

# What the Constitution REQUIRES Congress to Do on January 6, 2021

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## 1. The Rule of Law is being erased in our Land

Several years ago, I saw a movie on TV. The setting was Berlin, Germany just after WWII at the time the Soviets were laying roles of barbed wire on the ground to mark the border between East and West Berlin. The main characters were a young American woman and a young German man. He had gotten a law degree while Hitler was taking over Germany; but he never practiced law. She asked him why and he said, “The Law disappeared”.

And that’s what’s going on in our Country: **The Law** – as the standard which those in government must obey – has disappeared and is being replaced by the age-old system where those with the power do what they want, *and the cowards go along with it.*

Just as the cowards in Germany went along with Hitler; cowards in America are going along with the Left’s brazen theft of the recent election. Countries are destroyed by such cowards; and that may be the reason Revelation 21:8 lists cowards as the first to be thrown into the Lake of Fire: Tyrants couldn’t get to first base without the acquiescence of cowards.

So this paper calls upon each Member of Congress to rise up and restore the Rule of Law to our Land.[1] Knowledge of Truth

– and the Love of Truth – makes us strong. So learn the Truth, embrace it, and restore the Rule of Law.

## **2. We must read each Part of the Constitution in the Light cast by the other Parts**

It is impossible to understand any Part of the Constitution without understanding how that Part fits into the Whole; and how each individual Part is affected by the other Parts addressing the same subject. Accordingly, it is an ancient rule of construction that constitutional provisions or statutes that are on the same subject (*in parimateria*) must be construed together [[link](#)].

So it is a serious misconstruction of the 12<sup>th</sup> Amendment to assert that Congress's role on January 6 is the passive one of merely counting numbers; or that the Presiding Officer has discretion to do whatever he wants.

As shown below, specific provisions of the Constitution impose on Congress *the Duty* to determine whether the Electors were lawfully chosen; and whether the putative President elect and Vice-President elect are qualified for office.

## **3. When it meets on January 6, Congress must enforce these Constitutional provisions respecting the Appointment of Electors**

### **Article I, §4, clause 1; Article II, §1, clause 2; and Article II, §1, clause 4**

Art. I, §4, cl. 1 says that only state and federal legislatures have the power to make laws addressing the Times, Places and Manner of conducting federal elections. So Judges and State executive officials have no lawful authority to change the election laws made by the Legislatures!

Art. II, §1, cl. 2 says that the Electors for President and Vice-President are to be appointed in such manner as the State

Legislatures shall direct. So Judges and State executive officials have no lawful authority to change the election laws respecting how the Electors are to be chosen!

*So Electors who were appointed in violation of these two provisions were unlawfully appointed and hence are not legally competent to cast votes for President and Vice President.*

Art. II, §1, cl.4 provides that Congress may determine the Time of choosing the Electors. At 3 USC §1, Congress set the time for choosing Electors for November 3. *So Electors who were appointed after November 3 by means of late ballots (which was made possible by unconstitutional changes to state election laws which unlawfully extended the deadlines for receiving ballots past Nov. 3) were unlawfully appointed and hence are not legally competent to cast votes for President and Vice President.*[2]

**4. Congress must also enforce these Constitutional provisions respecting the qualifications for the Offices of President and Vice-President**

**Article II, §1, clause 5**

Art. II, §1, cl. 5 sets forth qualifications for the Office of President. After our first generation of Presidents [who were all born as subjects of the King of England] had passed away; the qualifications for President are that he must be a “natural born citizen”, at least 35 years of age, and have been for at least 14 Years a Resident within the United States.

**The last sentence of the 12<sup>th</sup> Amendment** shows that no person who is ineligible to be President is eligible to be Vice-President.[3]

**The 22<sup>nd</sup> Amendment**

The 22<sup>nd</sup> Amendment imposes term limits on the office of President. So any person who has already served two terms is constitutionally ineligible to be President.

### The 20<sup>th</sup> Amendment, §3

- 3 of the 20<sup>th</sup> Amendment addresses what happens when the President elect and/or Vice-President elect “fail to qualify”. So §3 underlines Art. II, §1, cl. 5; the last sentence of the 12<sup>th</sup> Amendment; and the 22<sup>nd</sup> Amendment: *If the President elect or the Vice-President elect “fail to qualify”, they are to be passed over.*

So! The Constitutional scheme is that the Electors’ choice *is subject to Congress’* determinations of:

- whether the requirements of Art. I, §4, cl. 1; Art. II, §1, cl.2; and Art. II, §1, cl. 4 were obeyed when the Electors were selected; and
- whether the persons whom the Electors chose meet the requirements of Art. II, §1, cl. 5; the last sentence of the 12<sup>th</sup> Amendment, and the term limits provision of the 22<sup>nd</sup>

If not, Congress must disqualify the persons.

**5. Congress is also bound by these Constitutional provisions**

### The Guaranty clause at Article IV, §4

Art. IV, § 4 says:

“The United States *shall* guarantee to every State in this Union a Republican Form of Government...” [emphasis added]

Since the essence of a “Republic” is that power is exercised by Representatives elected by The People;[4] the violations of

Art. I, §4, cl. 1; Art.II, §1, cl. 2; and Art. II, §1, cl.4 (*which made massive election fraud possible*) strike at the heart of our Constitutional Republic.

When Electors are selected in violation of our Constitution by means of last minutes changes unlawfully made to state election laws; and/or an election is stolen by means of fraud, the Right of The People to choose their Representatives is taken away from them – and the Republic is destroyed.

*Art. IV, §4 imposes on Congress the Duty to guarantee lawful and honest federal elections.* Congress can do this by enforcing Art. I, §4, cl. 1; Art.II, §1, cl.2; and Art.II, §1, cl. 4 **by** disqualifying the Electors chosen in contravention of those provisions.

Congress may (and should) also disqualify Biden and Harris on the additional ground that their pretended election was procured by cheating. They must be stripped of their sham “win”. [5]

### **The Supremacy clause at Article VI, cl. 2**

Art. VI, cl. 2 says:

“This Constitution, and the Laws of the United States which shall be made *in Pursuance thereof*...shall be the supreme Law of the Land...” [italics added]

Only those Acts of Congress which are consistent with the Constitution are part of the supreme Law of the Land.[6]

Accordingly, Sections 5 and 15 of the Electoral Count Act (3 USC §§1-21), **are** unconstitutional to the extent they purport to:

- require Congress to accept slates of Electors who were appointed in violation of Art. I, §4, cl.1; Art. II, §1, cl. 2; and Art. II, §1, cl. 4;
- require Congress, in the case of dueling slates of

Electors, to choose the slate signed by the Governor of the State and reject the slate approved by the State Legislature;[7] and

- eliminate the 12<sup>th</sup> Amendment's dispute resolution procedures under which the House of Representatives chooses the President; and the Senate chooses the Vice-President.[8]

**But, contrary to what some have asserted, the 12<sup>th</sup> Amendment most manifestly does NOT vest exclusive authority and sole discretion *in the President of the Senate* (Vice-President Mike Pence) to determine which slates of Electors for a State are to be counted and which slates are to be rejected!**

**As President of the Senate, the Vice-President has certain Parliamentary powers at his disposal; but he has no "discretion" in deciding whether he will adhere to the Constitutional framework governing the Election. He – and every other Member of Congress – must adhere to and enforce each Constitutional provision.**

### **The Oath of Office at Article VI, cl. 3**

Every Member of Congress is bound by Oath or Affirmation to support our Constitution. On January 6, you must lay aside all personal considerations. Do your DUTY as set forth in the Constitution. And remember: This isn't about Trump – this is about whether our Republic is to survive. If you permit violations of the Constitution and the resulting fraud to prevail; *you will destroy our Republic.*

## **6. Our Constitution sets up an elegant system of checks and balances**

One of the benefits of the "separation of powers" Principle is that it provides a mechanism for one power to correct violations made by another power. Within the federal and State governments, powers are divided into three Branches:

Legislative, Executive, and Judicial. Each Branch has the duty to “check” the violations of the other Branches.

Likewise, the power of the State governments is separated from the power of the federal government. When people within State governments violate the Constitution – as was done in the recent election – it is the Duty of the federal government to “check” the violation. Since Electors were chosen in violation of the Constitution; Congress has the Duty to *check* the violations and *reject* those Electors.

### Endnotes:

[1] The term, “rule of law”, is defined [here](#) at Point 7.

[2] The same Principle applies to Electors who were chosen *before* Nov. 3 pursuant to [unconstitutional] state election laws which permit early voting for selection of Electors.

[3] It appears that at the time Kamala Harris was born, her parents were not US Citizens. If so, she is *constitutionally ineligible* to be President or Vice-President [[link](#)]. Congress has the Duty to inquire into this matter; and if they find that she is not a “natural born citizen” *within the original intent of Art. II, §1, cl.5*, it is Congress’ Duty to disqualify her. **Congress is the body which is charged with determining the eligibility of the President and Vice-President** [[link](#)].

[4] [Federalist No. 10](#) (J. Madison): “A republic, by which I mean a government in which the scheme of representation takes place, ... \*\*\* ... The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; ...”

[5] If you win a medal at the Olympics; and it’s later discovered that you cheated by taking performance-enhancing drugs, you will be stripped of “win” and medal – and both will

be awarded to your runner-up. The same Principle applies to stolen elections.

[6] [Federalist No. 78](#), 10<sup>th</sup> para (A. Hamilton):“...every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, ***is void. No legislative act, therefore, contrary to the Constitution, can be valid.*** To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; ...” [emphasis mine]

[7] Art. II, §1, cl. 2 provides that ***the State Legislatures*** have the power to direct how the Electors are to be appointed! **The State Governor has no constitutional power whatsoever in the selection of Presidential Electors!**

[8] To the same effect, see the Complaint recently filed by US Representative Louie Gohmert [[link](#)].