

An Amicus Curiae Proposal

"THE SURVIVAL OF THE REPUBLIC"

by [Joseph DeMaio](#), ©2020

BILL OF COMPLAINT

Our Country stands at an important crossroads. Either the Constitution matters and must be followed, even when some officials consider it inconvenient or out of date, or it is simply a piece of parchment on display at the National Archives. We ask the Court to choose the former.

Lawful elections are at the heart of our constitutional democracy. The public, and indeed the candidates themselves, have a compelling interest in ensuring that the selection of a President—any President—is legitimate. If that trust is lost, the American Experiment will founder. A dark cloud hangs over the 2020 Presidential election.

Here is what we know. Using the COVID-19 pandemic as a justification, government officials in the defendant states of Georgia, Michigan, and Wisconsin, and the Commonwealth of Pennsylvania (collectively, “Defendant States”), usurped their legislatures’ authority and unconstitutionally revised their state’s election statutes. They accomplished these statutory revisions through executive fiat or friendly lawsuits, thereby weakening ballot integrity. Finally, these same government officials flooded the Defendant States with millions of ballots to be sent through the mails, or placed in drop boxes, with little

[Texas Bill of Complaint](#)

(Dec. 9, 2020) — By now, faithful P&E readers, you are no doubt aware that the State of Texas has filed in the Supreme Court documents seeking leave to pursue a “[Bill of Original Complaint](#)” against the states of Georgia, Michigan and Wisconsin and the Commonwealth of Pennsylvania. The action challenges the constitutionality of the extra-legislative actions of secretaries of state and election officials in those states illegally impacting the 2020 presidential election nationwide. It is a compelling cause of action.

Today, seventeen other states, through their respective attorneys general, joined the effort by filing an [amicus curiae brief](#) urging the Court to accept jurisdiction over the case and grant the relief being sought by Texas. The *amicus* brief was produced by the Attorney General of Missouri, Eric Schmitt, and each of the other state attorneys general simply signed on to it.

Accordingly, there are now 18 states seeking redress in the Supreme Court for the cannibalization of the 2020 general election at the hands of, among others, extra-legislative election officials in Georgia, Michigan, Pennsylvania and Wisconsin.

The relief being sought consists of a prayer for the invalidation of each of the defendant states' Electoral College votes based on the unconstitutionally procured "popular vote totals" in the respective states and an order that (a) each state produce a new slate of electors premised on tabulations of *lawful* popular votes cast for transmission to the Congress, or (b) for the 2020 election, and faced with the impossibility of producing an accurate and lawful vote count, the total electoral vote count for each of the defendant states be "zeroed-out" by sending a slate of no electors at all.

This was discussed [here](#), but with the filing of the amicus brief, another option emerges.

Specifically, it is noteworthy that both Texas and the supporting *amici* states cite in support of their arguments that the way the defendant states handled the unprecedented tsunami of absentee and "mail-in" ballots was an unmitigated and unconstitutional catastrophe. And it was. Notably, one of the prime authorities relied upon is the 2005 document entitled "Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform." That report confirms that absentee or mail-in ballots present "the largest source of potential voter fraud." The co-chairs of that commission were former President Jimmy Carter and former Secretary of State James Baker.

Here's a modest proposal: if Jimmy Carter and James Baker – both of whom are still alive – really believe that election integrity is important and that the 2020 general election has been irretrievably compromised and cannibalized by the defalcations described in the Texas action, then perhaps they too should consider offering an *amicus curiae* brief urging that the Supreme Court accept the case.

Whatever Messrs. Carter and Baker may think of President Trump – and word on the street is that they are not big fans – we are, after all, only dealing with the survival of the Republic....., are we not?

Soooo....., anyone got the email addresses for Jimmy Carter and James Baker? Just askin'.