

January 12, 2024

The case against the Maine Secretary of State

Maine Secretary of State (SOS) Shenna Bellows has committed a class B felony by violating Maine's ballot tampering law 21A 674.4. It says:

- A. *Tampers with ballots or voting lists or opens or breaks a seal of a sealed box or packages of ballots or voting lists with the intent the outcome of any election, except as permitted by this Title.*

It is plain to see that the ballot has been, or will be tampered with as Donald Trump's name will not be on it.

The SOS claims this authority under Maine 21A 371 & 375 whereby she is *instructed* to remove names from the ballot in the case of death or disqualification. The language used in the Sections is "*becomes disqualified*". The qualifications for President are detailed in Article 2, Section 1, Clause 5 of the US Constitution; they are to be a Natural Born Citizen, be at least 35 years old and lived in the US for 14 years. Clearly President Trump meets those requirements.

She has committed a felony by the unauthorized removal of a candidate from a ballot by using authority not granted to her under Maine 21A 371 and 375. Those sections are clearly purely administrative and they grant precisely zero authority to declare someone disqualified, only to remove someone when they "*become disqualified*".

The SOS is instead relying on an unprecedented argument that President Trump is guilty of insurrection as detailed in Section 3 of the 14th Amendment to the US Constitution.

The insurrection rationale for disqualification is even more egregious. Leaving aside whether or not President Trump is subject to Section 3 of the 14th Amendment, we must look at Section 5 of the 14th Amendment. It says:

The Congress shall have the power to enforce by appropriate legislation, the provisions of this Article.

This type of enabling language is a feature of the Constitution and it first appears in Article 1, Section 8's infamous Clause 18, the Necessary and Proper Clause. It says:

To make all Laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States or in any Department or officer thereof.

It is this Clause that gives Congress the power to legislate, to make laws regarding the powers ceded to the United States, by the several States (most of which are in Article 1, Section 8). We next see this type of enabling legislation in the 13th Amendment and again in the 14th Amendment (and several times again thereafter).

With the ratification of the 14th Amendment Congress gains the authority to make laws regarding insurrection, a power that until that point they did not possess; and what do they do? They make a law regarding insurrection. The statute is 18 USC 2383. Insurrection is not some indeterminate concept subject to the whims of the ill-informed, the weak or the malicious, it is the 'law of the land'.

Moreover, by removing President Trump from Maine's ballot the SOS has also violated President Trump's Civil Rights under the 5th 6th and 8th Amendments; the 5th by answering for a crime absent indictment, the 6th by answering for a crime without public trial, and the 8th by unusual punishment delivered absent charges, trial and conviction.

If a former President can be punished in this extra-judiciary fashion without the safeguards afforded us in the Bill of Rights then I am afraid our republic is lost.