Twitter Thread by Thomas Wood ■

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There were at least two insurrectionist plans that day.

As I've written previously, one of the plans was simply to either take Pence hostage or to assassinate him. 1/28

That was the more extreme plot, and it is an interesting question whether and to what extent Trump, Giuliani, some WH aides, and some nationalist insurrection members of Congress knew of the plan and either facilitated it or condoned it. 2/28

But there was another plan, less violent and extreme, but equally seditious, which we know was supported by a number of extremist members of Congress. It was also the plan that Trump and his personal lawyer Rudy Giuliani publicly espoused. 3/28

That plan was simply to ensure somehow, by force or by intimidation, that the certification of the election by Congress failed or fell short on January 6--the constitutionally mandated date for the final and determinative certification of the election. 4/28

The principal target here was VP MIke Pence. Pence had already announced publicly that he would not throw the election in the way that Trump had demanded because he lacked the statutory and constitutional authority to do so (which was, of course, perfectly true). 5/28

But this didn't stop the mob--or the organizers of the event. Although it would have been unquestionably illegal for Pence to have failed to certify the ballots, radicalized members of Congress (and the mob) wanted to put sufficient pressure on Pence to do it. 6/28

This faction claimed that it was either constitutional or excusable to miss the certification deadline (though it was neither) because the demand was only for an extension of time in order to definitively determine whether the election of Joe Biden was valid. 7/28

Giuliani in his incendiary pre-march speech at the rally specified ten days as the amount of time requested for the extension, though sometimes the amount of time was left rather vague (to be determined): 8/28 https://t.co/CX6iIqPvSw

> “So it is perfectly reasonable and fair to get 10 days … Over the next 10 days, we get to see the machines that are crooked, the ballots that are fraudulent, and if we’re wrong, we will be made fools of. But if we’re right, a lot of them will go to jail. Let’s have trial by combat. I’m willing to stake my reputation, the President is willing to stake his reputation, on the fact that we’re going to find criminality there.”

First of all, it would have supported Trump’s narrative that the election had been “stolen,” because if even this much had been accomplished, it would have served to delegitimize the whole constitutional process. 9/28

His base would have reasoned: if this much can be undermined, what else can be compromised and undermined? They would have thought: the whole charade must be a hoax and the whole system can be beaten, which of course is exactly what Trump was telling them. 10/28

Worse still, missing the deadline would have upended the whole process and created a constitutional crisis. (Fascists and Nazis love this sort of thing. It happened a lot in Europe in the 1930s.) 11/28

If it had been successful, the delay would have left the certification process in limbo, with everything barreling towards Inauguration Day--constitutionally mandated to occur on January 20-- 12/28

with no declared winner. (Only Congress has the power to declare the winner--through the certification process.) 13/28

Here’s he wording of the 20th Amendment to the U.S. Constitution, which was ratified in 1933: 14/28
https://t.co/zuHcxizAWH

> *The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.*

The extension that was demanded by the mob (and by many members of Congress) would have given the insurrectionist Right (aka the Republican Party) plenty of time to gin up even more lies and unsubstantiated claims about a stolen election, 15/28

providing further fuel for the massive armed protests that had been scheduled (and are still scheduled) beginning January 16 through January 20 (Inauguration Day). 16/28

(So far as I know, the insurrectionists were canny enough to never specify a 14 day extension, since that would have made it perfectly clear how the plan was expected to unfold.) 17/28

None of this would have been legal, of course, but that's not the point. (It's never the point of a coup!)

The point is that on January 20 Trump would still be sitting in the White House, with no Congressional certification of the election having been completed. 18/28

Squatter's rights.

Checkmate.

That seems to have been the thinking of most of the insurrectionists. 19/28

Try to imagine the calamitous consequences if the mob had either killed Pence, succeeded in taking him hostage, or if the violent, raucous mob had persuaded enough members of Congress to delay the certification. 20/28

No matter what, it would have spelled the end of America as we know it. The Constitutional order would have been fatally wounded, even if somehowTrump did get removed from office at that point. 21/28

Actually, that is exactly what Trump and his cult have always wanted.

It is a pernicious lie that they want to defend the Constitution. 22/28

They don't want to defend the Constitution any more than the Confederates who fired on Fort Sumter did.

The insurrectionist right only wants to defend what they call the "original Constitution"--which is *their* Constitution, not ours, and to do it by any means necessary. 23/28

In fact, Trump has been planning since November 8, 2016 to stay in power by any means necessary.

The best way to do that was to win re-election legally.

Failing that, he was determined to stay in power through a coup. 24/28

His core base understood that all along, and they loved it. January 6 just showed it to the world. 25/28

Staying in power has always been Trump's *sole* agenda--as John Bolton, who had an opportunity to observe Trump closely as his National Security policy adviser, has said. 26/28

For more on this, see Fiona Hill, who has seen Trump's attempted coup coming for years: 27/28 https://t.co/jBd5fic5od

If you're really gung-ho interested, there is also this long law review article (131 pages) on how the election is certified. It's the definitive work on the subject, they say: 28/28 https://t.co/A1hIQZ8iPc

THE CONSCIENTIOUS CONGRESSMAN'S GUIDE TO THE ELECTORAL COUNT ACT OF 1887

Stephen A. Siegel[*]