Twitter Thread by Lamar



Lamar
@EL_Wi11

I am a huge supporter of yours but the notion that Congress should sit this one out isn't correct. Adams and Jefferson discussed making decisions on how to count ballots 1796 & 1800. ECA is unconstitutional. In event of no ascertainable majority House elects iaw 12th Amendment.

@RepThomasMassie Courts didn't want to do their duty to settle controversies? Fine. Congress must but not through invoking the ECA. That creates a new unconstitutional way of electing President. Instead support the House election method iaw w/ the 12th A. when the time comes. Thanks.

@RepThomasMassie People will say, "but Biden will have majority."

No, he doesn't. AZ, NV, WI, MI, PA, and GA are ALL in question. Subtract those as being indeterminable due to fraud and/or Constitutional election law violations and you're left with Trump winning.

BUT.....

@RepThomasMassie There isn't a mechanism for excluding states totally from the process so every reasonable step should be take to ensure they are all able, in one way or another, to have their due input. That way in this situation is by having the House elect iaw the 12th Amendment.

So...

@RepThomasMassie Instead of Pence just excluding ballots & declaring Trump winner he should exclude the controversial ballots & then send the election to the House, explaining it's the fair option in view of the circumstances instead of just handing Trump a victory while excluding several states.

@RepThomasMassie Jefferson to Adams re 1796 Election:

"I observe doubts are still expressed as to the validity of the Vermont election. Surely in so great a case, substance and not form should prevail...I pray you to declare it...in favor of the choice of the people substantially expressed...".

@RepThomasMassie I shortened that for brevity/Twitter but Jefferson's point to Adams was that the votes should be counted, not out of a robotic ministerial duty, but because that's what reflected the actual will of the people.

@RepThomasMassie The bigger point is that it shows that by their own thinking at the time they understood the Pres. of the Senate to have a role beyond an inflexible or mechanical one as a robotic functionary.

@RepThomasMassie A similar situation arose again in 1800 when Georgia's ballots appeared to be "irregular" but as the story goes the teller was surprised when Jefferson quickly counted them anyway, conveniently saving himself from facing a five-way House runoff that he was likely to lose.

@RepThomasMassie Even with the 1796 Adams scenario and the 1800 Jefferson scenario fresh on the founder's minds they didn't implement any sort of "ECA" style language or process in the 12th Amendment. Why do you suppose that might be? Could it be....

cont....

@RepThomasMassie ...that the founders understood that should a ballot controversy arise, (as had just happened twice), the President of the Senate was quite capable of dealing with it in one way or another from a constitutional standpoint? I think so. In fact I have no doubt.

@RepThomasMassie And when the clutching of pearls begins to happen over ignoring the ECA, those putting on the dramatic show and crying the biggest crocodile tears may be remined that "we tried" to get that settled in court but they declined so oh well. Now it's up to Pence & Congress.

The end.