

THE NEW
REPUBLIC

The Stupid Reason Lindsey Graham Is Worried About Trump's Colorado Disqualification

Jason Linkins

Tue, December 26, 2023 at 11:36 AM EST · 3 min read

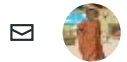


87



South Carolina Senator Lindsay Graham has taken a dim view of [a recent ruling by the Colorado Supreme Court](#), which determined former President Donald Trump was ineligible to run on that state's presidential ballot based on a straightforward reading of Section 3 of the Fourteenth Amendment to the U.S. Constitution, which precludes anyone who violated their constitutional oaths to hold future office. The court deemed that this applied to Trump based on the role he played on fomenting the January 6 attack on the Capitol. It will be up to the U.S. Supreme Court to either overturn this decision or let it stand.

In its unsigned decision, the court stated, "We are mindful of the magnitude and weight of the questions now before us. We are likewise mindful of our solemn duty to apply the law, without fear or favor, and without being swayed by public reaction to the decisions that the law mandates we reach." Graham's [contribution to that public reaction](#) is to assail the Colorado court decision for creating a "chilling" effect—presumably on future would-be despots since it's not clear who, outside of those determined to have gravely violated the public trust, would be bound by the precedent set by the Colorado decision.



said. “I think he will win the primary, he’s got a lot of good choices in the Republican Party, but this ruling in Colorado is chilling to me and it would set up a politicization of the presidential races. It would be bad for the country.”

As *The New Republic*'s Matt Ford [wrote last week](#), most of the critics of the ruling have “skipped past whether the decision was legally sound and went straight to whether it was a good idea politically,” offering little more than flimsy reasoning along the way. (Graham’s most interesting contribution to this body of work is to fret about “presidential races” getting “politicized.”) To Ford’s mind, a plain reading of the Constitution’s text makes it hard to dismiss the Colorado ruling as some kind of political stunt:

Though written in a bygone style of English, the meaning is fairly straightforward when you break it into its constituent parts.

Generally speaking, if someone has held a federal or state office and sworn an oath to support the Constitution and then subsequently taken part in an insurrection or rebellion, they are permanently ineligible from holding future federal or state office. The only remedy is an act of Congress; lawmakers passed one in 1872 to un-disqualify ex-Confederates in an attempt at national reconciliation.

If Graham is sincerely worried about the “chilling” effect that the ruling may have on future political candidates, he should take heart. “Section 3 has only come up in a few fleeting instances since the Civil War,” writes Ford. Indeed, in the rich history of American presidents and presidential candidates, only one figure—Donald Trump—seems to have run afoul of the Constitution in this manner. Moreover, the Republican Party seems to have several people running for president right this very minute who qualify for Colorado’s ballot and who needn’t worry about this court ruling. It would seem, in a final analysis, that the “one neat trick” to avoid the predicament in which Donald Trump has found himself is to simply not foment an insurrection.

[View comments \(87\)](#)









