Twitter Thread by Rachel Shelden

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■ For those who have been as interested as I am in the discussion about Congress using Section 3 of the 14th Amendment against Trump, this is a thread of scholarly commentary on the subject. Please feel free to add additional links.

Historian Eric Foner was among the first to suggest using it and he later wrote up his argument in the WaPo here: https://t.co/9YPUuAmlaA

Two legal scholars, Gerald Magliocca and Bruce Ackerman also argued that using section 3 may be more effective than impeachment: https://t.co/8RO9zqOfum

In the @nytimes, @brianbeutler and @deepakguptalaw say it section 3 should be used as a compliment to impeachment. https://t.co/gLZBAzHaF0

Political scientist and professor of law Mark Graber makes the case that section 3 can be invoked by legislation passed after Trump leaves office, which would also "retroactively void any action taken by President Trump after January 6, 2021." https://t.co/PNaVlpOV6v

Law professor Noah Feldman argues that a court could determine Trump violated section 3 were he to attempt another presidential bid in 2024: https://t.co/jWXptYpg4O

Several folks have argued against using section 3. Political scientist @kewhittington argues impeachment is the correct remedy and "If Section Three is to be applied, then it should follow a criminal conviction for engaging in an insurrection" https://t.co/8X0Voxjq3B

Law professor David Hemel argues "A better approach would be for Congress to enact a modern-day analogue to the First Ku Klux Klan Act reestablishing a judicial procedure to disqualify insurrectionists," though that can work alongside impeachment. https://t.co/vuJ2WMS913

In an argument against creatively using the Constitution, Historian @DavidHeadPhd argues that "Removing a president from office is novel enough" and "Congress should embrace its experience with impeachment and devote its energy to that path alone." https://t.co/DF7tt2wHGt