

the Senate to accomplish, and thus the current proceeding before the Senate is *void ab initio* as a legal nullity that runs patently contrary to the plain language of the Constitution. Article I, Section 3 of the Constitution states “[j]udgment in cases of impeachment shall not extend further than to removal from office, *and* disqualification to hold and enjoy an office of honor...” (emphasis added). Since removal from office by the Senate of the President is *a condition precedent which must occur before*, and jointly with, “disqualification” to hold future office, the fact that the Senate presently is unable to remove from office the 45th President whose term has expired, means that Averment 1 is therefore irrelevant to any matter before the Senate.

2. Further, section 3 of the 14th Amendment to the Constitution prohibits any person who has ‘engaged in insurrection or rebellion against’ the United States from ‘hold[ing] any office...under the United States’.

Answer 2:

Admitted in part, denied in part, and denied as not relevant to any matter properly before the Senate. It is admitted that phrases from Section 3 of the 14th Amendment to the Constitution are correctly replicated in Averment 2. It is denied that the 45th President engaged in insurrection or rebellion against the United States. The 45th President believes and therefore avers that as a private citizen, the Senate has no jurisdiction over his ability to hold office and for the Senate to take action on this averment would constitute a Bill of Attainder in violation of Art. I, Sec. 9. Cl. 3 of the United States Constitution.