

Short Message Report

Conversations: 1	Participants: 3
Total Messages: 29	Date Range: 12/30/2020

Outline of Conversations



██████████ • 29 messages on 12/30/2020 • Cleta Mitchell • Cleta Mitchell • Mike Lee

Messages in chronological order (times are shown in GMT -05:00)



- CM **Cleta Mitchell** 12/30/2020, 7:58 AM
Is there a way the Senate can conduct a hearing to allow me to present our election contest in GA? And other lawyers re the contested states? To make a record? The GA judiciary has not even appointed a judge to hear our case. So we can't get a final decision. We need a day in the court of public opinion. Can we do that please?
- ML **Mike Lee** 10:48 AM
Let me see what I can arrange
- CM **Cleta Mitchell** 11:04 AM
I talked with Mark Meadows this am. Need Lindsey to convene Judiciary. And invite all other Senators to attend. This matters. We need to present and make a record.
- ML **Mike Lee** 11:06 AM
Indeed we do
- ML **Mike Lee** 11:06 AM
January 6th is, however, a dangerous idea.
- ML **Mike Lee** 11:06 AM
Not just for the republic itself, but also for the president
- CM **Cleta Mitchell** 11:07 AM
I want to do this hearing the day before.
- ML **Mike Lee** 11:08 AM
If we could pull this off, might it obviate the need for the January 6th strategy?
- CM **Cleta Mitchell** 11:10 AM
It is part of the strategy. To provide the factual support for rejecting certain troublesome electors. That's the point.
- ML **Mike Lee** 11:15 AM
The most natural fit might actually be with the Homeland Security Committee. May I pitch it to Ron Johnson in addition to Lindsey Graham?
- ML **Mike Lee** 11:15 AM
Honestly, I think I could pull this off if I could pitch it as a way to avoid the January 6th plan.
- ML **Mike Lee** 11:16 AM
Tell me if you think I'm wrong on this, but I don't think we have any valid basis for objecting to the electors.
- ML **Mike Lee** 11:17 AM
Neither the 12th Amendment nor 3 USC 15 can be described as a model of clarity, but it cannot be true that we can object to any state's presidential electors simply because we don't think they handled their election well or suspect illegal activity.
- ML **Mike Lee** 11:17 AM
Am I wrong on that front?
- ML **Mike Lee** 11:17 AM
I would love to be proven wrong.
- CM **Cleta Mitchell** 11:23 AM
You DO have a valid basis for objecting to the electors from GA. As well as other states but I'm not familiar with their

facts. Ron Johnson is a loose cannon.

- ML **Mike Lee** 11:25 AM
Okay, then please help me understand how this works.
- CM **Cleta Mitchell** 11:26 AM
He keeps saying "show me the evidence" and he says sworn affidavits are not evidence, which is a crock.
Call if you want to discuss. But after what I've seen in GA, and the failure of the chief judge to even appoint a judge to hear our election contest, I'm tell you that there is a legitimate basis for rejecting the Georgia electors. I want to be able to present that case. This is a constitutional issue which is why Judiciary should conduct the hearing. In my opinion.
- ML **Mike Lee** 11:29 AM
Okay, I will start reaching out to Graham and Johnson.
- ML **Mike Lee** 11:29 AM
Will you please explain to me how this doesn't create a slippery slope problem for all future presidential elections?
- ML **Mike Lee** 11:30 AM
I had somehow thought you and I agreed that we'd need something like a judgment from a court of competent jurisdiction or a decision by a state legislature.
- CM **Cleta Mitchell** 11:36 AM
That was back when I believed we would get a day in court - a hearing. As of today, the chief judge has failed to even appoint a judge to hear our case. Total abdication of responsibility. Total.
- ML **Mike Lee** 11:37 AM
Okay, then we need someone to make that argument formally and publicly
- CM **Cleta Mitchell** 11:37 AM
We need to make a record.
The slippery slope is letting all the institutions of government allow laws to be broken and ignored, and treating the process as nevertheless legitimate when it is not.
- CM **Cleta Mitchell** 11:38 AM
That's what I'm trying to do. I will make the argument for GA. John Eastman can make the constitutional arguments also.
- ML **Mike Lee** 11:51 AM
Liked "That's what I'm trying to do. I will make the argument for GA. John Eastman can make the constitutional arguments also. "
- ML **Mike Lee** 11:51 AM
Liked "We need to make a record.
The slippery slope is letting all the institutions of government allow laws to be broken and ignored, and treating the process as nevertheless legitimate when it is not. "
- ML **Mike Lee** 11:52 AM
So to be clear, your first choice would be Judiciary rather than homeland security?
- CM **Cleta Mitchell** 11:57 AM
Yes. This is a constitutional issue. The powers vested in the state legislatures and ultimately the powers vested in Congress. The powers have been delegated by legislatures but when that process fails, as it did in GA, then the Constitution provides a remedy. That's what no one is paying attention to. The actual language of the Constitution. The electors from GA are not knowable from the Nov 3 election. And the Constitution does not provide for citizens to choose the electors. It is up to the legislature (failure there, too) and ultimately Congress to carry out the plenary powers vested in each body by the Constitution.

I don't think Ron Johnson can master these concepts. I think this should be Committee of the Whole, ultimately. But start with Judiciary. Happy to do a call.