



Supreme Court rejects Texas' effort to overturn election in fatal blow to Trump legal blitz to stop Biden

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The U.S. Supreme Court on Friday brushed aside the lawsuit filed by Texas that sought to overturn Joe Biden's election victory in four battleground states.

President Donald Trump called the case "the big one," and 126 of the 196 Republicans in the House urged the court to take it. But the justices acted quickly to turn it down.

"Texas has not demonstrated a judicially cognizable interest in the manner in which another state conducts its elections," the court said in a brief unsigned opinion.

Justices Clarence Thomas and Samuel Alito said the court had no authority to refuse a case filed on its original docket, where one state files to sue another. But they said they would not have granted Texas any other relief and expressed no view on any of the issues raised in the lawsuit.

So the ruling was essentially a unanimous rejection of the Texas claims.

"The Supreme Court really let us down," Trump tweeted late Friday night. "No Wisdom, No Courage!"

Supporters of the Trump campaign saw the Texas suit as their best hope for derailing a victory for Joe Biden before the actual presidential vote is cast by the Electoral College on Monday.

President-elect Joe Biden's team welcomed the news, calling it an end to the president's baseless legal battle.

"The Supreme Court has decisively and speedily rejected the latest of Donald Trump and his allies' attacks on the democratic process," said campaign spokesman Mike Gwin in a statement.

"This is no surprise — dozens of judges, election officials from both parties, and Trump's own Attorney General have dismissed his baseless attempts to deny that he lost the election," he said. "President-elect Biden's clear and commanding victory will be ratified by the Electoral College on Monday, and he will be sworn in on January 20th."

Michigan Attorney General Dana Nessel, a Democrat, said in a statement following the ruling that "it's time to move forward."

"Today's Supreme Court decision is an important reminder that we are a nation of laws, and though some may bend to the desire of a single individual, the courts will not," she said. "Now it's time to move forward — not as separate states, red or blue — but as united states in the continuing pursuit of a more perfect union."

Republican Sen. Ben Sasse, who has clashed with Trump, said in a statement the Supreme Court has finally "closed the book on the nonsense."

"Since Election Night, a lot of people have been confusing voters by spinning Kenyan Birther-type, 'Chavez rigged the election from the grave' conspiracy theories, but every American who cares about the rule of law should take comfort that the Supreme Court — including all three of President Trump's picks — closed the book on the nonsense," he said.

Never before had any state asked the court to do what Texas proposed, to nullify election results from other states. The lawsuit sought to delay the vote of presidential electors in Georgia, Michigan, Pennsylvania and Wisconsin, arguing that voting procedures in those states violated their own state laws.

Allowing them to cast their electoral votes, Texas said, would "cement a potentially illegitimate election result."

In response to the ruling, Texas GOP chairman Allen West issued a statement that continued to suggest widespread voter fraud in the election, for which he offered no evidence, but criticized the court and suggested that Texas and other states secede.

"Perhaps law-abiding states should bond together and form a Union of states that will abide by the constitution," West said.

Both conservative and liberal legal experts alike said the lawsuit had a fatal flaw, because Texas had no authority to claim that it was injured or that its own voters were affected in any way by election procedures in another state.

Pennsylvania made that point in urging the court to dismiss the case.

"Texas has not suffered harm simply because it dislikes the result of the election, and nothing in the text, history, or structure of the Constitution supports Texas's view that it can dictate the manner in which four other states run their elections," Pennsylvania said.

The other battleground states said allowing the lawsuit to proceed would invite lawsuits over virtually any future federal election.

"Texas proposes an extraordinary intrusion into Wisconsin's and the other defendant states' elections, a task that the Constitution leaves to each state," the state said in its response to the suit. "Wisconsin has conducted its election and its voters have chosen a winning candidate for their state. Texas's bid to nullify that choice is devoid of a legal foundation or a factual basis."

The lawsuit was filed Monday by Ken Paxton, the Texas attorney general. Among its claims was that the chances of a Biden victory were "less than one in a quadrillion." That statement was

widely ridiculed, because it was based on a statistician's assumption that voters showed exactly the same party preferences as they did in 2016.

"Wow!" wrote David Post of the libertarian Cato Institute on a conservative legal blog. "If mail-in voters had the same preferences as in-person voters, Trump must have won!! And if my aunt had four wheels, she'd be a motorcar!!"

Paxton said in a statement Friday after the ruling, "I will continue to tirelessly defend the integrity and security of our elections and hold accountable those who shirk established election law for their own convenience."

The four battleground states, joined by friend-of-court briefs from Democratic attorneys general from 20 states and the District of Columbia, said Texas also waited too long to bring its claim to court.

Many of the new voting procedures, such as a move by the Pennsylvania legislature to allow no-excuse voting by mail, were adopted months ago. They were also unsuccessfully challenged in the courts of the four states, another point against the Texas suit.

The Texas lawsuit attracted support from attorneys general of 16 other red states. One notable exception was Ohio's Republican attorney general, Dave Yost. He said that federal courts "lack authority to change the legislatively chosen method for appointing presidential electors."

Mark Gordon, the Republican governor of Wyoming, where Trump won 70 percent of the vote, said he and his attorney general declined to sign on to the red state brief.

"We believe that the case could have unintended consequences relating to a constitutional principle that the state of Wyoming holds dear, that states are sovereign, free to govern themselves," he said.

Trump and Republicans in seven states have so far filed nearly 60 lawsuits to challenge election procedures, but not a single outcome was changed.

John Foriter, an election law expert at the Bipartisan Policy Center in Washington, said once the electors cast their votes Monday, lawsuits face even greater odds against undoing a Biden victory.

"I think the answer is that the court challenges are pretty well done."