

TRUMP'S THREATS TO THE CONSTITUTION ARE HAPPENING IN REAL TIME, NOT (JUST) IN A THIRD TERM

There is no doubt in my mind that the intent of the Trump team is to retain power indefinitely, via whatever means.

To fight that effectively, you should focus your action and words on the most pressing issues before us – elections on Tuesday, legal cases before appeals courts, legal US residents in detention – rather than trying to discern the means by which Trump will codify all the actions he is taking today, yesterday, last week. The actions he is taking in real time, and their goals, are utterly transparent.

Which is why I think it a colossal waste of time that the punditocracy spent much of Sunday talking about Kristen Welker's "report" that Trump says he wants a third term.

You don't say?

Rather than spending the day discussing Trump's Executive Order presuming to dictate to states how they – with the involvement of DOGE!! – must start suppressing the vote over the next months, we talked about something that might happen in 2028. Rather than spending the day talking about how Trump is already using federal funding and immigration law to silence speech protected by the First Amendment, we discussed what gimmick Trump might use in the future to evade the 22nd Amendment.

Almost no one even tried to use Trump's comments about a third term as a way to explain the end goal of assaults on civil society, speech, and voting – to connect the actions Trump took in the last week to what he says he'll do in 2028 –

something that would at least make use of Trump's own rhetoric to educate low-information voters. Instead, they talked about Trump's assault on democracy in the way Trump wanted it framed – distant, allegedly constitutional, and uncertain, rather than an imminent unconstitutional assault on democracy.

What the fuck are we doing here, folks?

It's not even clear to me what the comments were. Welker introduced her "exclusive phone interview" during the introduction to Meet the Press, specifying that *Trump called her*. In that intro, she focused on Trump's threat to maybe get angry at Vladimir Putin but maybe not. It was more than a phone interview though: She played video of Trump's comments promising to impose tariffs. The call provided almost two minutes of pure transcription of Trump's comments – so much so that Welker repeated Trump's claims that the Signal chat story was fake news twice, uncontested.

Trump used his phone call to Kristen Welker to get her to call journalists, to call herself, fake news.

But the comments about the third term – with or without video – were not in that clip; they were published separately, Meet the Press scooping itself, with no live pushback.

The fact that Welker *brought up* this plot for a third term herself, mentioning Steve Bannon (who was presenting it on another channel), suggests that was the entire point: Trump called her, she dutifully brought it up, she got video but used almost none of it, leaving only Markwayne Mullin on camera (who should never be invited as a credible interlocutor in any case) to answer for the Administration on MTP itself. Not that it mattered; Welker was even more solicitous than usual yesterday.

Trump's genius is in managing attention: both keeping it, and directing it away and towards topics of his choosing. He has long integrated

assertions about a third term into his political spiel. This is nothing new (indeed, NBC linked an earlier instance in the story). And yet NBC – along with a pack of credulous pundits – chose to focus on Trump’s third term comments all day Sunday rather on the things he did in the last week, covering up disappearances on Monday, tampering in elections on Tuesday, assaulting the independence of another law firm on Wednesday, attacking unions and whitewashing history on Thursday, compromising DC self-rule on Friday, that are obviously about a third term and beyond.

How can you have lived through that week, or any of the last nine, and have doubts about the intent here? Why do you think hypothetical discussions about assaults on the Constitution will better serve fighting back than concrete discussion and organizing about specific assaults on it?

This seems to be yet another instance where journalists and liberals, both of whom institutionally presume that language is transparent, misunderstand how authoritarians use language instrumentally and therefore forgo the most effective response to instrumental language.

Consider the following rubric as applied to yesterday’s stunt.

What is instrumental

Trump’s comments about a third term were almost certainly instrumental: part of his larger authoritarian project, perhaps an attempt to distract from the specifics of the effort and to falsely claim he has popular support, perhaps something Bannon told him to do as part of Bannon’s own pitch, perhaps an attempt to expand the Overton window on such legal gimmicks.

A decade into Trump’s authoritarian attack on democracy, pundits still let Trump hijack their attention with the spectacular nature of his speech, willfully helping to disseminate Trump’s

most outrageous statements in the form he packaged them up in, almost always without filter. In doing so, they treat Trump's power as spectacle, something to be gaped at passively, and in the process forego the rational discussion journalists and liberals claim to hold dear.

What is true

With the exception of court filings, there is almost never a reason to use Trump's own speech as a statement of truth. In part, that's because he lies so often, such efforts simply decline into a form of Kremlinology: "How does Trump plan to serve a third term? Will he ask JD to front for him? Will he try to change the Constitution?" This almost always has the effect of accepting the premise Trump offers, in this case that the 2028 elections would be free and fair even if Trump succeeds in dictating how states must count the vote and sharply constrains speech and civil society, the project of his last week.

This fight will be won or lost long before the 2028 election. Both Orbanism and Putinism – two of Trump's select models – stage elections largely (in the former case) or utterly (in the latter) devoid of real contest. This fight will be won or lost in the defense of civil society, not in discussion of constitutional gimmicks years in the future.

Relying on Trump's speech to determine what is true is all the more foolish given the abundance of evidence in plain sight you could rely on instead. Why bother with the Kremlinology when you can point to any one of six attacks on democracy in the last week? More importantly, why bother with the Kremlinology when each of those six attacks on democracy invite specific kinds of active response, whether organizational or legal? The Kremlinology invites impotence when relying instead on the plain facts invites many ways to fight back.

How to fight back against instrumental language

Every time I point out how Trump recruits self-imagined journalists to serve as his data mules, people accuse me of claiming we should ignore Trump's speech, or that of his flunkies.

I'm not.

I'm asking people to recognize instrumental speech as such and either repurpose it or at least identify it as a way to strip its power.

In this case, for example, you could simply take Trump's claim as a given – "Trump confirmed he wants to defy the Constitution and remain in power indefinitely" – as a way to raise the stakes for his daily assault on democracy. "His EO attacking state administration of elections is one thing he'd need to do to give illusory sanction to such an effort," you might explain, truthfully. Or, "See? I'm not alarmist. These things Trump is doing really are about keeping power longterm. I told you so!" Use Trump's spectacular speech, without disseminating it, to reinforce the message about the fight right in front of you.

Or you could point out how Trump succeeded in hijacking the Sunday discussion (whether or not that was the specific intent). We should have been focused exclusively on how his national security team made the US insecure by conducting sensitive discussions on Signal and how imminent tariffs will shift the tax burden away from billionaires and onto consumers. Instead, by offering Welker this claim to exclusivity, he got her to repeat lie (he's very cross with Putin) after lie (annexing Greenland will be necessary and easy), and twice got her to call herself fake news. With no rebuttal!

When someone lies, don't focus alone on fact checking (which only works in limited circumstances). Instead, explain *the purpose of the lie*. Stephen Miller lies non-stop on Xitter, and he does so because the lies about

immigration he told to get Trump elected (for example, that Tren de Aragua has overrun places like Aurora, CO) are being undermined on a daily basis, in the Global Threats Assessment that doesn't even mention the gang, much less treat it like an invasion, and in court filings showing that Miller and Kristi Noem can't even distinguish women from men, and are using soccer tattoos as a way to attempt to claim migrants are something other than they are, and with that claim, to accrue new ways to evade due process and produce fascist propaganda. Thus far, Miller is winning this propaganda fight, hands down, because he is left largely to himself as he keeps reiterating his false claims, even in a week when he was debunked by Trump's own Director of National Intelligence. But rather than fact checking the lies – which would treat these claims as a contested issue – simply point out that he's telling the lie *because* his past lies keep getting debunked. He's telling them to keep confusing his rubes.

As to the Welker call, the primary purpose of it may have been Trump's claim to be cross with Putin. Trump has made a lot of effort to spin his abject capitulation to Putin as something else. He needs to do so to keep Republicans from revolting over it. Both John Cornyn and Jerry Moran raised concerns about Ukraine at the Global Threats hearing, and even John Ratcliffe offered up evidence in the Senate hearing that Ukraine is far more resilient than Trump and JD Vance are claiming publicly. But Trump's claim to be angry is utterly discredited given the way he changed the terms of the minerals deal last week, dramatically moving the goal posts on Ukraine again, asking for further subjugation in the guise of peace. Trump's latest emotional tantrum is not something you can fact check; maybe he really is angry that Putin is obviously fucking him around! But you can – and should – use his actions to show his tantrum is nothing more than theater, designed to hide his consistent weakness in the face of Putin's disinterest in a deal.

Do not gape at spectacular language. Do not let it distract you from more concrete reality that can be directly addressed. That is the goal of it. Rather, neutralize it, point to it as such, rob its power.