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# Saving democracy starts right now, in 2022 (/stories/2022/10/11/2128171/-GOP-U-S-Supreme-Court-put-democracy-on-the-line-in-2022-in-the-states-Help-save-it)



**Joan McCarter (/users/joan mccarter)**  
Daily Kos Staff

2022/10/11 · 09:14

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Republicans are definitely rehearsing for a repeat.

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Stopping the Trump-packed U.S. Supreme Court from helping Republicans and Donald Trump steal the next election is absolutely the objective of the 2022 midterm election. No, we can't stop the Supreme Court from what could be an absolutely devastating ruling on on the **absolutely made-up** (<https://www.theatlantic.com/ideas/archive/2022/10/moore-v-harper-independent-legislature-theory-supreme-court/671625/>) "independent state legislature" theory, but we can make sure that there are state and local officials who will create crucial bulwarks to stop the right wing from stealing the White House in 2024. And, well, democracy.

That's the weight that Veronica Klinefelt, a Democratic candidate for state Senate in Michigan, feels every day on the campaign trail, she told (<https://www.nytimes.com/2022/10/10/us/politics/supreme-court-state-legislature-elections.html>) *The New York Times*. "Nobody's going to care or remember who Veronica Klinefelt is 20 years from now," she said. "I talk about that. But what they will remember is what happened during this time. If the small-d democracy changes dramatically, they'll never forget that. And so if I fail, and because of that, we don't have protection in the Legislature, that's something that I'll carry with me for the rest of my life."

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**Democrats have their best shot in ages at wresting control of the state legislatures in both Michigan and Pennsylvania and depriving Republicans of their most powerful tool for rigging future elections. Donate now to flip the state houses in Michigan and Pennsylvania!**

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The U.S. Supreme Court has not yet scheduled when it will hear *Moore v. Harper*, the case that could give state legislatures total authority over federal elections, unchecked by the other branches of state government, even by state supreme courts. That’s the direct path to Republicans determining the outcome of elections regardless of the popular vote. They would have the final say in drawing congressional districts and in choosing the slate of electors for the presidential Electoral College.

This is one of the theories that Trump lawyers were relying on in 2020, one they took to the Supreme Court in December of that year. The court did not take Trump’s case, but accepted

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one from North Carolina challenging that state supreme court’s power to adjudicate redistricting. Before Trump and McConnell seized the Supreme Court, a case pushing this crackpot theory would never have been put on the docket. With the solid 5-4 (and wavering 6-3) majority, the MAGA court is at least sympathetic to the theory. We’ll see if five of them are unprincipled enough to actually buy it.

Even apart from the Court, though, there have to be Democratic officials in place in key states to protect our elections: Colorado, Georgia, Michigan, Minnesota, Nevada, North Carolina, Ohio, and Wisconsin. These officials —attorney general, secretary of state, and supreme court justices—all have a role in ensuring that voting laws are equitably applied and followed, that the vote counts are secure and valid. ~~There are no threads or comments at this time.~~ is followed.

To that end, Daily Kos has endorsed 17 Democratic candidates for attorney general, secretary of state, and state supreme court across eight crucial states. We’ve also endorsed 19 candidates in races in two of the most important states—Michigan and Pennsylvania—where Democrats are poised to flip state houses.

But of course we’re not the only ones. The Republican State Leadership Committee is targeting both state supreme court seats (<https://www.dailykos.com/stories/2022/8/25/2118740/-Republicans-look-to-state-supreme-courts-to-maintain-control-of-redistricting-We-have-to-stop-them>) and legislative seats. They’ve raised \$71 million in largely dark money this year to pour into the project. Fair Courts America, part of a big extremist dark money network under the umbrella of Restoration of America, is going to spend \$22.5 million just on judicial races.

More than \$12 million (<https://www.cnn.com/2022/10/06/politics/secretary-of-state-candidates-fundraising-2022>), most of it dark money, has been spent on electing Republican secretaries of state, 11 of whom (<https://www.dailykos.com/stories/2022/10/10/2128157/-Election-denialists-could-wreak-havoc-by-electing-secretaries-of-state-in-key-battleground-states>) are election deniers.

m=web&pm\_campaign=https://www.dailykos.com/stories/2022/10/11/2128171/-GOP-U-S-Supreme-Court-put-democracy-on-the-line-in-2022-in-the-states-Help-save-it)

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The majority (<https://www.dailykos.com/stories/2022/10/6/2127321/-Majority-of-Republicans-on-2022-ballot-in-key-races-embrace-the-Big-Lie-and-most-are-likely-to-win>) of Republicans running in these key races and for state house seats (<https://www.dailykos.com/stories/2022/10/6/2127353/-700-GOP-MAGA-candidates-are-running-for-state-house-seats-including-21-Jan-6-insurrectionists>) are election deniers, so it's not one bit hyperbolic to worry about the future of democracy. In their hands, it would be toast.

**Please donate \$1 to each of these Daily Kos-endorsed Democrats for attorney general, secretary of state, and state supreme court to stop MAGA election deniers from stealing the 2024 election.**

(<https://secure.actblue.com/donate/dkelectionprotection?refcode=20221011JM1>)

**While Republicans try to overturn elections and make it harder to vote, volunteer to help save democracy by encouraging people to cast their ballots. Click here to view hundreds of local and national Get Out the Vote opportunities on the Daily Kos Mobilize feed, and sign up to volunteer on a national campaign or one near you. (<http://www.mobilize.us/dailykos>)**

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**Pennsylvania and Michigan finally have un-gerrymandered maps. Now we can flip 'em both (<https://www.dailykos.com/stories/2022/9/19/2123307/-Pennsylvania-and-Michigan-finally-have-un-gerrymandered-maps-Now-we-can-flip-em-both>)**

**700 GOP MAGA candidates are running for state house seats, including 21 Jan. 6 insurrectionists (<https://www.dailykos.com/stories/2022/10/6/2127353/-700-GOP-MAGA-candidates-are-running-for-state-house-seats-including-21-Jan-6-insurrectionists>)**

**Majority of Republicans on 2022 ballot in key races embrace the Big Lie, and most are likely to win (<https://www.dailykos.com/stories/2022/10/6/2127321/-Majority-of-Republicans-on-2022-ballot-in-key-races-embrace-the-Big-Lie-and-most-are-likely-to-win>)**

Good judges are more important now than ever. In some states, judges are on the ballot this November. In this episode of **The Downballot** (<https://podcasts.apple.com/us/podcast/how-we-can-win-state-supreme-courts-with-julia-louis-dreyfus/id1609094461?i=1000576379155>), we shine a spotlight on elections for state supreme courts: actor and activist Julia Louis-Dreyfus. Together, Daily Kos and Julia are proud to announce their endorsement of seven Democratic candidates running for closely divided courts in Michigan, North Carolina, and Ohio. You can support this slate by going to **JusticewithJulia.com** (<https://secure.actblue.com/donate/dkendorses2022supremecourts-jld?refcode=czembed>) and donating today.



## How we can win state supreme courts, with Julia...

Episode 29 • 17th August 2022 • The Downballot • Daily Kos El...

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**Joan McCarter (/users/joanmccarter)** There are no unread comments at this time.

Oct 11, 2022 at 09:14:07 AM

(/comments/2128171/84709902#comment\_84709902)



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**Jewelweed (/users/jewelweed)**

Oct 11, 2022 at 09:30:45 AM

(/comments/2128171/84710030#comment\_84710030)



We're getting our ballots here in California today. I know because I just checked Informed Delivery (DeJoy has been unable to ruin that program yet). We will be voting a straight blue ticket. Yes on 1 (add reproductive rights to state's constitution). In the past we have voted for Republicans (though few of them). We voted for Arnold, but it seems that every time a Republican is governor they can NEVER balance the budget or get a budget together on time. Republicans are fascists now and I will never vote for fascists again.

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**LucaB (/users/lucab)**

Oct 11, 2022 at 10:32:11 AM

(/comments/2128171/84710495#comment\_84710495)



Vote blue. Save democracy and wear this (https://teespring.com/wtpme2) in front of extremists.



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**PadreMellyrn (/users/padremellyrn)**

Oct 11, 2022 at 10:52:46 AM

(/comments/2128171/84710638#comment\_84710638)

We are going to need a hell of lot more prisons for the NAZI's that are trying to take over again.

Even more disturbing was the handling of the constitutional question by the totalitarian regimes. In the early years of their power the Nazis let loose an avalanche of laws and decrees, but they never bothered to abolish officially the Weimar constitution; they even left the civil services more or less intact—a fact which induced many native and foreign observers to hope for restraint of the party and for rapid normalization of the new regime. But when with the issuance of the Nuremberg Laws this development had come to an end, it turned out that the Nazis themselves showed no concern whatsoever about their own legislation. Rather, there was “only the constant going ahead on the road toward ever-new fields,” so that finally the “purpose and scope of the secret state police” as well as of all other state or party institutions created by the Nazis could “in no manner be covered by the laws and regulations issued for them.” In practice, this permanent state of lawlessness found expression in the fact that “a number of valid regulations [were] no longer made public.”

**There are no unread comments at this time.**

Arendt, Hannah. The Origins Of Totalitarianism: 0244 (Harvest Book) (pp. 393-395). HarperCollins. Kindle Edition.

In Oceania there is no law. Thoughts and actions which, when detected, mean certain death are not formally forbidden, and the endless purges, arrests, tortures, imprisonments, and vaporizations are not inflicted as punishment for crimes which have actually been committed, but are merely the wiping-out of persons who might perhaps commit a crime at some time in the future. A Party member is required to have not only the right opinions, but the right instincts.

1984 — The Theory and Practice of Oligarchical Collectivism, Chapter one, Ignorance is Strength

Amazing how they, as legislators, do not understand the rule of Law, or the fact they are themselves, Outlaws.

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**necturus (/users/necturus) ► PadreMellyrn**

Oct 11, 2022 at 12:13:35 PM

(/comments/2128171/84711318#comment\_84711318)



In Oceania there is no law. Thoughts and actions which, when detected, mean certain death are not formally forbidden, and the endless purges, arrests, tortures, imprisonments, and vaporizations are not inflicted as punishment for crimes which have actually been committed, but are merely the wiping-out of persons who might perhaps commit a crime at some time in the future.

That was Orwell's description of a nightmare, though, not an actual state. Every state, no matter how autocratic, has laws, if only to establish standard procedures for the machinery of government. Large bureaucracies cannot function without rules, and even Nazi Germany and Stalin's USSR had codes of law. The purges on which Orwell's nightmare vision are based were conducted largely on the basis of Article 58 of the penal code of the Russian Socialist Federated Soviet Republic, which defined various classes of anti-Soviet crimes.

What is certainly true is that the laws of a tyrant do not bind the tyrant, who is to deal with any of his or her subjects arbitrarily.

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**PadreMellyrn (/users/padremellyrn) ▶ necturus**

Oct 11, 2022 at 01:47:15 PM

(/comments/2128171/84712079#comment\_84712079)

Yes, Orwell description was to be intended as a warning, as he watched the happenings happen. It was never meant to be shopping catalogue for things to try. I just like it for the 'gut punch effect' as it matches so well with Mrs Arendt's reflection on the two Societies. It's the logical argument of "ad absurdum" to make a point.

However, if no one is following the law, then there is no law or it is outlawry. If there is no mechanism to enforce the law, then the law is nothing more than words with no force. This is where we are headed. The Legislature will not follow any laws, only their "will" which will be the "Will of dear Leader".

It's one of the reason that says North Korea is not a totalitarian movement as it has ossified and has circumscribed laws which will be obeyed and it's not trying to take over the world. None of which can be said about the Republican party at this time.

Those, on the other hand, who had to execute the orders which the leadership, in the interest of the movement, regarded as genuinely necessary—in contradistinction to governmental measures, such orders were of course entrusted only to the party's elite formations—were not much better off.

Mostly such orders were “intentionally vague, and given in the expectation that their recipient would recognize the intent of the order giver, and act accordingly”; for the elite formations were by no means merely obligated to obey the orders of the Fuehrer (this was mandatory for all existing organizations anyway), but “to execute the will of the leadership.” And, as can be gathered from the lengthy proceedings concerning “excesses” before the party courts, this was by no means one and the same thing. The only difference was that the elite formations, thanks to their special indoctrination for such purposes, had been trained to understand that certain “hints meant more than their mere verbal contents.”

Arendt, Hannah. The Origins Of Totalitarianism: 0244 (Harvest Book) (p. 400). HarperCollins. Kindle Edition.

**There are no unread comments at this time.**

Some animals are more equal than others. -Animal Farm.

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**necturus (/users/necturus)**

Oct 11, 2022 at 12:01:51 PM

(/comments/2128171/84711194#comment\_84711194)

They would have the final say in drawing congressional districts and in choosing the slate of electors for the presidential Electoral College.

They already have the final say in choosing Presidential electors; Article II, Section 1 states that unambiguously.

As late as the election of 1860, one state, South Carolina, had its electors directly chosen by the state legislature.

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**SDSUProf (/users/sdsuprof)**

Oct 11, 2022 at 12:03:11 PM

(/comments/2128171/84711208#comment\_84711208)

November 2022 and 2024 are terrifying months. What's left of our democracy is on the line. We need to GOTV like our lives depend on it (and for many this is literally true), especially in key swing states.

If the Republican fascists steal these elections it's game over.

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katylizzy (/users/katylizzy)

Oct 11, 2022 at 12:44:16 PM

(/comments/2128171/84711581#comment\_84711581)

We got our mail-in ballots here in FL for the mid-terms and will be voting Dem. There are a lot of judges on the ballot with the question "shall they be retained", yes or no. So I have been doing what research I can to determine if any should not be retained.

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Daily Kos moves in solidarity with the Black community.

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