

**THE WHITE HOUSE**

WASHINGTON, D.C.

December 22, 2020

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Operation "PENCE" CARD - Dec 23rd<sup>h</sup>

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**BACKGROUND:** U.S. Constitution & U.S. Code Prohibit Vice President Michael R. Pence from "receiving" electoral votes from six fraudulently certified States.

On December 23, the Vice President will notify<sup>1</sup> each Secretary of State which certified for Biden where the fraud occurred that he hasn't **RECEIVED** any Certificates of legally "APPOINTED" Electors or their votes (because of the fraud). The Vice President further requests that the Secretaries of those States (and the relevant District Judge) send the Certificates of legally "Appointed" Electors & their votes-based upon non-fraudulent elections-that did not violate laws passed by the States' Legislatures, to him before January 6, 2021 (per U.S. Constitution Art. 2, Sec 2, Cl1; 14th Amend. Section 1, Equal Protection Clause; 3 USC12 & 13).<sup>2</sup>

Since all State Legislatures essentially require (in some form or fashion) that their Electors be "APPOINTED" by honest and non-fraudulent elections, the Senate President will NOT HAVE RECEIVED **any** Certificates of permissible votes from "APPOINTED" electors as required by the Constitution in the manner directed by the Legislature of those states.

**ANALYSIS: Why President of the Senate cannot "receive" legally insufficient State electors**

- A. Article II, Section 1 of the U.S. Constitution requires that "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors." Therefore, the papers (or "slates") the states attempted to submit to the President of the Senate and Archivist of the United States are not legal, permissible certificates of votes and lists by Electors as recited in Title 3, U.S.C., sections 9 and 11. Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin violated the U.S. Constitution's Art. 2, S.1, Cl.2 and 14th Amendment, Section 1, Equal Protection Clause in administering their elections, therefore rendering their slates impermissible.
- B. On Dec. 14, the States consummated a fraudulent and Constitutionally deficient certification of their electors as required by 3 USC 7. State and federal authorities have discovered Overwhelming evidence of election fraud and irregularities since Nov. 4, likely rising to the level of criminal election fraud and public corruption. Civil courts dismissed these claims procedurally, rather than on substance.
- C. The President of the Senate, as the Vice President, statutorily sits on the National Security Council and is privy to information no other individual in the Presidential electoral process has -- not the States,

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<sup>1</sup> <https://fas.org/sgp/crs/misc/RL32717.pdf>

not the SCOTUS, not U.S. Congress. This specifically includes any classified evidence and assessments which emanate from EO 13848 regarding foreign interference with US elections. Therefore, the President of the Senate is uniquely qualified to issue judgement on impermissible electors.

- D. Lastly, The Vice President has access to federal information related to pending Federal Criminal investigations in progress at the DOJ, each Election District Officer, FBI Field Office, US Attorneys Offices, USPS Postmaster, USPS Inspectors General of the six States and 8 cities in contest.
- E. **JUDGMENT:** All of these factors above inform and contribute to the Vice President's analysis in deciding that he, as the representative of the Federal Seat of Government did not "receive" a constitutionally permissible slate of electors. For that reason, he is **not only duty-bound to request that the States send certificates and lists** as required by Title 3, U.S.C., sections 9 and 11 from Electors **that were appointed in the manner that the State Legislatures directed as soon as possible, he is also the sole plenary power that has the authority to make this determination.**