Twitter Thread by David Rothkopf



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suggests the founders would not react so quickly against a president who led an insurrection. Washington led an army of 13,000 people against a small group of farmers who wouldn't pay their taxes on whiskey.

One founder actually did lead an insurrection. His name was Aaron Burr. He was arrested and charged with treason. He walked on technical reasons and was already out of office so impeachment was not the right option, but he ended up in exile for years afterward.

(Beautifully, while in exile Burr lived in a house on Craven Street in London.) Turley also says that Trump's incitement to insurrection was protected speech. This is beyond ludicrous and shows a lack of understanding of the law that would get him kicked out of any law school.

As Justice Oliver Wendell Holmes laid out in his famous ruling on this matter in Schenck v. United States in 1919 in which he said there was no right to falsely shout fire in a crowded theater...

"The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."

Leading a rebellion against the government of the United States is one of the primary evils the Congress has not just a right but an obligation to prevent. Indeed, what Trump was seeking was to destroy Congress as a step toward destroying democracy.

Trump is guilty of attempted Congresscide in pursuit of attempted democracide. The founders would have seen it clearly and likely defined it as treason.

The Constitution defines treason as "levying War against (the US), or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court."

Leading an violent mob in pursuit of a seditious goal is both "levying war" and "adhering to the enemies" of the United States. Actually supporting the violent act against the United States by helping with fund-raising and organizing is "giving

them aid and comfort."

And of course, the 14th amendment contains an absolute ban on people holding high office who "shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof." So the view of the Constitution on such matters is clear.

Turley gets every aspect of the law wrong (as do the president's other defenders in the GOP.) Why do they do this when the law and the intent of the founders is so clear? There can only be one reason: partisan hackery. And for that reason these objections must be dismissed.