DEAR CONGRESS: ASK THEM THE QUESTION

A Grand Idea from Toto-Town for January 3rd By Professor Toto

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To the Members-Elect of the United States House of Representatives —

Greetings from the Gulf Coast of Mississippi.

Most Americans haven't heard a word about this. It isn't leading the evening news. It isn't on the front page.

But it should be.

Here it is in plain English.

Every new member of Congress must swear an oath to support and defend the Constitution before taking a seat. Buried in the House's own rulebook is a little-known procedure: when the oath is about to be given, **any incoming member can stand up and object** to another incoming member being sworn in. The challenged member may be asked to stand aside while everyone else takes the oath. Then the House decides what to do with the challenge — debate it, send it to committee, or vote on seating the member.

Now a handful of Republicans — Texas Rep. **Keith Self** among them — are quietly talking about using that procedure against members of the **Democratic Socialists of America**, the fast-growing socialist organization whose official platform calls for writing a *new* Constitution to replace the one we have.

In other words: some socialists could win their elections next Tuesday — and still be challenged at the door of the House before they ever take a seat.

Now you know what the rest of the country doesn't — yet.

Good instinct.

Now let Professor Toto show you how to do it so it **holds.**

Because if you do this wrong, you will lose in court, lose in the press, and hand the socialists the martyr's crown they've been praying for.

If you do it right?

You win even if you lose the vote.

Pull up a chair, Class.

THE OATH IS NOT A FORMALITY

When the new Congress convenes, every one of you will raise your right hand and say these words, written into federal law:

> *"I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely,* ***without any mental reservation or purpose of evasion****..."*

Read that middle part again.

Without any mental reservation.

Congress wrote sincerity into the oath. Not just the words — the *commitment* behind the words.

Now write this down, because it's the sentence this entire letter stands on:

The oath does not require you to love the Constitution. It requires you to honor the obligation you accept when you swear to uphold it.

CONGRESS HAS BEEN HERE BEFORE

This is not the first time the House has wrestled with whether a man can swear to a Constitution he opposes.

In July 1862, with the Union bleeding, Congress passed the **Ironclad Test Oath.** It required officeholders to swear not only future loyalty, but *past* fidelity — that they had never given aid to the rebellion. By 1864, the Senate made its members take it. And after the war, Radical Republicans used it to keep Southern Democrats out of Congress.

Then, in **1884**, a new generation of lawmakers repealed the test of the past — and kept the promise of the future.

That's the oath you'll take.

And here's the lesson both sides need to hear. Congress decided it would no longer put a man's *past* on trial at the door. What it kept was the pledge about what he *will do* from this day forward.

So don't ask them what they posted in 2019.

Ask them what they will do in 2027.

THE EVIDENCE IS IN THEIR OWN HANDWRITING

I don't need to guess what the DSA wants. They printed it.

Their national program, *Workers Deserve More,* declares that DSA is fighting to **"draft a new constitution, and create a democratic socialist republic."** Then it gets specific:

Expand the House. Abolish the Senate. Abolish the Electoral College.

And abolishing the Senate isn't the end of it. The same document calls to **"replace the President and Supreme Court with an executive and judiciary chosen by and subordinate to Congress."**

Read that twice, Class.

No independent President. No independent Supreme Court. One chamber, holding the other two branches on a leash. That isn't a policy tweak. It's the end of the separation of powers the Founders built into Articles I, II, and III.

And don't let anyone tell you a candidate's DSA membership is just a social club. Under DSA's own rules, endorsed candidates are expected to **accept and promote the program** and align their campaigns with it.

Some DSA chapters go further — calling for a new constitution drafted by an assembly of the people. Not by Article V. By an *assembly.*

That's not Professor Toto's interpretation.

That's their platform.

Now, wanting to change the Constitution is not a crime. Article V exists precisely so Americans can amend it. I've cheered amendments. So have you.

The question is not whether you want change.

The question is whether you will remain bound by the Constitution while you seek it — and whether your plan even fits through the door the Constitution provides.

THE PROCEDURE ALREADY EXISTS

Here's how January works.

The Speaker prepares to administer the oath to the members-elect together. Under the House's own precedents, **any member-elect may object** to another member-elect being sworn.

The Speaker may ask the challenged member to stand aside while everyone else takes the oath. Then it's up to the House how to handle the challenge — whether to debate it, refer it to committee, or vote. A full floor debate and a recorded vote aren't automatic. They have to be fought for.

Texas Rep. **Keith Self** has already said he may invoke it. Tennessee's **Tim Burchett** has already said he won't vote to seat New York's **Darializa Avila Chevalier.**

Good men. Right instinct.

But instinct isn't strategy.

NOW CLASS: HERE IS THE GRAND IDEA

Object. Then — when the House takes up the challenge — **put the Question.**

And don't wait until January. Send it in writing the day after the election, to every member-elect who has embraced replacing the Constitution, and publish the answers.

The Question has two parts.

Part One:

> *"Do you acknowledge that the Constitution of the United States, as it stands today, is the supreme law of the land, binding on you in every official act — and that any effort to replace it may proceed only through the means the Constitution itself provides?"*

Any member worth seating says *yes.*

Good. Now they're on the record.

Part Two — and this is where the teeth are:

> *"Article V says that 'no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.' Your organization's program calls for abolishing the Senate. Show the American people the lawful, Article V path to that goal — or renounce any path that goes around it."*

And Class, understand what makes this different from an ordinary fight over amending the Constitution.

Article V doesn't just demand a supermajority to change the document. It contains a *special* protection — written right into the amendment clause itself — for each state's equal voice in the Senate. So when an organization proposes abolishing that chamber altogether, the question isn't merely how many votes they can gather.

It's whether their plan can get past a guard the Founders posted at the door of the amendment process itself.

Now watch what happens.

If they renounce any path around Article V — you've won. The DSA's rising star has publicly bound herself to the Constitution's own limits, on the record, and her base will measure every speech for two years against that answer.

If they produce an Article V path — let the country see it. Let every one of the 50 states, especially the small ones, read exactly how a House-only Congress gets their consent to erase their Senate seats.

If they dodge — silence is not a confession in a court of law. But it is an answer in the court of public opinion. And the American people sit on that jury every November.

Every door leads to the same room.

The truth on the record.

WHAT THE LAWYERS WILL SAY — AND WHAT THEY'RE RIGHT ABOUT

Somebody's going to shout ***Powell v. McCormack!***

And they should.

In 1969, the Supreme Court held that the House could not exclude Adam Clayton Powell Jr. — a duly elected member who met the Constitution's qualifications of age, citizenship, and residency. The people choose their representatives. Congress cannot invent a fourth qualification called "Not a Socialist."

That's the law. Respect it.

So understand what the Question is — and what it isn't.

It is not a tool for barring someone because you dislike their politics. Calling it an "oath test" doesn't magically put it beyond *Powell's* reach, and anyone who promises you a guaranteed exclusion is selling you something.

What the Question *is* — is accountability. It puts the constitutional obligation of office squarely before every member-elect and every voter, and it forces a public answer to the only question that matters: *Will you obey the Constitution as it stands, even while campaigning to change it?*

And if a member swears that oath and then acts against it? The Constitution keeps a separate power in Article I, Section 5: with two-thirds of the House, *"expel a Member."*

The Court in *Powell* ruled on exclusion. It did not settle the limits of expulsion. But two-thirds is a mountain — and it should be.

THE RULES OF ENGAGEMENT

If you're going to do this, do it like statesmen, not street fighters:

1. **Ask everyone the same Question.** Left, right, or sideways — any member-elect who has embraced replacing the Constitution gets it. A standard applied to one side is a

weapon. A standard applied to all is a principle. *This is the rule that makes all the others work.*

2. **Use their program, not their old posts.** The question is not whether a member-elect has offended Americans in the past. The question is whether that member-elect accepts the obligations of the constitutional office they seek. Lead with the platform.
3. **Fight for a recorded vote.** Put the issue before the House in a form that makes every member declare a position by name. If the rules permit a roll call, demand one. Let the voters read it.
4. **Don't fear losing the vote.** If the challenge fails, the Question was still asked — and the written answers are still published. The nation saw it. That's the win.

THE BOTTOM LINE

Last week I told you January 3rd might become the new January 6th.

Not the riot.

The *ruling.*

The day the nation learns that the Constitution gives each House the power to judge its own members — and that the oath is not a prop.

In Alaska, the Senate will judge a *return.*

In the House, you can test an *oath* — in public, on the record, before the people.

Same Congress. Same Constitution. Same door left open by the Founders.

Ask them the Question, Congress.

The answer will do the rest.

And Now You Know… **THE BEST of the Story.**

CLASS DISMISSED!!!!