



Fact Report Regarding 2020 Presidential Selection

CONGRESSIONAL CERTIFICATION OF PRESIDENTIAL ELECTORS ON JANUARY 6-7, 2021 WAS ILLEGAL, UNLAWFUL AND UNCONSTITUTIONAL

Removing all partisan rhetoric, evidence of election fraud, and political agendas from the equation, there is a set of Constitutional facts regarding what has taken place in the 2020 selection process for the next President and Vice President of the United States, and every American Citizen should be fully informed of these indisputable facts.

Article II Requirements for Selection of President and Vice President of the United States, states clearly,

- a) “Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress:”
- b) “no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.”

The State Legislatures have sole plenary (*complete and absolute*) power regarding the selection of Presidential Electors. No other branch or office of State Government has any lawful authority to alter or supersede election laws as established by the State legislatures, as it pertains to the selection of Presidential Electors.

In the case of all fifty states, the legislatures of each state have over time, enacted their own election laws setting the time, place and manner in which Presidential Electors would be selected within each state. All members of the State Government and Election Officials are duty-bound to uphold, execute and administer the selection of Presidential Electors in complete accordance with the statutes governing the selection process, as established by each State Legislature.

Two Ways to “unlawfully” Execute the Selection of Presidential Electors

- a) If a State Legislature enacts election laws which themselves violate any Federal laws governing the free, fair, and transparent election process;
- b) If officials within the State fail or refuse to execute the selection process in complete accordance with State and/or Federal laws governing the process;

The Six Swing States in Question in 2020

Setting aside any discussion regarding evidence of election fraud or irregularities in these six states, each of the following states submitted a slate of Electors for Joe Biden and Kamala Harris, that were under objection by the legislatures in those states. Michigan, Wisconsin, Pennsylvania, Georgia, Arizona, and Nevada.

In each case, the legislatures of the states reviewed evidence of misconduct in the handling of the selection process, unrelated to evidence of fraud or voting irregularities, and based solely upon the manner in which the process was executed in direct violation of State and Federal Election laws governing the lawful selection of Presidential Electors, by altering the manner in which electors were chosen in direct violation of established governing laws.

As a result, the legislatures in each of these six states have “objected to the slate of electors” certified and filed by their Secretaries (or Governor) of the State. Each State Legislature also filed with the Electoral College and Congress, their own alternate slate of Presidential Electors, on behalf of their respective states, as a result.

Under Article II of the U.S. Constitution, the slates of the electors filed by each State Legislature were filed “lawfully.” The slates of electors under objection, for candidates Biden and Harris, were certified and filed “unlawfully” by the Secretaries of each State, and the Electoral College Boards in each state.

Because the slates of electors filed by each Secretary of State (or Governor) were filed in violation of their own State laws, (thereby unlawfully) those slates of electors were also in violation of Article II requirements as stated in Section I, quoted above.

Congressional Counting of Electors January 6-7, 2021

The House Clerk handed over Electoral College tallies from the States to Vice President Pence. In doing that, the Clerk (under oath) stated that those electors were delivered “lawfully.” That was a known false statement. Electors from the six states were NOT “regularly given.” (*regularly means lawfully*)

In the dark of night, until 4:00AM the morning of January 7, 2021, both Chambers of the U.S. Congress remained in session to count and certify Presidential Electors to determine the next President and Vice President of the United States.

Moments before the opening on the Congressional Session, Vice President Mike Pence filed a personal letter on his office letterhead with Congress, advising of his intent to “uphold and execute his duty in accordance with the U.S. Constitution and laws governing the Presidential selection process.”

Moments later in session, Vice President Pence heard the objection to Arizona Electors, from Arizona House Rep. Paul Gosar. The objection was agreed to in writing by Sen. Ted Cruz and applauded by a large body of members in the background. Vice President Pence then stopped the counting process so that objections could be heard in the separate chambers of Congress.

Congressional leaders Sen. McConnell (R-KY) and Sen. Schumer (D-NY) were given time to speak first, standing in opposition to the objections to be heard. As Republican Sen. Cruz began to deliver the details of the objection, the Capitol was breached by protesters and Sen. Cruz was shut down.

After the recess, members of Congress returned, blamed Trump for the brief interruption by protesters, and no objections were going to be heard after that. Protesters were sent home under a D.C. curfew.

At approximately 4:00AM the morning of the 7th, Congress certified Joe Biden and Kamala Harris as the incoming administration, with 306 electoral college votes, 79 of which remained under objection by the state legislatures, dozens of Congressional Reps., and 80 million American Citizens.

Without those 79 electors under objection from six states, Biden and Harris would have netted 227 Electoral College votes that night, 232 for Trump. Neither would have had enough (270) to be declared the clear legitimate winner of the 2020 Presidential selection process.

What Pence Could have and Should have done

While it is absolutely true that a Vice President and President of the Senate does NOT hold the power to unilaterally decide who will be the next President and Vice President of the United States, Pence none the less, did exactly that, in direct violation of the U.S. Constitution, Article II, and all relative Federal and State election laws.

Pence presided over a “mock” election.

What Pence could have done and should have done, is what the Constitution and Laws required him to do.

Because 79 Electors from six states were under objection from those states and by numerous members of Congress, neither slate of electors should have been accepted and counted on January 6th. They were in dispute, due to clear violations of law.

Both slates of electors from the six states under dispute and objection, should have been returned to the States with a directive for each State Legislature to return a single slate of electors within ten days. The State Legislators should have settled the disputes over two competing slates of electors, not Congress, or Mike Pence.

Under the U.S. Constitution, Article II – Section I, only 459 Presidential Electors have been “lawfully” certified, 227 for Biden/Harris and 232 for Trump/Pence. The other 79 electors remain under dispute as of this report. In the dark of night in the early morning hours of January 7th, Congress voted to accept 79 disputed electors “unlawfully,” under the leadership of Vice President Mike Pence.

Here’s Why

In all six swing states under objection, the manner in which the electors were chosen and certified by State Secretaries (and Governors) was “unlawful, illegal and unconstitutional.” This fact is NOT in dispute...This fact is indisputable, as in all six cases, the manner in which electors were selected and certified was in direct violation of the governing laws in each state. That’s what “unlawful” means...

But also, in five of the six states, the State Legislatures are controlled by Republicans, Nevada being the lone exception. This means that if left up to the State Legislatures, as Article II – Section I of the U.S. Constitution requires, at least five of the six states would have likely returned a single slate of electors for Donald J. Trump and Mike Pence.

It's highly likely that the five Republican controlled State Legislatures would have returned a slate of electors for Trump/Pence, 73 of the 79 electors in dispute, granting the 2020 Presidential election to Trump/Pence with 305 Electoral College votes, and 6 Nevada electors remaining in dispute.

Pence Chose Biden-Harris (unlawfully)

Therefore, Biden and Harris will never be seen as legitimate occupants of the people's White House...Not because there is evidence of massive fraud, or because republicans are "sore losers" or for any other reason circulated around the clock in fake news.

They will never be accepted as legitimate because they were seated "unlawfully, illegally and unconstitutionally." They were not "elected," they were "selected." The entire election system broke down in 2020.

From top to bottom, from the local poll worker to Congress, the U.S. Supreme Court, the Vice President, and everything in between, the system designed to allow the American people to choose their own national destiny failed, resulting in a "mock" election and "unlawful" results for an illegitimate incoming administration.

No Matter Your Politics

These facts stand as "fact." No amount of fake news or partisan hyperbole from either side can alter or eliminate these facts.

In the end, it isn't just an election that was stolen, but an entire country and system of self-governance.

Once allowed to stand, elections have absolutely no value in America. Political Parties are irrelevant. Politicians are irrelevant. The laws they make are also irrelevant. All of it is taking place under an "unlawful, illegal and unconstitutional" administration.

As of 4:00AM January 7, 2021, the United States Federal Government in its entirety, has no lawful authority over the states and the people they offended by their actions, effective January 20, 2021.

That will be the legacy of Vice President Mike Pence and every member of Congress who voted in favor.

REFERENCES

[ARTICLE II](#)
[3 U.S.C. TITLE 3 – THE PRESIDENT](#)
[Foster v. Love, 522 U.S. 67 \(1997\)](#)

Researched, prepared, and presented by Citizen members of TNALC.org, of, by and for, the legitimate Citizens of these United States of America.