



Written by [Luis Miguel](#) on December 11, 2020

Over 100 House Republicans Sign Brief Supporting Landmark Texas Election Lawsuit

Is this the opening President Trump's supporters have been looking for?

Over 100 Republican members of the House of Representatives on Thursday signed an amicus brief supporting the Texas lawsuit aimed at overturning the election results in the battleground states of Georgia, Michigan, Pennsylvania, and Wisconsin on the grounds that the states unconstitutionally changed their state election statutes to enable mail voting.

"This brief presents [our] concern as Members of Congress, shared by untold millions of their constituents, that the unconstitutional irregularities involved in the 2020 presidential election cast doubt upon its outcome and the integrity of the American system of elections," [states the brief](#), signed by 106 GOP lawmakers.

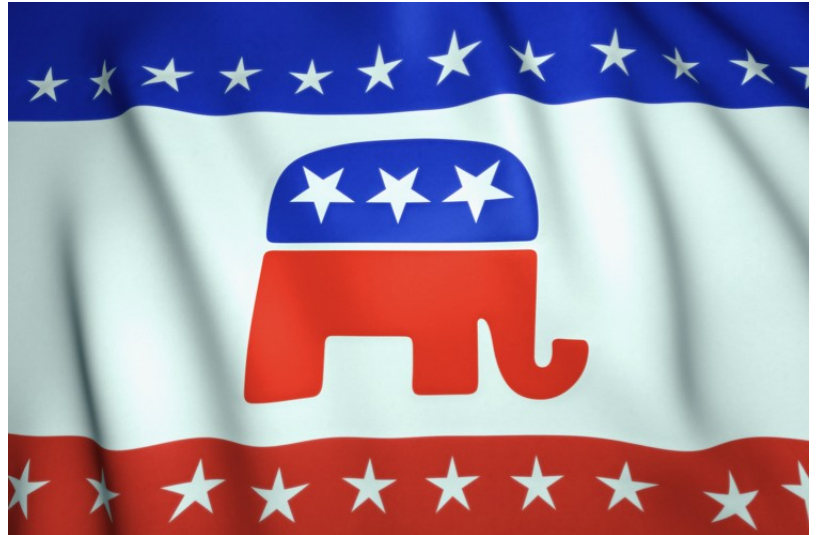


Photo: zkolra/iStock/Getty Images Plus

The effort was led by outgoing Republican Study Committee Chairman Mike Johnson (La.), one of the president's closest allies in the House, who served on his impeachment defense team.

"President Trump called me this morning to let me know how much he appreciates the amicus brief we are filing on behalf of Members of Congress. Indeed, 'this is the big one!'" Johnson [tweeted](#) on Wednesday.

Prominent Republicans who signed the brief include Minority Whip Steve Scalise (La.); Representative Jim Jordan (Ohio), the ranking member of the House Judiciary Committee; Representative Andy Biggs (Ariz.), chair of the Freedom Caucus; and Representative Jim Banks (Ind.), the incoming Republican Study Committee chairman.

Notably absent among the signatures were House Minority Leader Kevin McCarthy (Calif.) and GOP Conference Chairwoman Liz Cheney (Wy.). McCarthy twice on Thursday [declined to comment](#) when asked by reporters if he supports the lawsuit.

"The president has a right for every legal challenge to be heard. He has the right to go to the Supreme Court with it, yes," McCarthy said.

The Trump campaign is also on board with the lawsuit; the president has reportedly asked Senator Ted Cruz, a former Texas solicitor general, to argue the latest case before the Supreme Court.

But not all Republicans on Capitol Hill are on board. "Respectfully, I will not join because I believe the case itself represents a dangerous violation of federalism and sets a precedent to have one state asking federal courts to police the voting procedures of other states," wrote Representative Chip Roy (R-Texas)



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in a series of tweets.

Senator John Cornyn of Texas, a member of the GOP leadership team, has also questioned the lawsuit's merit. "You know, it's very unusual because when a state sues a state, the Supreme Court of the United States has original jurisdiction," Cornyn told CNN, "so you don't have to go through the ordinary procedure. I read just the summary of it, and I frankly struggle to understand the legal theory of it."

Texas Attorney General Ken Paxton sued on Tuesday on behalf of Texas and 18 other states, including Florida, Utah, South Carolina, and West Virginia. Arizona Attorney General Mark Brnovich (R) filed a separate brief in support of the case.

"Using the COVID-19 pandemic as a justification, government officials in the defendant states of Georgia, Michigan, and Wisconsin, and the Commonwealth of Pennsylvania (collectively, 'Defendant States'), usurped their legislatures' authority and unconstitutionally revised their state's election statutes," reads the suit, which, because it involves one state suing another, has original jurisdiction in the U.S. Supreme Court.

"They accomplished these statutory revisions through executive fiat or friendly lawsuits, thereby weakening ballot integrity," Paxton added, and went on to call on the high court to "declare that any electoral college votes cast by such presidential electors appointed in Defendant States Pennsylvania, Georgia, Michigan, and Wisconsin are in violation of the Electors Clause and the Fourteenth Amendment of the U.S. Constitution and cannot be counted."

What makes this case favorable for the president and his supporters is that it deals with questions of constitutionality, rather than tackling the subject of voter fraud directly, something the justices on the Supreme Court were likely loath to do. Furthermore, the fact that the Supreme Court has original jurisdiction here removes the potential delay of having to go through a lengthy appeals process in lower courts.

The mainstream media has tried its best to sweep this story under the rug. Now that they find themselves forced to cover it due to all the states that have joined the suit and the members of Congress who signed onto the brief, they want only to paint it as ludicrous, as in a CNN article [titled](#) "Why this Texas 'election fraud' lawsuit is a total and complete joke."

It remains to be seen who will really have the last laugh when this is all through.



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