Twitter Thread by Mike Dunford

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Texas - WTF is this even - a very short reassurance thread:

1: The Texas "lawusit" against four other "battleground" states in the United States Supreme Court is legally stupid.* It is so legally stupid that I was reluctant to believe that even Ken Paxton would file it.

*My patience level is not ginormous today. Please don't try to explain to me why you think it isn't stupid for whatever other reasons because I'll be making liberal use of the airlock. Thx.

2: Yes, one state can sue another at the US Supreme Court. However, the Supreme Court gets to decide whether to take the case. One factor that they will **undoubtedly** look at is the factor of "injury."

Texas is claiming two things. First, that the states have a special interest in who becomes Vice President because of the tiebreaker. Second, that their electors are injured if their votes are "diluted" by electors from states that, in Texas's view, didn't obey their own law.

There is very little argument presented for "injury." Even less - barely a paragraph - was presented for how the defendant states caused that injury.

For lawyers, this is a signal that this is a performance of politics by "litigation" and not a serious effort.

Nonlawyers - who are the audience for this drek - may be impressed by the arguments about how other states violated their own laws.

Lawyers - at least competent ones - will zero in on the alleged injury and the evidence that the injury was caused by the defendant states.

Why? Simple.

Courts care about how the person bringing the complaint was allegedly harmed by the person being sued. If there's not a harm you can sue over and/or you can't show how the person you are suing caused that harm, You Have No Case.

This applies to states, too.

The motion for leave to file doesn't seem to allege an actual injury that courts address, and doesn't really allege how the state in question caused that injury.

Simply put, @JohnFetterman has a better ability to bring a court case against @DanPatrick to recover 2 million dollars in Sheetz gift cards for showing proof of election fraud than the state of Texas has to bring a case against Pennsylvania over the election.

This lawsuit is Texas taking a dump on the rest of the Republic and I'm angry as all hell that those- those people have chosen to do this.

I am not worried in the least about the case.

PS - Akiva looks to be at least as pissed off as I am, and he's being pissed off in more detail.

https://t.co/QRIBlW6qf6

> Goddamn it, Texas, I don't have time for this today.
>
> Fine. Fine. A brief thread. (Yesterday I said I'd do a brief thread on the Michigan decision and finished an hour and a half later. Can't let this be that, today).
>
> — Akiva Cohen (@AkivaMCohen) December 8, 2020

And it's being picked apart here in even more exquisite detail.

I'll let them take it. I looked at the injury section and then deleted the download.

https://t.co/ipbla8ose4

> I *do* want to pick it apart!
>
> And... Wow. This is art.
>
> 154 pages.
>
> One entry on the table of contents: "Motion for leave... page 1".
>
> 1/ https://t.co/PgNRwnpxKY pic.twitter.com/b89qpCFRp5
>
> — Actually malicious, no actual malice (@apark2453) December 8, 2020

Seriously:
The Republican Party, as a whole, is a clear and present danger to the viability of the Republic.