

**IT APPEARS COMPLETELY LOGICAL TO ME THAT TRUMP IS ALREADY PROHIBITED FROM SERVING AS PRESIDENT:**

**How, if so, are the following arguments off-base?**

1. I presume SCOTUS will agree that, unless the constitution specifically says otherwise (such as impeachment conviction or removal of “disability” preventing someone from serving as President, etc), simple (+50%) votes are all that are required of Congress;
2. The 14<sup>th</sup> Amendment prohibits anyone who has instigated/conspired in regard to an insurrection from serving as President
3. Though they “pulled it out of the air” SCOTUS basically said that Congress is the only authority that can accuse someone of having instigated an insurrection, preventing them for serving as President...a decision (incorrect, in my opinion) probably based on Congress being the only authority that can remove that “disability” by a ¾ vote of both houses.
4. Aside for SCOTUS
  - a. ignoring that the 14<sup>th</sup> Amendment pretty obviously presumes that insurrectionists & conspirators would be obvious, and SCOTUS denying that the Amendment is obviously intended to be self-enforcing
  - b. ...SCOTUS also can't point to not a single word that would indicate that more than a simple majority of Congress was needed to impose that disability...since the Constitution doesn't even impose the obligation to determine who is & who is not an insurrectionist or conspirator on Congress in the first place.
  - c. Just as impeachment requires only a simple majority, conviction requires a 2/3 majority and removal of the disability preventing holding the office of President requires a ¾ majority, there would be no logic to insist that more than a simple vote of one or both houses to declare someone an insurrectionist or conspirator.

**ON THE BASIS OF THE ABOVE, IF MY LOGIC IS NOT IMPEACHABLE:**

**Though Mitch McConnell decided not to hold hearing specifically to declare Trump an insurrectionist:**

5. Trump's Jan 6 impeachment itself constituted an actual declaration of Trump's conspiracy by the House.
6. And the Senate's 57 vote to convict constituted its concurrence.
  - a. If that's not the case, than what would constitute a declaration of Trump as an insurrectionist???

**AGAIN, IN CONCLUSION:**

7. How am I wrong (...if I am) that,
  - a. Article II and the 14<sup>th</sup> Amendment serve two different purposes and are not required to apply simultaneously: Though a President apparently can be impeached after their term expires, it is obvious that the primary intent is to provide the means to remove the from office & prevent them from serving again. Whereas it is obvious that the Constitution did not consider that a President would be an insurrectionist while serving AS President...the obvious intent being to prevent an insurrectionist from running for President.
  - b. Though there was the failure to convict after the impeachment, because of failure to reach the arbitrary 2/3 Constitutional guilty vote mandate, which would removed Trump from office, and prevented him from running again...
  - c. Nothing prevents the over 50% impeachment vote & the 57% Senate vote to convict from meeting the requirement to declare Trump an insurrectionist or conspirator, preventing him from taking office.
  - d. ...thus Trump already has no right to take office unless both houses of Congress, by ¾ votes, authorize him to do so.

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**If my logic has merit, who has standing to bring this to court?**

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**SIDE-NOTES:** On the basis of “CYA”, why don't “Dems” ask for a preemptive vote to remove the “disability” “just in case” Trump is later declared to have been an insurrectionist. MAGA legislatures, in their arrogance, may agree to it. But, that ¾ vote will certainly not be achieved. THEN, the Dems could “make the case” that having that vote itself is evidence that Congress considered Trump to be an insurrectionist!

SCOTUS itself says that states aren't required to enforce Federal law, though they can do so voluntarily. On the other hand, a rogue Court can't force a state to violate the US Constitution...and that's what it did in forcing Trump, an obvious insurrectionist (&, by my logic, declared to be one by Congress) to be placed on Colorado's ballots.

And (in)justice Barrett's 5<sup>th</sup> grade logic in her concurrence, that the voters should be allowed to vote for a candidate (implying that even one who is unqualified is OK) is lunacy. Even if 100% voted for a candidate unqualified by any provision of the Constitution, that doesn't give the election winner the right to take office. Barrett is supposed to be a Constitutional scholar, but she apparently has never read it. Her logic makes as much sense as when she proclaimed to Congress that Roe v Wade was not settled law because cases objecting to it were filed throughout the period after it was decided.