



Written by [James Murphy](#) on November 2, 2023

The Push to Keep Trump off the Ballot Over “Insurrection”

In Colorado on Monday, arguments began in a case that could determine if former President Donald Trump can be disqualified from the 2024 presidential race over his role in the events of January 6, 2021, which many in the media refer to as an “insurrection.” The Minnesota Supreme Court will begin to hear oral arguments in a similar case beginning Thursday.

The supposed legal impetus to remove Trump from the race is Section 3 of the 14th Amendment, with proponents claiming that Trump’s actions on January 6 make him constitutionally ineligible to hold office again.



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Section 3 of the 14th Amendment reads: “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.”

Much of the plaintiffs’ case for removing Trump from the ballot hinges on whether the events of Jan. 6, 2021 can truly be called an “insurrection.” [According to prosecuting attorney Eric Olson](#), Trump’s actions on that day meet the definition of engaging in insurrection, in that he took an oath as an officer of the United States; the unrest at the Capitol was an insurrection; and Trump participated in that insurrection. Olson claims that Colorado’s secretary of state can be ordered by the court to keep him off the state’s ballot because of it.

Trump attorney Scott Gessler [denounced the case](#) as “weak,” “anti-democratic,” and largely relying on “fringe” theories.

“They’re asking for the first time that the January 6 report be treated as evidence in a court of law — that politicized hearing; that’s what they’re asking, is that this court rely on that as evidence,” [Gessler noted](#). “And frankly, they’re asking this court to be the first in the country ever to embrace a number of legal theories that have never been accepted by a state court.”

According to at least one “expert” witness, Trump used some sort of coded language in order to lead the events of January 6.

“From my years of studying how far-right extremists perceive communication, the relationship that they developed with Donald Trump over multiple years, the various signals ... promoting or endorsing violence, things done over social media ... that aligned with many of the things that Trump said over the years,” [said Pete Simi](#), a Chapman University professor who supposedly studies political extremism.



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Simi claimed that Trump's speech prior to the unrest, which contained rhetoric such as "patriots," the term "fight," and repeated use of the phrase "losing your country," was actually a right-wing dog whistle for violence, despite Trump's repeated directions to remain peaceful.

"For extremists there was a clear understanding that fighting is the real message, not peaceful," Simi said.

Frankly, it seems like rather flimsy evidence to rely upon for the anti-Trump side. Trump's attorneys thought so too, and asked Simi point blank if it was Trump's intention to incite violence.

"I can say he expressed a consistent pattern of messages over time that encouraged violence. He expressed messages over time that endorsed violence. And that's very [much], I think in clear terms, part of this pattern," Simi responded.

As these cases unravel, it's becoming clear that they're not actually attempts to remove Trump from the ballot, but just more politically motivated roadblocks intended to annoy and use up the resources of Trump's campaign.

Trump [addressed](#) the trial on Truth Social.

"A fake trial is currently taking place to try and illegally remove my name from the ballot," he said. "I often say that 2024 will be the most important election in the history of our country. The reason for that ... is that our country is being destroyed by people who have no idea what they're doing — or, even worse, they may very well have an idea, they may hate our country and they may want to see it destroyed."

In addition to the the suit in Colorado, Trump is facing similar cases in Minnesota, Michigan, Arizona, and New Hampshire to have him removed from 2024 ballot. Of course, these nuisance trials are in addition to the criminal trials he faces in New York and Georgia.



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