

Heather Cox Richardson On Supreme Court Decision regarding Trump immunity

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Hey folks, I see people are starting to come in. I will wait for a little bit of time till our numbers go up a bit.

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As they are starting to hey from Colorado and Vancouver.

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Washington, Middletown, CT.

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With a good question, how can staging a coup be an official act?

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All right, people are coming in here. Hey, Nancy. How are you in Ellensburg? WA. By the way, I still plan to do politics chat tomorrow. This is not politics chat. This is about the decision that the Supreme Court made today in Trump versus the United States.

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Right. All right, so we have enough people here, I think to go ahead and start.

So as I said, I'm not talking generally about politics today. I'm talking about the decision of the Supreme Court in Trump versus the United States. And and I want to emphasize that I'm not a lawyer. I have read the decision.

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And it's bad. I'm I'm here to say it is bad and here's why it is bad, because the point of the the Americas Republic, a democracy in the United States of America, was that we were established with the idea that no man at the time, and that of course at the time only included white men, but it was a principle that could be expanded and has since been expanded to believe that that all people in the United States of America,

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Should be treated equally before the law. And that's established by the 14th amendment. You probably recall that's added to the Constitution in 1968. I'm sorry, 1868, and that we have a right to ascend our government and those things are also established in the Constitution and not the right to vote. But the the idea that we, the principle that we, should have a say in our government is the basis of our laws.

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That has held true throughout our history that nobody is above the law.

Today, July 1st, 2024, the Supreme Court of the United States said that that was not true, that a president cannot be prosecuted for committing crimes if they are part of an official part of that person's duties. That is, if they're an official duty.

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And they they tried to preserve what they were doing by, you know, to to give themselves some cover by saying unofficial acts in which crimes are committed are not covered by immunity. But nobody ever said they were. So that's kind of a a red herring there.

The idea that a president can commit crimes as part of official duties is antithetical to our democracy.

It is antithetical to our country.

It is antithetical to our history.

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In this specific case, though, it is worth pointing out that this whole idea of what became known as the unitary executive, or before that the Imperial Presidency, has been established by Samuel Alito in 1986, when he was at the Justice Department.

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And he began it with the idea that presidents could do whatever they wanted, based on, with laws based on signing statements.

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And one of the first signing statements that declared a president could do whatever he wanted was under George W Bush. And it was when he overrode Congress saying that he would continue to torture enemy combatants despite the fact Congress said he couldn't because that was part of his official duties. All right.

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So the reason I started with that is because the person in question is Trump versus the United States when he was in office.

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Yes.

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[He] asked his underlings, of course, to separate families.

He wanted them to shoot immigrants as they crossed the borders.

He wanted to shoot his opponents, the people he didn't like, and I'll write about that tonight.

We've had that, both from former Attorney general Bill Barr and from Cassidy Hutchinson, who was in who was, the chief of, a chief aide to Mark Meadows, who was Trump's chief of staff.

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All of those things would be covered under this immunity, a decision, and this is one of the things that the dissenting judges pointed out.

Now I want to say a couple more things about, a couple more things about, this particular decision and that's that it seems pretty clear from reading it that while they talked about the idea they were making these decisions for the good of the country for all time that, that, remember that.

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Two of the justices on the court are openly associated with the attempt to overthrow the government. And that is Samuel Alito, who, who, with his wife through the distress flags, and Clarence Thomas, whose wife was actively texting with the people trying to overthrow the government. Neither one of them recused themselves. Two of the six votes.

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For this immunity, two of them are people who were probably in on it.

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So that's the first piece of it. The second piece of it is that it's pretty clearly designed to protect Trump.

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Not to protect the President for this reason, one of the things that the the decision says is that official acts are protected. Unofficial acts are not protected, but it is not clear which is which.

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It will be the Supreme Court that decides that. So, I mean, ultimately, the Supreme Court that decides that, so people are saying, well, then Biden should just go do what Trump has threatened to do, you know, call Seal Team six and throw Bill Barr in prison or whatever. But the answer to that is that that would go through the courts and it would be up to the Supreme Court to decide whether or not that was an official action on the part of a Democrat, Joe Biden.

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How do you think they would decide? How do you think this court would decide so it is, in a way, a booby trap decision designed to protect Trump and not Biden?

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I cannot emphasize enough what a disaster this is for American democracy, but it is not [the only one].

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So last week, the court decided Loper Bright, which was a case that overturned the rule that had been in place since 1984, saying that when, when, agencies made decisions -- that is like the EPA or OSHA or whatever -- that in 1984 the Supreme Court decided that it should be that the courts should defer to the agencies in the decisions that they made unless they were completely out of whack. **The court could take that on, but they should defer.**

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Loper Bright says that that is no longer the case, and once again what Loper Bright did is it said that the courts themselves should decide whether or not an agency had overreached,

and so they took into their own hands the power to decide whether or not, for example, factory is polluting too much.

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They, instead of the EPA coming and saying you got to stop that now the EPA could say that, but the polluter can take it in front of the courts and the courts will decide.

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But let's go back to one more decision. Before that the Snyder decision, in which the Supreme Court decided that it was not a bribe if you received payment in some form after an official act had been taken so you couldn't put in writing that you were taking a bribe. But you could accept. I don't know, maybe an RV, after the fact or a trip on a plane to Indonesia after the fact, that's perfectly legal. So what we are seeing is what I just called it on television a few minutes ago. A coup

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Against our American democracy now...

It's not a bloody coup, it's a legal coup. And it's one that has been a very long time coming. This has been on the books, really going after the kinds of decisions that we saw in in Loper Bright. That that goes all the way back to 1935, the idea of saying that the that the the Congress can't delegate an agency into the executive branch. That's 1935. So that idea of getting rid of a government that answered to the needs of the people has been coming now for almost 100 years, for about 80 years. And and this, of course, decision today comes in reaction to one particular man, Donald Trump. All right. So now that I have terrified you all.

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Here's where I am and I urge you to join me.

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We have thought for years now that something would save us and for me... many people misinterpreted what I wrote the night of the the the event on on CNN, which I won't call a debate because it wasn't won. The reason I was so upset by that was not President Joe Biden who gave a poor performance? The transcript reads fine, but he didn't look good and he didn't speak well, or even former President Donald Trump, who behaved exactly as he always had.

And if you remember, I've said for for close to a year now that when people saw him again, they were going to be horrified because we had sort of wrapped him up in cotton wool and thought that he wasn't as bad as we remembered.

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So I wasn't unhappy about the way that played out. Obviously, I didn't like watching it or anything, but it didn't surprise me.

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That was the night that I recognized that the media isn't going to help us either because rather than saying what I just did, you know, taking a look at the two candidates, it was as if Trump was a normal candidate and they just looked at it and said that the person who should should step down was the one who was mumbling and looked old rather than the one three years younger who couldn't finish a sentence, talked about revenge, refused to accept the idea that he might lose an election and was all over the map. And you know it it the fact that the the conclusion of the media was that the problem was Biden and not Trump said to me.

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We no longer have a backstop in the United States.

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Except for one.

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And that one?

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Is us.

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If you think about it, the Constitution starts with the words “we the people.” We have five months to say to the other people who will be voting in November, that it's now or never.

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And what does that look like? So people, you know, obviously I'm not going to go into the obvious like support your candidates financially if you can knock on doors if you can. All of the things that politicians will tell you to do, but after the debate or the conversation or whatever it was on CNN.

I actually was talking to a friend and I said there are millions of us who are unhappy about where this country is going. But what do we do? Like? I don't even know how to. I mean, it seems like maybe we should organize a March, but how do you organize a March? I don't. That's not my my wheelhouse.

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And she said to me, you know what we do in this community?

Well, we make communities and what this country needs to have happen is for people to feel like this is our country and that this is our democracy and that we have agency to change the future.

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So what I am going to suggest that we all.

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Will do.

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In this moment, and this is not to say we don't support our candidates financially and that we don't, we obviously we that we don't, we obviously must vote and so on. But think about what you do best.

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Baker's gardener.

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Accountant.

What is it that you do best?

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That you can contribute to your community, to say we need to change the mode, the the mood of this country.

We need to stop feeding Trump.

We need to stop feeding the fascists.

We need to stop feeding the Christian nationalists.

Does that mean simply showing up at a a a school board meeting to support a candidate?

Does that mean having you and five of your friends showing up to to support the the governor in your in your state? Who's running?

I don't know what that looks like for you, but I know that if we are going to save American democracy we cannot look to the courts, although there will be places in the courts that help us; we cannot look to the papers, although there will be places in the papers that help us. But it is long past time for Americans to rediscover, certainly in this month, that this is our country.

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We are the people.

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People, because the things that Trump and his ilk want to do to us are not majority positions. They are small, minority positions. Americans want reproductive rights in huge numbers. They want them protected by law. They want common sense gun safety legislation. They want taxes on corporations and on the very the very wealthy. They want child care. They want the sorts of things that the Democrats are bringing to this country.

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And what the Republicans -- and these are just current day Republicans, by the way. The old Republican Party, if you listen carefully, you can hear even Reagan spinning in his grave over where we are today.

Remember, it was Republicans who went to Richard Nixon in 1974 and told him he had to resign because of what he had done in the process of trying to win the 1972 election, doing things like burglarizing somebody's psychiatrist's office and bugging the headquarters of the Democratic National Committee.

Nowadays, those are official acts. Those are official acts, according to this Supreme Court? Well, not according to me, and probably not according to you. And not according to people who care about democracy and our country, whether they have our name by their name, eyes by their name or ours by their name, because this is not.

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The Republican Party that supported democracy, this is a small group of radical extremists who want to take over the most valuable... I don't mean the value of the ground. Although the United States is valuable ground as well.

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If you run the United States of America, you run the world.

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This is not small potatoes. This is what they are playing for and we we are the last backstop to make sure that doesn't happen. But here's the thing.

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We're not a minority. This is not some desperate small group of people living in a mountain. We are the majority. It is our government and it is up to us at this point to convince people that we must preserve that democracy, and the way to do it is by doing what we do best. Now. Now that's not to say that other people aren't going to be working as well.

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But I keep getting, I keep getting letters from people saying telling me what they think Joe Biden should do.

Listen, I don't care what Joe Biden does. He's a president. That's great. Presidents come and go. Democracy is either here to stay or we.

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Use it.

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And if we lose it?

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It will never come back the way that we have known it in the past.

That's not a risk I want to take.

So here we go for the next 5 months, and we could not be doing it at a better time because of course it's only three days from now that the founders in 1776 declared that the people who lived on this continent in their 13 colonies would not have a king.

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Later on, that was enshrined into the Constitution with the very obvious fact that there is no immunity for the President in the Constitution, as the dissenting justices said.

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Establishing us as a country based on the rule of law, but that idea that we would not have a king, we would not put anybody above all.

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Is what the Supreme Court of the United States of America did today.

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I can't sit here and let that go by.

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And I bet a lot of you can't either.

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So what I'm going to do is more of this, first of all. But like I say I'm I'm already doing almost all I possibly can. We need to share this work which is another thing our community does so well and what I will be doing is posting on Facebook and you can even start here sharing ideas.

What can we do? Because it's not just turning out voters, it's changing the mood of this country so that voters want to go out and protect democracy.

And honestly, we're actually one of the biggest communities in the United States. I don't hand out the numbers, but but there are a lot of us, so let's go out there and do that.

I just want to to to say again what somebody just asked, why can't Biden do the go ahead and use these immune powers?

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Because the way it's set up, the Supreme Court ultimately will decide whether or not the powers that have been taken on by a president fall under official duties. And I think it's pretty clear that Trump gets that coverage and that Biden would not. Plus he wouldn't do it. I mean, that's the whole point is he's trying to protect the rule of law.

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So so this is a very dark day in American history.

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It is up to us.

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We the people.

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To make sure that it doesn't become, I guess, America's end story.

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And we have five months.

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To try and protect what we have.

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All right.

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Let's keep on, let's share ideas. Share this community. Don't despair.

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Now is not the time to despair, because that's exactly what they want us to do. They would not be doing this if they knew they had a majority.

This is a small minority that is using every lever of power they can to scare us into submitting. We must not surrender in advance. If we have to surrender, we can do it later on.

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But right now pick up your spirits, take a day off if you need to take a month off. If you need to, but pick up your spirits and get in the fight because now is our American Revolution. Except thanks to the founders, we have almost 250 years of information about how to do it.

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So let's get out there and do what we do best, whatever that is. Take back your power, take back the power that they are trying to take away from us and decide under what kind of government you want to live. You and I probably won't agree on every little bit, but by God, I can tell you that I do not want today's Supreme Court deciding whether or not my daughter will have control over her body, just for starters.

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And on down the list. And I suspect whatever your central issue is, is also one that would attract an awful lot of other people.

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So get out there. Voting, for sure; money, for sure. Make sure people are registered to vote. All of those things.

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But show who you are. Do whatever makes you tick. Take back your power the same way. Let's let's face it. I'm a writer. Like I live in the basement and I type on a typewriter or on a on a keyboard. And that specific skill mattered.

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Whatever your skills are, [they] will matter too. Figure out what they are. Share them with each other, and let's get out there for the next 5 months and and turn it into a landslide.

And if it's if I suspect it's still going to be Biden at the head of the Democratic ticket. I don't care if it's an oak tree. I don't care if it's a ham sandwich. The issue right now is all of us who want to protect democracy, we can agree on disagree on everything else.

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But we must agree on this or the future is unimaginable.

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So let's go do it. Thank you for being here and I will be back tomorrow, but.

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We're in a different time now.

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And it's it's worth knowing that going forward.

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Thank you for being here.