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## Things You Need to Know About the Impeachment

It does not matter whether you like or even voted for Trump. However, what does matter is whether or not you understand what is happening with this particular impeachment process.

Before starting, we need to look at the definition of six words according to the Oxford dictionary.

1. **Subversion:** The undermining of the power and authority of an established system or institution.
2. **Insurrection:** A violent uprising against an authority or government.
3. **Rebellion:** an act of violent or open resistance to an established government or ruler.
4. **Incitement:** The action of provoking unlawful behavior or urging someone to behave unlawfully.
5. **Sedition:** Conduct or speech inciting people to rebel against the authority of a state or monarch.
6. **Treason:** The offense of attempting to overthrow the government of one's country or of assisting its enemies in war specifically: the act of levying war against the United States or adhering to or giving aid and comfort to its enemies by one who owes it allegiance.

Earlier this month, Trump was charged by the US House of Representative for “incitement of insurrection” and “lawless action at the Capitol.”

Chapter 115 of the 18 U.S.C. Part 1 deals with Treason, Sedition, and Subversive Activities. It is section 2383 of this chapter that Trump is being charged with.

This particular section includes three of the six words above: “rebellion,” insurrection, and “incite.”

Interestingly, the remaining three terms, subversion, sedition, and treason, are dealt with individually in separate sections.

Now you may be wondering why was this particular section of the code – Rebellion or insurrection – selected and not the other nine sections in the chapter. Let’s first look at the other nine sections as they might relate to Trump.

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*Sections of USCODE 15, Part 1, Chapter 115*

2381	Treason
2382	Misprision of treason
2383	Rebellion or insurrection
2384	Seditious conspiracy
2385	Advocating overthrow of Government
2386	Registration of certain organizations
2387	Activities affecting armed forces generally
2388	Activities affecting armed forces during war
2389	Recruiting for service against United States
2390	Enlistment to serve against United States

2381-Treason: deals with giving aid and comfort to the enemy, and/or levying war against the US. If the Russian collusion allegations proved true, this could well have been the charge. However it was not and in fact we are finding out that the Democrats may have actually been the ones involved.

2382-Misprision of treason: deals with having knowledge of treason and not reporting it. Trump did in fact ask for investigations into the Russian collusion allegations and other activities. By making these requests, he was reporting what he believed to have been treason.

2384-Seditious conspiracy: deals with two or more people conspiring. Any conspiracy would be one of two types: 1. to overthrow, put down, destroy, hinder, delay, prevent the execution of any US law, and 2. to seize, take or possess US property contrary to authority. No evidence of conspiracy has been found with regard to invading the Capitol and preventing Congress from carrying out its duties. Trump may have wanted that but he did not conspire. On the other hand this charge could have been levied against the Obamas when they knowingly took items, belonging to the US government, when leaving the White House. Further, Pelosi and others could also be charged under this section for, deliberately delaying and subverting the business of the government with regard to Covid relief and deliberately hindering the passing of two impeachment proceedings to the Senate.

2385- Advocating overthrow of Government: deals with multiple facets. Deals with anyone advocating, abetting, advising, teaching, or organizing any group to overthrow or destroy the government. Trump continuously supported the democratic process and never showed any indication to wanting to overthrow the government. On the other hand anyone wanting to and working toward changing the basic structure of our government for the people, by the people to one of government socialist over reach is guilty of violating this section.

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2386- Registration of certain organizations: deals with three types of organizations: 1. those subject to foreign control, 2. those which engage in both civilian military and political activity, 3. those whose purpose/aim is to establish, control, conduct, seizure or overthrow the government or the military. Any PAC receiving foreign money is considered subject to foreign control. This section is probably not applicable to Trump as he used his own money to run for office in 2016. However, since then, and before, many Democrat PACs have received foreign money and thus can possibly help overthrow or destroy our government.

2387-Activities affecting armed forces generally: deals with intentional interference or influence with the loyalty, morale or discipline of military personnel. Trump has fully supported the military. However, Obama should have been charged with this section as he deliberately, reduced the loyalty, morale and discipline of all branches of service. More than likely Biden will do the same and if Harris becomes president, she will definitely do it.

2388- Activities affecting armed forces during war: deals similarly with the above. While Trump has not interfered with military operations, it is well documented that Obama and members of his cabinet did so routinely.

2389- Recruiting for service against United States: not applicable

2390- Enlistment to serve against United States: not applicable

It appears obvious that many of these sections may apply to members of Congress and others in government. Yet, little, if anything, has been done to bring these criminals to justice.

Of the ten possible sections that could be used to charge Trump with, section 2383 is the shortest (57 words) and least inclusive of them all. In fact if you remove the parts that are not applicable and does not involve punishment, the section is only 20 words long (Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States).

There are many problems with trying Trump under this section. One of four things have to be proven for impeachment.

1. Incite
2. Sets on foot
3. Assists
4. Engages in rebellion/insurrection

Although the Democrats claim that Trump meets all four conditions, proving it is another thing. Here are some considerations:

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To incite means that there has to be intent. According to *Brandenburg v Ohio* (1969), incitement is based on “if the speaker intends to incite a violation of the law that is both imminent and likely.” Since Trump can claim that he was just rallying up the people without intent to incite, the Democrats have to find a qualified source where Trump discussed his intent. Think of it in terms of a hit and run. Did the driver intend to hit the victim or not? If the belief is that there was intent, that has to be proven.

Sets on foot is ambiguous. If interpreted to mean “to initiate or start” something. Then that something has to be proven. On the other hand if interpreted to mean “go to place,” Trump did not go to the Capitol or enter it.

The third condition, assists, begs the question who did he assist with his speech. If the belief is that he did incite, then he is the leader and was not assisting but leading. On the other hand, if he did not incite, and did not go to the Capitol then in what manner did he assist rioters to break in and cause harm?

For the fourth condition to exist, Trump would have to be engaged in rebellion or insurrection. From a physical aspect he was not engaged in any part of the rioting. Thus the only other avenue of engagement would have been in the planning to cause a riot. That avenue would require proof of intent and collaboration.

So for the above conditions to be met there would need to be intent (which has not been proven) and collaboration (which has not been proven)

In conclusion and as a final analysis, two primary outcomes can be determined. First, Trump is not guilty of “incitement to insurrect,” which opens the door to censorship. The second outcome is that the Democrat Party, Pelosi, et.al in particular, are guilty of attempting to thwart the US Constitution, Bill of Rights, and the moral and ethical aspects of justice. Such action was not undertaken to defend the Constitution and United States but rather for political and power attainment and gain.

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