Twitter Thread by Pwn All The Things



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Will be a v ugly week, but impt to remember, short of the House flipping red by Friday, there's no remaining power mechanism in the U.S. capable of preventing Biden taking the presidency on Jan 20.

Everything else is just show. A shitshow, to be sure, but a show nonetheless.

Let's walk through the various shitshows that might happen, to various levels of insanity, and why they all still end up with Biden as POTUS on Jan 20.

First it's now certain you'll get objections at the EC with senators + reps. But it needs a majority in both H & S to sustain the objection, and the House is blue, so no dice.

Can they fillibuster the EC to force it to never decide? No, but for complicated reasons.

ECA gives a max two hours of debate per objection, and that caps out at 5 days (ugh).

A suitably devious R senator might go for broke and try to use a Senate rule to bypass that cap, passed by majority vote in the Senate, with the sole purpose of filibustering the EC itself. Which won't happen, and isn't close.

But it did? Guess what, Biden is *still* president.

This is where we start getting into really pokey bits of the constitution.

20th A, Section I: "The terms of the President and the Vice President shall end at noon on the 20th day of January"

That's not conditional. Trump leaves office Jan20, with or without a successor in place

But if there's no successor, who gets to be president? Well, now we go to 20A Section 3. Tl;dr, since neither VPOTUS nor POTUS will be selected, we go to the Presidential Succession Act, and so it falls to the Speaker of the House.

"But that's Pelosi, not Biden", you might say.

Correct.

At the moment.

(We're well into fantasy land by now. The point is that even the crazyland fantasies still take you to a Biden presidency on Jan 20).

"But Biden can't be Speaker, he's not a Representative".

OK. But that's a House rule. And House rules can be changed by ... a majority in the House.

So even if you're willing to entertain totally crazy fantasy scenarios with Rs stopping at nothing and finding a way to block the EC from reaching a decision, the outcome is the same: at noon on Jan 20, Biden will take his oath, and become 46th President of the United States.