

No. 23-719

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IN THE  
**Supreme Court of the United  
States**

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No. 23-719  
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DONALD JOHN TRUMP,  
*Petitioner,*

v.

NORMA ANDERSON. ET AL  
*Respondents.*

\_\_\_\_\_  
**On Writ of Certiorari to  
the Supreme Court of Colorado**

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**BRIEF AMICUS CURIAE FOR JOHN Q PUBLIC  
IN SUPPORT OF RESPONDENTS**  
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**BRIEF AMICUS CURIAE FOR JOHN Q PUBLIC  
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**STATEMENT OF INTEREST OF AMICUS CURIAE**

John Q Public is a nonprofit trade association that represents the American citizen in addressing federal legislative and regulatory issues.<sup>1</sup> It also serves as a clearinghouse for information, develops educational and advocacy pro-

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<sup>1</sup> Pursuant to this Court's Rule 37.6, we note that no part of this brief was authored by counsel for any party, and no person or entity other than the American Gaming Association or its members made any monetary contribution to the preparation or submission of the brief.

grams, and provides industry leadership in addressing issues of public concern.

### **STATEMENT OF THE CASE**

Voters all across the Country have watched Mr. Trump attempt to retake the Whitehouse. There is clearly confusion about how Section 3 of the 14<sup>th</sup> Amendment is supposed to operate. Though it is clear the Amendment was drafted to keep unfit persons out of government and / or to keep them from returning to government, because the Amendment contains the “phrased enegaged in insurrection or rebellion” all too many people have conflated this with the riot of Janauary 6, 2021 caused by Donald John Trump, and have closed their minds to anything else. A Colorado Court found facts using the Congressionally developed public record and found Mr. Trump had engaged in insurrection by incitement to insurrection within the meaning of Section 3 of the 14<sup>th</sup> Amendment, and the Colorado Supreme Court affirmed also finding he was an officer of the United States who took an oath thus barring him from office and the ballot

### **SUMMARY OF ARGUMENT**

Section 3 of the 14th amendment is self executing as a disqualification Section when disqualifying activity is embarked upon and alleged under the Constitution of the United States in insurrection or rebellion against a specific Article, Section and Clause or Amendment and Section and or Clause, which here is Article II Section I Clause I as Trump's effort to stay in power past 4 years without being re-elected.

The question is thus did the Colorado Supreme Court properly disqualify Mr. Trump on sufficient facts to show conduct of Mr Trump himself in insurrection or rebellion against the Constitution of the United States.

Given the District Court ruling references "incite" or "incitement" 50 times in the ruling, it is clear the court ruled "through" 18 USC 2383 to define Mr Trump "engaged in insurrection" or rebellion against the Constitution of the United States by incitement of others to stop the Constitutional function of certifying the votes. 18 USC 2383 is a definitional statute that requires no prior oath or office but has a mandatory bar to office also. Use of this code definition to rule was perfectly proper by comity of the courts and the Supremacy Clause, thus the court did not err.

The court in sufficient places throughout the ruling finds Mr Trump did this in his effort to stay in power past 4 years without being re-elected. Thus the court did not err and connects the conduct of Mr Trump to Article II Section I Clause I as "disqualifying activity".

As interesting and conclusive as that is, this court however is without jurisdiction pursuant to the jurisdictional Clause of Section 3 of the 14th amendment which is the final, actually second sentence of the Section granting Congress only the power to grant relief of the bar to office disability, and by Section 5 which grants Congress jurisdiction over all of the 14th amendment. As such this court should dismiss and transfer the case to Congress.

The only "error" the Colorado courts did was describing only what Article II Section I Clause I was in rebellion against the Constitution of the United States by Trump and not calling the Article by Section and Clause.

As briefly to be shown herein, all other arguments fall away and / or are insurrectionist disqualifying activity themselves. What these petitioners seek of the court is the absurdity doctrine ignored, as the framers of Section 3 of the 14th amendment wrote it specifically to produce the result it has, and the history of the debate proves that.

The Court can use stale irrelevant precedent, arguably from insurrectionist judicial officials or it can hear and see today's relevant testimony from people who have done the historical analysis with live hyperlinks.

## **ARGUMENT**

### **I. SECTION 3 OF THE 14TH AMENDMENT WAS SPECIFICALLY CRAFTED TO BE USED AS A MANDAMUS AMENDMENT**

1. Section 3 of the 14th amendment was specifically crafted to be a Mandamus amendment for both courts and ministerial officers to be easy to use WITHOUT A TRIAL. The sad reality is CREW used it as a Quo Warranto complaint though Trump was no longer in office, but never cited the Article, Section and Clause the complaint related to and used the January 6th riot to define Trump as engaged in insurrection. Judge J. Michael Luttig explains how it should have been done. The error if not clear, see Judge j. Micheal Luttig describe what is in essence erroneous about the order at <https://www.youtube.com/watch?v=wX1dgHvr59k&t=360s> and here further on in that video Neil Katyal "politically" explains how the Supreme Court does not have jurisdiction at <https://www.youtube.com/watch?v=wX1dgHvr59k&t=2910s>

An interesting amici curiae brief is from Professor Tillman who brings up the emoluments clause, which according to CREW the respondents lawyers and a congressional report, Mr Trump has benefitted a known 7.8 million dollars and up to 160 million dollars from foreign government entities while in office. So by Section 3 of the 14th amendment this too is a disqualifying activity by Article II Section I Clause VII in rebellion against the Constitution of the United States. This is public record information that mandates disqualifying the candidate also. Here Rep Jamie Raskin references the gift and demands Trump return the 7.8 million. <https://www.youtube.com/watch?v=V2a6NC--ei8> and Crew's report is at <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-reported-making-more-than-1-6-billion-while-president/>

In *Blumenthal, et al. v. Trump*, No. 17-1154 (D.D.C.), 201 Members of Congress alleged violations of the Foreign Emoluments Clause through then-President Trump's receipt of foreign-government payments at Trump properties, foreign licensing fees, and regulatory benefits, among other things. Then-President Trump moved to dismiss on the grounds that the plaintiffs lacked standing and that he had not received any prohibited "emoluments." The district court ruled that the plaintiffs had standing, reasoning that these Members of Congress suffered an injury-in-fact through the deprivation of a voting opportunity under the Foreign Emoluments Clause, and that the plaintiffs had stated a claim against the President. On appeal, the U.S. Court of Appeals for the D.C. Circuit reversed the district court's standing decision, holding that the Members lacked standing because individual Members of Congress may not sue based on alleged institutional injury to the legislature as a whole. The Supreme Court denied review in *Blumenthal* in October 2020.



This made the third time this court had ignored the emoluments clause for Trump as shown by the congressional research service in its public information emoluments PDF at <https://crsreports.congress.gov/product/pdf/IF/IF11086> in *In Citizens for Responsibility & Ethics in Washington (CREW) v. Trump*, No. 17-CV-458 (S.D.N.Y.), and *In District of Columbia v. Trump*, No. 17-1596 (D. Md.), also as the result. In this case the court without jurisdiction even what will come of this when the answer was to affirm dismiss and transfer to Congress???

One would think this excuses Trump, but the opposite is true, it is one of the strongest public record proofs of a rebellion against the Constitution of the United States which prohibits this activity. What this court did in that case is precisely why Congress has retained jurisdiction of the 14<sup>th</sup> Amendment via Section 3 and 5.

2. The Colorado GOP seems to think the voters should decide. Well the Constitution of the United States covers that at the final sentence of Section 3 of the 14th amendment. There is no special election to be called to decide a disqualification question, so the representatives of the voters decide in Congress. The GOP argument an insurrectionist activity to give aid and comfort to Mr Trump and his cohorts. There is an interesting article that argues the position that judges have no place in Section 3 of the 14th amendment and for this reason Congress who has jurisdiction should preemptively pass legislation barring the use Section 3 of the 14th amendment against Trump. It makes one point certain that this court is without jurisdiction and other than that it is a complete insurrectionist proffer of aid and comfort in rebellion to Article II Section I Clause I as Trump's effort to stay in power and now try to return there again- See <https://www.jurist.org/commentary/2023/11/congress->

[should-block-the-disqualification-of-donald-trump/](#) by Eric Segall a misguided professor of law who cannot separate judicial power and decisions from constitutional mandates that self executes by conduct of an individual. Then he confuses politics with law. I'll not enroll there !!!

**II. THE PREAMBLE, WHICH WHILE IS A GUIDE FOR CITIZENS, IT IS A MANDATE FOR THOSE WHO SWEAR THE OATH TO BEAR "TRUE FAITH AND ALLEGIANCE" TO THE CONSTITUTION OF THE UNITED STATES**

Often cast aside without meaning and legal force and effect is the Preamble, which while is a guide for citizens, it is a mandate for those who swear the oath to bear "true faith and allegiance" to the Constitution of the United States. It is a mandatory code of conduct for persons in the government along with the first amendment requisite of separation of church and states. A religious, racial, fascist, or authoritarian uprising and or rebellion, by one as Mr Trump promotes in his campaign, or an insurrectionist plan as The Heritage Foundation with its "Mandate for Leadership – 2025" is the insurrection Mr Trump and all Republicans are engaged in who support the plan. This also under Section 3 of the 14th amendment is self executing and "disqualifying activity" as seditious and insurrectionist rebellious defined by public records. <https://project2025.org> or locally at [https://gov-shout.com/sites/default/files/2025\\_MandateForLeadership\\_FULL.pdf](https://gov-shout.com/sites/default/files/2025_MandateForLeadership_FULL.pdf) see also <https://www.youtube.com/watch?v=J3VTAjKOpCs> and by Attorney Leeja Miller on YouTube as a report at <https://www.youtube.com/watch?v=9k3UvaC5m7o> and <https://www.youtube.com/watch?v=tty4ituwQcU> that is the "insurrection" while what Trump did individually to defy Article II Section I Clause I is a rebellion.

The United States made a commitment to the government of Ukraine in the Budapest Memorandum in 1994 that we would assist in any conflict with Russia if Mr Putin attacked after they surrendered the Nuclear weapons they had. Mr Trump and many Republicans have been giving aid and comfort to Russia by doing as Mr Trump seeks to turn off aid to Ukraine. This too is disqualifying activity under Section 3 of the 14th amendment. It too is public record in Congressional mention by members announcing this is the hold up.

Section 3 of the 14th amendment was enacted specifically to be the vehicle to keep people out of government who will not support the Constitution or do their job by their oath of office, by BOTH a bar to office and Removal from office normally by Quo Warranto for "disqualifying activity". So yes many people might be scrutinized at the candidate stage and be kept off the ballot for being insurrectionists who by racism, fascism, theological tendencies, and authoritarianism or in the case also if Trump liars who want to promote domestic "in tranquility" out of the government. Mr Trump's lawyer recently told an appeals court the president should be able to assassinate anyone, and as Attorney Ari Melber said, "no attorney would argue that unless the client forcefully insists". This too is a position in rebellion against the Constitution of the United States at Article I Section I Clause I as to the oath to faithfully execute and support the laws thereof the United States government in rebellion against the Constitution of the United States.

### **III MR TRUMP HAS AT LEAST SEVEN "DISQUALIFYING ACTIVITIES" THAT WORK TO BAR HIM FROM RETURNING TO OFFICE**

Mr. Trump was well known for litigation in the arena of fair housing violations in New York as was Mr Guilinani for

tensions among the Minority community. This represented a 14th amendment violation proportion violation of "disqualifying activity" that before his presidency as not having taken any oath, because he is not an Attorney, could not be measured by Section 3 of the 14th amendment, but today, it can along with all the other legal issues brought before the nation of a dishonest grifting liar that is disqualifying activity under Section 3 of the 14th amendment and having previously taken the oath, now by the Preamble also.

Finally today the 25th amendment is a measure of disqualifying activity also by his behavior since leaving office. . We know by developed public record how unfit to serve Mr Trump really is from his obvious low Intelligence as described by his Wharton professor as "the dumbest g&\$\*@m student" he had ever taught (<https://www.studyinternational.com/news/trump-student-wharton/> } to today in his deranged mindset claiming he is still the President because an election lost nationwide by 7.4 million votes still makes him president such to the point he stole national classified information and has a mock up of the oval office at Mar-a-Largo and insists his club members call him "Mr President" as do his attorneys. In reality he was selling this info. There are a myriad of mental health professionals who have opined on his mental acuity and only his campaign trail he is confused about who he is running against and whether WWII happened among plenty of other examples finds him unfit by the 25th amendment as another compendium of disqualifying activity under Section 3 of the 14th amendment. On August 7, 2022 Dr. Brandy Lee ([https://en.wikipedia.org/wiki/Bandy\\_X.\\_Lee](https://en.wikipedia.org/wiki/Bandy_X._Lee) ) did an interview with the "Five Minute News" show on Youtube via the Medias Network in which she detailed the Mental Issues of Donald Trump she had been warning about before 2020 election issues that told that Trump in New York was known to be a "gangster" family of which we should have expected an insurrection from. See it

at <https://www.youtube.com/watch?v=DREKGn4nPhQ> (1 hour and 5 minutes long titled “*Top Psychiatrist SOUNDS ALARM on Trump’s Deteriorating Mental Fitness*”

Known as MCI ( Mild Cognitive Impairment), it it exasperated in persons of older age with no mental training discipline lower education vs that of for instance an attorney. See eg <https://www.mayoclinic.org/diseases-conditions/mild-cognitive-impairment/symptoms-causes/syc-20354578> This is the difference between Mr Biden and Mr Trump one has a training discipline of how to behave and the other is so confused he thinks the word immunity is limitless in the law like a typical pro per not knowing the difference in civil and criminal law and when the two can intersect or cross. What the country had seen lately is the ridiculousness of Mr Trump's stupidity on full display, but since he is poisoning and preaching to gullible uneducated like he the results are damaging to the country. This is seditious, and not free protected speech. This is why non lawyers cannot give legal advice yet Trump is doing it everyday to whip up discord nationally. There is a professional documentary "Unfit" at <https://www.youtube.com/watch?v=ecJ02Rg5qaE> and a Trump is a buffoon collage of dementia shots video at <https://www.youtube.com/watch?v=18Mf4qZ6tMM>

Judge Luttig here saw this whole thing coming in June 2022 interview with FRONTLINE PBS for their show " Lies, Politics and Democracy" - 2 hour 45 minute interview <https://www.youtube.com/watch?v=t9YrPe2Vr84> jump to the end where he says the most important thing of all. <https://www.youtube.com/watch?v=t9YrPe2Vr84&t=8424s> The FRONTLINE show “Lies, Politics and Democracy” is at <https://www.youtube.com/watch?v=D2eTiE3k7ds>

Robert Costa interview for same show is at <https://www.youtube.com/watch?v=of7RiGxtAhE> and a five alarm interview with Mark Sanford for same show at <https://www.youtube.com/watch?v=MbOOeF8L3Kw>

The public record is more than now there and Judge Luttig has directly said the Constitution is built specifically to protect the country and has tools inside it to do so. Section 3 of the 14<sup>th</sup> Amendment is an absolute catch all. Trump would absolutely refuse to take a psychiatric analysis examination thus rebelling against the 25<sup>th</sup> Amendment.

The sad reality is these test tools are not available to a first time candidate by Section 3 of the 14<sup>th</sup> Amendment

So that is seven "disqualifying activity" scenarios that automatically activate disqualification under Section 3 of the 14th amendment, and this is why it is self executing in these legal positions proffered in this case.

#### **IV THIS COURT HAS NO BUSINESS OR DUTY OR JURISDICTION PRESENTLY IN THIS SCENARIO**

So the only question is who enforces it?? As Justice Gorsuch has opined In *Hassan v Colorado*, the states handle their own elections and the Constitution itself enforces this. Trump in a day gone by could have in Colorado only committed a rebellion and disqualifying activity known only to Colorado residents and by them charging that against Section 3 of the 14th amendment, alert the entire nation to his unfit nature. In this case it was the reverse, but other states are ready to follow suit and gave done so.

Once the disqualified activity is reported, action taken to bar Trump from office is final and the only appeal is to Congress. So why this court has it in as much an aberration by as little as five people also in insurrection to the Constitution of the United States behaving as though they have jurisdiction as in Bush v Gore, and while perhaps the case could have been titled "State ex rel" citing comity of the courts and Supremacy Clause, however, none the less it is a violation of rebellion to the Constitution of the United States, as it is not a judge that activates Section 3 of the 14th amendment due to well known res judicata public records that means any electoral votes for the offender can never be counted, no matter what this court might rule to the contrary.

Each Republican president but Nixon in recent history lacked a formal legal education with a license to practice law, and by that alone could not in theory take the Oath because they had no idea what to do with legal ignorance in defending the Constitution of the United States.

Even Nixon was both in favor of the National Popular Vote and knew when he was caught and to quit and go away. Mr Trump lacks that honor and intellect believing he can bully his way by creating national discourse back in to the Whitehouse when he was so resoundingly defeated by the National Popular Vote and indeed was so in 2016 also but for his cheating using Facebook and Cambridge Analytica. See "Unfair game how Trump won" and jump to relevant portion of <https://www.youtube.com/watch?v=UJScbYEyapQ&t=2580s> and to view entire documentary remove the "&t=2580s" from the end of the url or slide the lower video time bar to the beginning. That was election interference.

An American Citizen is defined by the Preamble of the Constitution of the United States. People who think they are free to be and are slick seditionist and insurrectionist types through a cult of their facist and racism en mass who will

not follow that are not Americans in the country and in this court are to be barred from or ejected from office in the United States. That is why Lawrence Tribe describes why Section 3 of the 14th amendment was drafted the way it was and why the courts were designed out of the Section at [https://www.youtube.com/watch?v=p5E\\_3uhVy08&t=3240s](https://www.youtube.com/watch?v=p5E_3uhVy08&t=3240s)

### **V. THIS COURT LACKS JURISDICTION TO SELF EXECUTING EXCLUSIONARY LAW CAST TO THE JURISIDICION OF CONGRESS**

Section 3 of the 14th amendment is a self executing metric that the Constitution of the United States has BUILT INTO ITSELF to adjudge performance and honesty to it by public record of insurrection, rebellion or disqualifying activity shown in rebellious activity to its directives as be fit or unfit to serve again in the future. Mr Trump has failed that metric in at least seven ways only one which is in this matter.

Section 3 works fine as a Mandamus code section that one simply need bring public record to an official against an Article, Section, and Clause or Amendment and Section for the conduct to activate and execute removal or bar to office. CREW just did this the long way around.

Those who embrace Section 3 of the 14th amendment do not want another insurrection and those who do not want another civil war - and it is again over the same thing - racist fascist religious zealot better that you ideology.

In his book "In Pursuit of Happiness" the author, a Constitutional historian found that the founding fathers defined "happiness" as being a good person. In these briefs of the petitioner and in support thereof, there is no sign of that at all. Instead these positions are of seditious, often racist and



facist theocratic authoritarian insurrectionist officers of this and the courts in general seeking an absurd ruling- See [https://www.youtube.com/watch?v=KxaE4Bea\\_18&t=360s](https://www.youtube.com/watch?v=KxaE4Bea_18&t=360s)

### **CONCLUSION**

For the foregoing reasons, the judgment below should be affirmed the case dismissed and transferred to Congress

Respectfully submitted,