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LDF Statement on Supreme Court Ruling in Trump v. Anderson

Today, the Supreme Court of the United States allowed Donald Trump to remain on the Colorado ballot for the upcoming presidential election after the Colorado Supreme Court held that Trump's involvement in the January 6th Insurrection prohibited him from running for office in the state pursuant to the Colorado law and the U.S. Constitution. In keeping with recent troubling departures from norms of judicial review, a bare majority of the Court reached far beyond the narrow question before it and held that Section 3 of the Fourteenth Amendment requires specific action by Congress before an officeholder can be barred from running for or holding office for insurrection. In a separate joint opinion, Justices Sotomayor, Kagan, and Jackson sharply criticized the majority for this overreach, explaining that its decision "attempts to insulate all alleged insurrectionists from future challenges to their holding federal office." Their separate opinion also made several points that LDF raised in an amicus brief demonstrating Section 3 of the Fourteenth Amendment unequivocally bars insurrectionists from holding federal office without any further action by Congress.

LDF President and Director-Counsel Janai Nelson issued this statement following the SCOTUS decision:

"By issuing this decision and reaching far beyond the narrow and specific issue before it, the Supreme Court has disregarded a basic principle of the role of courts in our constitutional structure. As we argued in our brief, it is well-settled law the Fourteenth Amendment is self-executing on its face and does not require further legislation from Congress to be enforced. By not only ignoring the plain text and purpose of the Fourteenth Amendment but proscribing the exact manner in which Congress would have to act in order to ensure "oath breaking insurrectionists" cannot hold office, the Court effectively provided constitutional immunity to insurrectionists, absent legislation from Congress. This continues a disturbing and dangerous pattern of judicial overreach and activism. At a time of mounting threats to the rule of law and to the preservation of our multi-racial, multi-ethnic democracy, as well as a crisis in public confidence in our judiciary, it is critical that courts adhere to their role in deciding cases and controversies. Today the Court failed to do so."

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Founded in 1940, the Legal Defense Fund (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches

targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.