

1. Mark your confusion.
2. Show evidence of a close reading.
3. Write a 1+ page reflection.

Supreme Court Rejects Texas's Push to Overturn Biden Victory

Source: John Kruzel, TheHill.com, December 11, 2020

The Supreme Court on Friday rejected a widely panned bid by Texas to overturn President-elect Joe Biden's election win, delivering a devastating blow to the long-shot legal campaign waged by President Trump and his allies since his electoral defeat.

The ruling was a repudiation to Trump, as well as the 18 GOP state attorneys general and 126 House Republicans who had backed the lawsuit. The challenge sought to nullify Biden's wins in Wisconsin, Michigan, Georgia and Pennsylvania — key battleground states that he won while amassing 306 electoral votes.

In a brief, unsigned order Friday rejecting the petition, the court made clear its view that Texas lacked the legal right to litigate over how other states conduct their elections.

"Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections," the ruling states. "All other pending motions are dismissed as moot."

Justices Clarence Thomas and Samuel Alito wrote a dissenting statement expressing their view that the court is obligated to hear interstate disputes. Aside from this jurisdictional disagreement, however, those two more conservative justices indicated they joined the court's seven other members in siding against Texas.

"In my view, we do not have discretion to deny the filing of a bill of complaint in a case that falls within our original jurisdiction," wrote Alito, joined by Thomas. "I would therefore grant the motion to file the bill of complaint but would not grant other relief, and I express no view on any other issue."

The Friday order comes after the justices earlier this week tossed a similar request from Trump-allied Pennsylvania Republicans to nullify Biden's certified victory in the Keystone State — a state Biden won by more than 81,000 ballots.

These were just the latest in a lengthy string of defeats for Trump and his allies amid their increasingly implausible legal campaign, which has been largely premised on unsupported claims that the election results are invalid due to widespread fraud.

If the walls were already closing in on Trump's post-election legal effort, this week's repudiation by the Supreme Court and the fast-approaching Dec. 14 Electoral College meetings to finalize Biden's victory all but squeezed the life out of the moribund legal strategy.

Texas's lawsuit, filed earlier this week, argued that electors from Georgia, Michigan, Pennsylvania and Wisconsin should not be allowed to cast their votes in part because those states had unconstitutionally changed their voting procedures during the coronavirus pandemic to allow for increased mail-in ballots.

Texas requested that the justices block those states from certifying Biden's electors and from voting during Monday's Electoral College meetings. Alternatively, they requested that the court invalidate Biden's wins in the four states and their GOP-held state legislatures to effectively declare whether Trump or Biden prevailed in their state election.

A consensus emerged swiftly among election law experts that the court would roundly reject Texas's extraordinary request.

Pennsylvania's attorney general, in a fiery response brief Thursday, called Texas's bid to invalidate election results a “seditious abuse of the judicial process.” He urged the justices to “send a clear and unmistakable signal that such abuse must never be replicated.”

“Since Election Day, State and Federal courts throughout the country have been flooded with frivolous lawsuits aimed at disenfranchising large swaths of voters and undermining the legitimacy of the election,” state Attorney General Josh Shapiro (D) wrote. “The State of Texas has now added its voice to the cacophony of bogus claims.”

By some estimates, the campaign and its allies have lost or withdrawn in more than 50 rounds in state and federal court and prevailed in only one case, a narrow win that affected only a tiny sliver of mail ballots in Pennsylvania.

Prior to Friday, Trump’s legal team had tried to airbrush its abysmal win-loss record by portraying the lower court defeats as part of a broader plan to reach the Supreme Court.

The White House did not immediately respond Friday to a request for comment.

Possible Response Questions:

- What are your thoughts about the Supreme Court’s decision? Explain.
- Pick a word/line/passage from the article and respond to it.
- Discuss a “move” made by the writer in this piece that you think is good/interesting. Explain.