Twitter Thread by Thomas Wood ■

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The evidence is mounting that what we witnessed yesterday was an attempted coup (related terms are “insurrection” and “sedition”). 1/10

But it is important to note that the bad actors involved in the events can be sent to jail (for up to twenty years) for something that falls short of an attempted coup and is easier to prove in court: obstruction of justice. 2/10

The relevant federal statute is 18 U.S.C. § 1512--a statute, you might recall, that figures prominently in the Mueller Report. 3/10

Bill Barr, who wanted to construe the statute narrowly, contested Mueller’s interpretation of the statute. There is a lengthy reply to Barr’s construction (which I think might have been written by Michael Dreeben) in the Report. 4/10

The Report establishes conclusively that Barr’s interpretation violates every known principle of statutory construction, and it is fun to read the Report and see Barr get *destroyed* on this point. 5/10

That is relevant and important here because under the terms of the statute (construed as it must be), the plotters and actors in the assault on the Capitol yesterday committed OBSTRUCTION OF JUSTICE, 6/10

because it is abundantly clear that the purpose of the assault was to disrupt, delay, and otherwise prevent the certification of the Electoral College ballots by Congress. Anyone intending to accomplish that can be charged and convicted for up to 20 years in prison. 7/10

Prosecutors shouldn’t have any difficulty showing that Giuliani (probably with the full awareness of Trump, which would make him an accessory to the crime) and bad actors in the Capitol Police and House “Freedom” Caucus are legally liable under the OOJ statute. 8/10

Here is the statute in relevant part: 9/10

(c) Whoever corruptly—

(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

shall be fined under this title or imprisoned not more than 20 years, or both.

Immediately prosecute, impeach, and remove under 18 U.S.C. § 1512, where the violation is easier to prove. Prosecuting all the plotters and actors for an attempted coup is also essential, but it can come later. 10/10