The Phyllis Schlafly Report

Will the Sitting Vice President Please Stand Up?

By John and Andy Schlafly

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Vice President Mike Pence has often pledged loyalty to the Constitution, and on January 6 he should stand up for it and the unborn. Under the Twelfth Amendment Pence, in his role as President of the Senate, is responsible for deciding the integrity and validity of the Electoral College votes for president.

"The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted," commands the Twelfth Amendment. Under this provision of the Constitution, the congressmen and senators are to be assembled as mere witnesses, with no power to intervene or participate in the process of counting the votes.

Pence should notice that in roughly a half-dozen states there are rival certificates which cancel themselves out, and Pence should decline to certify those states' votes similar to how multiple state Electoral votes were disqualified in the 1860s and 1870s. Pence's role should not be limited by the Electoral Count Act of 1887, which law Professor Edward B. Foley wrote in 2010 "is inadequate, unwieldy, and arguably unconstitutional."

On Sunday, Rep. Louie Gohmert (R-TX) filed a federal lawsuit to confirm the unconstitutionality of the Electoral Count Act, which cannot alter the Twelfth Amendment. This Act, which has never been upheld in court, attempts to dilute the authority of the Senate President by restricting debate and authorizing votes on certification by Congress.

Hanging in the balance today are millions of the unborn, as Biden stated that he would appoint the pro-abortion Xavier Becerra as his Secretary of Health & Human Services (HHS). Biden himself is unfit to serve a full four years, so Becerra's radical fellow Californian Kamala Harris could become president without being elected to that office.

Pence has ample basis for declining to accept and open Electoral votes from contested states. The signatures on millions of mailed-in ballots were never verified and

were improperly counted for Biden, including 2.6 million such ballots in Pennsylvania alone.

No bank would refuse to verify signatures on contested checks. The selection of the next president is just as important, and the potential fraud on millions of ballots renders the reported results unworthy of certification.

White House Chief of Staff Mark Meadows traveled last week to Georgia to observe a review of a sample of signatures there. But he was denied access merely to observe, as many poll watchers were improperly blocked on Election Day and afterwards.

Democrats remain confident that they have pulled off a heist which continues for the upcoming special election in Georgia on January 5. Yesterday an Obama-appointed federal judge blocked a cleaning of the election rolls of improper voters prior to that election of new senators.

Georgia officials have sent warning letters to thousands of people who have improperly obtained mail-in ballots despite not residing in Georgia. The letters are destined for the trash can, as Republicans almost never really prosecute anyone for election fraud, particularly out-of-staters.

In Wisconsin, tens of thousands of votes should be disqualified due to fraudulent representations of confinement. A quarter-million people in Wisconsin were registered under a claim of indefinite confinement, not all of which were valid.

Lame duck Senator Pat Toomey (R-PA) was reelected in 2016 on the coattails of Donald Trump, who garnered more votes than Toomey there. Toomey announced at age only 58 that he will leave the Senate for undisclosed, probably lucrative opportunities rather than fight to hold his GOP seat, while continuing to be ungrateful to Trump.

Like a bank president who looks the other way while his bank processes unverified signatures on checks, some Republican senators deny awareness of election fraud. But under the Twelfth Amendment, such weak-kneed senators do not certify the votes.

Senate President Pence alone has the constitutional authority to recognize Electoral College votes. Pence should decline to recognize the Biden votes from the states tainted by fraud and having rival slates.

Pence could seek a ruling by the U.S. Supreme Court on the issue of his authority on January 6. Better yet, Pence should act in accordance with the Twelfth Amendment by declining to accept tainted certificates, and then enjoy watching Democrats scamper to the Supreme Court to seek intervention.

Pence could also do what Democrats insisted was necessary before voting in the impeachment trial earlier this year: call witnesses and hear evidence. If essential before voting on a removal of a president, then likewise before certifying a fraudulent presidential election.

No one would be disenfranchised by Senate President Pence if he declines to recognize tainted certificates from states lacking election integrity. This election would then go into the House of Representatives, where each state would have one vote on behalf of its residents in choosing the next president.

John and Andy Schlafly are sons of Phyllis Schlafly (1924-2016) and lead the continuing Phyllis Schlafly Eagles organizations with writing and policy work.