

Demystifying January 6th: Electoral Objections, the Capitol Breach, and the 'Fake Electors' Controversy

In the wake of the 2020 presidential election, the events of January 6th, 2021, and the subsequent "fake electors" controversy have become focal points of intense political debate. Mainstream media and political opponents have frequently portrayed these events as part of a coordinated effort to overthrow the government. However, a closer examination of the facts, legal framework, and sequence of events reveals a far more complex picture that challenges these simplified narratives and raises important questions about the integrity of our electoral process.

To understand the events of January 6th, 2021, it's crucial to first comprehend the legal framework that governs the counting of electoral votes: **the Electoral Count Act of 1887**. This Act was enacted in response to the disputed presidential election of 1876, with the primary purpose of establishing a clear procedure for counting electoral votes and resolving disputes, thereby preventing constitutional crises in future elections. The Act mandates that Congress meet in a joint session on January 6th following a presidential election to count the electoral votes. It **outlines a specific process for objecting to electoral votes, requiring objections to be in writing, signed by at least one Senator and one Representative**, and to "state clearly and concisely, and without argument," the grounds for objection.

If an objection meets these criteria, the joint session is suspended, and each chamber withdraws to debate the objection separately for up to two hours. Both chambers must then vote separately on whether to sustain the objection. For electoral votes to be rejected, **both the Senate and House must vote to uphold the objection**. This process is not merely a formality, but a constitutionally sanctioned mechanism designed to ensure the integrity of presidential elections, providing a legal avenue to address concerns about the validity of electoral votes and allowing for democratic debate and resolution of disputes.

On January 6th, 2021, in accordance with the Electoral Count Act, Arizona submitted a legitimate objection to its slate of electors, signed by both Senator Ted Cruz and Representative Paul Gosar. This objection triggered the mandatory two-hour debate in both chambers of Congress, as prescribed by law. However, as the debate on Arizona's objection was underway, the Capitol was breached by protesters, forcing both chambers into recess and interrupting the legal and constitutional process of debating the electoral objection. In the aftermath of the breach and under significant pressure, Arizona's objection was withdrawn, and subsequently, objections planned for other states were also withdrawn.

The timing of the Capitol breach, occurring during the debate of a legitimate electoral objection, raises questions about its impact on the constitutional process. The withdrawal of Arizona's objection and the decision not to pursue other planned objections meant that legitimate concerns about election integrity were never fully aired or debated in Congress as intended by the Electoral Count Act. This sequence of events has significant implications for our understanding of what transpired on January 6th and its aftermath.

In the weeks following the 2020 election, alternative slates of electors were prepared in several contested states. These have been widely referred to as "fake electors" by media and political opponents. However, it's important to note that the preparation of alternative slates of electors is not inherently illegal or fraudulent. It can be seen as a contingency plan in case of successful electoral objections or legal challenges. Historical precedent exists for such actions, notably in the 1960 election when Hawaii prepared a second slate of electors after a recount changed the state's results.

Recent legal developments regarding these alternative electors have varied across states. In Arizona, Michigan, and Nevada, some individuals involved have faced charges. However, in Nevada, a judge dismissed the case against six "fake electors," highlighting the legal complexities of the situation. In Wisconsin, ten individuals who acted as alternate electors settled a civil lawsuit, acknowledging Biden's win in the state. These varied outcomes underscore the legal and political complexities surrounding the issue, suggesting that blanket characterizations of criminality may be oversimplified.

The term "fake electors" is a misnomer that mischaracterizes what can be seen as a legal contingency plan. If the objections to the original slates of electors had been approved by both chambers of Congress, **alternative electors would have been necessary to prevent a constitutional crisis.** The preparation of alternative slates can be viewed as a prudent measure in a hotly contested election with ongoing legal challenges.

Several critical questions arise from these events. **Did the Capitol breach, intentionally or not, derail a legal and constitutional process of electoral objection?** How did the pressure and chaos resulting from the breach affect the decision to withdraw legitimate electoral objections? It's also worth considering how the mainstream media's characterization of these events as an "insurrection" or "coup attempt" has affected public understanding of the legal processes involved, and why there has been limited discussion of the Electoral Count Act and its provisions in mainstream coverage of January 6th.

Furthermore, we must ask what legitimate concerns about the 2020 election were left unaddressed due to the withdrawal of electoral objections, and how we can ensure that future elections have robust mechanisms for addressing and resolving disputes without the risk of disruption.

In conclusion, the events surrounding January 6th, 2021, and the subsequent "fake electors" controversy are far more complex than often portrayed in mainstream media. When examined in the context of electoral law, particularly the Electoral Count Act of 1887, and the specific sequence of events, it becomes clear that many **actions initially branded as attempts to "overthrow the government" were, in fact, part of legal processes designed to ensure election integrity.**

The interruption of these legal processes by the Capitol breach, and the subsequent withdrawal of electoral objections under pressure, raise serious questions about the integrity of the final election certification. The varied legal outcomes in different states regarding the "fake electors" issue highlight the need for a more nuanced understanding of these events.

As we move forward, it's crucial that Americans seek a fuller understanding of these complex issues, rather than accepting simplified narratives that may not capture the full truth of what transpired in the aftermath of the 2020 election. We must also consider how to strengthen our electoral processes to ensure that legitimate concerns can be addressed and resolved within the framework of our democratic system, without the risk of disruption or violence.

The events of 2020 and 2021 have exposed weaknesses in our electoral system and the laws governing it. As we approach future elections, it is imperative that we address these issues to restore faith in our democratic processes and ensure the integrity of our elections for generations to come. Only through a comprehensive understanding of the legal framework and a willingness to engage with the complexities of our electoral system can we hope to strengthen our democracy and prevent future controversies of this magnitude.