



CNN slammed for 'wildly distorted' article on Clarence Thomas's election case dissent

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CNN legal analyst Joan Biskupic was slammed for a “wildly distorted” article regarding Justice Clarence Thomas’s dissent on an election case.

“I’m amazed to see that Thomas’s dissent somehow generated this wildly distorted article from CNN’s veteran Supreme Court reporter Joan Biskupic,” distinguished senior fellow of the Ethics and Public Policy Center Ed Whelan wrote in a piece for *National Review*.

“A trusting reader might imagine that Thomas’s dissent is replete with references to Dominion and Smartmatic and to various of Trump’s other allegations of fraud. In fact, Thomas makes no mention of such allegations,” Whelan continued.

His piece was in response to a CNN article titled “Justice Clarence Thomas reveals some sympathy for Trump's baseless fraud claims,” which reported that the Supreme Court justice’s “dissent stands out for how much it subscribed to the Trump worldview of fraud.”

“Supreme Court Justice Clarence Thomas on Monday claimed election fraud is a threat to America, revealing in a forceful dissent some support for former President Donald Trump and Republicans who have refused to accept the result of the 2020 election,” Biskupic wrote in the piece.

Whelan pushed back in his op-ed that “the word ‘Trump’ [does not] appear a single time in his opinion.”

“Moreover, Thomas states in his opening paragraph (and repeats twice later) that the Pennsylvania supreme court decision that the Court was asked to review ‘seems to have affected too few ballots to change the outcome of any federal election.’ That’s not a statement you ever heard Donald Trump make,” he wrote.

On Monday, Thomas dissented from the Supreme Court’s decision to refuse hearing a Republican challenge of a Pennsylvania state court decision allowing ballots that were received up to three days after Election Day to be counted in November’s election.

“One wonders what the Court waits for. We failed to settle this dispute before the election, and thus provide clear rules. Now we again fail to provide clear rules for future elections. The decision to leave election law hidden beneath a shroud of doubt is baffling. By doing nothing, we

invite further confusion and erosion of voter confidence. Our fellow citizens deserve better and expect more of us. I respectfully dissent,” Thomas wrote.

“That decision to rewrite the rules seems to have affected too few ballots to change the outcome of any federal election. But that may not be the case in the future,” he added. “These cases provide us with an ideal opportunity to address just what authority nonlegislative officials have to set election rules, and to do so well before the next election cycle. The refusal to do so is inexplicable.”

Justices Samuel Alito and Neil Gorsuch also dissented.

Others also slammed the CNN piece, with Cato Institute’s Ilya Shapiro calling for a retraction.