The Train-wreck Continues

"BUCKLE UP"

by Joseph DeMaio, ©2020

Photo: Congress.gov

(Dec. 23, 2020) — Q.: Why does a dog lick itself? A.: Because it can.

Substitute the term "Democrat" for the word "dog" in the foregoing Q&A and you will arrive at a fairly accurate picture of that which awaits the Republic if the Harris-Bide… dang… there I go again…, my bad…, if the Biden-Harris duo gets installed into office on Jan. 20, 2021 following the counting of "regularly given" electoral votes by the U.S. Congress.

The only possible remaining variable on Jan. 6 will be the counting of the Senate runoff votes from Georgia due to take place the preceding day, Jan. 5, 2021. That counting process, of course, will be delayed for a long enough period to allow pristine, unfolded mail-in ballots, pre-printed with votes for the two Democrats in the runoff election, to be delivered to the counting center between 3:00 and 4:00 AM on Jan. 6 to ensure that the Senate falls into Democrat control, with Herr Schumer in charge. Hey, it seems to have worked last Nov. 4 in the general election for president, so why do anything different for the Georgia runoff?

This is madness. Anyone – including members of the U.S. Supreme Court – who thinks there is "no evidence" of fraud in the 2020 general election is a moron…, and that comparison actually trivializes and denigrates genuine morons. Moreover, anyone who believes the statement issued by the Cybersecurity & Infrastructure Security Agency ("CISA") that the 2020 general election was "the most secure in American history;" that state election officials are "reviewing and double-checking the entire election process…;" and that there is "no evidence that any voting system… "was in any way compromised" is indulging in an illicit controlled substance.

The situation brings to mind the observation made centuries ago by the Greek philosopher Plato: "We can easily forgive a child who is afraid of the dark; the real tragedy of life is when men are afraid of the light."

Faithful P&E readers, understand that the "no-evidence-of-widespread-fraud" propaganda narrative being peddled by the mainstream media is a "look-at-the-monkey" distraction. The documented instances of outright fraud and voting irregularities in only six "battleground" states – with a total collective "spread" between popular votes for Biden and votes for President Trump of only two-tenths of one percent of the total votes cast – is all that is needed to change the result from a Biden "win" to a Biden "loss." This is confirmed here.

"Anecdotal" fraud is still "fraud." And anecdotal fraud in only a few states can dramatically alter the electoral vote count. That is the current "look-at-the-facts" status, rather than the "look-at-the-monkey" diversion the Fourth Estate propaganda merchants are peddling. Note as well that simple arithmetic now also confirms that the popular vote total claimed by Monsieur Biden is nearly 13.9 million ***more*** votes than there were registered eligible voters in 2020 after excluding lawful votes for President Trump.

Specifically, in the prior Gateway Pundit post, it is pointed out that *Washington ("Democracy Dies in Darkness") Post* data showing that 66.2% of a total of 213.8 million registered voters voted in the 2020 election – in person or by mail – means that 141.5 million voters actually voted. President Trump garnered 74.1 million votes, leaving only 67.4 million registered voter votes available for claim by Biden.

And yet the mainstream media-accepted vote total for Slow Joe now stands at 81.3 million, or some ***13.9 million*** votes more than the total of registered voters who actually voted. Some folks, including U.S. Supreme Court Justices, are just not that good at math… which is why they became lawyers and judges instead of scientists or engineers.

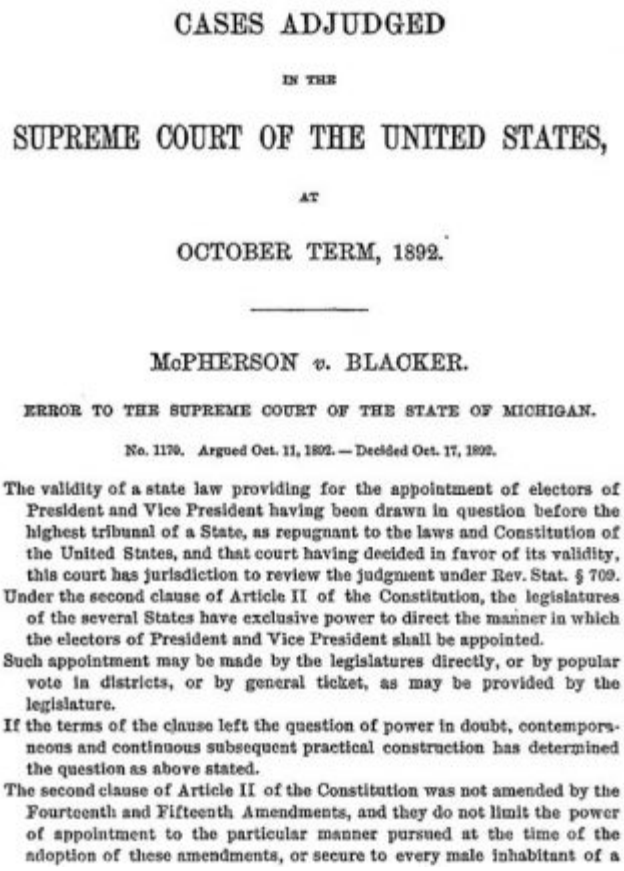
Screenshot: MSNBC interview, May 1, 2020

If the Biden-Harris ticket takes over, we will be really…, ***really*** close to abandoning for the next four years – and perhaps forever – the principles that have sustained this Republic for over 230 years. That would be a tragedy not only for us and future generations to come, but for the entire world. The United States of America is the sole remaining democratic republic on the planet and the last remaining bulwark against the institutionalized insanity of socialism, fascism, communism and straight-up totalitarianism.

And yet, here we are, preparing to surrender the reins of power – and the launch codes in the nuclear football – to a septuagenarian who thinks that son Hunter ("Laptop?-What-Laptop?") Biden is the smartest man he knows. We are also preparing to install as Vice-President a cunning lawyer who might actually become the third usurper of the presidency after Chester A. Arthur (# 1) and Barack Hussein Obama, Jr. (# 2) when – not ***if*** – the Deep State decides to deploy the 25th Amendment.

Forget about the Supreme Court's pontifications on "standing," "laches" and "ripeness" as excuses to avoid addressing the issues; forget about the main-slime media's incessant attacks on President Trump and his supporters' continued questioning of the election "results;" and forget about the serial march of the electoral college Democrat automatons in the states of Pennsylvania, Georgia, Michigan and Wisconsin. But remember this: the issue to be addressed on Jan. 6, 2021 is "not one of policy, but of ***power***…." (Emphasis added). That quote comes from a case decided by the Supreme Court nearly 130 years ago. If it was relevant back then, it is even more relevant now.

Specifically, in *McPherson v. Blacker*, 146 U.S. 1 (1892), the Court noted that under the Constitution, the manner in which states are allowed to select and appoint their presidential electoral college electors is absolutely, wholly and exclusively reposed in the legislatures of the various states. It is ***not*** reposed in either the judicial branch or the executive branch. Stated otherwise, the ***power*** to appoint the electors is beyond the reach of either the judicial branch or the executive branch to interfere or dictate.



CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES,

AT

OCTOBER TERM, 1892.

McPHERSON v. BLACKER.

ERROR TO THE SUPREME COURT OF THE STATE OF MICHIGAN.

No. 1179. Argued Oct. 11, 1892. — Decided Oct. 17, 1892.

The validity of a state law providing for the appointment of electors of President and Vice President having been drawn in question before the highest tribunal of a State, as repugnant to the laws and Constitution of the United States, and that court having decided in favor of its validity, this court has jurisdiction to review the judgment under Rev. Stat. § 709.

Under the second clause of Article II of the Constitution, the legislatures of the several States have exclusive power to direct the manner in which the electors of President and Vice President shall be appointed.

Such appointment may be made by the legislatures directly, or by popular vote in districts, or by general ticket, as may be provided by the legislature.

If the terms of the clause left the question of power in doubt, contemporaneous and continuous subsequent practical construction has determined the question as above stated.

The second clause of Article II of the Constitution was not amended by the Fourteenth and Fifteenth Amendments, and they do not limit the power of appointment to the particular manner pursued at the time of the adoption of these amendments, or secure to every male inhabitant of a

https://tile.loc.gov/storage-services/service/ll/usrep/usrep146/usrep146001/usrep146001.pdf

However, as sometimes happens in the course of volatile and polarized political times – such as in the past and such as in the present – the issue of so-called "competing slates" of presidential electors appears. This phenomenon arises when, because of "exigent circumstances" in a particular state, more than one slate of electors is presented by the state to the Congress meeting in joint session for the official "tallying" of the electoral votes in January of each year following the general election held the immediately preceding November.

When such competing slates of electors arrive at the Congress, they are directed to the President of the Senate – identified in the Constitution and in the 12th Amendment as the sitting Vice-President, currently Mike Pence – who presides over the meeting. It is at this point that various members of Congress have stated that they intend to object to the counting of electoral votes from certain states because of the myriad serious anomalies which thus far have been identified.

Not only should they do this on moral grounds, an argument can be made that it is their constitutional duty to do so. At that point, it would appear to be well within the prerogatives of the presiding officer – Vice-President Pence – to call for the threshold

question of whether the slate(s) of electors consist of individuals who have been "regularly appointed" and/or whether their electoral votes were "regularly given."

The term "regularly given" derives from 3 U.S.C. § 15 regarding the *counting* of electoral votes: that statute does not directly address, however, the issue of whether the original votes were "*regularly given.*" (Emphasis added). It prescribes only the procedures whereby a vote which is *presumed* to have been "regularly given" is to be counted. Indeed, it has been recognized that the term is nebulous and subject to differing interpretations. This issue has also recently addressed here.

Accordingly, a blind Martian – but certainly not the Democrats or their servile apparatchiks in the mainstream media – could see that against the backdrop of irregularities and flat-out disregard of state laws in battleground states, the slates of electors composed of "Biden Automatons" were and are anything ***but*** "regularly appointed" or whose votes were and are "regularly given." To the contrary, their votes and appointments, arising out of the ashes of the cannibalization of election laws intended to govern a "fair" general election, are the quintessential definition of "irregular."

The first definition of the term "regular" given by Webster's Dictionary is "constituted, conducted, scheduled, or *done in conformity with established or prescribed usages, rules, or discipline.*" (Emphasis added). It is abundantly clear to any objective observer – thereby excluding virtually every Democrat leader in Congress and more than a couple Supreme Court Justices – that the votes now reposed in the swing state slates of Biden electors are not…, repeat, ***not*** the result of compliance with or in conformity with "established or prescribed usages, rules or disciplines." Instead, they are just the opposite.

Thus, Vice-President Pence as presiding officer over the joint session of the Congress would seemingly be well within his prerogatives to inquire of the assembled senators and representatives whether, as a threshold 12th Amendment matter – and ***without*** resort to the arithmetic "counting" provisions of 3 U.S.C. § 15 – one or the other of two competing slates of electors from a state were "regularly appointed" and/or whether their resulting electoral votes were "regularly given."

Senators and representatives could be given the opportunity to articulate their positions as to why one or the other of competing state elector slates should prevail. Bear in mind as well that, while federal statutes are included within the laws deemed to be, along with the Constitution and its Amendments, the "supreme law of the land," if a federal statute violates or is inconsistent with a provision of the Constitution or one of its amendments, the Constitution or the amendment will prevail over the statute. Stated otherwise, if there is anything in 3 U.S.C. §§ 1-21 inconsistent with or in contravention of the Constitution or, in particular, the 12th Amendment, the statutes will be trumped by the Constitution and/or the 12th Amendment.

Accordingly, if as a result of this threshold "point of order" inquiry, it were to be determined that Biden's electors were irredeemably tainted by the fact that their votes

were not "regularly given," then the counting of the slate of a state's "Trump electors" over the tainted slate of the Biden electors would likely result in the immediate re-election of President Trump… and, parenthetically, the ensured survival of the Republic for at least another four years.

2020 Electoral College Results

OFR will post the Electoral College results after Congress counts the electoral votes on January 6, 2021.

President	Joseph R. Biden Jr.* [D]		
Main Opponent	Donald J. Trump* [R]		
Electoral Vote	Winner: TBD	Main Opponent: TBD	Total/Majority: 538/270
Vice President	Kamala D. Harris* [D]		
V.P. Opponent:	Michael R. Pence* [R]		
Notes	* presumptive; based on reported Certificates of Vote		

https://www.archives.gov/electoral-college/2020

On the other hand, if the only result of the threshold inquiry was a determination that it was impossible to choose between one or the other of the competing slates, at minimum, the "transmitted" slate of "governor approved" Biden electors would be disallowed, dropping his electoral vote count below the 270 vote total needed to win the election. At that point, the 12th Amendment would kick in – with each state being given one vote based on the composition of its state legislature and not based on the composition of its congressional delegation – again resulting, presumably, in the re-election of President Trump.

The U.S. Senate was once labeled by President Buchanan as "the world's greatest deliberative body." Assuming, for the sake of argument, that in recent years the U.S. Senate (not to mention the House of Representatives) has devolved into something unrecognizable to Buchanan as "deliberating" anything *at all*, the Jan. 6, 2021 gathering presents a great opportunity for the Senate, or at least certain members thereof, to recover its lost deliberative faculties.

The first step in such a rehabilitation effort would be to support a Mike Pence "point of order" calling for discussion of whether the electoral votes of Biden electors had been "regularly given." The second step would be to support the acceptance of the competing slates of state Trump electors or, at minimum, determining that no votes of electors from disputed "Biden elector" states should be counted. The third and final step would be to concur in the operation of the 12th Amendment whereby each state would be allowed one vote in the selection of the president based on that state's legislative composition and not on its congressional delegation composition. *See McPherson v. Blacker.*

Under the provisions of the 12th Amendment, rather than those of Title 3 of the U.S. Code, unless there were defections by GOP-dominated state legislatures by voting for

Biden, the "one-vote-per-state" rule would virtually assure President Trump's re-election. Make no mistake, Virginia, the Democrats and their media slaves will do everything in their power to prevent that scenario from taking place. That effort is already taking place in the form of an incessant propaganda campaign to characterize Biden as the "president elect," when in fact he is not, and his Vice-President running mate as something other than a mere usurper-in-waiting.

Benjamin Franklin, half-length portrait, engraving from portrait by Benjamin Wilson. Courtesy Library of Congress.

National Archives

The next few weeks will do much to answer the question posed to Benjamin Franklin as he left the Constitutional Convention in Philadelphia – ironic…, no…? – in 1787. When asked if the labors had produced a republic or a monarchy, Franklin replied: "A republic, if you can keep it."

Buckle up.