and with judges like Kacsmaryk willing to overturn precedent or invoke fringe legal arguments in their rulings. **That means that as long as judge shopping is allowed to continue, extreme cases contrived to roll**

back Americans' rights will move through the most conservative courts with no barrier for terms to come.

The U.S. Chamber is among the most shameless corporate front groups that abuse this far-right judicial pipeline for bailouts from federal actions that benefit consumers and workers. A [recent Accountable.US](#) analysis found that since 2017, 63% of the U.S. Chamber's lawsuits challenging federal regulations were filed within district courts under the Fifth Circuit's jurisdiction.

We need systemic reform — including policies to end judge-shopping — to undermine these anti-democratic strategies once and for all. The Judicial Conference, aware that judge shopping poses a serious threat to the judiciary, issued guidance earlier this year in an attempt to curb the practice — but without any enforcement mechanism. Far-right Northern Texas and Fifth Circuit judges loudly denounced the guidance and refused to follow it, essentially rolling out a welcome mat for even more judge shopping in their districts. **Until we have binding, systematic reform, more judge-shopped cases will work their way through the system and threaten Americans' rights in the process.**

This Supreme Court term was one where serious ethics violations went unchecked, manipulation of the judiciary was rewarded, and the court was used to tilt the scales toward far-right extremists. **This term is defined by the conservative majority's judicial power grab rulings undermining democracy, rolling out the red carpet for future threats to democracy like Project 2025 and presenting consequences that will impact Americans for years, if not decades, to come.** Accountable.US will continue to expose and undermine the ongoing manipulative tactics, far-right players, and influence networks attempting to influence our nation's highest court and undermine our democracy.

Contact Yael Sheinfeld at yael@accountable.us for more information on Accountable.US's ongoing judiciary work.