

Colorado Supreme Court rules Trump coup attempt disqualifies him as candidate

Patrick Martin
21 December 2023

The Colorado state Supreme Court released a decision Tuesday to disqualify Donald Trump from the presidential primary ballot because he engaged in insurrection on January 6, 2021. The ruling—entirely justified on a legal and constitutional basis and exhaustively detailed in a 133-page brief—indicts the fascist ex-president as a would-be dictator who directly instigated the mob attack on the Capitol to block congressional certification of his election defeat and to keep himself in power.

The stark character of the decision makes all the more glaring the refusal of the Biden administration and the Democratic Party to take action against Trump for nearly three years. If the Democrats are now concerned about a return of Trump to power, it is not because they fear for the fate of American democracy, but because they fear for the fate of the war against Russia in Ukraine and do not trust Trump as a steward of the foreign policy of the American ruling class.

All seven justices on the state Supreme Court agreed that Trump was responsible for the January 6 attack and that he engineered the violence as part of an effort to remain in office in defiance of Biden's victory in both the popular vote and the electoral vote. Three of the seven, however, dissented on various procedural grounds from the decision to exclude him from the ballot.

After an exhaustive review of the factual record established in a five-day trial in district court, together with extensive submissions in briefs filed for and against Trump, the court wrote:

We conclude that the foregoing evidence, the great bulk of which was undisputed at trial, established that President Trump engaged in insurrection. President Trump's direct and express efforts, over several months, exhorting his supporters to march to the Capitol to prevent what

he falsely characterized as an alleged fraud on the people of this country were indisputably overt and voluntary. Moreover, the evidence amply showed that President Trump undertook all these actions to aid and further a common unlawful purpose that he himself conceived and set in motion: prevent Congress from certifying the 2020 presidential election and stop the peaceful transfer of power.

For the first time since the American Civil War, a public official has been found responsible for the attempted overthrow of the Constitution. And not just any official, but the former president, who, according to the polls, holds a commanding lead in the contest to become the Republican candidate in 2024.

The court found that Trump's conduct before and during January 6 disqualified him from the presidency under the terms of Section 3 of the 14th Amendment, which bars from public office anyone who had engaged in insurrection against the Constitution (originally adopted after the Civil War to exclude former leaders of the Confederacy). It brushed aside claims by Trump's attorneys that his summons to attack the Capitol was protected "free speech," or that he did not anticipate the actions of the mob when he demanded that they march on the Capitol and "fight like hell ... or you won't have a country anymore."

The state court stayed its own ruling until January 5, 2024, the deadline for finalizing the state primary ballot, to give Trump time to appeal to the US Supreme Court, whose nine justices include three Trump appointees.

The ruling has intensified the political crisis raging within the US ruling elite, touching off demands for retaliation by Republican officials—underscoring the fact that far more is involved than just the fascistic personality of Trump himself. The lieutenant governor of Texas

suggested that his state could remove President Biden from the ballot. Speaking at a campaign stop in Iowa before next month's Republican presidential primary, Florida Governor Ron DeSantis mused over the possibility of taking Biden off the ballot.

The potential for a split among the states over the validity of the election was already posed, as 19 Republican-controlled states, mainly in the South and rural Great Plains, filed *amicus curiae* briefs with the Colorado court supporting Trump. Meanwhile there are pending lawsuits in 16 states, most won by Biden in 2020, seeking, as in Colorado, to bar Trump from the presidential ballot.

The potential divide along state lines, on such a basic question as which candidate will be allowed on the ballot, raises the prospect that the outcome of the 2024 election will be rejected in large parts of the country, not simply as politically unwelcome but as illegal and unconstitutional. The breakup of the United States is directly posed.

The conflict within the state is not between a "liberal" democratic tendency and Trump but between two brutally reactionary political factions of the corporate ruling class.

The Democratic Party has directly facilitated Trump's political revival from the failure of the January 6 coup and his subsequent elevation to front-runner for the Republican presidential nomination. For three years, the Democratic Party has denied the significance of the events of January 6, claiming that the main lesson is that the institutions of the American government "held firm," not that the US came dangerously close to the imposition of authoritarian rule by a president-dictator.

From the beginning of his presidency, Biden has declared as one of his central goals the maintenance of a "strong Republican Party," and at every point he has sought bipartisan collaboration and the strengthening of the two-party system, which amounts to a corporate stranglehold over American politics.

The Biden administration is currently negotiating with the Republicans for a further intensification of the repression of migrants in return for the latest round of funding for the war in Ukraine. At the same time, both parties are working together in efforts to criminalize mass popular opposition to the US-backed military onslaught by Israel on the people of Gaza.

There is an element of desperation in the response of the Democrats. They see no way to defeat Trump in 2024 other than to keep him off the ballot. They are staggered by the deep popular hostility to the Biden administration, the response among working people to its agenda of

austerity and wage-cutting at home and massive war spending abroad.

A recent profile in the *Washington Post* was headlined "Biden said to be increasingly frustrated by dismal poll numbers." The president is concerned not merely over his poor electoral standing but over the widespread popular rejection of the central policy of his administration—to expand and intensify the US intervention in Ukraine, now supplemented by the US embrace of Israeli genocide in Gaza. He is apparently befuddled that his enthusiasm for world war is not shared by the American people.

Democratic rights cannot be secured through the courts or within the framework of the rotten two-party system. The entire constitutional system in the United States is breaking down because in the vicious struggle within the US ruling elite, the rival sides no longer accept the rules of the game.

The driving force of the political crisis in America is the colossal growth of social inequality, the polarization of society between a tiny minority of super-wealthy speculators and corporate bosses at the top, and the vast majority of working people, struggling to survive day-to-day. Both corporate-controlled parties, the Republicans and the Democrats, are instruments of this financial oligarchy, offering conflicting methods for the defense of its class rule under conditions of a major upsurge of the working class, both in the United States and internationally.

The task of defending democratic rights and of putting an end to imperialist war falls to the working class, in the United States and internationally. This must be the political basis of all the struggles of working people in the coming year. The rising movement of the working class has begun to show its power, at least in embryonic form, in the wave of strike struggles over the past two years, and now in the mass protests over Gaza.

This movement must be armed with a socialist and revolutionary political program and a clear perspective of the necessity for absolute political independence from all the capitalist parties and their apologists. To fight for this program and perspective, working people should join and build the Socialist Equality Party.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact