

Just when we thought we had heard it all, Congressman Louie Gohmert (R-Texas) has sounded new lows in a federal lawsuit filed in United States District Court. Gohmert calls upon Mike Pence to trigger a paper coup on January 6, when the vice-president presides over the joint session of Congress where Electoral College votes are officially counted and certified. According to Gohmert's bizarre and frightening lawsuit, the Constitution gives the vice-president total authority to count or not count electoral votes any which way he wants, throwing out Biden ballots, and substituting enough votes for Trump to steal the election for the loser.

This lawsuit will go nowhere but the very fact that a sitting member of the House of Representatives has called upon the vice president to unilaterally overturn an election is truly terrifying. It is the stuff that historically paved the way for fascism. It is an open call to the Vice President to engage in what we would not hesitate to call treason if done by outside agitators.

If Gohmert were correct about how the electoral vote counting on January 6th should work, there would be no sense voting, no point to holding elections, and no reason for the Electoral College to meet. Vice President Pence, according to Gohmert, would have dictatorial powers to decide who is our next President (as well as our next vice-president, which means Pence would be electing himself).

Pence must not wait until January 6th to tell us what he thinks of Louie Gohmert's plans for sabotaging democracy. He should dissociate himself from this latest attempt to deny the people the power of their vote. To his credit, Pence refused to join Gohmert's lawsuit. But he should assure a worried nation that his allegiance is to the Constitution and not to Donald Trump.

Any fair reading of the Constitution indicates that Pence should do what vice presidents before him have done – restrict himself to the largely ceremonial role of opening the ballots submitted by the several states, reading out the results, and certifying the 306 electoral college votes for Joe Biden.

Conservatives like Gohmert claim they are faithful to the text of the Constitution. But nowhere in the Constitution are there words giving exclusive authority to the vice-president to determine which electoral votes should be counted. Instead, what the Twelfth Amendment actually says is that the vice-president “shall . . . open all the certificates and the votes shall then be counted.” If Pence carries out this clear mandate, then as all the certificates sent in by the several states are opened, he will simply declare the obvious – that Joe Biden is our 46th President.

In 1960, Richard Nixon lost a close election to John Kennedy. But, when he was in the role Pence will be on January 6, Nixon did his job and declared Kennedy the winner. In 2000, Al Gore lost an even closer election to George Bush. But, as the outgoing vice-president, Gore likewise was an honest broker in certifying Bush's victory.

Pence must do the same. Even without the Gohmert lawsuit, some Republican legislators are planning to put before Congress rival and frivolous submissions from slates of Republican electors in states clearly carried by Biden. Pence can cause constitutional mayhem by lending credence to these imposter votes. Or he can refuse to toady to Trump any longer.

In the history of warfare, armies have sometimes resorted to scorched earth policies, burning all as they retreat rather than let anything fall into enemy hands. However much politics may resemble war sometimes, no President before Donald Trump has ever gone so far as to scorch the country, the Constitution, and the rule of law, just because he lost.

In 18th century France, Louie the XIV declared, “L’etat c’est moi“ (I am the state). Our own latter-day Louie—Gohmert—is saying the same thing, on behalf of Trump.