

Supreme Court rejects Texas lawsuit seeking to overturn US presidential election

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In a brief order issued Friday night, the US Supreme Court ruled that the state of Texas did not have standing to bring a lawsuit seeking to invalidate the electoral votes of Georgia, Michigan, Pennsylvania and Wisconsin and overturn the results of the 2020 presidential election.

The Republican-led state government had asked the Supreme Court to set aside the result of the voting in the four states, all won by Democrat Joe Biden, and refer the selection of electors to the state legislatures, which are Republican-controlled in each state. The effect of such a decision would have shifted 62 electoral votes from Biden to Trump and made Trump the winner when the Electoral College meets December 14.

The Supreme Court order states: “The State of Texas’s motion for leave to file a bill of complaint is denied for lack of standing under Article III of the Constitution. Texas has not demonstrated a judicially cognizable interest in the manner in which another state conducts its elections. All other pending motions are dismissed as moot.”

Far-right Justices Samuel Alito and Clarence Thomas added a statement to the order indicating that they would have heard the case, “but would not grant other relief.” Significantly, the three justices appointed by Trump, Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett, were part of the seven-member group that gave the most sweeping rejection of the Texas suit.

The court ruling effectively eliminates the last barrier to state electors meeting on Monday and casting their votes, which will result in President-elect Biden being declared the winner by a margin of 306 to 232.

In Michigan, where armed protesters have announced they will mobilize in front of the state capitol on Monday, electors will be escorted by police from their

cars into the building in order to cast their votes safely. Blake Mazurek, an 8th grade US history teacher in Grand Rapids and Biden elector, said on Twitter that he’s “grateful for the protection and sad for our state.”

Before the ruling was made public, President Donald Trump pressured the justices on Twitter to hear the lawsuit and overturn the election results, writing that they must “do what everybody knows has to be done. They must show great Courage & Wisdom” and “save the USA.”

He added: “If the Supreme Court shows great Wisdom and Courage, the American People will win perhaps the most important case in history, and our Electoral Process will be respected again!”

Prior to the court’s ruling, 20 House Republicans, including Minority Leader Kevin McCarthy, joined 106 of their colleagues in signing their names to an amicus brief in support of the unprecedented lawsuit. In addition to McCarthy, Representative Greg Pence, brother of Vice President Mike Pence as well as Minority Whip Steve Scalise and Rep. Tom Emmer of Minnesota, chair of the national Republican Congressional Committee, joined in the effort to overthrow the US Constitution.

The speedy and peremptory character of the ruling had been widely predicted by constitutional law experts, who agreed that no state has standing to object to the election procedures of another state. Even if the Texas case had cleared that hurdle, there was no factual or legal basis to challenge the fairness of the elections in the four states, which Biden won by a combined total of about 300,000 votes.

A ruling in favor of Trump would have fatally discredited the Supreme Court in the eyes of the American population, and provoked widespread and massive disturbances under conditions of an already

devastating socioeconomic and public health crisis.

Despite the ruling, Trump has yet to formally concede the election. In the last five weeks he has repeatedly attacked those who oppose his dictatorial efforts as “enemies of the people,” and incited his fascist supporters against them, leading to death threats against election officials, politicians, poll workers and their families.

The Trump campaign and congressional Republicans intend to continue their efforts to overturn Biden’s victory by raising “objections” on January 6 when each state’s electoral votes are officially counted at a joint session of Congress to be presided over by Vice President Mike Pence.

One member of the House and one member of the Senate are required to support an objection, which would then be voted on by each house of Congress, meeting separately. Given the Democratic majority in the House, and the likely opposition of at least half a dozen Republicans in the Senate, these objections will be defeated—the last legislative step before Inauguration Day on January 20.

Behind the scenes, Trump is continuing to plot other scenarios, including additional lawsuits, inciting violence by his supporters, and seeking to seize on an international crisis or the launching of military action as a pretext for refusing to leave office as required under the US Constitution.

Whatever the immediate outcome, the Texas lawsuit has also already served an important political purpose for Trump’s effort to transform the Republican Party into a full-fledged fascist party with himself as the authoritarian leader. More than half the Republican members of Congress and nearly every Republican state government have embraced the lie that Biden was elected through fraud and that Trump is the real winner of the 2020 election.

If Biden does become president next January 20, states comprising a third of the US population have already declared that his administration is not legitimate. Trump would remove himself to his Mar-a-Lago estate in what would become a rival government-in-waiting.

Biden and the Democrats, terrified of a social explosion from below, have done their best to downplay and ignore the attempted overthrow of the Constitution. The Biden campaign did not even file a

brief to defend its election victory and oppose the disenfranchisement of 20 million voters.

In his one public appearance on Friday, before the Supreme Court ruling, Biden made no statements condemning Trump’s ongoing coup attempts nor his threats against politicians and election workers and declined to take questions after making prepared remarks announcing several new members of his cabinet.

One congressman, New Jersey Democrat Bill Pascrell Jr., denounced the support of House Republicans for the Texas lawsuit. He cited Section 3 of the 14th Amendment, adopted after the Civil War, which bars from federal office those who have “engaged in insurrection or rebellion” against the Constitution, and called on House Speaker Nancy Pelosi to “refuse to seat in the 117th Congress any Members-elect seeking to make Donald Trump an unelected dictator.”

The Democratic leaders are certain to do nothing of the kind. Pelosi sent a letter to the Democratic caucus declaring that the Republicans were “subverting the Constitution by their reckless and fruitless assault on our democracy,” but these words mean nothing. She continues to describe as “our colleagues” those Republicans who support the establishment of a presidential dictatorship by Trump.

Even in the midst of unprecedented internecine political warfare, the Senate passed a Continuing Resolution on Friday to keep the government funded for a week and in an overwhelming 84-13 vote, passed the \$741 billion National Defense Authorization Act. The defense vote demonstrates that the two parties share agreement on the fundamental questions of US imperialism.



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