

Michigan state Supreme Court allows Trump to remain on ballot

Patrick Martin
27 December 2023

In a one-sentence unsigned order, the Michigan state Supreme Court let stand a ruling of a lower court that the state government lacked the authority to remove ex-president Donald Trump's name from the 2024 Republican primary ballot.

A liberal legal group challenged Trump's ballot status because he engaged in an insurrection on January 6, 2021, and was thus in violation of the 14th Amendment to the US Constitution, passed after the Civil War to bar former Confederate leaders from returning to power in postwar elections.

The state Supreme Court wrote that it was "not persuaded that the questions presented should be reviewed by this Court."

At each of the three stages in the legal challenge in Michigan, judges have declined to rule on the substance of the issue raised by Trump's opponents, that he is ineligible to return to the presidency under Section 3 of the 14th Amendment, the so-called "insurrection" clause, instead citing various procedural grounds.

A Court of Claims judge initially ruled that Michigan Secretary of State Jocelyn Benson did not have the legal authority to do what the plaintiffs sought as a remedy, the exclusion of Trump from the primary ballot, because it was a federal, not a state issue. State courts were likewise without jurisdiction on the matter, he claimed.

The Court of Appeals upheld the lower court decision and now the state Supreme Court has declined to overturn that action. None of these actions bar a later challenge to Trump's name appearing on the general election ballot, which is expected to be filed if and when he wins the Republican presidential nomination.

Similar challenges have been filed against Trump in at least a dozen other states. In Minnesota, the state Supreme Court dismissed a suit against Trump on procedural grounds last month, because it was directed against him appearing on the Republican primary ballot. The court

found that while the primary election was administered by the state, it was an essentially private contest controlled by the Republican Party, which had decided to list Trump as a candidate. Again, this leaves open the possibility of a subsequent challenge to Trump's name appearing on the general election ballot.

Earlier this month, the Colorado state Supreme Court became the first judicial body to decide on the substance of the challenge to Trump's ballot status, finding that Trump had engaged in insurrection on January 6, and that he was therefore barred from returning to the White House. Under Colorado election law, the secretary of state cannot place any candidate on the ballot, for a primary or general election, who is ineligible for the office.

The 14th Amendment prohibits someone from holding "any office ... under the United States" if they engaged in insurrection after taking an oath as "an officer of the United States" to "support" the Constitution.

Trump's supporters have variously argued that what happened on January 6 was not an insurrection, that if it was, he was not "engaged" in it, or that the president is not an office "under the United States," or that the presidential oath has a different form than that described in the Amendment.

No court has yet supported any of these pro-Trump arguments, which combine legal pettifogging with outright lying. Most rulings so far have followed the pattern of Michigan and Minnesota, using procedural issues to evade a decision.

Attorneys for the Trump campaign pressed ahead with a similar argument in Maine, where they filed a motion Wednesday asking the secretary of state to recuse herself from a decision on his ballot status because she is an elected Democrat.

In the Michigan case, one out of the seven supreme court justices dissented from the decision to uphold the lower court action, saying that it would be important for

the court to address the substance of the issue given its enormous legal and political significance.

But she added that differences in state election laws might account for different actions in Colorado, Minnesota and Michigan, and that further legal action should be expected before the general election. Her statement was effectively an acknowledgement that the US Supreme Court, with its 6-3 Republican majority, including three justices appointed by Trump, would step in and rule on the overriding question of Trump's eligibility.

Trump sought to portray the Michigan decision as a sweeping victory for his campaign, writing on Truth Social, "The Michigan Supreme Court has strongly and rightfully denied the Desperate Democrat attempt to take the leading Candidate in the 2024 Presidential Election, me, off the ballot in the Great State of Michigan."

Typically, the fascistic ex-president exaggerates the substance and character of the decision, which is only the third of what are likely to be dozens of court rulings for and against him as the 2024 election campaign unfolds. To say nothing of the myriad criminal cases he faces on issues ranging from his role in the January 6 attempted coup to a civil corruption case in New York related to the Trump Organization, his business operation.

The danger of Trump's return to power as an authoritarian dictator-president cannot be fought through lawsuits in the state and federal courts, still less through the right-wing presidential campaign of the Democratic incumbent Joe Biden, the enabler of genocide in Gaza and war against Russia in Ukraine.

A genuine struggle to defend democratic rights and oppose the turn by the US ruling class to war and dictatorship can only be carried out through the independent intervention of the working class, in industrial and political struggle against the capitalist system as a whole and for socialism.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact