Twitter Thread by ■Mαχι■υs■L■gαcy■



■Mαχι■υs■L■gαcy■
@Maximus_Legacy

I do not “grasp at straws”, @LarrySchweikart and you are not the only person with an education.■■■

-First, re the Electoral Slates for Trump: they are currently *uncertified*. We hope to get them retroactively certified.

> authority to "throw out" an electoral slate and accept another.
>
> I know our side is depressed & grasping at straws, but this ain't it.
>
> — Larry Schweikart (@LarrySchweikart) December 17, 2020

-I sincerely hope you are helping us do this by organizing your followers to make phone calls to their Legislators, instead of complaining about the process. No time for that.

-Secondly, I will address, once again, the historic role of the @VP vis-à-vis 12A & ECA of 1887.

-Because of the ambiguity of 12A, its passive voice phrasing, I posit the “President of the Senate” has the exclusive constitutional authority to determine which “certificates” to “open” and thus which electoral votes “to be counted” in the event competing slates arrive.

-Now, you are coming from the Electoral Count Act of 1887, which is a convoluted mess.

-You inferred the Trump electors are "illegitimate”.

-Well, the Act says only the votes “appointed in accordance with the laws of the State” may be "counted".

OBJECTION! LOL!■

-Trump loyal Rs shall argue the “executive certified” slates are illegitimate because of election irregularities from the contested states.

-But what if the Trump slates are not certified by 1/6? Then both will be thrown out.

-But who throws them out? You're arguing it is Congress, both chambers agreeing. I get it.

-However, the Act is an impenetrable text of 807 words and a quagmire of confusion open to different interpretations.

-In martial arts, ambiguity (or formlessness) is an ally.

-Your premise: “But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted”(3 U.S. Code § 15).

-I’m sure you will agree this portion of the text clearly violates Article II, Section 1, Clauses 2-3 by usurping the powers of the *Legislatures* in the “manner” they decide to “choose electors”.

-Having said that, another part says if 2 slates arrive “those votes, and those only, shall be counted which the *two Houses shall concurrently decide* were cast by lawful electors appointed in accordance with the laws of the State”(3 U.S. Code § 15).

The Act contradicts itself.

-My premise: the only means of overcoming the impasse (which is going to occur) of a tie between the Houses, is found in the “presiding officer” of the @VP. After all tiebreaking is a Constitutional function of the President of the Senate.

-Moreover, it must be remembered that 19th century Republicans claimed the “Act was unconstitutional because it interferes with the exclusive authority vested in the President of the Senate to determine which electoral votes from the states to count” (See Ballot Battles).

-On these grounds, I would urge the @VP to assert a constitutional prerogative to supersede the provisions of the Electoral Count Act and declare its operation entirely irrelevant, or inapplicable, given the extraordinary circumstances of the 2020 elections.

-From this position, he's well-suited (as I argued above under 12A), to unilaterally decide which electors to “count”.

-And why not? Ds, RINOs, and rogue judges in contested states, ignored their own constitutional statutes which is why we are in a crisis.

Let's work together!