Twitter Thread by Mike Dunford

Mike Dunford
@questauthority

Yes, I have seen the thing about Texas suing other states over the election. Yes, the US Supreme Court has original and exclusive jurisdiction over cases between states.

No, this is not a thing that will change the election. At all.

If this is real - and I do emphasize the if - it is posturing by the elected Republican "leadership" of Texas in an attempt to pander to a base that has degraded from merely deplorable to utterly despicable.

Apparently, it is real. For a given definition of real, anyway. As Steve notes, the Texas Solicitor General - that's the lawyer who is supposed to represent the state in cases like this - has noped out and the AG is counsel of record.

https://t.co/AbyzT3aY4n

> It looks like we have a new leader in the \u201ccraziest lawsuit filed to purportedly challenge the election\u201d category:
>
> The State of Texas is suing Pennsylvania, Georgia, Michigan, and Wisconsin *directly* in #SCOTUS.
>
> (Spoiler alert: The Court is *never* going to hear this one.) pic.twitter.com/2L4GmdCB6I
>
> — Steve Vladeck (@steve_vladeck) December 8, 2020

Although - again - I'm curious as to the source. I'm seeing no press release on the Texas AG's site; I'm wondering if this might not be a document released by whoever the "special counsel" to the AG is - strange situation.

Doesn't matter. The Supreme Court is Supremely Unlikely to take this case - their jurisdiction is exclusive, but it's also discretionary.

Meaning, for nonlawyers:
SCOTUS is the only place where one state can sue another, but SCOTUS can and often does decline to take the case.

If this is real at all, they will refuse.

OK. It's real.

This breaks the prior record for the one dumbest thing that could have been done this election. By far.

Also, more people need to mess with Texas. Messing with Texas should be the new national pastime.

Also -
FFS, Texas. You're not just taking a big old dump on our entire system of government. You're doing it with writing this bad?

Kindly - and I say this with all due respect - GROW UP.

https://t.co/s4G1N6QW0f

> Fair enough. The opening is pretty funny though, if you like high school debating societies.
> pic.twitter.com/XAFQE2GRdt
>
> — Arieh Kovler (@ariehkovler) December 8, 2020

For additional clarity:
Yes, lawyers, my use of "discretionary" was not terribly precise. The concept I'm trying to get across is that the court does not have to grant leave and there are lots of reasons they can pick from in declining to grant leave.