

Transition Highlights: Democrats and Some Republicans Applaud Supreme Court Rejection of Suit to Overturn Election

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The court held that Texas lacked standing to challenge the election results in four states Joe Biden won. Congress reached agreement on a one-week spending bill to stave off a government shutdown. The Electoral College votes for president will be cast on Monday.

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‘Our institutions held’: Democrats (and some Republicans) cheer Supreme Court ruling on election suit.

The rejection came swiftly. The celebrations came just as fast.

The Supreme Court’s unsigned order on Friday rejecting Texas’s bid to toss the results of the 2020 presidential election in four states that delivered the White House to President-elect Joseph R. Biden Jr. unceremoniously ended a case that President Trump had teased only hours earlier as “perhaps the most important case in history.”

Democrats cheered the ruling as a symbolic final blow to more than a month of failed legal challenges by Mr. Trump and his allies — this case drew support from more than 120 Republican members of Congress and 17 attorneys general — and a victory for the will of voters who delivered Mr. Biden 306 Electoral College votes and a 7-million-strong popular vote win.

“The will of the people will be heard,” said New York’s attorney general, Letitia James, a Democrat, on Twitter. Josh Shapiro, the attorney general of Pennsylvania and a Democrat, wrote that the high court had recognized the lawsuit as “seditious abuse of the judicial process.”

Legal experts never gave the case much of a chance. Senator Ben Sasse of Nebraska was the highest-level Republican to break with Mr. Trump and much of his own party in applauding the ruling.

“Since election night, a lot of people have been confusing voters by spinning Kenyan Birther-type, ‘Chavez rigged the election from the grave’ conspiracy theories,” Mr. Sasse said in a statement, “But every American who cares about the rule of law should take comfort that the Supreme Court — including all three of President Trump’s picks — closed the book on this nonsense.”

Now Mr. Trump's final remaining ability to contest the results is in the court of public opinion, where his baseless arguments about widespread fraud have found far more fertile ground than in state and federal courts. A poll released this week by Quinnipiac University found that more than three-quarters of Republicans believe there was widespread fraud. But the Supreme Court's ruling effectively ended the president's attempts to use the legal system to get a result the voters denied him.

"The good news is that our institutions held," said Rick Hasen, a professor of law at the University of California at Irvine. "While many Republican legislators and attorneys general signed onto Texas's antidemocratic effort, Republican election officials who count the votes and Republican judges did not."

Yet even among those who celebrated the outcome of the case, many feared the longer term impact of the president's rhetoric on public trust in democracy and the mechanics of elections.

"Pleased with the SCOTUS ruling, but also immediately slightly terrified of where this crazy train goes next," Brendan Buck, an adviser to the last two Republican speakers, Paul Ryan and John Boehner, wrote on Twitter. He later added, "We should know by now there's a bottomless supply of crazy."

Not long after, Allen West, a former congressman and the chairman of the Texas Republican Party, slashed at the Supreme Court and said in a statement that hinted at secession that "perhaps law-abiding states should bond together and form a Union of states that will abide by the constitution."

Representative Adam Kinzinger, Republican of Illinois, called on the Texas G.O.P. to retract the statement and fire Mr. West. "My guy Abraham Lincoln and the Union soldiers already told you no," Mr. Kinzinger wrote on Twitter.

Speaker Nancy Pelosi of California, in a statement after the ruling, said that the 126 House Republicans who had signed onto the lawsuit — nearly two-thirds of the party's House members — had "brought dishonor to the House" and chastised them for having "chose to subvert the Constitution and undermine public trust in our sacred democratic institutions."

With loss after loss in the courts and multiple recounts showing Mr. Biden ahead in the decisive states, Mr. Trump's November defeat has been repeated, certified and confirmed enough to keep many Democrats pleased.

“With each loss we get to celebrate the Biden/Harris victory all over again,” noted Ken Martin, a vice-chairman of the Democratic National Committee and the state party chair in Minnesota. “It’s like the gift that keeps on giving.”

— Shane Goldmacher

Texas suit to overturn election results is denied by the Supreme Court.

The Supreme Court on Friday rejected an audacious lawsuit by Texas that had asked the court to throw out the presidential election results in four battleground states captured by President-elect Joseph R. Biden Jr.

The court, in a brief unsigned order, said Texas lacked standing to pursue the case, saying it “has not demonstrated a judicially cognizable interest in the manner in which another state conducts its elections.”

The move, coupled with a one-sentence order on Tuesday turning away a similar request from Pennsylvania Republicans, signaled that the court refused to be drawn into President Trump's losing campaign to overturn the results of the election last month.

There will continue to be scattered litigation brush fires around the nation from Mr. Trump's allies, but as a practical matter the Supreme Court's action puts an end to any prospect that Mr. Trump will win in court what he lost at the polls.

Texas' lawsuit, filed directly in the Supreme Court, challenged election procedures in four battleground states: Georgia, Michigan, Pennsylvania and Wisconsin. It asked the court to bar those states from casting their electoral votes for Mr. Biden and to shift the selection of electors to the states' legislatures. That would have required the justices to discard millions of votes.

Michael Gwin, a spokesman for the Biden campaign, said in a statement Friday night: “The Supreme Court has decisively and speedily rejected the latest of Donald Trump and his allies’ attacks on the democratic process. This is no surprise — dozens of judges, election officials from both parties, and Trump’s own attorney general have dismissed his baseless attempts to deny that he lost the election. President-elect Biden’s clear and commanding victory will be ratified by the Electoral College on Monday, and he will be sworn in on Jan. 20.”

Mr. Trump’s lead lawyer and cheerleader during his court battles, Rudolph W. Giuliani, said Friday night that the Trump campaign would continue to file additional lawsuits in district court. “We’re not finished, believe me,” he said in an interview on Newsmax.

— *Adam Liptak*

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Still divided over a stimulus deal, Congress staved off a shutdown this week. 

President Trump on Friday signed a one-week stopgap bill to fund the government, buying additional time for negotiators to reach agreement on both a catchall government spending package and a coronavirus aid plan to address the economic toll of the pandemic.

The Senate earlier in the day had approved the measure by voice vote, after top congressional leaders corralled the chamber into supporting the one-week extension.

While lawmakers and staff on Capitol Hill continue to haggle over an aid plan, the two policy divides that have long impaired a coronavirus relief deal — a Republican insistence on sweeping coronavirus liability protections and Democratic demands for state and local funding — remain sticking points. Senator Mitch McConnell, Republican of Kentucky and the majority leader, has suggested jettisoning both provisions in order to get a swift agreement on a narrower package, but many lawmakers are reluctant to resort to that.

Democratic leaders have said the starting point for talks should be a \$908 billion bipartisan compromise being drafted by a group of moderates. It would include limited liability protections, \$160 billion in state and local funding, \$288 billion for the Paycheck Protection Program that extends loans to small businesses, and \$300-a-week supplemental federal jobless payments until the spring. The proposal, for now, does not include direct payments from stimulus checks.

“These problems don’t go away,” said Senator Lisa Murkowski, Republican of Alaska, who is part of the group that is working on the bipartisan plan. “If anything, they just get bigger. So if we can just stick to it, get a proposal that we can advance that resolves not only goals like unemployment, P.P.P., food security, but also the state and local and tribal and the liability issue — this is what we’ve been working on. This is what we need to keep doing.”

— Emily Cochrane

Congress might ban surprise medical billing, and that’s a surprise. 

After years of debate and false starts, Congress reached a bipartisan deal on Friday night that would ban surprise medical bills.

The proposal, which may end up in a larger legislative package, would safeguard patients against bills from out-of-network providers unexpectedly involved in their care.

The issue had enjoyed bipartisan, bicameral support for years, and President Trump has been a champion of the reform. But legislators had struggled to agree on details as doctors and hospitals lobbied furiously against various versions. An earlier attempt nearly passed last December, but was scuttled at the last minute.

With Congress failing to act, patients continued to face large, surprise medical bills through the coronavirus pandemic. One virus patient in Pennsylvania received a \$52,112 bill for an out-of-network air ambulance ride this summer, a fee that would become illegal under the agreement. Research shows that as many as one in five visits to an emergency room can generate a surprise bill for patients.

Even with widespread support, the issue has proved difficult for Congress to solve. Doctors and hospitals have worried that a law that prevents them from billing patients directly could hurt their negotiating stance with insurance companies, lowering their pay.

Indeed, the Congressional Budget Office found that an earlier version of the plan would do just that, causing modest reductions in payments to affected medical providers, who include emergency room doctors, radiologists, pathologists, and anesthesiologists, even if they do not send surprise bills.

A single dark-money doctor's group spent tens of millions of dollars on television advertisements and direct mail on the issue over the last two years, targeting senators facing re-election.

The current proposal would require insurers and medical providers who cannot agree on a payment rate to use an outside arbitrator.

The policy would bar air ambulances from surprise-billing patients, but would allow ground ambulances to continue to do so.

The emerging agreement cheered the consumer groups who have been pushing for a solution.

“As families face the darkest days of the pandemic, the last thing they should be worried about is receiving an unexpected bill for necessary medical care,” said Frederick Isasi, the executive director of Families USA Action, in a statement. “This debate has far too often been about powerful special interests when our nation’s families are the ones who are directly impacted and are hurting.”

Top House and Senate committee leaders tasked with writing health legislation announced the agreement Friday evening, and both Speaker Nancy Pelosi of California and Senator Chuck Schumer of New York, the minority leader, announced support for the agreement.

— *Margot Sanger-Katz, Sarah Kliff and Emily Cochrane*

The long, strange road Trump took to challenge the election results.

The Supreme Court’s decision on Friday to stop Texas from challenging the election results in four key battleground states did more than merely kill an audacious effort to have nine justices rather than millions of American voters choose the president.

The high court’s ruling also effectively ended President Trump’s road to re-election through the courts. And what a long, strange road it has been.

No previous president has waged as widespread and as relentless a war against the election process itself as Mr. Trump has in the past several weeks. Starting even before Election Day, he and his Republican allies have filed nearly five dozen challenges to the handling, casting and counting of votes in every conceivable level of the courts in at least eight different states.

They have lost all but one of those efforts, often drawing blistering rebukes from the judges who heard them. Along the way Mr. Trump has not come close — even once — to overturning the election results in a single state, let alone the minimum of three he would need to seize victory from President-elect Joseph R. Biden Jr.

If the expansive legal campaign has shown anything, it is that Mr. Trump and his supporters have been willing to stretch the boundaries of the law in seeking to change the outcome of this year's presidential race, and it is possible that more suits may be filed before Inauguration Day next month.

But the Supreme Court's decision in the Texas case and other circumstances suggest that Mr. Trump's chances of success, which were formerly unlikely, are now all but impossible.

First of all, there simply aren't many election lawsuits left. The Trump campaign and its allies currently have suits still pending in the local courts in Georgia and Arizona, but even wins in both would not be enough to alter the outcome of the election nationwide.

That would require a third win, in the campaign's last remaining federal suit, which is now before a court in Milwaukee. And the judge in the case, Brett Ludwig, a Trump appointee, signaled at a hearing on Thursday that he was skeptical about the claims the suit made and the timeliness with which it had been filed.

Several suits that the president and his supporters have lost in lower courts are now on appeal, in both the state and federal systems, but the appellate process is quickly running up against a crucial deadline on Monday when the Electoral College is expected to cast its votes for Mr. Biden, all but sealing the results of the election.

After that, Mr. Trump's last remaining chance to challenge the outcome will arrive on Jan. 6 when Congress will meet to formally accept the Electoral College's vote, a process that is not likely able to be contested in the courts.

The Texas case landed in the Supreme Court after two previous waves of election suits.

The first batch of actions preceded the election and sought to end or pare back voting measures that states across the country had put in place to deal with the coronavirus crisis. In Texas, for instance, Republicans launched a failed effort in federal court to stop drive-through voting in Harris County, home to Houston. A similar move was made in Pennsylvania to stop the state from accepting mail-in ballots after Election Day.

After the election, Mr. Trump and his allies switched tactics, filing a barrage of suits in Nevada, Arizona, Pennsylvania, Michigan, Wisconsin, Minnesota and Georgia claiming that all manner of fraud had compromised the vote results.

They made accusations that truckloads of illegal ballots were brought in under cover of darkness to a convention center in Detroit; that poll workers in Atlanta were given suitcases full of fake ballots for Mr. Biden; that Iran and China working with local elections officials had hacked into and manipulated algorithms in voting machines.

While some of these claims were supported by sworn statements by witnesses, judge after judge in case after case ruled that the evidence they received was not persuasive, credible or anywhere near enough to give Mr. Trump the extraordinary relief he requested: a judicial order overturning the results of an election.

The filing of the Texas case to the Supreme Court marked a third turn in Mr. Trump's litigation strategy, one that was presaged in other matters like the federal case in Milwaukee.

Having largely failed in their attempts to restrict expansions of the vote and in their efforts to tar the election as marred by fraud, the campaign and its allies have now tried to suggest that the way in which mail-in and absentee ballots were used in Michigan, Wisconsin, Pennsylvania and Georgia was illegal. If that was true, they argued, then the entire elections in those states should be nullified, and Mr. Trump should win.

That is what Christopher M. Carr, Georgia's attorney general, seemed to be referring on Thursday when he filed his response to the Texas suit.

“This election cycle,” he wrote, “Georgia did what the Constitution empowered it to do: it implemented processes for the election in the face of logistical challenges brought on by Covid-19 and confirmed and certified the election results — again and again and again.”

With its ruling on Friday, the Supreme Court gave one last confirmation to Mr. Carr’s claims.

— Alan Feuer

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Biden is considering Cuomo for attorney general.

President-elect Joseph R. Biden Jr. has put Gov. Andrew M. Cuomo of New York on his list of candidates for attorney general, a person briefed on the process said on Friday evening.

It's unclear how seriously Mr. Cuomo is in contention for the role. The Associated Press first reported him as a prospective candidate for the job, along with soon-to-be former Senator Doug Jones of Alabama; the former deputy attorney general Sally Yates; and Merrick Garland, the federal appeals court judge whose nomination to the U.S. Supreme Court by former President Barack Obama was blocked by the Republican-led Senate in 2016.

Mr. Cuomo has been praised by Democrats for his handling of the coronavirus in New York State. He is also someone whom Mr. Biden likes personally and is comfortable with.

The day before the election was called for Mr. Biden last month, Mr. Cuomo told the cable station NY1 that he did not want a cabinet appointment and would “finish the job” as governor.

Mr. Cuomo is in his third term. Previously, he served a term as New York's attorney general.

— *Maggie Haberman*

Senate passes defense bill, which pays the troops, with veto-proof majority in defiance of Trump.



The Senate on Friday overwhelmingly passed a sweeping military policy bill that would require that Confederate names be stripped from American military bases, clearing the measure for enactment and sending it to President Trump's desk in defiance of his threats of a veto.

The 84-13 vote to approve the legislation reflected broad bipartisan support for the measure that authorizes pay for American troops for the next year and was intended to signal to Mr. Trump that lawmakers, including many Republicans, were determined to pass the critical bill even if it meant potentially delivering the first veto override of his presidency.

The margin surpassed the two-thirds majority needed in both houses to force enactment of the bill over Mr. Trump's objections. The House also met that threshold in passing the measure on Tuesday, raising the prospect of a potential veto showdown during Mr. Trump's final weeks in office.

The scene that played out on the Senate floor on Friday underscored how Republicans, who have been reluctant to challenge the president on any other issue during his four years in office, have been extraordinarily willing to break with Mr. Trump over one of the party's key orthodoxies — projecting military strength.

"I encourage all of us to do what we have to do to get this bill done," Senator James M. Inhofe, Republican of Oklahoma and the chairman of the Armed Services Committee, told his colleagues in a speech from the Senate floor. "There's no one more deserving in America than our troops that are out there in harm's way, and we're going to make sure we do the right thing for them."

Congress has succeeded in passing the military bill each year for 60 years. But Mr. Trump has threatened to upend that tradition, pledging since the summer to veto the legislation even as leaders in his own party privately implored him to support it.

Mr. Trump first objected to a provision supported overwhelmingly by lawmakers in both parties in both chambers that would strip the names of Confederate leaders from military bases. In recent weeks, his attention shifted, and he demanded that the bill include an unrelated repeal of a legal shield for social media companies.

That demand, registered late in the legislative process, found little support among lawmakers in either party, who regard shoehorning a major unrelated policy move into defense bill as untenable. They have hoped that strong votes in both chambers would cow Mr. Trump into retreating from his veto threat. But the president has given no indication to date that he will do so.

If Mr. Trump were to follow through with his veto, the House would be the first to try at an override.

— Catie Edmondson

Wisconsin Republicans cast about for ways to flip the state for Trump in an hourslong hearing.

In a hearing that suggested Wisconsin faced election interference from the dead dictators Hugo Chavez and Joseph Stalin, Mark Zuckerberg of Facebook, and Kanye West, Republicans heard from aggrieved President Trump supporters who offered an array of conspiracy theories to argue that Mr. Trump was the rightful winner of the state's election he lost by 20,000 votes.

The daylong hearing was the Republican-controlled Wisconsin legislature's first formal investigation into the Nov. 3 election, which nearly all of the state's elected Republicans have refused to admit was won by President-elect Joseph R. Biden Jr.

Wisconsin certified Mr. Biden's victory on Nov. 30. Its 10 Electoral College members are set to cast their ballots for Mr. Biden on Monday.

The hearing featured complaints about ballot drop boxes, about early-morning reporting of results hours after Election Day voting ended, and about the increased number of votes from people who declared themselves indefinitely confined in their homes. Many speakers insisted that the state's nursing-home residents had their votes manipulated by their caregivers.

It was the latest instance of Republican lawmakers in a battleground state amplifying false claims of fraud while seeking to disenfranchise tens of thousands of voters in the lawmakers' continuing effort to retroactively deliver the 2020 election to Mr. Trump.

Republican lawmakers who sought an avenue for appointing Mr. Trump's slate of Electoral College members were told explicitly by the legislature's lawyer that such a maneuver is not legally possible because state law gave that authority to the Wisconsin Elections Commission, which had already certified Mr. Biden the winner.

"I do not think simply having one lawyer say one thing makes it so," said Shae Sortwell, a Republican state assemblyman. "It hasn't been done before — it doesn't mean it can't be done."

There was little new evidence presented five hours and 10 witnesses into the hearing, and even Mr. Trump's attorney, who stated the president's case for overturning the results of the election in Wisconsin, said his argument did not depend on finding systemic fraud.

"A lot of what is happening right now is not contingent on fraud being proven," said Tom Sylke, the Trump lawyer.

Most Democrats on the committee announced they were leaving three hours into the hearing because they had not been allowed to question witnesses. Most of them attended via video and complained that the Republicans refused to unmute them.

"This hearing is a sham," said JoCasta Zamarripa, a Democratic assemblywoman from Milwaukee.

Dean Knudson, a Republican on the bipartisan Wisconsin Elections Commission, repeated his contention that there had been no "credible evidence of large-scale voter fraud in Wisconsin."

Yet Mr. Knudson did propose a series of new state laws, including changes to how municipalities report their results the night of the election, limit which voters can declare themselves indefinitely confined and provide a clear definition of the legality of ballot drop boxes.

— *Reid J. Epstein*

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The federal investigation into his son is likely to hang over Biden as he takes office.

The newly disclosed federal tax investigation into his son will test President-elect Joseph R. Biden Jr.'s stated commitment to independent law enforcement while leaving him in a no-win situation that could prove distracting at best and politically and legally perilous at worst.

Unless President Trump's Justice Department clears Hunter Biden of wrongdoing before leaving office, the new president will confront the prospect of his own newly installed administration deciding how or whether to proceed with an inquiry that could expose his son to criminal prosecution. Already some Republicans are demanding a special counsel be appointed to insulate the case from political influence.

On the campaign trail, Mr. Biden excoriated Mr. Trump's efforts to use the F.B.I. and Justice Department to go after his enemies and go easy on his friends, vowing to restore a measure of autonomy for law enforcement if he won the election. News of the investigation into Hunter Biden now focuses even more attention on the incoming president's choice for attorney general.

"That should not be investigated by someone appointed by the president any more than if one of his cabinet members is accused of something or his national security adviser," said Richard W. Painter, a former ethics counsel to President George W. Bush who became a leading critic of Mr. Trump and switched parties.

Mr. Painter said Mr. Biden should establish a permanent special counsel to handle politically sensitive cases and restore faith that the Justice Department is not simply a tool of the president. "This is the opportunity for the incoming president and attorney general, whoever he chooses, to say this is exactly why we need an office of special counsel," he said.

The president-elect has made no comment since Hunter Biden disclosed Wednesday that he had been informed about the investigation being conducted by the U.S. attorney in Delaware beyond a statement issued by his staff expressing support for his son. His office had no further comment on Thursday on how he would handle the matter once he becomes president.

— *Peter Baker*

A top House Democrat prods Biden to reopen E.U. trade talks.

The chairman of the powerful House Ways and Means Committee urged the incoming administration to renew trade negotiations with the European Union, countering a pledge by President-elect Joseph R. Biden Jr. to postpone any new trade talks until after the United States has made significant domestic investments.

The statement on Friday, from Representative Richard E. Neal, Democrat of Massachusetts, raises the question of whether congressional pressure could persuade the Biden administration to take a more aggressive approach to trade negotiations with close allies.

Mr. Biden has downplayed expectations for new trade negotiations early in his term, saying he wants to first wrest control of the pandemic and make substantial investments in American industries like energy, biotech and artificial intelligence.

“I’m not going to enter any new trade agreement with anybody until we have made major investments here at home and in our workers,” Mr. Biden said in a New York Times interview last week.

But since congressional opposition would be one of the main obstacles to any new trade agreement, the support of key Democrats could be strong motivation for initiating talks.

Despite deep historic ties, the United States and Europe have not always had an easy trading relationship. The governments have argued for decades over tariffs, farm subsidies and food safety standards, and efforts to reach a comprehensive trade pact under both the Obama and Trump administrations were ultimately scrapped.

— *Ana Swanson and Emily Cochrane*

Michigan's 16 electors will get police escorts from their cars to the state Capitol as officials brace for protests.

Michigan's 16 electors have been assured that they will receive a police escort from their cars to the state's Capitol on Monday when they cast their votes in the Electoral College for President-elect Joseph R. Biden Jr.

Stop the Steal, a group that believes, against overwhelming evidence, that the election was rife with fraud and stolen from President Trump, has posted on social media that they will protest the Electoral College vote from 10 a.m. to 4 p.m. at the State Capitol in Lansing. It is the latest example of the influence Mr. Trump's messages, even in his last days in office, have within his base.

And because Michigan is an open-carry state, demonstrations at the Capitol often include armed protesters both inside the building and on the grounds outside, although the Capitol building will be closed to the public on Monday.

"I've been rallying at the Capitol for many years and the only time I felt uncomfortable is when there were people milling around with guns," said Bobbie Walton, 84, a lifelong political activist from Davison and first-time elector. "It's terrible when those things are used to intimidate people. I might have to wear one of my favorite T-shirts: 'Don't push, I'm old.'"

County, state and federal judges in Michigan have dismissed efforts to overturn Mr. Biden's victory in the state, calling allegations of voting fraud baseless and witness claims of nefarious activities at the TCF Center in Detroit, where absentee ballots were tallied, not credible. Michigan's 83 counties and the state Board of Canvassers have certified the results of the election, which found Mr. Biden won by more than 154,000 votes.

Mark E. Miller, the clerk for the Kalamazoo Township, is looking forward to Monday despite the prospects for chaos at the Capitol.

“We will be doing our duty,” he said. “And while you’ve had armed people coming into the Capitol, there is no law against it, but that is strange to a lot of us.

“I’m trusting that the situation will be under control, so I’m not really worried,” he added. “But perhaps I’m being naïve.”

The Michigan State Capitol Commission, which runs the building made the initial decision to close the building for the Monday vote, said member John Truscott. The state Democratic Party, which is in charge of running the Electoral College vote, agreed with the move.

“Given the number of people who have been testing positive for Covid, we’re trying to keep everybody safe,” Mr. Truscott said. At least eight lawmakers and several dozen legislative staffers have tested positive for coronavirus.

— *Kathy Gray*