



14th Amendment an impediment
to Trump's re-election

Description

U.S. Constitution prevents Trump from obtaining federal office

By **Byron Toben**

November 30, 2022

Amid the chatter of whether **Donald Trump**, now that he has announced plans to run for President again in 2024, can face a primary unopposed or opposed, or even run for lesser office, is the growing attention to **Section 3 of the 14th amendment to the U.S. Constitution**, ratified in 1868.

It 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.”

This clear language, upheld in several court cases, would seem to prohibit any existing or future new political party from even nominating Donald Trump as even if he got on the ballot and won, he cannot serve.

My gut feeling as to the odds of the following are:

- Two-thirds of each House voting to remove 14th Amendment impediment – 0%
- Nominated by the Republican party – 40%
- By the new Trump party – 100%
- Winning under either party – 0%



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Despite the above odds, one can predict that Trump will continue to hold rallies and contest the 14th due to his need to raise money from true believers and his addiction to narcissistic attention.

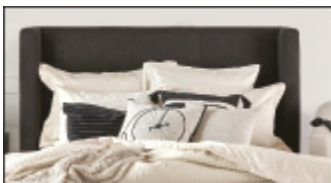
Logic does not enter here, but probable legal claims by lawyers paid healthy retainers in advance would assert that the **January 6 events** were not an insurrection after all, despite the guilty pleas and convictions.

In closing, I am fearful that a Trump administration would suppress protests against it, not by waving upside down bibles, but with harsher methods as used by the Russian Czarists in the **1905 Battleship Potemkin demonstrations** and immortalized in cinema history in the **Sergei Eisenstein's 1925 *The Battleship Potemkin*** montage sequence of the **Odessa Steps** above, where peaceful protestors were shot down by advancing riflemen from above and slashed by mounted Cossacks from below.

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Feature image: storming of the U.S. Capitol on January 6, 2021, by [Tyler Merbler from USA, CC BY 2.0](#), via [Wikimedia Commons](#)

Byron Toben, a past president of *The Montreal Press Club*, has been *WestmountMag.ca's* theatre reviewer since July 2015. Previously, he wrote for since terminated web sites *Rover Arts* and *Charlebois Post*, print weekly *The Downtowner* and print monthly *The Senior Times*. He also is an expert consultant on U.S. work permits for Canadians.



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Date Created

November 2022