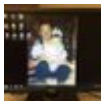
Twitter Thread by Stop the Steal - Stu Cvrk



Stop the Steal - Stu Cvrk
@STUinSD

Thread – Does the Buck Really Stop with Mike Pence?

1. A pal sent me this Facebook post by “Rod D. Martin.” I pass it along as food for thought in the frenzy leading up to the “great expectations” of 6 January.

2.

We absolutely must resist the massive fraud which has just been perpetrated on our country. But at the same time, we must not grasp at hopes which are not hope.

3. Some believe that the Constitution grants Vice President Mike Pence almost magical powers to overturn the improperly certified election "results" from the stolen swing states. They base this on just one clause, plus a lot of internet rumor.

4. This is the relevant sentence, from the 12th Amendment: "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted."

5. The [various] theories being articulated freight this clause with a shocking amount of weight. Where, for instance, does this clause state that Mike Pence's rulings are unappealable?

6. He is expressly identified here as "the President of the Senate", which means he is acting in that capacity. Does that not mean that the rules of the Senate apply?

7. And so presumably any ruling of the presiding officer would be appealable to the body of the Senate, which could override his rulings. It is that override, not his ruling, which would be unappealable.

8. Likewise, this clause says that Pence "opens all the certificates", after which the votes are counted. None of the votes by alternate slates of electors have been certified by anyone to my knowledge, not a state legislature, not a governor, not any official state authority.

9. Clearly if the state legislatures had submitted alternate slates, that would be legally meaningful, and clearly those legislatures could have chosen to do so as they did in 1876. But they did not.

10. To my knowledge, all of the alternate slates have self-certified, which is to say, they have not acted under any recognized authority.

11. Does that mean the purported alternate electoral votes can't even be opened? Likely so. And based on my belief that Pence's rulings are appealable to the body, it seems clear to me that he would not be able to pick just any group of purported votes he wished.

12. (And by the way, that's a good thing, since Joe Biden might have done that four years ago if he could have.)

13. The fight on January 6 is not about Mike Pence, but rather about various Congressmen and Senators objecting. But say that some do: the law (not the Constitution) states that the House and Senate then go into separate sessions, ….

13A. … and that for the objection to be sustained it must receive a majority in each House. That's clearly unlikely to happen in the House of Representatives, where there is a Democrat majority.

14. One might argue that the House would have to vote by state delegations in such a circumstance, but the Constitution only specifies that procedure for an actual vote for President.

15. And if anyone asserts that provision as applicable to this very different vote, Speaker Pelosi will rule against them, and the majority will be with her.

16. So even if the Senate votes to uphold the challenge, it will fail unless all of the House Republicans and at least a few House Democrats join them.

17. Mitch McConnell knows this, which is why he hasn't fought harder: he knows he doesn't have enough Republican votes in the Senate (thanks to sellouts like Mitt Romney).

18. And he knows that even having all of them wouldn't be enough since the House will almost certainly go the other way.

19. That's also why we're struggling to find even a handful who are willing to object [hooray for you, Josh Hawley!]. For a lot of these guys, it’s a very big ask for something they believe can't possibly win. [The political class are spineless and have no principles!]

20. We won this election. It was stolen from us. But it's not Mike Pence who's stealing it, or complicit with the steal.

21. There were failures on our side at every level in this process, through foolishness, through incompetence, through error, through lack of courage, and sometimes just by losing: I could write you a book.

22. But ultimately, Democrats chose to steal the election, and you don't blame incompetent guards for a bank robbery: you deal with them, you set up better security after, but you go after the thieves.

23. Despite everything I just said, if you can be in Washington on Jan. 6 you should be. You should demand that your House members and your Senators do the right thing. You should hold them accountable after.

24. You should never let go of this blatant theft, you should never let up, you should never cease demanding proper election security, you should never let the Democrats have a moment of rest from the shame and the permanent consequences we must heap upon them.

25. They are destroying what they like to call "Our Democracy" -- our Republic, our liberty -- and they're glad. They've openly lusted after one party rule, and when "demography" wasn't destiny after all, they just seized it.

26. We may fail on Jan. 6, various courts may refuse to hear us, but eventually, just as in the years leading up to 1776, just as in the People Power Revolution in The Philippines in 1986, we can take back our inheritance of freedom, for ourselves and for our children.

27. We do not have to live forever in a society in which every election is rigged. We may for a while, and they may use that to our great harm. But more capable tyrants than these have been defeated, and we will defeat these, too.

28. [There is no magic bullet.] I have for you what Churchill offered: blood, toil, tears and sweat. We haven't sweated a lot for our freedom. If we had, we wouldn't be here. Isn't it time?

///The end.