

DC Wrap: Tiffany, Fitzgerald oppose electoral votes as Congress finalizes Biden's win in bipartisan vote

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Welcome to our weekly DC Wrap, where we write about Wisconsin's congressional delegation. Sign up here to receive the newsletter directly:

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Quotes of the week

"It's disgraceful that our country has to experience this violence because of Trump's lies, conspiracies and un-American attacks on our Democracy."

— U.S. Sen. Tammy Baldwin, D-Madison, in a tweet after the president's supporters stormed the U.S. Capitol yesterday.

"It is embarrassing to our country that people would behave this way."

— U.S. Rep. Glenn Grothman, R-Glenbeulah, on yesterday's Capitol mayhem.

This week's news

— GOP U.S. Reps. Scott Fitzgerald and Tom Tiffany were the only Wisconsin members who backed rejecting electoral votes from Arizona and Pennsylvania as Congress confirmed Joe Biden's presidential win in a session delayed by violent pro-Trump protesters.

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U.S. Sen. Ron Johnson, R-Oshkosh, over the weekend said he planned to join the effort to object to the electoral votes in some states. But in the end, he voted against sustaining the objection to both states' votes.

The effort early this morning to reject Pennsylvania's votes failed 282-138 in the Dem-controlled House after the Senate voted 92-7 shortly before midnight to reject the objection.

That vote followed roll calls of 303-121 in the House and 93-6 in the Senate to reject the objection to Arizona's electoral votes. That vote came last night after Congress reconvened hours after members were rushed out of the chambers as rioters rushed into the Capitol. President Trump at a rally near the White House had urged his supporters to never concede and to go to Capitol Hill.

U.S. Reps. Mike Gallagher, R-Green Bay, Glenn Grothman, R-Glenbeulah, Ron Kind, D-La Crosse, Gwen Moore, D-Milwaukee, Mark Pocan, D-Town of Vermont, and Bryan Steil, R-Racine, voted against the objections.

See the House roll call on Arizona [here](#).

See the Senate roll call on Arizona [here](#).

See the House roll call on Pennsylvania [here](#).

See the Senate roll call on Pennsylvania [here](#).

— U.S. Rep. Louie Gohmert, R-Texas, raised an objection to Wisconsin's electoral votes, but no senator agreed to join the effort.

Gohmert, who said 71 House members objected to counting Wisconsin's electoral votes, asserted in his speech that no court had allowed an evidentiary hearing to review allegations of fraud.

President Trump's attorneys passed up the opportunity to have an evidentiary hearing in a suit they filed seeking to overturn the state's results and have the GOP-controlled Legislature appoint the state's electors. At a judge's urging, they instead reached an agreement with defense counsel on the evidence presented to the court before a ruling.

Gohmert also claimed that "Democrat leaders in Milwaukee illegally and unconstitutionally" created more than 200 illegal polling places" and tens of thousands of votes were changed by workers despite objections.

Trump's lawsuit claimed Madison inappropriately collected absentee ballots through its "Democracy in the Park" effort at 200 city parks.

Trump's lawsuit also alleged clerks filled in missing information on more than 5,500 ballots in Dane and Milwaukee counties. The clerks acted on guidance from the Wisconsin Elections Commission that has been in place since October 2016.

Gohmert said a senator had planned to join the effort, but withdrew. Senate support was needed to trigger a debate on the objection.

See video of Gohmert's speech [here](#).

— Johnson said in a phone interview he knew the effort would fail because House Dems wouldn't support it.

But he wanted the objection to Arizona's electoral votes raised so the chambers could debate claims of irregularities in the Nov. 3 election.

Johnson said he believed the debate would help dispel some myths about the election and said one thing he didn't like about it was "how dismissive people were about these concerns."

Johnson also rejected the suggestion that Trump's rhetoric or the actions of those who objected to accepting some states' electoral votes contributed to the violent protest at the Capitol earlier in the day.

He said the blame rests solely with the people "that unlawfully entered the Capitol and vandalized it." Johnson also insisted those who stormed the Capitol "do not in any way, shape or form remind me or look like or act like any Trump supporter I know."

Johnson's comments that the president and objectors bear no blame for the violence drew blowback from Dems.

State Treasurer Sarah Godlewski, considered a possible candidate for the Senate in 2022, tweeted, "@RonJohnsonWI has told a lot of lies recently. This may be his biggest one yet."

Johnson said he passed up an opportunity to speak on the Senate floor during the debate over Arizona's electoral votes. But he released the text of what he'd prepared to say, including the assertion that those who have lost faith in the nation's institutions and the fairness of the electoral system, but "patriots who dearly love America and are alarmed by what they have witnessed over the last four years." That includes his complaints of a corrupt FBI investigation of President Trump, a "grossly biased media," social media that censors conservatives, and courts and election officials who have usurped the authority of state legislatures.

See the prepared remarks [here](#).

— The Oshkosh Republican said he has "a lot of people talking" to him about whether he'll run for reelection in 2022.

Johnson had pledged to serve just two terms ahead of his reelection in 2016, but has hedged on that promise.

He acknowledged Dems' wins in the two Georgia U.S. Senate races will play into his decision. Those wins mean a 50-50 split in the Senate with Vice President-elect Kamala Harris able to cast the tie-breaking vote to put Dems in charge.

Johnson was already term-limited out of his chairmanship of the Homeland Security & Government Affairs Committee. But if Republicans had retained control of the Senate, he would've been in line to chair the panel's permanent subcommittee on investigations.

"All those things play into my decision," Johnson said. "Does Joe Manchin (D-W. Va.) actually respect and follow through on his promise that he wouldn't eliminate the filibuster? We'll see if he honors that promise."

— U.S. Rep. Mike Gallagher, R-Green Bay, told President Trump "you have got to stop this" as the president's supporters stormed the nation's Capitol yesterday and interrupted a vote on certifying Joe Biden's victory.

Meanwhile, U.S. Rep. Mark Pocan, D-Town of Vermont, accused Trump of "inciting domestic terrorism" as members of the state's congressional delegation denounced

the violent protests.

The reactions came as the Capitol protests forced them to evacuate the chambers. Each house had begun to debate an objection to accepting Arizona's electoral votes when the proceedings were interrupted.

Gallagher had announced prior to yesterday's proceedings that he wouldn't support an effort to block acceptance of the electoral votes from a half-dozen states in which the president and his supporters have raised unfounded allegations of widespread fraud.

While he opposed the effort, he also signed onto a statement and a letter that expressed outrage at what the Republicans called "significant abuses" resulting from "the reckless adoption of mail-in ballots and the lack of safeguards."

As violent demonstrators breached the Capitol, Gallagher posted a video from his office saying those who were pushing objections to some states' electoral votes had argued to him there was no problem with having such a debate. But he argued, "this is the cost of this effort."

"This is banana republic crap that we're watching happen right now," Gallagher said.

Also posting a video from his office, Pocan called it a "sad day for America." Pocan said he was prepared to speak on the House floor if anyone objected to counting Wisconsin's 10 electoral votes for Biden.

He later tweeted, "I think we need to call this what it is. An attempted coup."

U.S. Rep. Gwen Moore, D-Milwaukee tweeted that she was safe and "monitoring the situation."

"Here's what I know for sure: we cannot allow domestic terrorists to stop our democracy," she said.

U.S. Sen. Ron Johnson, who also planned to object to the counting of electors from some states before yesterday's violent outbreak, tweeted, "Please, if you are in or around the Capitol, respect law enforcement and peacefully disperse."

See the Gallagher video [here](#).

See the Pocan video [here](#).

— U.S. Rep. Ron Kind slammed congressional Republicans, saying mayhem in the U.S. Capitol stemmed directly from “unfounded accusations lacking any evidence or facts about voter fraud in this election.”

“What did they expect the reaction to be? They have unleashed dark forces in our society now who would think that this is entirely appropriate to attempt a coup d’etat of our government because of what they’ve been led to believe,” the La Crosse Democrat told reporters during a video call.

Calling from his office roughly an hour after protesters first breached the Capitol, Kind indicated he and his staff were safe but said he was “not ceding any ground to these hooligans.”

He also criticized Trump for “encouraging this type of activity.” Kind added it would ultimately make little difference in the short term as some members of Congress, including Republican U.S. Rep. Tom Tiffany and U.S. Sen. Ron Johnson, indicated they would raise objections to the Electoral College votes.

“We all know that there’s wide bipartisan support opposing what some of my colleagues are attempting to do,” he said. “But I’m worried about tomorrow and what the next authoritarian wannabe who takes a run at our Constitution is going to accomplish based on the precedent that’s being set today in our nation’s Capitol.”

He also said he wanted to get back to counting the Electoral College votes “as soon as we’re allowed to get back in” to the House chamber. That happened last night around 7 p.m.

Members were cleared from the chamber and given gas masks after protestors breached the Capitol perimeter and began working their way to the House and Senate chambers.

Kind also took aim at his 2020 opponent Derrick Van Orden, accusing him of standing “side-by-side with these hooligans in their assault against the Capitol.”

Van Orden was in Washington, D.C., during the rally to support the president and posted on social media about his travel.

Kind said the violence was “not unexpected” with the president tweeting at backers “that this was going to be ‘wild.’”

“I’m just so terribly disappointed that my own political opponent in the most recent election is out there standing side by side with this carnage that’s taking place,” Kind said.

Van Orden, in a phone interview from D.C., rejected Kind’s characterization.

Van Orden said he traveled to D.C. in a three-bus caravan of people from the La Crosse area. He said he wasn’t close enough to Trump late this morning to hear his speech in which he declared, “We will never give up. We will never concede.”

As the “craziness” started happening around the Capitol, he said he left the area.

Van Orden stressed he renounces all forms of political violence and it was inappropriate for Kind to lump him in with domestic terrorists.

“We cannot say as Republicans that we’re the party of law and order and then break the law,” Van Orden said. “I will have no part of it. I don’t care if you’re wearing a Trump hat or a Biden hat or if you’re part of antifa or whatever group. I will not participate in any form of political violence.”

— Hours earlier, Kind had slammed objections by some GOP lawmakers to battleground states’ Electoral College votes as “an abuse of our constitutional prerogative and power.”

“It’s the precedent that’s being set now that if your preferred candidate doesn’t win, it must only be because of election fraud and that the game was stacked and that there was some illegal behavior taking place,” he told the DC Wrap Interview Series. “If we lose the ability for a peaceful transfer of power in our democracy, and that is what’s being challenged on the floor in Congress today, democracy dies and dictatorship reigns.”

The La Crosse Dem also predicted the razor-thin margins of projected unified Dem government in Washington would lead to one of two outcomes: “complete gridlock paralysis, nothing getting done, constant state of political warfare” or “more outreach, more listening, more respect across the aisle.”

"There are ways for us to work together across the aisle to get things done," he said. "A divided government demands that to accomplish anything and we'll see in the coming weeks just what type of attitude my colleagues take and their approach to this session of Congress."

Kind also said lawmakers are in a "wait-and-see" mode on another COVID-19 relief package and said he expected the incoming Biden administration "to make the extra effort and go the extra mile to try to find common ground with our Republican colleagues."

See the interview:

— Kind on Sunday backed Nancy Pelosi as speaker of the House for the first time in six years as the California Dem won the gavel by a slim seven-vote margin.

The La Crosse Dem voted for the late Georgia Congressman John Lewis two years ago. In 2017, he voted for U.S. Rep. Jim Cooper, D-Tenn., as Paul Ryan, R-Janesville, was elected speaker.

Kind in an email to WisPolitics.com cited a "toxic" political environment, adding he opted to vote for Pelosi after receiving assurances it will be her last term.

"I have long called for a change in leadership on both sides," he said, noting his vote for Lewis in 2019. "However, Speaker Pelosi has assured us this will be her last term. Kevin McCarthy has not, but should do the same. It's time to give Congress a fresh start."

State GOP Chair Andrew Hitt called Kind "Pelosi's puppet" for supporting her leadership bid, saying it was due to the money spent by the House Dem campaign arm to help his reelection.

U.S. Rep. Gwen Moore also backed Pelosi but came under fire for voting in person after announcing on Dec. 28 she had tested positive for COVID-19.

A spokeswoman for the Milwaukee Dem indicated she "worked with her doctors and she is cleared to travel," and Moore in a tweet added her quarantine was over. But she told reporters in Washington ahead of the vote she did not have a negative test before appearing on the floor to vote.

Meanwhile, the Wisconsin House delegation's five Republican members backed Minority Leader Kevin McCarthy, R-Calif., while Madison-area Dem U.S. Rep. Mark Pocan voted for Pelosi.

See Moore's tweet [here](#).

See the roll call [here](#).

— Following that vote, the House Republican super PAC on Monday launched a digital ad attacking Kind for backing Pelosi.

A Congressional Leadership Fund spokesman indicated the ad is part of a five-figure buy and will run in Kind's western Wisconsin district. The new spot says Kind "caved to his leader" and adds "Washington's changed Ron Kind."

"When Pelosi and Washington liberals pass their radical agenda, we know who to blame: Ron Kind," the ad's narrator says.

Kind's office declined to comment.

The CLF indicated it is also launching five-figure ad campaigns criticizing vulnerable Dems in 20 other districts for backing Pelosi.

See the ad [here](#).

— U.S. Rep. Mike Gallagher was the only Wisconsin Republican who signed onto a letter to House leadership on Tuesday pledging to "respect the states' authority" and approve the electors they've sent to Congress.

Meanwhile, U.S. Rep. Tom Tiffany in a statement indicated he intended to object to Wisconsin's slate of electors, saying clerks in heavily Dem Dane and Milwaukee counties "took active steps to undermine and circumvent" the state's election law.

The Minocqua Republican cited many of the same allegations the Trump campaign raised in unsuccessful state and federal litigation and criticized the state Supreme Court, which he said "failed in their responsibility" to uphold the law.

"By failing to act to address these irregularities and violations, we risk further

degrading public trust in our democratic institutions and subverting our cherished system of representative government – and that is something no one in American can afford to let happen,” he said.

The offices of U.S. Reps. Scott Fitzgerald, R-Beaver Dam, Glenn Grothman, R-Glenbeulah, and Bryan Steil, R-Janesville, didn’t return calls from WisPolitics.com seeking comment on whether they planned to join the effort to object to electors.

Gallagher’s letter, signed by 11 other House Republicans, largely reflects a statement that the Allouez Republican and a half-dozen GOP members released Sunday.

Both the letter and the statement expressed outrage at what the Republicans called “significant abuses” resulting from “the reckless adoption of mail-in ballots and the lack of safeguards.” Both also insisted the election raised questions that need to be answered.

Still, like the statement, the letter maintains Congress’ only constitutional role is to count the electors sent by the states. Absent state legislatures convening and sending alternative slates, Congress has no authority to object to a state’s electors.

“We must respect the states’ authority here,” they wrote. “Though doing so may frustrate our immediate political objectives, we have sworn an oath to promote the Constitution above our policy goals. We must count the electoral votes submitted by the states.”

Like Sunday’s statement, the letter also raises concerns about the political impact for Republicans if Congress voted to reject electors certified by the states. The letters noted GOP presidential candidates have won the popular vote only once in the last 32 years and have depended on the Electoral College to win the White House.

“If we perpetuate the notion that Congress may disregard certified electoral votes — based solely on its own assessment that one or more states mishandled the presidential election — we will be delegitimizing the very system that led Donald Trump to victory in 2016, and that could provide the only path to victory in 2024,” the letter reads.

Read the letter [here](#).

Read Tiffany's statement [here](#).

— Former House Speaker Paul Ryan, R-Janesville, denounced efforts to undermine Joe Biden's victory and reject Electoral College votes, saying they "strike at the foundation of our republic."

Ryan, who opted against seeking reelection in 2018, said Trump had "ample opportunity" to challenge the election results, but failed due to lack of evidence.

He called Biden's win "entirely legitimate."

"It is difficult to conceive of a more anti-democratic and anti-conservative act than a federal intervention to overturn the results of state-certified elections and disenfranchise millions of Americans," Ryan said. "The fact that this effort will fail does not mean it will not do significant damage to American democracy."

See the full statement [here](#).

— Cleta Mitchell has resigned as a partner at Foley & Lardner after she drew national attention for participating in a phone call in which President Trump pressured Georgia officials to find votes that would reverse Joe Biden's win in the state.

Following news of the call, the firm said it had instructed employees they could observe election recounts and similar actions on a voluntary basis, but couldn't act as legal advisers. Mitchell was an active participant in the call, pushing Georgia officials for information on allegations of irregularities, many of which were baseless.

The firm on Monday said it was "aware of, and are concerned by" her participation in the call.

"Cleta Mitchell has informed firm management of her decision to resign from Foley & Lardner effective immediately," firm spokesman Dan Farrell said. "Ms. Mitchell concluded that her departure was in the firm's best interests, as well as in her own personal best interests. We thank her for her contributions to the firm and wish her well."

— The U.S. Supreme Court has docketed the two petitions President Trump filed seeking to overturn Wisconsin's election results.

But the Feb. 3 deadline to respond listed on the court website is two weeks after Joe Biden is scheduled to be sworn in as president.

Trump's attorneys asked the court to take two cases. One is a review of the state Supreme Court decision that Trump waited too long to challenge Wisconsin election proceedings. The other is a 7th Circuit Court of Appeals ruling that affirmed a district court decision rejecting the president's attempt to overturn the results and have the GOP-controlled state Legislature select Wisconsin's electors. In that case, the appeals court rejected the president's arguments on the merits and also found the president waited too long to bring his challenge to Wisconsin election proceedings.

Trump's attorneys have filed motions to expedite both appeals and had sought responses by last week.

Wisconsin attorney Jim Troupis, who represented the president in the state case, said those motions are still pending and it would be up to the court whether it wanted to move more quickly to resolve the cases.

See the docket for the Wisconsin Supreme Court case [here](#).

See the docket for the 7th Circuit Court of Appeals case [here](#).

— A Minneapolis attorney facing possible sanctions in a lawsuit to overturn the presidential results in Wisconsin and four other states is moving quickly in an attempt to prove to the judge the filing wasn't just a political stunt.

Erick Kaardal on Tuesday filed documents in an attempt to prove to U.S. District Judge James Boasberg that he had sought to serve the defendants in the case per the court's instructions.

In rejecting the suit on Monday, Boasberg noted the plaintiffs, which included the Wisconsin Voters Alliance and two GOP Wisconsin lawmakers, sought a speedy resolution in the case. Boasberg wrote he immediately directed them to serve the defendants so the case could move along. But 12 days later, there has been no evidence the plaintiffs took that step. Boasberg added that made it "difficult to

believe that the suit is meant seriously” and indicated plans to determine whether the issue should be referred to the Committee on Grievances for potential discipline of plaintiff’s attorneys.

The filings detailed the various efforts to serve the defendants, which include the Electoral College. The documents showed the plaintiffs sought to accomplish that by serving the U.S. Attorney for the District of Columbia.

Kaardal also wrote a letter to Boasberg that he believed a Dec. 23 order to move quickly on serving defendants meant he had to serve all of them before a briefing schedule and hearing date would be set.

The documents submitted also continued to misidentify state Sen. Howard Marklein, R-Spring Green, as the Senate majority leader. The documents say the lawmaker, who was president pro tempore last session when the suit was filed, was served on New Year’s Eve at his Spring Green home.

Read the letter [here](#).

See details on the attempts to serve defendants [here](#) and [here](#).

See the defendants who waived being served [here](#).

— U.S. Rep. Mark Pocan on Monday announced he will not run for the U.S. Senate seat that will be on the ballot next year.

The Town of Vermont Dem said in a statement he was “honored many people have asked me to run” but indicated he felt he could “best deliver real results to help my constituents and the nation” as a senior member of the House Appropriations Committee.

“To start my seniority all over in the Senate would be a less effective path to getting the work done for which I came to Congress,” he said.

U.S. Sen. Ron Johnson, R-Oshkosh, hasn’t yet said if he’ll run again despite a pledge in 2016 to serve only two terms.

On the other side of the ticket, Outagamie County Exec Tom Nelson has already declared his candidacy. Lt. Gov. Mandela Barnes, Secretary of State Sarah

Godlewski, Milwaukee Bucks executive and former Obama administration official Alex Lasry and Steven Olikara, the founder and president of Millennial Action Project, are considered as other possible candidates.

See Pocan's release [here](#).

Posts of the week

An update from inside the Capitol.

Still safe and we won't let an attempted coup stop us from certifying this election. pic.twitter.com/wNepSDLIMk

— Rep. Mark Pocan (@RepMarkPocan) [January 6, 2021](#)

Yesterday I cast my vote against Nancy Pelosi to serve as Speaker in the 117th Congress. There are a whole host of reasons why, but one of the most important was because I believe the way she runs the House is shameful. Her proposed rules package is just the latest example.
pic.twitter.com/RnG2PMt2ZA

— Rep. Gallagher Press Office (@RepGallagher) [January 4, 2021](#)

January is [#NationalBloodDonorMonth](#).

One pint of blood can help save up to three lives. Donating blood during [#COVID19](#) is still safe, and with the new year upon us, I encourage all of those eligible to [#GiveTheGiftOfLife](#). pic.twitter.com/p8G2VWxVLS

— Rep. Glenn Grothman (@RepGrothman) [January 5, 2021](#)

It's a great Monday...the Packers are the #1 seed in the NFC! [#GoPackGo](#)
<https://t.co/fkBYz5rEFo>

— Bryan Steil (@RepBryanSteil) [January 4, 2021](#)

Happy New Year, Wisconsin! Together, we will move [#Forward](#) and build back better. pic.twitter.com/GabISOTByX

— Sen. Tammy Baldwin (@SenatorBaldwin) [January 1, 2021](#)

ICYMI

[Gov. Evers, Sen. Tammy Baldwin respond to GOP senators trying to invalidate election results](#)

[Wisconsin congressman wants investigation into Trump election call](#)

[Gallagher, other U.S. representatives release statement on upholding electoral vote certification](#)

[Lawmakers critical of lack of federal help administering COVID-19 vaccine](#)

[Ron Johnson among 11 GOP senators challenging Biden win; Gov. Tony Evers calls it 'disgraceful'](#)

[Gwen Moore travels to Washington, D.C., six days after announcing she had COVID-19, saying her quarantine is over](#)