

Twitter Thread by Mike Dunford



Mike Dunford

@questauthority



THREAD:

Good afternoon, followers of frivolous election litigation. There's a last-minute entry in the competition for dumbest pre-inauguration lawsuit - a totally loony effort to apparently leave the entire USA without a government.

We'll start with the complaint in a minute.

But first, I want to give you a quick explanation for why I'm going to keep talking about these cases even after the inauguration.

They're part of an ongoing effort - one that's not well-coordinated but is widespread - to discredit our fundamental system of government.

It's a direct descendent, in more ways than one, of birtherism. And here's the thing about birtherism. It might have been a joke to a lot of people, but it was extremely pernicious. It obviously validated the racist "not good enough to be President" crowd. But that wasn't all.

Don't get me wrong, that was bad enough. Validating racism helped put the kind of shitbird who would tweet this from an official government account into power. But it didn't stop there.

<https://t.co/097srhcwmd>

Woke-ism, multiculturalism, all the -isms \u2014 they're not who America is. They distort our glorious founding and what this country is all about. Our enemies stoke these divisions because they know they make us weaker.

<pic.twitter.com/Mu97xCgxfS>

— Secretary Pompeo (@SecPompeo) January 19, 2021

(Also, if you agree with Pompeo about multiculturalism - the legendary melting pot - not being what this country is all about, you need to stop following me now. And maybe go somewhere and think about your life choices and what made you such a tool.)

The birther racism was bad enough. But it also delegitimized Obama and contributed to the idea that Democrats only win by cheating - which is what got us to today.

Part of the reason for this, I think, is that people didn't pay enough attention to what the birthers were doing.

They were dismissed as a joke, but they were taking themselves seriously to (and beyond) the end of the Obama years - and they were doing so in the precursors to 8kun and Q.

I think dismissing these neo-birthers in the same way would be a bad mistake.

I don't plan to make that mistake. I'm going to keep watching, and trying to figure out what else I can do to combat the harm they cause.

With that in mind, let's turn to the complaint.

The complaint is filed on behalf of two organizations which may or may not be incorporated (we'll see in a bit; I haven't looked), one named individual, and 4 people who have the courage to demand to challenge the whole country's election pseudonymously.

They are represented by two lawyers. One is presently practicing law on his own after being dumped from his job after being identified as one of the livestreamers at the seditious riot of 6 Jan. The other is a failed Republican political candidate.

You are supposed to catch attention with headings, and credit where due this kind of does do this. Maybe not in a great way, but it does it.

The first paragraph is a thing. I don't have another word for it, really. It's a strange strange paragraph.

Also, this is one GEM of a footnote.

I mean, it's right. But it's not exactly -- I don't know what the hell it's trying to do.

My bad. Thanks for the reminder.

<https://t.co/YIB9RwZSfg>

<https://t.co/XVM6S77hS2>

This is a new theory. And when we say "new theory" in this context, we should be clear about what that means:

It means that this is so bonkers that even Ellis, Giuliani, Powell, Wood, and Eastman could not - not even by focusing their combined venial incompetence - think of it.

So the legal theory here seems to be that votes which aren't HAVA-compliant are not legal votes. This is consistent with the developing Republican orthodoxy in this area - which claims that the government can deprive you of your vote if they mess

up election procedures.

Seeing this sentence, I'm genuinely surprised that they're not alleging Popehat's least favorite claim.

reads next paragraph

This is just - oh my.

They have really taken the bananapants clownshoes to a whole new level. The entire 117th Congress - apparently including those who were seated in the Senate in prior years - needs to be thrown out. Not just POTUS.

This is, needless to say, not going to happen.

Hasn't HAVA been around for like nearly 20 years or something? How the hell could this be the first year there was an issue?

(Also laches but let's not get too far ahead of ourselves.)

BRB got tea in my nose.

"The only conceivable remedy is...for the Court to order the 50 states to conduct a new federal election that conforms to the minimum standards of HAVA."

That's an inconceivable remedy. And, yes, Inigo. I know what inconceivable means.

I'm cracking up with every paragraph. Just every last one.

We've apparently hit "if literally every last federal official except Trump is illegitimate maybe Trump can stay President."

WHICH IS STILL WRONG.

If there's no new President or VP, and no Speaker, and no President Pro Tem of the Senate, then Mike Pompeo, racist escapee from a pufferfish imitation club though he may be, would presumably become President provided his resignation was not yet effective.

"...this Court should rest assured that [literally yeeting the entire Congress] will not result in the destruction of democracy."

OK. This is something I feel like a lot of Trumpian MAGAts need to hear:

"Consent of the governed" does not mean anyone gives a damn whether you personally consent to any specific officeholder.

When I think "simple enough for a 3rd grader" I generally don't think of 8-point explanations resting on volumes of evidence, but maybe that's just me.

OK. So as to point 4, anyone who is talking about enforceable contracts in this context is one very short step away from rolling around the courtroom floor gibbering about fringy flags and screaming incoherently about joinder while being repeatedly tased.

Beyond that, the "self-evident" in point seven is doing a metric fuckton and a half of work in this argument.

But it's a great example for "if you say it is, it ain't."

Also, what the hell - do these pangalactic garglebrains not understand that Senators serve for 6 years and nearly 2/3 of the Senate wasn't elected on the ballots they claim were illegal?

This person shares a name with one of the nitwits who got arrested for driving up to Philly during the vote count with a bunch of weapons. But that person apparently lives in Virginia Beach, so dunno.

I have no idea whether either of the two "political organizations" have the capacity to sue.

Not sure why they're using a pseudonym for JB and yet providing this much detail.

There are a lot of defendants. Although a TRO is being sought, the plaintiffs have apparently not requested that summonses issue as to ANY defendant.

Also: citing "<https://t.co/LsPDjUepwD>" instead of actually bothering to list all your defendants is an interesting choice.

ARRRRRGHHHHHHHHHHHH - these people are soooo bloody bloody stupid what the everlovingmotherfuck

For the nonlawyers:

In order for the court to have diversity jurisdiction, NONE of the plaintiffs can be from the same state as ANY of the defendants.

They are suing EVERYONE in the 117th Congress and all 50 governors.

Do you see their problem?

I mean, OK, I can't totally fucking rule out the possibility of complete diversity. It's possible that these transcendental nincompoops are literally, as well as figuratively, domiciled somewhere beyond the second star to the right.

But it's pretty damn unlikely, now, innit?

This personal jurisdiction section is funny, but it's funny to lawyers in a way that's going to take too long to explain. Also, [@AkivaMCohen](#) said it's his favorite and I don't want to steal his thunder.

And - whoops! - so much for the lunar domicile theory of diversity jurisdiction. They just said that some of the plaintiffs live in the same district as some of the defendants.

Neither, actually. They meant "haled into court." <https://t.co/FDCB93UUs9>

"Hailed into court"? Do they mean "hailed"?

— Erin (@erinmtoo) [January 19, 2021](#)

Not a lot of facts really being stated. And the whole "not stating the specific sections of the law that we think were violated" thing is also an interesting choice when they want preliminary relief.

Or maybe I spoke too soon.

Except, no, they don't seem to be bothering to explain how any of these changes fail to comply with HAVA.

I'm going to scroll through the 50 states relatively quick. I'll stop and do a screenshot if anything seems noteworthy enough.

Seriously, I think they're just doing cypasta from some memo someone did, because why the hell am I reading about a court decision that resulted in election rules not being changed?

Wait wut??

You're suing Colorado because they made changes except you say they made no changes? Are you on crack? Did you fall down and hit your head on something? What the hell is going on here? Give me a reason for this. Something. Anything. COME ON!

GUAM?? GUAM????

What the hell? They have no electoral votes, no voting member in Congress, AND YOU AREN'T SUING THEM YOU COMPLETE BUMBLEFUCKING BANANAPANTS BUFFOONS.

OK, we're up to 3 states now being sued who according to the plaintiffs did not do anything wrong.

5 with no changes.

This is not the "reasonable inquiry" Rule 11 requires.

6 with no changes.

Ohjustkillmenow

LMFAO - SUCH AS???

I mean that's not exactly unimportant, now, is it???

OK. Now y'all just messing with me. Really.

And what in the name of the ichor god Bel-Shamharoth is this ratfuckery even? Every other change anyone made violated HAVA *except* Texas? GTFO.

Another no-change state. I think it's 7 now but I'm not going to waste the time looking back upthread to confirm that.

And one last no-change state. These people should not be trusted around objects.

Why are you only suing the members of the 116th Congress who won reelection if you're complaining about this.

Does it count as alleging that the defendants Did Teh RICO if you chicken out and don't add the cause of action?

double checks - yup. No RICO claim.

This plus the Hagar thing is starting to give me the same feeling I get when I'm grading a paper where the student changed topics mid-paper without realizing it because hey stream of semiconsciousness always works, right?

Does anyone but Zuckerberg qualify? Were they planning on suing about eleventyjillion more people?

Don't answer that.

They were soooo going to try and sue for Teh RICO and then chickened out.

There is no named plaintiff J. James in this case. There is, however, someone with the initials J.J.

WHATTHEHELLISTHISEVEN???

Competence, motherfukkers, do you know what that is??

I get the sense that they might not know how RAM works. Or what it is.

And always a good choice to make the Court read more on a case like this. Especially vaguely titled and poorly described exhibits.

OFFS. Learn to write you semiliterate seditionist pussbuckets.

And here are the other claims that they fail to state.

As far as I can tell, they are claiming that they were deprived of their right to vote and therefore the entire election of Congress should be overturned because....

Yeah, I'm just kidding. I've got no clue what they claim.

You want to invalidate the entire 117th Congress by having a court issue an ex parte TRO?

No, seriously, what do you want?

Because there's no way you could seriously ask a court to issue ex parte relief doing that....

But they are.

sigh

They're "calling on the courage of this court." Yeah, that always works. Great heading there. Really.

You crappants clown.

Also: subject-verb agreement. It's a thing. It might not be a thing in this pleading, except perhaps by accident, but it really is a thing.

Fuck you, you seditionist little shitbirds. The fuck your plea is made on my behalf.

Oh my god they included a footnote defining "Founding Fathers" because how the hell else would we know who they are referring to in this insane screed.

Oh, they're worrying about the political question doctrine. That's so cute. It's like worrying about an ingrown eyebrow hair when you're the Black Knight post-Arthur.

Wow. Sense of self-importance much?

So they address political question but not really - they just say it should be ignored. Which it will be - there are too many other reasons to dismiss this steaming turdmountain for the court to get that far.

1: Sentences end with periods.

2: Undersigned counsels' don't know very much. There was an evidentiary hearing in Wisconsin. The parties simply avoided witnesses in that case by agreeing to a set of stipulated facts during a recess in that hearing.

You're filing the lawsuit less than 48 hours from inauguration and you are claiming that laches doesn't apply because the plaintiffs didn't lawyer up sooner?

That ain't how laches work, y'all. Not even close.

Oh, just gag me with a sp--- no, better yet, gag them.

"If investors come to view their investments in assets held in the United States as inherently unstable...that would have a devastating effect on the Plaintiff's ability to plan for retirement by investing" is my new favorite worst irreparable harm argument ever.

Not only does it use up so much nocturnal flying mammal excrement that it threatens the global guano supply, it doesn't even work. That's a financial harm claim - it's fixable with money and therefore not irreparable.

Also -

You think a court yeeting the Congress and Presidency would be viewed by investors as *improving stability*???

No.

No. No. No.

This isn't real.

There's a *gold standard* argument for irreparable harm???

This can't be real.

"Y'all might have the memory of a lobotomized goldfish, counsel, but I read the complaint. You said that you weren't sure if Texas violated HAVA."

Also, I'm still trying to wrap my mind around "failure to comply with HAVA renders every ballot cast in the election invalid."

It always ends well when lawyers try to argue entire key elements with single sentences. This is particularly true when the sentences start with "it is self-evident that."

You want the TRO to be entered without notice? WHAT are you smoking and no I don't want any.

Also, RICO!

How much bond would be appropriate for a TRO that destroys the very fabric of the nation?

Oh, cool. Now we get to the fun stuff.

The requests.

LOL. No.

LOL. Hell no.

We knew Davis was involved in the Capitol sedition because of the whole getting fired thing, but was Kellye SoRelle on anyone's radar for this? Or did she just out herself as a participant?

Also, no, the court isn't going to save your ass.

1: That's not how it would work.

2: Also, no, seriously, how do you think that would even work?

Seriously, in just One Day More - not even - Trump will no longer be a lawfully and constitutionally remaining federal public official. So how would this work?

And, no, the courts are not going to "forever restrain[]" all 50 Governors, all 50 Secretaries of State, and all the Congresscritters of the nation from future office.

And where's the unicorn? Why are they not requesting a unicorn? It would be such a reasonable request compared with the rest.

Oh, and yeah, the signature block is just beautiful. Legendary, even.

Thoughts:

1: There's also, lord have mercy, a motion for TRO. I'll look at that tonight.

2:

Seriously, I barely scratched the surface on this one. This is the product of flop sweat, panic, and time that would better have been spent by these lawyers putting their affairs in order in preparation for arrest.

/fin