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Examining Presidential Immunity: The January 6 Riot, Trump, and the 14th Amendment - *An Imperative Consideration of Constitutional Law*

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Abstract
The work critically engulfs the events surrounding the January 6 riot, interactions, Trump's alleged involvement, and the application of the 14th Amendment's Section 3. The central question of the study puzzles on whether the said Amendment grants States jurisprudence to determine or alter presidential immunity. Drawing on Montesquieu's theory of separation of powers - a natural pillar of Federalism that was fundamental in drafting the US Constitution, the work embarks on an exploration that investigates the intersections of States prerogatives on Federal institutions. Building on these constructions, the work delves into intricate legal debates interlocking constitutional interpretations; emphasizing its potential ramifications. The study employs comparative methodology; incorporating the ten Southern-States that barred Abraham Lincoln, and the case of USA vs Nixon. The approach illuminates political materialism, an enduring theme in American politics, producing a better understanding of the-state-of-the-art, through the intrinsic corollaries of federalism in the ever evolving extensive milieus of political constitutionalism and legal canons.

Readers should approach this scientific exploration with a commitment to objective analysis. The research is not aligned with any particular political interest or affiliation; rather, it provides a thorough examination of legal precedents, and the application of constitutional principles in contemporary debates. The author is a Political Constitutional Scholar with no conflict of interest. You are cautioned against interpreting the analysis of this scientific piece as an endorsement or condemnation of any political figure or party. The study contributes immensely to scholarly discourse on political constitutionalism and constitutional law. The author re-emphasizes the importance of critical thinking and objective evaluation of the arguments in the materials presented.

Keywords: 14th Amendment, Federal/States Jurisprudence, Separation of Powers, Presidential Immunity, & Precedents

INTRODUCTION

Developments surrounding Trump's eligibility to run for the 2024 presidential election present a complex interplay of constitutional principles and legal interpretations. The decisions made by the Colorado Supreme Court and Maine's Democratic Secretary of State to apply a constitutional ban against those who "engaged in insurrection" sets significant legal precedents in US politics. These rulings marked the first instances of a court and a top election official, respectively, invoking this rarely used provision on a presidential candidate. On the one hand, the Colorado's decision, while historic, faces uncertainties due to challenges to legal processes and jurisdiction, thus, an appeal to

the ruling permitted Trump candidacy to stay on the ballot in both Colorado and Maine. The elevation of this matter to the U.S. Supreme Court introduces a national dimension to the issue, emphasizing the need for a clear determination on whether Trump's actions on January 6, 2021, disqualify him from running for president. On the other hand, the Illinois Election Board's contrary ruling adds another layer to the complexity, as it unanimously decided to keep Trump on its ballot. Despite acknowledging evidences of insurrection, the board deferred the ultimate decision to the courts, highlighting the legal intricacies and the board's perceived lack of authority to interpret constitutional violations. The varying responses from different states, with Minnesota allowing Trump on the ballot and Michigan reaching a similar conclusion, underscores the legal ambiguity surrounding the insurrection clause. This diversity in States decisions adds elements of uncertainties to the interpretation and application of this constitutional provision (Nicholas 2023; Tareen and Riccardi 2023).

Critiques from several scholars notably that of a prominent legal philosopher - Laurence Tribe, attract scholarly scrutiny to the legal claims made in these cases. The characterization of certain arguments as "preposterous" by Tribe, underscores the nuanced nature of constitutional interpretation and the divergent perspectives among politico-legal scholars. The legal battles raised fundamental questions about the interpretation of constitutional clauses, the role of State authority in such matters, and the potential effect on democratic processes. The involvement of the SCOTUS adds national significance to the discourse, emphasizing the need for a comprehensive and clear resolution to these complex legal issues (Shah 2023; Moran 2023).

Laurence Tribe, a prominent legal scholar from Harvard Law School, offers a profound analysis of the decision of the Colorado Supreme Court to disqualify Trump from the State's presidential primary election. Tribe’s emphasizes the monumental importance of the ruling and addresses key aspects, including the application of Section 3 of the 14th Amendment and the nature of due process. Tribe’s unequivocally supports the Colorado Supreme Court's decision, considering it "unassailable" and the most significant pro-democracy ruling in recent history. He dismisses the notion that excluding an insurrectionist from the ballot is undemocratic, highlighting that the 14th Amendment aims to prevent individuals who betray their oath to the Constitution from wielding power, particularly in the highest office. Tribe's perspective underscores the fundamental purpose of the constitutional provision as a safeguard against potential tyranny. He critiques the dissents, deeming them surprisingly weak. He highlights the irrelevance of two dissents that rely on an interpretation of Colorado election law rejected by the majority. Tribe dismisses Samour's argument that Trump was denied sufficient due process. He contends that the opportunity to run for office is not an absolute right, and the process provided by the Colorado Supreme Court was elaborate, fair, and consistent with constitutional requirements. The factual findings from the State trial court, according to Tribe, posed a significant hurdle for any contrary interpretation even though he emphasizes the necessity for the SCOTUS to confront all aspects of the case (Pazzanese, 2023).

Problem Statement

The central problem this study attempt to address is the apparent discord between some individual States attempts to exclude a former president from being on their respective ballot papers for the 2024 primary presidential election in accordance to the 14th Amendment. The crux of the matter lies in the legal interpretation and applicability of Section 3 of the above Amendment to determine an erstwhile president's eligibility for elections. The conflict of judicial review becomes pronounced and juxtapose due to the absent of a legal precedent or explicit constitutional guidance.

Research Gap

Existing literatures, while touching on the 14th Amendment and presidential immunity, does not comprehensively delve into the specific issue of whether individual States have the legal prerogative and jurisdiction to influence and determine the eligibility of a former president for public office. Most available literatures are from journalists, reporters and opinion pieces in media

outlets. As a consequence of this, the articulations of some renowned scholars and practitioners deviate away from the fundamental contours of politico-legal philosophy. This highlights an in-depth case study scientific methodological approach is missing in most available literatures. The study identifies this gap in the research landscape, thereby, necessitating a thorough exploration of the constitutional implications and issues associated with State interventions in matters of such magnitude. Understanding the limits of States authority in this context is crucial for legal scholars, policymakers, and the general public. The research aims to bridge the existing gap by providing a rigorous analysis of the constitutional intricacies involved, therefore, contributing valuable scientific analytical insights to unravel complex politico-legal debates.

The 14 Amendment's Section 3

The 14th Amendment, adopted in 1868, plays a pivotal role in safeguarding the rights of U.S. citizens and ensuring equal protection under the law. During Trump's presidency (2017-2021), several controversies emerged which brought the 14th Amendment into extensive focus, this transformed it to become a very interesting unit of analysis that drew attraction from all disciplines and walks of life. The January 6 riot at the U.S. Capitol raised serious questions about Trump's role and the potential application of the 14th Amendment. The work was developed due to political unfolding and legal battles that emerged before the commencement of campaigns for the 2024 US presidential election. A series of politico-legal arguments have been put forth in this regards, unfortunately, so many of them are not free from scientific bias in their scrutinization processes before arriving at their conclusive assertions. Scientifically, it is imperative to exercise neutrality without prejudice in all analysis, putting aside personal notions and or third party influences, to enable scholars to succinctly provide arguments that can lead to bias-free conclusions.

The original text of Section 3 of the 14th Amendment does not provide a concrete definition for terms like "insurrection" or "rebellion," but Article 1, Section 8, clause 15, empowers the Legislative to employ the militia "to suppress Insurrection." This implies that Congress, through the Insurrection Act, may have the authority to define insurrection for this purpose. An open question remains about whether Section 3 is self-executing, leaving federal and state courts in a quandary to determine a candidate's eligibility unless the Legislative enacts a legislation permitting it. Section 3 lacks a specific implementation procedure, and the broader authority granted to Congress by Section 5 to "enforce [the 14th Amendment] by appropriate legislation" adds more complexity. The Legislative could enforce the Disqualification Clause through various means, including federal criminal prosecution, private civil enforcement, or new legislation establishing procedures for disqualification. Individuals convicted under existing laws related to insurrection following the events of January 6 could face disqualification from federal offices without a specific Legislative response. However, the Department of Justice has not brought charges against them under these statutes. This highlights complexities surrounding constitutional interpretation, and legislative processes patterning to perceived insurrections (Elsea, 2020).

The study seeks to unravel the problematic surrounding the application of Section 3 of the 14th Amendment to a former President - Trump and the ensuing controversies surrounding his eligibility for the 2024 presidential election. Understanding the intricate dynamics at play is crucial, given the broader implications for a nation's political fabric and constitutional adherence. This investigation holds significance in a broader political and legal landscape due to the polarizing nature of the case. The question of whether individual States possess the legal authority to influence federal election processes by excluding a former president raises fundamental constitutional queries. Clarifying the extent of States prerogatives in such matters contributes to discourse on balance of power in federalism. Moreover, the study becomes imperative in light of the potential precedents it may set. As the US grapples with the aftermath of the January 6 riot and its effect on its political future, examining the legal purview of States

interventions in federal matters can guide future legal interpretations and decisions. The implications extend beyond the specific case of Trump, by informing us on a broader understanding of constitutional boundaries.

Separation of Powers and Jurisdictional Dilemma

Montesquieu's seminal work, "The Spirit of the Laws," laid the intellectual groundwork for the concept of separation of powers within a government. His ideas were deeply influential on the framers of the U.S. Constitution. He delineated three distinct branches or arms for government; Executive, Legislative, and Judiciary – each with specified powers to prevent tyranny and safeguard individual liberties. Applying Montesquieu (1748) theory to the January 6 riot and its aftermath reveals profound insights which invoke critical thinking that raised questions and answers to whether States governments have profound jurisdiction in handling, judging and removing a former president from ballot papers.

The theory assigns the Executive responsibility of enforcing laws, and maintaining order. The President, as the head of the executive branch, is accorded certain prerogatives, including a degree of immunity from legal actions related to official duties. This, in principle and practice, rooted in the need to shield the chief executive from potential political interference is crucial in understanding Trump and the January 6 riot. Separation of powers was designed to ensure a system of checks and balances that prevents any single branch from consolidating excessive authority that may result to despotism. States jurisdiction, in this context, is restricted by the constitutional allocation of powers, reserving impeachment and removal from office in the confines of the Federal Legislative branch. This democratic balance of power which is well defined comes under intense scrutiny when individual States passed judgment on a former president for actions taken during his time in office. The concern is; do States have legality to do this? It is necessary to opined that States may have legitimacy to pursue such an act. This draws the debate to a tight corner where a clear distinction between legality and legitimacy becomes crucial.

Legality is authority obtained from or given by law derived from a constitution and or any legal written document. While legitimacy is authority or power obtained from the majority of the masses; it has no legal backbone. As such, actions carried out due to popular support rest on legitimacy not legality. For instance; a presidential candidate that wins the popular vote becomes the legitimate president, but the one who wins the highest Electoral College Vote becomes the legal president because his authority comes from the constitution.

While States hold significant sway in various aspects of governance, the Constitution assigns certain powers explicitly to the Federal government. The 14th Amendment, often invoked in discussions surrounding the January 6 riot, grant states authority over civil rights violations but does not extend to adjudicating a former president's eligibility for elections based on actions taken at the Overall office. Presidential immunity, a corollary of Presidential System of governance, safeguards the chief executive from undue interference and politically motivated legal actions against official dealings during and after time in office. The immunity is not absolute, as evidenced by the potential for impeachment and possible removal from office by Congress. However, the Constitution confers this authority exclusively upon the federal Legislative branch. This reiterates the importance of adhering to the principles of separation of powers in order to avoid administrative clash and legal disparities.

The January 6 riot occurred when Trump was still in office, and invoking the principles of presidential immunity ties with official duties. Official duties merely imply all and any action taken during the entire tenure of a president. Meaning whether an action is right or wrong, it lies under the shadow and privilege of presidential immunity. Rightness or wrongness of a president’s action is left for the Legislative branch to decide on which is which. Attempts by individual States to challenge the erstwhile president eligibility for an election based on his role during the riot encroached upon the constitutional leverage of separation of powers. It underscores that such a matter falls within the purview of the federal Legislative, emphasizing the need for Congress – not individual States – to

address presidential accountability. If individual States encroached into this unfertile ground:

Let's assumed the concerned person of interest is still in office (like Nixon was), can a State, based on the constitution, effectively judge a sitting president? If yes, do they have legality to impeach? Or remove from office? Your thoughts are as good as mine.

Due to the inherent bottle necks and ever present political constraints in bureaucracy, the issue of balance of power, a concept that emanates from separation of power becomes questionable. It causes infringements and hurdles for institutions to act in the contrary. The inherent problems of bureaucracy attracted Posner (2016) to advocate for an abandonment of separation of powers. His concern could be best contextualized on the subject matter under scrutiny where the main focus is jurisprudence. If States claims jurisprudence on matters that concerns federal agencies, it illustrates an absent of balance of power, this cause political authorities to lose the feature of hierarchical statute that endeavors to ensure tranquility and orderliness in democratic dealings. Without the serenity of separation of powers, any authority or institution, may decide to ascribe to itself prerogatives and jurisprudence to any matter that is of interest to them.

Tribe's endorsement of the Colorado Supreme Court's decision to disqualify Trump from the State primary ballot is grounded in a pro-democracy framework, emphasizing the 14th Amendment's Disqualification Clause. However, a closer examination of Tribe's arguments reveals certain jurisprudential challenges, particularly concerning the federal nature of the accusations and the implications of presidential immunity. Tribe's assertion that the Colorado decision is the most important pro-democracy ruling in recent history overlooks the intricate balance between State and federal jurisdiction. The concept of presidential immunity, which Tribe doesn't explicitly address, raises concerns about whether individual States possess the jurisprudence to adjudicate matters involving a former president action during his tenure in office. The Presidency, rooted in the Supremacy Clause of the U.S. Constitution, implies that federal institutions should prevail over States institutions in all matters relating to federal issues. Therefore, the Colorado Supreme Court's decision might have overstep its jurisdictional boundaries by invoking the 14th Amendment without due consideration of presidential immunity which stems from the constitution – a federal legal document and not a State legal document. Tribe's distinction between holding a public office and running for office, oversimplify the nuanced nature of electoral processes, which inherently involves the rights and expectations of candidates.

Anticipation of the SCOTUS's involvement in addressing all aspects of the case is valid, given the constitutional magnitude. However, the central challenge lies in reconciling the 14th Amendment's Disqualification Clause with the potential conflict arising from claims of presidential immunity which many scholars have failed to neatly reconcile; many are unable to demonstrate how States jurisdiction are competent to handle the case by limiting themselves only to the 14th Amendment. It is worthy to note that, the 14th Amendment's Section 3 alone cannot be apply to a former president without considering other Amendments and clauses in the constitution. If the SCOTUS were to prioritize federal jurisdiction and presidential immunity, it could set a precedent emphasizing exclusive federal authority in matters involving former presidents.

While Tribe's flawed arguments underscores the importance of preserving democratic principles, the jurisprudential challenges within the context of presidential immunity and federal jurisdiction necessitate careful considerations of other clauses which he failed to consider. The tension between State actions and federal authority, especially when dealing with a former president, demands for an in-depth scientific approach. The potential effects on future balance of power between States and the federal government must be thoroughly assessed to ensure a judicious resolution that respects both democratic values and the constitutional laid-out framework.

In federalism, there are often tensions between presidential immunity and States jurisdiction especially when political interests are put above

the constitution. Tribe's emphasizes the importance of adhering to established constitutional mechanisms to address presidential accountability. Despite this adherence, he exhibited a poor comprehension regarding separation of powers and levels of jurisprudence. His misunderstanding of politico-legal philosophy is exposed through his many granted interviews where he argues in the affirmative, that, States have jurisprudence to remove Trump from their ballot papers. He wondered why Trump is arguing against these moves (Moran, 2023). My question to Tribe is:

Within the confines of the constitution, can States impeach a sitting president and later remove him from the overall office? Answers to these are very essential, judging a former president based on actions while in office denotes that s/he should and must be considered throughout the process of trial as though s/he is still in office. Actions carried out in the Overall office are liable to presidential immunity. The answer would obviously be that, States do not have powers to impeach and effect a removal from the Overall office. The Double Jeopardy Clause in the Constitution prohibits this. Had it not been so, the effect in the long run would be an erosion of federal institutions.

Methods of Constitutional Interpretations

It is important to accentuate the significance of fidelity to constitutional processes, interpretations and applications because challenges to presidential immunity outside established framework jeopardize delicate equilibrium envisioned by constitutional framers (Amar & MacKinnon, 2000). This insights mirror emphasis on adherence to prescribed roles for each branch at all levels of government, providing a robust legal foundation against the encroachment of individual States on matters constitutionally entrusted to Congress. Attempts by States to intervene beyond their specified powers could be seen as an overreached. At such a juncture, judges could use moral justifications and popular support to interpret the Constitution in a way that aligns with their personal or political beliefs. This approach opens a wide door for subjectivism and judicial activism. Emphasizing the importance of a clear objective interpretation of the Constitution to avoid potential overreach is of utmost importance. Ackerman's theory of constitutional moments argues that fundamental changes to a constitutional order should occur only through extraordinary consensus (Klarman, 1992). Scholars are cautioned against the strengths and weaknesses of arguments regarding the evolution of constitutional principles and its effect of transformative moments in history.

Situating this perspective to the 2024 Presidential Election implies attempts by individual States to sidestep established constitutional mechanisms lacks necessary national consensus, reinforcing the notion that such matters fall within the prefecture of federal bodies. Considering the nature of the issue, it leverages federal response and emphasizes the need for a unified and consistent approach. This becomes eminent since leaving the case in the hands of individual States has failed to produce a unified approach or consensus.

Ely (1980) provides a distinctive perspective on the role of the judiciary in a democratic society; with a central theme which revolves around the tension between democracy and judicial review. He begins by critiquing other theories of judicial review, particularly those that rely on substantive reasoning or protection of individual rights. These approaches can be problematic as they give judges significant discretion, potentially undermining democratic principles. Ely proposes a "representation reinforcement" model of judicial review, asserting that the primary function of the judiciary is to ensure democratic processes operate effectively rather than substituting its judgment for that of elected representatives. This led to the advocacy of a more restrained judicial role, one focused on safeguarding democratic processes rather than imposing specific substantive values. Courts should intervene only when there is a failure in the political process to provide fair representation to all citizens. This involves scrutinizing whether a political system has adequately considered and represented the interests of minority groups. Arguments against substantive judicial review are grounded in the belief that it often leads to judges imposing their personal values on society, which is undemocratic.

The judiciary should act as a check on the process rather than as an arbiter of particular outcomes.

Though Ely's theory "Democracy and Distrust" has been influential, it has faced some criticism. Several reviews of the theory extend beyond strengths and weaknesses, offering a nuanced critique that goes beyond endorsement or dismissal because of its analytical potency (Burgh, 1982). Some critiques argue that Ely's approach does not provide clear guidance on when judicial intervention is appropriate, leaving room for subjectivity. Others question the feasibility of achieving a neutral and non-substantive judicial role. While other critiques hold firmly that, the theory diminishes the powers of the judiciary (Paul, 1981). Nonetheless, Ely's theory extensively emphasizes reinforcing democratic representation and limiting judicial discretions is thought-provoking. Political constitutionalists are usually more burg into the intricate dynamics of inconsistent constitutional interpretations, governance, and interests. It is very importance to understand a Constitution as a living document subject to evolving societal norms. Despite this, it real meaning or interpretive nature should not change or be influenced by any kind of interest which may pacify wrongful interpretations. Interpretation and adjudication is an integral part of a judicial process, hence, judges must exercise caution when applying legal principles to specific cases.

"Law as Integrity" rejects the positivist separation of law and morality (Dworkin, 1986). It argues that legal principles, including those found in a Constitution, cannot be divorced from moral considerations. Central to its interpretive methodology is the concept of "fit" and "justification." That is, legal principles should fit with existing legal materials and judges must provide a moral justification for their decisions. This contrasts with more instrumentalist or policy-driven approaches, as it emphasizes the moral reasoning inherent in legal decision-making. The emphasis on moral ideals provides a framework for evaluating whether Trump's actions aligns with principles of justice and fairness. However, critics cautioned against the potential subjectivity in relying on [vague] moral ideals, especially in politically charged cases (Guest, 2009).

Dworkin (1986) introduces the idea of "hard cases" to illustrate the complexities of constitutional interpretation. In these cases, where legal principles seem to conflict or provide unclear guidance, judges should rely on the underlying moral principles that best justify legal frameworks. This approach aims to preserve the integrity of a legal system and ensure a principled interpretation of a Constitution. Judges should and must strive for coherence and consistency in interpreting Constitutions, emphasizing the importance of a principled and moral framework. The lack of coherence and inconsistency in the interpretation and application of Section 3 of the 14 Amendment by different States justifies and accounts for why I argue that States do not have jurisprudence in a case that involves a defendant with presidential immunity. Their actions rubbishes the integrity of the US Constitution and challenges traditional paradigms of the fabrics of democracy – it therefore projects a kind of silent passive judicial chaos and decay that eats a system from within without changing its outer layer.

Trump and the January 6 riot, might draw parallels in examining the moral dimensions of the actions and the legal interpretations that surround it. There have been concerns on the strengths and weaknesses of contemporary Dworkin philosophy, with a focus on scrutinizing both its legal and political theory. The division between political and legal theory is not distinct in Dworkin's work, as he integrates moral problems into both realms (Guest, 2009). The discussion on legal theory, particularly the exploration of the idea of 'interpretive concept and its connection with moral ideals, could be of immense relevance, as it enhances researchers to clearly assess how interpretive concepts and moral ideals intersect with legal arguments and decision making. Integrity is a key consideration, and evaluating its moral weight against the ideals of justice and fairness could be a pertinent aspect to analyze Trump's case. This accounts for why there have been calls for the centrality of interpretive concepts in legal reasoning. It is increasingly evident that moral ideals, such as justice and fairness, ardently guide judges in resolving legal disputes. However, there are severe concerns about the ambiguity and subjectivity inherent in

relying on moral ideals as interpretive concepts.

The potential vagueness of such ideals can lead to inconsistencies in judicial decisions and undermine the predictability of laws. Unpredictability in the context of this study relies on the fact that it is very much unpredictable when issues of jurisprudence are not well established. This lapse create forums for bodies not authorized to directly deal with legal matters to wrongly assumed and accredit to themselves responsibilities to handle matters of legality. This was widely evident when the Illinois Election Board accrual to itself power that is beyond its scope by assuming liability to decide on Trump's eligibility for the 2024 presidential primaries.

The overreached was acknowledged when the board was advised by a hearing officer (a retired judge) that a "preponderance of the evidence" illustrates Trump's ineligibility because the January 6 riot was an insurrection. Despite the acknowledgement, the retired judge educated the election board officials that they do not have jurisdiction to take decision on the issue. It demonstrates that, though an institution may understand and interpret a constitution, it does not mean it has legal authority to act. This authoritatively justifies why one of the board members McCrory publicly affirms that the board lacks jurisdiction to enforce the Disqualification Clause (Tareen and Riccardi, 2023). If all States had acknowledged the federal nature of the case, and stay clear of it, it would have prevented this kind of wrongful acquisition of power exhibited by the Illinois Electoral Board. Meanwhile, Electoral Boards in some other States exercised this wrongly ascribed power.

Explorations of Dworkin's interpretive approach, calls attention to the moral imperative of upholding constitutional processes, balancing principles of justice and integrity stemming from an environment in which a constitution is situated (Guest, 2009). This suits and aligns with the procedural tenets advocated by separation of powers. It is necessary to understand this within levels of jurisprudence because we need to be ever conscious on appropriating legal canons only to established specified proper frameworks in order to easily evade wrongful ascription of power. It is also essential to assess the moral weight of integrity, especially concerning the ideals of justice and fairness. Critiques argue that the challenge lies in determining the appropriate balance between integrity and other moral considerations, which can be complex and context-dependent.

In the context of the January 6 riot, Dworkin's philosophy could be viewed as emphasizing the ethical dimension stemming from actions to obstruct democracy such as the wrongful obstruction of the certification of the 2021 Electoral College votes was against procedural justice. Also, challenges to Trump's presidential immunity outside established processes may be seen through the lens of procedural injustice since States institutions handling the matter and taking decisions to bar may not fully have the legal prerogative to hear a federal case. Every court cannot have powers to act on all cases; this is why they are categorized. This further elucidate why this study is not focus on determining whether Trump is right or wrong. I'm rather poised to ascertain whether States have jurisprudence on the object of analysis. Notwithstanding, whether an interpretive, objective, subjective, moral, or emotional method is used to interpret the constitution, that is not of interest to this research. The research merely expresses intent, to elaborate and illustrate which institution has legality to hear and interpret the constitution – States or Federal?

Nussbaum (2013) in her exploration of political emotions delves into the role of emotions in shaping political responses. Based on Nussbaum's insights, the January 6 riot invites contemplation on how emotional reactions, goals, and believe systems influences attempts by individual States to assert jurisdiction. A thorough examination of emotional undercurrents provides a more holistic understanding of the motivations behind such attempts. Arguments on upholding democracy and political institutions become eminent because a constitution is the sole keeper of democracy. This denotes that, constitutional interpretivism cannot and should not be based on emotions or any other abstract element because of their unstable nature. Its interpretivist lens should be void of contemporary occurrences, interests, affiliation

and or influences from third parties. Laws should be interpreted as it is while taking into consideration the mindset of it framers.

As such, John Rawls' theory of justice as fairness offers a prism through which one can evaluate the ethical underpinnings of challenges surrounding interpretive legality. Rawlsian principles underscore the importance of fairness in political processes, emphasizes that procedural justice aligns with established constitutional mechanisms. This provides an apt lens to peruse the societal implications of challenging presidential immunity. Therefore, questioning presidential immunity via individual State may be viewed through the Rawlsian lens as a departure from the fair and just processes embedded in Constitutional democracy and the practice of federalism. "The first limit, as has been indicated is that we must fix on the basic structure as the primary subject of political justice and leave aside questions of local justice. We view justice as fairness not as a comprehensive moral doctrine but as a political conception to apply to that structure of political and social institutions." (Blanchet 2023; Rawl 1971). Here, I articulate that Rawl is rejecting any form of localization of justice or limiting or leaving it in the hands of different segments in societies, including States. It implies that we should view and accept the interpretation of a constitution only from an institution that has jurisprudence on the whole masses. On this note, Federal institutions are the only ones that enjoy this sort of holistic dispensation.

Tribe's rightly asserts that the Constitution's framers deliberately entrusted impeachment powers on Congress, delineates boundaries of jurisdiction. This adage aligns seamlessly with separation of powers, underscoring that individual states lack the constitutional authority to adjudicate matters that fall within the purview of Congress. Tribe's perspective, grounded in constitutional principles, serves as a beacon reinforcing the procedural safeguards that distinguish presidential immunity from State interference. Despite this, Tribe is unable to acknowledge or adhere to the veracity that actions by States to remove a candidate with presidential immunity may be wrongly construe as though the Federal Legislative has already completed all the following procedures: the House impeached, Senate has convicted with a two third majority vote, and removed from Overall office. Even at this, there must still be a separate vote afterward to decide whether to bar from holding any public office in future. The chain-like process is structured to unfold in a serial manner.

Thus, Tribe's exhibit a very limited knowledge on the applicability of constitutional interpretation and applicability in context specific maters like in the case of Trump, whose actions in question occurred during his tenure in office. Presidential immunity is upon whoever is in the Overall office and not necessarily, per se, an individual. The Overall office could be considered as a living entity since it confers immunity to its occupant from time immemorial and this will remain so for as long as the present constitution is upheld. One cannot call a hearing for an action taken in the Overall office without considering the immunity the office bestows on its occupant.

Constitutional Dynamics

In contemplating Presidential immunity and election, it is crucial to, first of all, consider constitutional dynamics that unfold against the backdrop of legal principles, political theories, and philosophical reflections. Constitutional interpretation requires careful calibration on specificities of constitutional provisions and precedents to denote the necessity for a measured and targeted approach. Though there is no established precedent, Trump's actions during the January 6 riot, from a constitutional standpoint, falls within the purview of federal jurisdiction for assessment. If this is well established, States would not have varying results concerning barring Trump since they would not have commenced with such a legal strive. Due to the unfolding of politico-legal chaos which is not intended by the constitution, the power of determinant should rest solely on the shoulders of federal institutions to ascertain uniformity in legal duties – especially in cases that concerns a single entity of public interests. An examination of political order and decay offers insights into the potential ramifications of individual States actions (Quest, 2015). Political institutions play pivotal roles in maintaining order

by sharing power among different institutions. The United States constitution, deeply influenced by Montesquieu's philosophy (separation of power), incorporates these principles. Article II vested Executive powers on the President, outlining responsibilities and immunities necessary for the effective functioning of the Overall office.

The US constitutional framers, informed by Montesquieu's insights, designed a system that does not only delineate powers but also safeguards the presidency from unwarranted interference. Presidential immunity, a concept rooted in constitutional safeguards, shields a sitting president from certain legal actions. Immunity ensures that presidents can execute their duties without undue distraction from legal harassments. However, it is essential to differentiate between immunity during time in office and potential accountability in post-presidency era. On this note, if a president is taken to court for actions carried out while in office, s/he must be treated as though he/she is still in office – presidential immunity during office does not have an expiration date. Even a death president continues to enjoy this political and legal rare privilege, if for example, files and policies taken during the deceased time in office are examined. It elucidates the living nature of the Overall office. A case cannot be heard for the chief occupant of the Overall office without considering all the elements the office bestowed on its occupant.

Presidential Immunity and State Jurisdiction

Presidential immunity, as contemplated by the Constitution, extends beyond the tenure of a president. This principle is central to the protection of the executive branch's autonomy. Despite varied legal interpretations of presidential immunity, a consensus emerges that its application pertains to actions taken in the overall office. The immunity, while not absolute, shields the president from State-level legal proceedings for official decisions, policies, actions, etc. taken while in office. States, as entities within the federal system, operates inside a delineated sphere of authority. The 10th Amendment clarifies that powers not delegated to the federal government are reserved for States. Relating to the nature and coverage of presidential immunity, the Constitution explicitly vests jurisdiction over impeachments in the hands of Congress, emphasizing the federal nature of such proceedings. It implies that, States legislative and judiciaries, therefore, lacks constitutional mandate to undermine or challenge the immunity of a sitting or former president.

Impeachment and possible removal from office, and conviction, and barring from holding future public office, as outlined in the Constitution, stands as the constitutionally prescribed method for addressing and sanctioning presidential misconducts. The constitutional framers intentionally vested this authority on the Legislative, laying emphasis on the federal features of accountability mechanisms for the Executive Arm of government. States attempts to circumvent this federal process severely encroach upon the carefully calibrated system of checks and balances established by the Constitution. Returning to Montesquieu's philosophy, the limitations on States shrink prerogatives aligns with the emphasis on the distribution of powers to avoid centrality. Montesquieu envisioned a system where each branch operates within its designated sphere, preventing undue concentration of authority. States challenging presidential immunity transcend their constitutional boundaries, disturbing the delicate principles and equilibrium that the constitution had established. Notably, all legal scholars and political constitutional experts converge and contend that States lacks authority to alter or diminish the immunity of a [former] president. Despite this homogenous conformity, it is surprising to see some legal luminaries diverge when it comes to contextualization like in the case pertaining the January 6 Riot and Trump possible involvements. Nevertheless, scientific analyses reinforce the notion that the framers intentionally excluded States interference in matters of presidential accountability. This is a powerful determinant factor that could be used against misappropriation and intrusion into federal matters by entities that lack due legality. The federal nature of responsibility mechanisms, grounded in constitutional principles and supported by legal interpretations, stressed the

need for a unified and federally driven approach in addressing actions of the executive branch.

An exploration of the political aspects of judicial power sheds light on intricate dynamics between the judiciary and the presidency. The Presidential Immunity Decision, a significant legal precedent, becomes a focal point to understand how States judicial power intersects with the Federal branches of government. Critical questions are raised on the extent to which States institutions – judiciaries and election boards can exert influence over the presidency without unduly infringing on the concept of separation of powers. Highlighting the delicate balance between [States] judicial independence and political considerations is of prominence. This brings more unanswered questions, whether States courts are fully equipped to navigate politically charged issues involving a Federal Arm of government. The answer would be in the negative. On this note, there is an urgent need to underscore the inevitability to preserve the integrity of States judiciary while addressing matters of political significance (Carter 1983; Biegon 1996). The integrity is best preserved when they adjudicate only cases that falls under their jurisdiction.

There is an assertive aphorism that immunity granted to a sitting president extends beyond their time in office. This perspective is grounded in the constitutional principle shielding the executive from undue legal entanglements that might impede the effective execution of duties because of fears of trials after office. Since January 6 occurred during Trump's presidency, the argument gains prominence, emphasizing that individual States lacks the legal basis and jurisdiction to challenge presidential immunity for actions taken in an official capacity at the overall office. The argument here is not to adjudicate, decide or illustrate whether Trump's actions were right or wrong. This work is merely concerned on who has legality to handle the case. Diverse examination of the case from theoretical dimensions further accentuates the limitations on States prerogatives and false acclaimed jurisdiction (Sunstein, 2017). Holding an Executive accountable, as a democratic process, reflects the framers desire for accountability, but this responsibility was not left loosely. Attempts by individual States to pursue legal actions could be viewed as circumventing prescribed mechanism; this violates the spirit of the Constitution. The framers intentionally placed accountability for executive actions within the purview of federal bodies.

Amar (2019) elucidates the federal nature of proceedings to address executive actions. Impeachment, a mechanism specifically outlined for holding a president accountable, exemplifies the framers intent to ensure federal control over such a process. States attempting to prosecute a former president for actions committed during their tenure flout this constitutional mandate since checks and balances inherent in the process are not within their politico-legal terrain. This suggests that States efforts to challenge presidential immunity undermine federalism – the foundational principle of American governance. Federalism requires weighing scales between States and Federal powers, ensuring that each operates in its constitutionally delineated domain. States engaging in proceedings against a former president for actions taken in an official capacity infringes upon the delicate equilibrium enshrined in federalist principles.

States Actions on Lincoln and Trump

While the historical context and specific circumstances differ, examining these instances provides insights into the evolving dynamics of States responses to presidential candidates. In 1860, the United States was on the brink of a Civil War, marked by intense regional tensions, particularly regarding issues of slavery. Abraham Lincoln's candidacy stirred controversy in Southern States who vehemently opposed his anti-slavery stance; reflecting a broader sectional conflict. In the modern era, the situation surrounding Trump's eligibility stems from the aftermath of the January 6 riot and debates over the interpretation of Section 3 of the 14th Amendment. Both instances involve a substantial opposition to the respective candidates based on ideological, political, or regional differences. The Southern states argued they had the authority to determine who appears on their ballots, emphasizing the autonomy of individual States. Similarly, the

current debate around Trump involves questions of States prerogatives in interpreting and applying the 14th Amendment.

Although the Southern states opposition to Lincoln lacked legal and constitutional basis, the contemporary situation involving Trump directly engages with the 14th Amendment – there is a legal and constitutional base. However, the legal framework surrounding Trump's eligibility or ineligibility adds complexity to the discourse, as several divergent interpretations of constitutional provisions become central to the debate. The exclusion of Lincoln on ballot papers intensified pre-existing tensions that eventually led to the Civil War. The contrast between the historical and contemporary cases highlights the evolution of constitutional perception and interpretation. While the Southern States relied on broader notions of States' rights, Trump's case engages with a more intricate constitutional provision. This evolution reflects changes in legal and political thoughts over time. This historical and modern case underscores the enduring relevance of questions surrounding presidential eligibility and States prerogatives in shaping democratic processes.

United States v. Nixon (1974)

The landmark case of United States v. Nixon stands as a pivotal legal precedent that reverberates through subsequent discussions on presidential accountability. This section scrutinizes the specifics of the Nixon case, analyzes its enduring implications, and draws parallels to the circumstances surrounding the events of January 6. Legal precedent forms a crucial part of the argument against States-level prosecution of any former president; it exemplifies the federal institutional approach to act on such matters. Constitutional scholars have used this case to highlight the primacy of federal courts in adjudicating matters involving the presidency; this further solidifies the argument that individual States lack the legal standing to challenge presidential immunity. State-level interference in these mechanisms contradicts the original intent of establishing a balanced government. In the Nixon case, the Supreme Court seriously grappled with the extent of executive privilege in congruent with other clauses in the constitution, concerning the release of White House tapes. The Court ruled against Nixon's claim of absolute executive privilege, asserting that it must yield in the face of a specific, demonstrated need in a criminal trial. This decision marked a watershed moment in asserting the principle that presidential immunity has its limits, particularly when it comes to matters of national importance and potential legal infractions.

While the Nixon case primarily dealt with the concept of executive privilege, its implications extend to the broader question of presidential immunity. The ruling in Nixon [by a federal district court not a State court] acknowledges the supremacy of the rule of law even in the highest echelons of executive authority (Gerhardt, 1996). This perspective resonates with the intricacies in Trump's case, where an argument could be made that the Nixon precedent sets the stage for judicial scrutiny of presidential actions, including those that transgresses established legal boundaries. But this can be achieved only when the right institutional quarters are utilized. The Nixon ruling underscores a delicate balance to distinguished the dichotomy of protecting legitimate presidential prerogatives from legal presidential prerogatives to ensure accountability. This balance is crucial in evaluating claims of presidential immunity. I therefore contend that this balance requires a careful weighing of the public's right to know against the president's need for candid advice and decision-making autonomy. Transposing this reasoning to Trump's situation invites an examination of whether the events of January 6 falls within the scope of actions shielded by immunity or demand transparency only for the sake of public interest and accountability.

Emphasis on the enduring importance of who should interpret certain clauses in the constitution and apply it, as exemplified by the Nixon case, finds resonance in the tumultuous events of January 6. Drawing parallels between these two historical junctures allows for a critical analysis of whether principles established in the past could effectively guide the adjudication of contemporary presidential conducts. The January 6 riot, marked by its unprecedented assault on the Capitol, raises

fundamental questions about executive accountability and the boundaries of presidential immunity. Gerhardt (1996) arguments, rooted in the Nixon case, provide an innovative framework to evaluate how legal precedents should inform the handling of such a crisis. The contemporary context invites exploration on whether the rule of law, as upheld in the Nixon ruling, could serve as a guiding beacon in navigating the complexities of executive authority amidst challenges to democratic institutions.

Let's imagine a scenario where several States courts had decided to get engaged in the Nixon case. It would have created dissimilar judicial outcomes like the case of Trump did. Perspectives on the supremacy of the rule of law as expounded by the constitution necessitate a careful examination of how it addresses the jurisdictional limitations faced by individual States in cases involving presidential conduct. As the Nixon case provides a historic backdrop to understand executive accountability, the critical analysis extends to discerning whether the principles articulated therein are universally applicable or subject to contextual constraints (Gerhardt, 1996). In the realm of presidential conduct, the jurisdictional landscape becomes particularly intricate; it prompts an exploration of whether States possess requisite authority to adjudicate matters pertaining to the conduct of a president. Clarifying the universality of the principles laid out in the Nixon case becomes pivotal in assessing the extent to which individual States can engage in legal proceedings involving former presidents. The juxtaposition of these insights appertaining to jurisdictional intricacies faced by States serves to illuminate the legal parameters within which such matters should unfold. It raises essential questions about the distribution of legal authority and the interplay between Federal and State jurisdictions when dealing with cases of paramount national significance, such as the conduct of a sitting and or former president.

On Trump's Presidential immunity, opponents may argue that the events of January 6 constitute a specific, demonstrated need for scrutiny, akin to the circumstances in the Nixon case. They may posit that claims of executive privilege or immunity should not yield when faced with alleged actions that potentially undermine democratic processes and endanger public safety. Conversely, proponents of presidential immunity may highlight the need to preserve the confidentiality of executive decision-making (though Trump's case really has nothing much to do with secrecy), emphasizing that unwarranted legal scrutiny could hamper the president's ability to preserve federal secrecy become of great interest in preserving nation hood. This justifies why post Nixon case catalyzed a shift in legal thinking regarding the limits of executive authority. Post-Nixon era witnessed a more nuanced understanding of presidential power, acknowledging the need for accountability without undermining the efficacy of the executive branch. In the context of Trump's case, this evolution prompts a reconsideration of the interplay between immunity, accountability, and the changing contours of executive authority and the fluid nature of media and whistle blowing.

The United States v. Nixon case serves as a seminal legal touchstone, shaping the discourse on presidential accountability and the limits of executive privilege. This exhibits endless exigencies on reliable prospective of preserving democratic norms and national secrecy in the aftermath of the January 6 events. States initiatives post-Nixon emphasizes the constitutional constraints that impede individual States from unilaterally adjudicating cases against a [former] president. While the Nixon case set a precedent affirming that executive privilege has its bounds, it did not [in any way] grant individual States authority to circumvent established [legal] processes. States governments, despite their [limited] autonomy, operate within the framework of the Constitution that allocates distinct roles to the federal government. States governments possessed limited powers, particularly in matters involving the actions of the federal executive branch of government. Separation of Powers enshrined in the Constitution, implies that each federal branch operates independently, with checks and balances to prevent the concentration of power which may easily be abused.

This constitutional design is essential for understanding the limits of States initiatives in

adjudicating matters involving the federal arms of government. State governments, guided by the 10th Amendment, wield powers not expressly delegated to the Federal government. The jurisdictional boundaries between Federal and States authorities are carefully delineated, with specific matters falling within the purview of Federal Judiciary or Legislative. Constitutional prerogative appertaining to the Legislative enforces the idea that issues related to a president's conduct should fall under federal jurisdiction, compelling States governments to refrained from and respect the delineation of powers. While States governments may express concerns or seek investigations, they lack the legal standing to unilaterally adjudicate matters reserved for federal institutions. I hold that Nixon precedent, while fostering accountability, does not confer blanket jurisprudence upon States to supplant federal processes in cases involving presidential misconducts. Although it laid the groundwork for understanding the limitations of executive privilege, it did not grant individual States an open avenue to adjudicate cases involving the president.

Limits of State Prerogatives and Jurisdiction

The notion of presidential immunity is a critical component of constitutional order; while the legal landscape regarding presidential immunity is wide and may be misunderstood the overarching principle is that federal laws and constitutional provisions supersede State initiatives, to prevent undue interference and conflict of interests. The Supremacy Clause, as articulated in Article VI of the Constitution, establishes federal laws as the supreme laws of the land, superseding State laws. States initiatives that seek to adjudicate matters reserved for federal jurisdiction risk infringing upon the equilibrium of powers envisioned by the framers. The tripartite division of federal powers — executive, legislative, and judiciary operating at the federal level, safeguards the presidency from unilateral actions from States governments. This constitutional design underscores and reemphasizes that matters involving the federal executive falls within the purview of federal jurisdiction. States prerogatives are limited by the overarching need and possible absent of uniformity in addressing issues related to the presidency.

Building on the foundations of constitutional tradition, it becomes evident that States boundaries should not encroached upon matters reserved for federal consideration, particularly those concerning a president's immunity. The Constitution, as a supreme legal document, delineates the scope of State powers and underscores the federal nature of issues involving the chief executive. Constitutional scholars argue that the framers deliberately crafted a system that curtails States initiatives when it comes to matters of national importance (Ginsburg, 2019). The [federal] judiciary, acting as the third branch of government, plays a crucial role in upholding these principles and ensuring the ascendancy of federal laws (Epstein and Walker, 2008). It aligns well with the broader philosophical tradition that underscores the need for a unified approach to matters involving the presidency. This perspective rests on the belief that States interference could undermine the stability and coherence of the nation (Ackerman, 1991). Allowing individual States unrestricted authority to challenge the immunity of a [former] president would have profound implications on federalism. Such a scenario could lead to a patchwork of conflicting States determinations, creating legal chaos and jeopardizing socio-political stability. The framers intent to establish a robust federal government capable of addressing matters of national importance militate against the idea of empowering individual States to unilaterally adjudicate on presidential immunity.

Lack of Uniformity in Legal Decisions

The decision by certain states to bar Trump from their ballot papers while others proceeded without intervention exposes a stark lack of uniformity in the application of the 14th Amendment's Section 3. This disjointed response reveals the inherent challenges when States assert varying prerogatives in federal matters. The intent of Section 3 was to establish a clear and consistent approach, yet the diverging interpretations by different States resulted in an unpredictable and fragmented legal landscape. This projects a deep and bad public

image for democracy [and US legal system] for producing varying results on a singular issue. The lack of uniformity resulting from some States responses has profound implications for the rule of law. It introduces an element of unpredictability, where a candidate's eligibility for presidential election becomes contingent on the jurisdiction in which they are being considered. This fragmentation challenges the fundamental principles of fairness and equal protection under the law; this jeopardizes the integrity of a genuine democratic process.

Examining the language and intent of Section 3, it becomes evident that the framers sought to establish a mechanism that would ensure the uniform application of consequences for those engaged in insurrections and or rebellions. The dissimilar responses of States on Trump's eligibility for the 2024 presidential election highlight the need for a clear and consistent interpretation of Section 3 to avoid undermining its purpose. But as long as States put upon themselves the burden to have a say on federal related matters, there would always be serious doubt on their appropriateness to allocate such a jurisdiction to themselves, this will be evident by contradictory rulings emerging from a single case even though a single legal instrument is used. The lack of uniformity in States responses could have legal and political consequences that extend beyond the immediate matter at hand. It creates a precedent where States may assert varying levels of authority in federal matters, leading to potential conflicts and severe challenges to sovereignty. Lack of consistency erode public trust in the legal system and further polarize political landscapes. The divergent responses to Trump's eligibility for the 2024 presidential election underline the need for a comprehensive and stable understanding of presidential immunity to uphold the principles of democracy and the rule of law.

The varying responses of states create challenges to legal consistency; this raises endless questions about the equal protection of laws and the application of federal regulations. The fragmented approach to presidential immunity undermine the principles of due process and equal protection, as future candidates may face different standards based on their geographical location. This inconsistency challenges the very fabric of the US legal system and requires a careful re-examination to curb such a negative divergence. A foundational principle of any legal system is its consistent application of laws to ensure fairness and justice. When States diverge in their responses to a singular situation, it raises concerns about the integrity of the legal process. The rule of law, designed to provide predictability and stability, becomes endangered when States adopt conflicting stance on matters as significant as presidential immunity. While addressing the practical realities of State-Federal dynamics, resolving this issue necessitates a robust legal framework that establishes a consistent approach to presidential immunity, ensuring that States completely refrain from Federal related issues.

Effect on Voters Confidence

The inconsistency in State actions regarding Trump's eligibility may erode voters confidence in electoral processes. When citizens witnessed divergent approaches to a similar case, it could create cynicism about the fairness and impartiality of democratic system of governance. Lack of confidence undermines the foundational principles of democracy, where electorate expects and relies on a uniform policy application of rules to ensure a level playing field for all candidates. But a disparity action of this nature contributes to political schism by intensifying ideological divides. Political entities often quickly capitalized on issues of this nature and leverage differences to advance their agendas, framing the issue as a partisan initiative. Such polarization has the potential to deepen existing divisions among electorates, as individuals may align themselves based on the interpretation of their preferred candidates rather than on a shared commitment to uphold democratic principles. A cohesive nation relies on shared values and a common understanding of democratic norms. When individual States adopt divergent positions on critical matters like presidential conduct and or immunity, it introduces elements of disunity that could severely undermine the fabric of the nation. Maintaining democratic legitimacy requires addressing these challenges to ensure the electoral process is perceived as equitable, just, and fair.

Federal-State Constitutional Approach

The exploration of formalism in constitutional theory invites a reflection on the interpretative approaches within legal realms. There have been endless challenges on, and whether the notion of a single fixed conception of interpretation, such as the intended meaning, can comprehensively guide legal analysis, is often dangling (Sunstein, 2017). This perspective has direct relevance to the Trump case, where the question of interpreting the constitutional implications of the January 6 riot should involves multifaceted considerations. As such, there is a need to transverse beyond rigid definitions and acknowledge that interpretations involves a nuanced understanding of the whole, constitutional order, and the effects of different approaches. Due to this unsteadiness, matters that have therein traits of federal features should be left for institutions that can help to ensure national legal stability. This is salient since constitutional interpretation is often than not, influenced by ideologies, traditions, environment, subjectivism, relativism, objectivism, media, emotions, morals, interests, popular opinions, ties, affiliations, believes, etc. The elements of influence varies extensively, thus, decisions arrived at by different States using the same constitution abound to be unidentical. It is a low for democracy which pride itself in fostering unity in diversity; however, in a chaotic judicial situation like this, there is no convergent point.

The determination of whether the January 6 riot constitutes a federal crime or a state crime carries significant implications, particularly concerning jurisdiction and the subsequent application of Section 3 of the 14th Amendment. The pivotal factor lies in discerning whether the insurrection took place at a federal institution or a State institution. The 5th Amendment's protection against Double Jeopardy underscores the necessity of clarifying the nature of the offense. Before invoking the Disqualification Clause, it becomes imperative to establish the jurisdiction with regards to the location of the riot and the nature or category of property touched. This must first be established in order to ascertain who has authority and jurisdiction to hear the case. If the insurrection occurred within a State's boundaries and or was at a State property, the State concerned would possess jurisdiction to apply the Disqualification Clause. Even at this, other States may decide to either follow suites or not to. This could be so since the inherent ambiguity in the Constitution gives room for lapses by the simple fact that it failed to stipulate or define what truly should be considered an insurrection or rebellion.

After careful evaluations, evidently, there are numerous dissimilar inter-States judicial decisions for Trump's case pertaining to the January 6 riot; as such I termed such a mixed-up in a legal system as: "Passive Parallel Judicial Conflict – PPJC."

I defined PPJC as a rare occurrence within a legal system where opposing and varied outcomes emerges from a single legal matter, despite the use of a unified legal framework, or the same legal instruments, or the same constitution. PPJC is therefore, characterized as the lowest low in a legal system.

For Trump's case, PPJC becomes evident as different States rendered dissimilar decisions for a single case despite using the same constitutional clause. This divergence highlights the challenges of aligning States actions in the absence of a clear constitutional directive. The Supremacy Clause should ideally guide these dissimilarities, but the ambiguity in the Constitution regarding insurrection is one of the major causes prompting States to self interpret to apply the law independently and variedly. The Constitution's lack of a precise definition for what should be considered as an insurrection grants States leeway in interpreting the term, leading to diverse judicial perspectives which makes PPJC inevitable. To theoretically and contextually navigate this complex scenario, it is crucial to ascertain whether the Capitol, the site of the assumed insurrection, qualifies as a Federal or State property. Article III, Section 2 of the Constitution, which defines the scope of federal judicial power, comes into play. Cases arising under the Constitution, Laws, and Treaties of the United States fall within the jurisdiction of Federal Institutions. The Supremacy Clause further reinforces the primacy of federal laws over State laws in cases of conflict of interests, this helps to evade PPJC or Double Jeopardy – 5th

Amendment.

The complexity deepens when considering the unique nature of the January 6 riot, which unfolded at the Capitol, an iconic symbol of federal governance. The distinction between Federal and State jurisdiction must be decisive, and the implications extend beyond the immediate legal ramifications. Presidential elections, while conducted by States, inherently bear federal significance. This is a distinctive feature that underscores the federal nature of the electoral process. The Constitution's assignment of the responsibility for conducting presidential (senatorial and congressional) elections to individual States does not diminish the federal character of the outcome, as the President of the United States is a federal office holder. This nuance adds a layer of intricacy to the classification of events related to electoral processes, such as the acclaimed insurrection on January 6.

States may leverage the open gap in defining insurrection to implement Section 3 of the 14th Amendment more readily on elections whose outcomes are contained within their boundaries. Gubernatorial, Secretary of State, States legislative and county-level elections, are confined to States jurisdiction, and become arenas where States might find it easier to invoke the Disqualification Clause. Exploration of constitutional ambiguity projects challenging scenarios where States wield varying degrees of authority to interpret and apply Section 3 of the 14th Amendment but because January 6, straddles Federal and States domains, the delineation of jurisdiction becomes paramount to shun the superfluous of States employing the 14th Amendment's Section 3 selectively. As a result, the January 6 incident at the Capitol becomes emblematic to the broader struggle to reconcile future States versus Federal authority struggles on matters of insurrections.

The central argument here revolves around the notion that a holistic reading of the Constitution is imperative in understanding the full meaning of its texts. An intra-textual approach encourages interpreters to consider the relationships between different clauses, by moving beyond isolated interpretations of the specific clause of interest –14 Amendment's Section 3. The case of Trump, where questions of executive authority, presidential immunity, and the events of January 6 criss-crosses, an intra-textual approach becomes pertinent. Trump's actions and or inactions did not come from an ordinary citizen. The US constitution confers on the chief Executive, powers that cover all actions that he takes while in office. It implies the actions of a sitting president are not independent from the Overall office. This approach discourages a reductionist view of isolated clauses, prompting a more comprehensive interpretation. Because of this, States institutions are rendered powerless as they do not have jurisdiction to interpret and apply all clauses in the constitution.

In the federal vs. states power struggle inherent in the Trump case, the requisite to think and look outward becomes crucial. The constitutional order is severely tested when considering whether Federal or State entities have the authority to adjudicate matters of presidential conduct, meanwhile, this should not be the case, democracy functions under well prescribed established principles. It is prominent to prompt legal practitioners and scholars to question which interpretative approach would enhance, rather than undermine constitutional order (Sunstein, 2017). The struggle for power between the federal government and individual States stresses the need for a careful consideration of interpretative approaches. A proposition to evaluate these approaches based on their contribution to a better constitutional order invites an elaborate examination. As the legal system grapples with the aftermath of the January 6 riot, a thoughtful and outward-looking approach to interpretation becomes paramount. Judges, lawyers, and politico-legal scholars must deliberate on which interpretative framework would strengthen the constitutional fabric. Care should be taken in order not to establish a precedent that would foster judicial instability in the future where judicial boundaries may be stumbled upon and broken, causing a Berlin Wall like plummet. A comprehensive mechanism and emphasis on choosing suitable approaches that enhances constitutional order offers a guiding principle for practitioners from all walks of life to navigate

complex terrains.

Abridgement

The illegal incident of Abraham Lincoln occurred when the US democracy was still at its democratic babyhood stages. The historical resonance of Lincoln's era, underscores the evolution of the United States from democratic infancy to a state of political maturity. The analogy drawn from the tumultuous period and the January 6 riot sheds light on the enduring struggle to delineate Federal and State jurisdictions. Drawing from this analogy, the January 6 incident becomes a poignant illustration of the contemporary struggle which should be exploited to establish a clear demarcation of jurisprudence. This symbolically aligns with the notion that, as a nation has attained political maturity its constitutional principles should likewise mature to meet the demands of contemporary complexities. The echoes of history and the challenges of the present converge, emphasizing the need for a resolute commitment to the principles that underpin the nation's constitutional fabric.

Addendum: *Anatomy of Anti-SCOTUS Discourse*

This research was concluded several months prior to the SCOTUS decision. Given the typically protracted publication process for scientific works, the SCOTUS ruling was issued while the manuscript was still undergoing peer review. Consequently, it becomes imperative to explore the implications of the SCOTUS decision during the proofreading process of the accepted paper. Following the acceptance of the paper for publication, the journal afforded the author the opportunity to review and address emerging arguments in response to the SCOTUS decision which squarely aligns with my research analysis. In the hallowed halls of academia, where the pursuit of truth reigns supreme, the clash of ideas is an ever-present phenomenon. Nowhere is this clash more evident than in the realm of political constitutionalism and constitutional law, where scholars and jurists engage in spirited debates over the interpretation and application of the law. Politico-Legal issues encapsulate such debate and have captured the attention of legal scholars and pundits alike: the fallout from a landmark Supreme Court decision that sent shockwaves through the legal community. In a unanimous ruling, the Supreme Court of the United States (SCOTUS) handed down a verdict that reverberated across the nation, upending conventional wisdom and igniting fierce debates among legal scholars and political commentators — a topic that has been the subject of intense scrutiny and scholarly inquiry for generations.

In the aftermath of the SCOTUS decision, a vocal contingent of legal scholars and pundits emerged, vehemently opposing the Court's ruling and decrying it as a betrayal of constitutional principles. Anti-SCOTUS decision advocates, led by luminaries such as J. Michael Luttig and Laurence H. Tribe, wasted no time in denouncing the decision in the court of public opinion. Through op-eds, articles, and media appearances, they sought to sway public opinion and shape the narrative surrounding the SCOTUS decision.

The SCOTUS decision to keep Trump on the ballots which overrule States decision has ignited a maelstrom of scholarly discourse, with divergent voices clamoring to dissect its implications. Amidst this cacophony, anti-SCOTUS decision advocates, typified by the likes of Luttig and Tribe, have emerged as vocal dissenters, decrying the ruling with fervent zeal. This scientific expedition is meant to unravel the epistemic fallacies and ideological biases that underpin their dissent. The resistance to the decision underscores a broader issue in academic discourse: the prioritization of personal beliefs over empirical evidence and judicial precedent. Such tendencies defy the principles of scientific inquiry, hindering intellectual progress and impeding meaningful dialogue. This trend of absolutism in scholarly discourse is troubling, as it overlooks the inherent complexity of legal issues and eschews nuanced analysis. Instead of engaging critically with the merits of the decision and reassessing their own analyses in light of new evidence, scholars like Luttig, Tribe, etc. adhere rigidly to preconceived notions and ideological biases. This absolutist mentality resembles religious dogma, where beliefs are regarded as immutable and beyond question, irrespective of contradictory evidence.

I grouped this category of scholars/practitioners under one umbrella and called them: Anti-SCOTUS Decision scholars because they have projected very strong convictions that right is right or decisions are good only when it aligns with their assertions, by dismissing any divergent perspectives as wrong. Such absolutism undermines the pursuit of knowledge and scientific advancement by privileging personal convictions over empirical evidence. By disregarding the new premise established by the unanimous SCOTUS decision, these scholars erode the credibility of academic research and compromise scholarly integrity. Rather than critically evaluating the merits of the decision and reassessing their own analyses in light of new evidence, Luttig and Tribe (2024) cling to their preconceived notions and ideological biases. The reluctance to acknowledge the validity of scientific findings validated by empirical evidence impedes intellectual progress and stifles meaningful dialogue within the academic community. This underscores a troubling trend of persistent absolutism in scholarly discourse. Instead of recognizing the inherent complexity of legal issues and the need for nuanced analysis, some scholars adopt a rigid, black-and-white approach that brooks no scientific dissent because they always want to be right even if it means against all odds.

At the heart of the anti-SCOTUS decision narrative lays a tapestry of rhetorical flourishes and ideological posturing, obscuring underlying scientific inquiry. Luttig and Tribe's lamentations reverberate with indignation, yet upon closer inspection, their arguments unravel like a poorly woven tapestry. Their invocation of the Fourteenth Amendment's purported betrayal belies a fundamental misunderstanding of constitutional jurisprudence (Luttig & Tribe, 2024), akin to the missteps of a novice alchemist seeking to transmute base metal into gold. By casting aspersions on the judiciary's fidelity to the Constitution, they unwittingly reveal their own ideological biases, akin to the fallacy of petitio principii, where the conclusion is presupposed in the premises. Their premise which they expected to be the conclusion was that the SCOTUS decision should be a mere mirror of States decisions. But Politico-Legal studies don't work as such. The nuances and intersections of Politics and Law must be well explored and understood before arriving at any decision, irrespective of established premises. Meaning, known premises from lower courts or States do not necessarily serves as sole precedents.

A closer examination of the arguments put forth by anti-SCOTUS advocates reveals a myriad of fallacies and logical inconsistencies that undermine their credibility and intellectual integrity. Chief among these fallacies is the tendency to prioritize ideological beliefs over empirical evidence and judicial precedent, thereby subverting the principles of scientific inquiry and rational discourse. For instance, Luttig and Tribe's assertion that the SCOTUS decision constitutes a "stunning disfigurement" of the Fourteenth Amendment is a gross mischaracterization that betrays a fundamental misunderstanding of Political Constitutionalism and Constitutional Law. By invoking lofty rhetoric and emotive language, they seek to evoke an emotional response from readers rather than engaging in reasoned debate based on legal principles and precedent.

They demonstrate a glaring lack of understanding of the role of political philosophy in judicial discourse and analysis. By reducing complex legal issues to simplistic binaries of right and wrong, they oversimplify the nuanced nuances of constitutional interpretation and jurisprudence. In reality, the judiciary occupies a unique position within the tripartite system of government, tasked with the solemn duty of upholding the rule of law and safeguarding the principles of democracy. It becomes increasingly evident that they fail to grasp the inherent interplay between law and politics, viewing the judiciary through a narrow lens devoid of historical context and institutional dynamics. Democratic institutions, including the judiciary, are inherently political entities imbued with the power to shape public policy and influence the course of governance. To divorce law from politics is to ignore the intricate web of power relations and institutional dynamics that underpin the legal system. In contrast to the ideological fervor of anti-

SCOTUS decision advocates, proponents of scientific inquiry adhere to a rigorous methodology grounded in empirical evidence and logical reasoning. By subjecting their hypotheses to scrutiny and testing them against available data, scientists seek to uncover the underlying truths that govern the natural world. Similarly, legal scholars engaged in the pursuit of truth must approach their inquiries with intellectual humility and a commitment to objective analysis, free from the constraints of bias and preconceived notions.

Scientific Resilience Amidst Ideological Tempests

In stark contrast to the ideological fervor of Anti-SCOTUS Decision advocates, this research stands as a bastion of scientific inquiry, fortified by the twin pillars of empirical evidence and judicial precedent. Through a meticulous analysis of constitutional principles and legal doctrines, this paper navigates the labyrinthine corridors of jurisprudence with the precision of a seasoned cartographer – Political Cartography. The unanimous nature of the SCOTUS decision serves as a testament to the robustness of the legal reasoning underpinning this research, akin to the crystalline lattice of a diamond forged under immense pressure.

Navigating the Nexus of Law and Political Philosophy

Central to the discourse surrounding the SCOTUS decision is the intersection of law and political philosophy, where abstract principles collide with concrete realities. Anti-SCOTUS Decision advocates, ensconced in their ivory towers of ideological purity, fail to appreciate the dialectical tension inherent in constitutional interpretation. Their rejection of judicial precedent in favor of ideological expediency smacks of hubris, akin to the hubris of Icarus soaring too close to the sun. In contrast, my research adopts a nuanced approach, navigating the tumultuous waters of legal theory and Political philosophy with the sagacity of Odysseus charting his course amidst the sirens' song.

The Imperative of Scientific Integrity

In the crucible of academic discourse, scientific integrity stands as an immutable beacon, guiding scholars through the murky depths of ideological bias. Anti-SCOTUS Decision advocates, ensnared in the snares of confirmation bias, veer perilously close to the precipice of epistemic nihilism. By privileging personal beliefs over new judicial evidence, they sow the seeds of intellectual stagnation, akin to the fallacy of argumentum ad antiquitatem, where the mere antiquity of an idea is mistaken for its validity. In contrast, this research upholds the principles of scientific integrity with unwavering resolve, charting a course towards intellectual enlightenment amidst the tumultuous seas of ideological discord.

Luttig and Tribe (2024) were quick to denounce the ruling without engaging in rigorous analysis or empirical inquiry. Their assertion that the SCOTUS decision represents a betrayal of democracy is unfounded and lacks scientific support. Their failure to engage in thorough analysis and reliance on ideological rhetoric undermine the credibility of their arguments and highlight the dangers of ideological bias in academic discourse. Furthermore, it is necessary to re-emphasize that their absolutist mentality mirrors religious dogma, where beliefs are considered immutable and beyond question, regardless of contradictory evidence or rational argumentation.

In synopsis, the addendum has embarked on a scientific odyssey to unravel the fallacies of Anti-SCOTUS Decision advocates, exposing the ideological biases that underpin their dissent. Decisions from National institutions must be given the credit they deserve, even when a decision is contrary to one's expected outcome. This is political civility. This research stands as a testament to the enduring power of scientific inquiry in the face of ideological tempests. Moving forward, it is imperative that scholars heed the clarion call of scientific integrity, charting a course towards intellectual enlightenment amidst the turbulent seas of ideological discord.

The fallacies of anti-SCOTUS decision advocates underscore the importance of upholding the principles of scientific inquiry and rational discourse in the pursuit of truth. By exposing the

logical inconsistencies and ideological biases that underpin their arguments, scholars can elevate the level of debate and foster a more enlightened understanding of political constitutionalism, constitutional law and jurisprudence. In the words of Justice Louis Brandeis, "Sunlight is said to be the best of disinfectants." As we shine the light of reason and evidence on the fallacies of Anti-SCOTUS Decision discourse, let us strive to uphold the integrity of the legal system and the principles of democracy for generations to come. Through a critical examination of their assertions, it becomes evident that their arguments lack scientific rigor and are steeped in ideological bias. By contrast, this research adheres to the principles of scientific inquiry, grounding its conclusions in political evidence and judicial precedent. This research adheres to the principles of scientific inquiry, grounding its conclusions in rigorous analysis and empirical evidence. The unanimous nature of the SCOTUS decision underscores the validity of the legal reasoning and the reliability of the conclusions drawn in this study. By prioritizing scientific integrity over ideological bias, this research contributes to the advancement of knowledge and the promotion of intellectual progress within the academic community, reaffirming the importance of scientific rigor and intellectual integrity in academic discourse. Moving forward, it is imperative that scholars prioritize scientific integrity over ideological bias and engage in constructive discourse/research based on empirical evidence and rigorous analysis and not preconceived knowledge. Anything short of this exemplifies tendencies and a mindset that is antithetical to the principles of scientific inquiry.

The unanimous ruling by all nine justices underscores the non-partisan nature of the decision and reinforces the impartiality and objectivity of my research paper. Had the decision been divided along partisan lines, Anti-SCOTUS Decision advocates like Luttig, Tribe, etc. would have wrongly politicized the outcome, by wrongly dismissing it as a product of ideological bias. However, the unanimity of the decision precludes such claims and lends further credence to the validity of my analysis. The unanimous nature of the SCOTUS decision underscores the depth of the politico-legal analysis imbued in this paper. My research serves as a definitive scientific piece on the intersection of law and separation of powers, and the role of federalism in the American legal system, reaffirming the primacy of federal authority in matters of national significance. Also, the unanimity of SCOTUS decision provides compelling support for the conclusions drawn in my research.

The validation of my research findings by the unanimous SCOTUS ruling underscores the robustness and reliability of my scholarly contributions to politico-legal studies. While some may continue to resist the implications of the SCOTUS decision, its unanimous nature leaves little room for doubt regarding the soundness of the legal reasoning and the validity of the conclusions drawn. As politico-legal scholars, we must maintain the importance of critically evaluating evidence; engage in constructive analysis, and upholding the principles of scientific inquiry. Rather than succumbing to absolutism and ideological rigidity, scholars must remain open-minded, receptive to new evidence, and willing to reassess their own analyses in light of empirical reality.

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