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**LDF Files Amicus Brief Defending Full Enforcement of the Fourteenth Amendment in *Trump v. Anderson***

Today, the [Legal Defense Fund \(LDF\)](#) filed an [amicus brief](#) in the U.S. Supreme Court, along with co-counsel Burt M. Rublin of Ballard Spahr LLP, in *Trump v. Anderson*, a case concerning whether the actions of former president Donald Trump in connection with the January 6, 2021 insurrection render him ineligible to be a candidate in the 2024 presidential election pursuant to Section 3 of the Fourteenth Amendment of the U.S. Constitution. The amicus brief urges the Court to fulfill its duty to fully enforce the Fourteenth Amendment regardless of the outcome or political consequences.

The Fourteenth Amendment of the United States Constitution, which was adopted during the Reconstruction period to safeguard our newly multi-racial democracy from forces who opposed the abolition of slavery and Black citizenship, prohibits government officials who engage in insurrections against the United States from serving again as officers of the United States under Section 3 of that Amendment. The Colorado Supreme Court determined that this provision disqualifies former President Trump from appearing on that state's ballot because he engaged in an insurrection in connection with the events of January 6, 2021. The case is now being considered by the Supreme Court of the United States.

LDF's amicus brief is not submitted on behalf of any party and does not address whether the Colorado Supreme Court's ultimate determination was correct; rather, the brief responds to arguments that the Court should not apply the Fourteenth Amendment in this case. Drawing on its decades of experience litigating seminal cases under the Fourteenth Amendment, LDF highlights the importance of the Amendment to the continuing existence of our constitutional democracy and urges the Court to ensure that it is fully enforced.

"After the Civil War and the ratification of the Reconstruction Amendments, including the Fourteenth Amendment which guarantees equal protection under law among other rights, our nation sought to fulfill the commitment of equality to all Americans in the establishment of a multi-racial democracy grounded in a genuinely Republican form of government. LDF defended this binding promise in litigation and other advocacy since our organization's founding by Thurgood Marshall over 80 years ago," said LDF President and Director-Counsel Janai Nelson. "Our nation is at a critical juncture as we face fundamental attacks on our democratic institutions and newfound efforts to subjugate Black Americans and other people of color—at the ballot box and beyond. Today, the Fourteenth Amendment is just as integral to the

protection of our multi-racial democracy as it was in the wake of the Civil War. It both provides equal protection under the law to all Americans and protects the country against insurrection, which the post-Civil War Congress understood to be a persistent threat to the future of our nation. We implore the Court to honor its own constitutional commitment, and fully apply the Fourteenth Amendment in this case.”

In the brief, LDF argues that the Fourteenth Amendment is one of the three Reconstruction Amendments meant to protect the United States from threats against its democracy—particularly by prohibiting insurrectionists from serving in government. The brief further argues that Section 3 of the Fourteenth Amendment is self-executing, meaning that it does not require Congressional legislation to be enforced. The brief also explains that this case does not present a political question that is improper for judicial resolution.

“A pillar of our nation’s democracy, the Fourteenth Amendment was enshrined in the U.S. Constitution along with the Thirteenth and Fifteenth Amendments so that the worst abuses in our nation’s history are not repeated,” said LDF Director of Litigation Samuel Spital. “The plain text of the Fourteenth Amendment could not be clearer in banning government officials who engage in insurrections against the United States from again serving as officials of the United States. Yet, some urge the Court to ignore the provision entirely, claiming it is not the proper role of the Supreme Court to apply the plain language of the Fourteenth Amendment to this case. To maintain its own integrity, the Court must forcefully reject these arguments and avoid repeating its grave errors of the late 19th and early 20th centuries, when it refused to apply the Fourteenth Amendment fully and consistently, thereby denying Black Americans and other people of color equal citizenship and permitting the violent suppression of our democratic institutions. We unequivocally defend the Fourteenth Amendment and urge the Court use its power to honor it.”

The amicus brief can be found [here](#).

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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.*