

**[Date]**

Secretary of State Elections

[Address – available from state website]

[Suite or room number if any]

[City State and Zip]

**REQUEST TO REMOVE AND BAR DONALD JOHN TRUMP FROM BALLOT  
PER SECTION 3 OF THE 14<sup>TH</sup> AMENDMENT TO THE US CONSTITUTION**

State election Code Law requires a declaration that if the candidate is nominated and elected the candidate will qualify by taking the oath of office, except Donald John Trump is now barred by the automatic self execution of Section 3 of the 14th amendment

Who I am is unimportant and I submit this in camera as John Q. Public because Trump supporters have illustrated how mentally imbalanced they are to following the law and prefer to attack and threaten others who do, but I am a US Citizen, over 18 with standing.

Section 3 of the 14th amendment self executes on the public record of a person being "engaged in insurrection" The consideration of defined acts of insurrection under 18 USC 2383 by a Grand Jury that returns an indictment on charges of those acts of insurrection is conclusive that the defendant was "engaged in insurrection" is all that section 3 of the 14th amendment requires to execute and create a Constitutional duty of election officials to ban any placement of the identified person that was shown by the public record to have been "engaged in insurrection" to be and is automatically barred from being eligible to be placed on any ballot. Many election laws disqualify also a candidate who cannot be under indictment for a moral turpitude charge and be an eligible candidate, also they must certify they are eligible to hold office if elected. Absent a clearance by the US Congress in this case the person "engaged in insurrection" is barred. J. Michael Luttig in MSNBC interview August 22, 2023 at <https://www.youtube.com/watch?v=AWHyoZnQZyc> is clear this is the Secretary of State Duty. It can be said the founding fathers anticipated the day when an authoritarian personality would command a blind following to destroy the government and thus to avoid a Civil War II Section 3 of the 14th amendment would be needed. Some argue voters today have been brainwashed into a cult.

See <https://www.youtube.com/watch?v=VAmvxVIzkc>

On Saturday August 19, 2023 MSNBC did an extensive interview with Judge J. Michael Luttig and Professor Lawrence Tribe addressing "*The Sweep and Force of Section Three*" a Law Review article referenced below in a discussion of their subsequent article written published in "The Atlantic" published online that morning at 16 minutes into <https://www.youtube.com/watch?v=PndXVq3zF4c> which is a third party post states clearly Secretaries of State have a duty to bar Trump from ballots. MSNBC itself posted an interview of Judge Luttig and Professor Tribe <https://www.youtube.com/watch?v=PndXVq3zF4c> at 6 minutes in Lawrence Tribe begins his discussion and at 7:45 declares the Secretary of State enforces Section 3 of the 14th amendment. In the MSNBC posted version J. Michael Luttig makes the Secretary

of State arguments beginning at 11 minutes in starting at 12 minutes in they are obligated to make the determination the candidate was "engaged in insurrection" . Apparently either one or the other must have been edited before posting to YouTube. Sadly the reality is these two scholars use too many slow moving words to bury the lead. The Atlantic article is at <https://www.theatlantic.com/ideas/archive/2023/08/donald-trump-constitutionally-prohibited-presidency/675048/>

Then on August 20, 2023 a third party YouTube channel posts a CNN interview at <https://www.youtube.com/watch?v=MznIbGohB3Q> of Gloria Browne-Marshall at 2 minutes in a Law Professor at John Jay College of Criminal justice in New York city, who takes her stab at explaining what Judge Luttig and Professor Tribe just explained, but concluded that the matter ends up before the US Supreme Court; but she is wrong in that the matter is *circularly self executing* ending only before Congress. What happens is upon the public record anyone who fails to remove Trump from the ballot themselves become embroiled by the command of Section 3 as to engaged in insurrection. In essence a co-conspirator. This office would thus fall to such a fate also if Trump is not removed.

1. Donald Trump remains yet “engaged in insurrection” unlawful activity ignoring and running for the presidency as Section 3 of the 14<sup>th</sup> Amendment self executes and bars him from holding office ever again.
2. In filed indictment actions, though the Government has not charged under 18 USC 2383 it has *defined* that Mr. Trump was “engaged in insurrection” in the four counts charged and summarized at the bottom of page 2 of the DC indictment seeking to violate Government laws it calls “the government function” as thus:

Each of these conspiracies—which built on the widespread mistrust the Defendant was creating through pervasive and destabilizing lies about election fraud—targeted a bedrock function of the United States federal government: the nation's process of collecting, counting, and certifying the results of the presidential election ("the federal government function").

3. 18 USC 2383 *defines* insurrection in part as

**“Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.”**

4. Mr. Trump in each count of this indictment meets the legal definition of “engages in any insurrection or rebellion” of the “laws thereof”.
5. Without being charged under 18 USC 2383 still, the US Constitution at Section 3 of Amendment 14 of the US Constitution now bars Trump in his qualification for a second term in office as thus:<sup>[1]</sup> that any person who “or as an officer of the United States”, “. . . shall have engaged in insurrection or rebellion against the” [United States]

6. Note that section 3 of the 14<sup>th</sup> Amendment does not require, charging with, or conviction of, but ONLY “engaged in insurrection”

7. Previous courts have found that Section 3 of the 14<sup>th</sup> amendment is truly self executing and was won regarding January 6, 2021 in New Mexico as a *quo warranto* case which is found at <https://www.citizensforethics.org/legal-action/lawsuits/lawsuit-filed-to-remove-couy-griffin-from-office/> (CREW) website that has all documents and the final decision of which was a *quo warranto* lawsuit and the first and 27<sup>th</sup> page of the 45 page ruling is attached as **Exhibit A** which defines how the court viewed the acts of insurrection.

8. More importantly the day before the DC indictment court held its August 10, 2023 hearing, on August 9, 2023, a pre review law review article entitled *The Sweep and Force of Section Three*, 172 U. PA. L. REV. (forthcoming 2024) by William Baude & Michael Stokes Paulsen was posted to the SSRN Network at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4532751#:~:text=Section%20Three%20of%20the%20Fourteenth,not%20been%20appreciated%20or%20enforced.](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4532751#:~:text=Section%20Three%20of%20the%20Fourteenth,not%20been%20appreciated%20or%20enforced.) (or tinyurl at => <https://tinyurl.com/4ce6ef33> ) The first and 121st page only of which is attached hereto because it is a 126 page Law Review Article as **Exhibit B**.

9. In *The Sweep and Force of Section Three* analysis of the 2020 election issues begins at page 111 and then addresses Trump at 117 and finally at 121 it is written

The bottom line is that Donald Trump both “engaged in” “insurrection or rebellion” and gave “aid or comfort” to others engaging in such conduct, within the original meaning of those terms as employed in Section Three of the Fourteenth Amendment. If the public record is accurate, the case is not even close. He is no longer eligible to the office of Presidency, or any other state or federal office covered by the Constitution. All who are committed to the Constitution should take note and say so.

10. I bring this to this office’s attention, because while no court has an insurrection “charge” before it under 18 USC 2383, *it can declare the definition of 18 USC 2383 is met in the indictment counts and averments.*

11. On August 15, 2023 the State of Georgia by its Fulton County District Attorney indicted Trump under RICO for specific acts “engaged in insurrection” Lawrence O'Donnell does a cursory review of it on his MSNBC show at <https://www.youtube.com/watch?v=9n19WDyQhKc> and at this writing the New York times is hosting a full version for download at <https://int.nyt.com/data/documenttools/georgia-indictment-trump/daed97d37562a76f/full.pdf> It appears it is largely the January 6th House Select Committee final report re- drafted as a Georgia RICO Complaint as an indictment. This satisfies Section 3 of the 14<sup>th</sup> Amendment US Constitution directly as Public Record Notice first page attached **Exhibit C**.

12. Application of barring Trump from ballots is a State function, and upon the records this office must declare indictments define insurrection.
13. Again it must be argued for Section 3 to apply no conviction or charges is required for the law to execute and this courts duty to enforce and protect and defend the US constitution as it is written.
14. Defendant Trump could be ordered to cease more lies to the American people in ignoring his duty to recognize the bar to his running for office and that Mr. Trump should apply immediately to Congress for the relief he seeks to run for office again.
15. On August 11, 2023 MSNBC had caught word of the posted filing and I saw Noah Bookbinder CEO of CREW on *All in with Chris Hayes* at <https://www.youtube.com/watch?v=2mm2jh5Rr9M> at 2 minutes 30 seconds in and then Joy Reid also did a big segment with Lawrence Tribe at 4 minutes 40 seconds in at [https://www.youtube.com/watch?v=\\_Et6qB7fTFM](https://www.youtube.com/watch?v=_Et6qB7fTFM)
16. Noah Bookbinder also remarked how in this case the procedure is to Request the Removal of Trump from the ballot before being placed on it in the first place by moving the Secretary of State to do so..
17. For instance, California Elections Code (ELEC) requires an affidavit of the candidate at 8550(a) (5) “*That, if elected, the candidate will qualify for the office.*”
18. Further at 8550(c) states “*The name of a candidate shall not be placed on the ballot unless the declaration of candidacy provided for in this section has been properly filed.*”
19. This state has similar language in its candidate affidavit, that Donald John Trump (Trump) cannot meet this requirement but by perjury.
20. This office now has a US Constitutional Duty to Remove Trump from the Ballot
21. Several Republican candidates are now saying Trump is disqualified, as Asa Hutchinson, Mike Pence and Chris Christie, but none can seem to cite the Constitution as they must not have read it. Geoff Duncan ex Lt gov (R) of Georgia however takes a strong stance that Trump should end his campaign.  
See [https://www.youtube.com/watch?v=Xg\\_uCqFnkw0](https://www.youtube.com/watch?v=Xg_uCqFnkw0)
22. The events of January 6, 2021, and the House of Representatives Special Committee known as the January 6<sup>th</sup> Committee and its 245 page final report as public record was then followed by Jack Smith as DOJ special counsel gave rise to indictments against Trump which detail his insurrective acts of insurrection.
23. Again and most importantly as *The Sweep and Force of Section Three* shows *the 14th amendment does not require charging or conviction of insurrection but only*

*participation as in be “engaged in”*, and as used in the amendment "insurrection" thus means only participation in insurrectionary acts. Charging by the DOJ is sufficient and guilt or innocence thereafter does not excuse the effect of the amendment which only Congress can do by a 2/3 vote to excuse such "disability"

24. This is as constitutionally valid a bar as if the candidate was not of 35 years of age for the office of presidency of the United States. No Federal Court would have jurisdiction over state election laws. See [CHIAFALO ET AL. v. WASHINGTON](#), locatable on the web as 19-465\_i425.pdf. (US Supreme Court No. 19-465. Argued May 13, 2020—Decided July 6, 2020)

25. To fail to remove Trump from the ballot as the election code requires creates violations of Civil Rights to United States Citizens and US Constitutional Violations.

I declare under penalty of perjury under the laws of Iowa the forgoing is true and correct signed this \_\_\_ day of \_\_\_\_\_ 2023

\_\_\_\_\_  
John Q. Public

**PROPOSED ORDER**

TO DONALD JOHN TRUMP  
BE IT ORDERED AND RESOLVED

Donald John Trump is removed and barred from any ballot of this State until such time he can present a removal of such disability by a 2/3 vote from both houses of Congress.

The Public Record of the House Select Committee, aka the January 6th committee and his Federal indictments relating thereto his actions while President and his State indictment on RICO charges for election overthrow interference attempts are sufficient record to activate the self executing provision of Section 3 of the 14th amendment is sufficient to define under 18 USC 2383 that Donald John Trump was "engaged in insurrection" against the laws thereof and the United States. As a duty to the oath of this office now a duty under Section 3 of the 14th amendment of the US Constitution Donald John Trump is removed and barred from any ballot of this state.

<sup>[1]</sup> The entire Amendment reads as thus : No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO, *ex rel.*,  
MARCO WHITE, MARK MITCHELL,  
and LESLIE LAKIND,

Plaintiffs,

vs.

Case No. D-101-CV-2022-00473

COUY GRIFFIN,

Defendant.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

THIS MATTER having come before the Court for a trial on the merits of the Complaint filed herein, the Plaintiffs Marco White, Mark Mitchell, and Leslie Lakind being represented by Freedman Boyd Hollander & Goldberg, P.A. (Joseph Goldberg, Esq.), Dodd Law Office, LLC (Christopher A. Dodd, Esq.), Law Office of Amber Fayerberg (Amber Fayerberg, Esq.), Citizens for Responsibility and Ethics in Washington (Noah Bookbinder, Esq., Donald Sherman, Esq., Nikhel Sus, Esq., and Stuart McPhail, Esq.) and Cohen Milstein Sellers & Toll PLLC ( Daniel A. Small, Esq.); the Defendant Couy Griffin appearing pro se and Amici Curiae, Floyd Abrams, Erwin Chemerinsky, Martha Minow, Laurence H. Tribe, Maryham Ahranjani, Lynne Hinton, National Council of Jewish Women, NAACP New Mexico State Conference, NAACP Otero County Branch and Common Cause filing Amici Curiae Briefs, and the Court having taken the evidence, reviewed arguments of Counsel, reviewed the pleadings and all matters of record and being otherwise fully advised in the premises, enters the following Findings of Facts, Conclusions of Law and Order.

# Exhibit A

¶ 5.

**II. Mr. Griffin is Disqualified from Public Office Under Section Three of the Fourteenth Amendment.**

11. Based on the trial evidence and argument, the Court concludes that (1) Mr. Griffin took an “oath ... to support the Constitution of the United States” as an “executive ... officer of a[] State,” (2) the January 6 Attack and surrounding planning, mobilization, and incitement were an “insurrection” against the Constitution of the United States, and (3) Mr. Griffin “engaged in” that insurrection.

12. The Court therefore concludes that, effective January 6, 2021, Mr. Griffin became disqualified under Section Three of the Fourteenth Amendment from serving as a “Senator or Representative in Congress, or elector of President and Vice-President, or hold[ing] any office, civil or military, under the United States, or under any State,” including his current office as an Otero County Commissioner.

**A. Mr. Griffin Took an Oath as a State Officer to Support the Constitution of the United States.**

13. Section Three applies to county officials required by state law to take an oath to support the Constitution of the United States. *See Worthy*, 63 N.C. at 202–04 (county official was subject to disqualification because state law required him to take the oath), *In re Tate*, 63 N.C. at 309 (disqualifying county official); *United States v. Powell*, 27 F. Cas. 605, 607 (C.C.D.N.C. 1871) (finding that county official who took the oath was subject to disqualification and that Section Three is “broad enough to embrace every officer in the state”); *Op. of Att’y Gen. Stanbery under the Reconstruction Laws*, at 16 (Wash. Gov’t Print. Off. June 12, 1867),

**The Sweep and Force of Section Three**  
172 U. PA. L. REV. (forthcoming 2024)  
William Baude & Michael Stokes Paulsen

**Abstract:** Section Three of the Fourteenth Amendment forbids holding office by former office holders who then participate in insurrection or rebellion. Because of a range of misperceptions and mistaken assumptions, Section Three’s full legal consequences have not been appreciated or enforced. This article corrects those mistakes by setting forth the full sweep and force of Section Three.

*First*, Section Three remains an enforceable part of the Constitution, not limited to the Civil War, and not effectively repealed by nineteenth century amnesty legislation. *Second*, Section Three is self-executing, operating as an immediate disqualification from office, without the need for additional action by Congress. It can and should be enforced by every official, state or federal, who judges qualifications. *Third*, to the extent of any conflict with prior constitutional rules, Section Three repeals, supersedes, or simply satisfies them. This includes the rules against bills of attainder or ex post facto laws, the Due Process Clause, and even the free speech principles of the First Amendment. *Fourth*, Section Three covers a broad range of conduct against the authority of the constitutional order, including many instances of indirect participation or support as “aid or comfort.” It covers a broad range of former offices, including the Presidency. And in particular, it disqualifies former President Donald Trump, and potentially many others, because of their participation in the attempted overthrow of the 2020 presidential election.

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# Exhibit B



Taking these events as a whole, and judging them under the standard of Section Three, it is unquestionably fair to say that Trump “engaged in” the January 6 insurrection through both his actions and his inaction. Officials—administrators, courts, legislators—whose responsibilities call upon them to apply Section Three properly and lawfully may, indeed must, take action within their powers to preclude Trump from holding future office,

Moreover, if one accepts the broader argument that the entire campaign to overthrow the results of the 2020 election was a form of constitutional rebellion,<sup>441</sup> then Trump’s complicity is even more obvious—as the leader, motive force, and chief attempted perpetrator of that rebellion. Indeed, it would not be going too far to say that Trump, having previously sworn a constitutionally required oath to preserve, protect, and defend the Constitution of the United States knowingly attempted to execute what, had it succeeded, would have amounted to a political coup d’etat against the Constitution and its system of elections and overturn the results of the constitutional process, in order to maintain himself in office as President contrary to law. If that itself constitutes “rebellion” against the Constitution, Trump’s overall course of conduct disqualifies him under Section Three, even apart from the specific incitement to storm the Capitol on January 6.

The bottom line is that Donald Trump both “engaged in” “insurrection or rebellion” and gave “aid or comfort” to others engaging in such conduct, within the original meaning of those terms as employed in Section Three of the Fourteenth Amendment. If the public record is accurate, the case is not even close. He is no longer eligible to the office of Presidency, or any other state or federal office covered by the Constitution. All who are committed to the Constitution should take note and say so.

### c. Beyond Trump

Donald Trump is at the top of the list of Section Three disqualifications, but the list does not end with him. The public record to date shows many others who are or may be connected to either the insurrection of January 6 or to a possible broader rebellion. These include government lawyers, executive branch officials, state officeholders, and even members of Congress. It is not for us to definitively say who all these may be—that, as we have said, is ultimately the responsibility and judgment of all those whose public duties call upon them to apply the Constitution’s provisions concerning officeholder qualifications. But to see why this responsibility is urgent, consider the following categories:

Consider first those who marched with—who rose up with—the January 6 mob itself. Some of these folks, such as Couy Green of New Mexico, and Derrick Evans of West Virginia, have already been stripped of or resigned from their state offices, as

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<sup>441</sup> See *supra* notes 413-415 and accompanying text.

Date: August 14, 2023

Clerk No. 23SC188947

Che Alexander, Clerk of Court

FULTON SUPERIOR COURT

THE STATE OF GEORGIA

v.

DONALD JOHN TRUMP

Counts 1, 5, 9, 11, 13, 15, 17, 19, 27-29, 38-39

RUDOLPH WILLIAM LOUIS GIULIANI

Counts 1-3, 6-7, 9, 11, 13, 15, 17, 19, 23-24

JOHN CHARLES EASTMAN

Counts 1-2, 9, 11, 13, 15, 17, 19, 27

MARK RANDALL MEADOWS

Counts 1, 28

KENNETH JOHN CHESEBRO

Counts 1, 9, 11, 13, 15, 17, 19

JEFFREY BOSSERT CLARK

Counts 1, 22

JENNA LYNN ELLIS

Counts 1-2

RAY STALLINGS SMITH III

Counts 1-2, 4, 6, 9, 11, 13, 15, 17, 19, 23, 25

ROBERT DAVID CHEELEY

Counts 1, 9, 11, 13, 15, 17, 19, 23, 26, 41

MICHAEL A. ROMAN

Counts 1, 9, 11, 13, 15, 17, 19

DAVID JAMES SHAFER

Counts 1, 8, 10, 12, 14, 16, 18, 40

1 VIOLATION OF THE GEORGIA RICO (RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS) ACT

O.C.G.A. § 16-14-4(c)

2 SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER

O.C.G.A. §§ 16-4-7 & 16-10-1

3 FALSE STATEMENTS AND WRITINGS

O.C.G.A. § 16-10-20

4 FALSE STATEMENTS AND WRITINGS

O.C.G.A. § 16-10-20

5 SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER

O.C.G.A. §§ 16-4-7 & 16-10-1

6 SOLICITATION OF VIOLATION OF OATH BY PUBLIC OFFICER

O.C.G.A. §§ 16-4-7 & 16-10-1

7 FALSE STATEMENTS AND WRITINGS

O.C.G.A. § 16-10-20

8 IMPERSONATING A PUBLIC OFFICER

O.C.G.A. § 16-10-23

9 CONSPIRACY TO COMMIT IMPERSONATING A PUBLIC OFFICER

O.C.G.A. §§ 16-4-8 & 16-10-23

10 FORGERY IN THE FIRST DEGREE

O.C.G.A. § 16-9-1(b)

11 CONSPIRACY TO COMMIT FORGERY IN THE FIRST DEGREE

O.C.G.A. §§ 16-4-8 & 16-9-1(b)

Exhibit C