

Supreme Court, U.S.
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No. 24-617

In The
Supreme Court of the United States

JOE ALTER,

Petitioner,

v.

DONALD J. TRUMP,

Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the District of Columbia Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether *Alter v. Trump* sufficiently distinguishes itself from *Trump v. Anderson* such that the merits of the case should be considered by the Federal courts?
2. Whether an ordinary citizen has standing to challenge a former President's qualifications under Section 3 of the 14th Amendment in the Federal courts, in light of the Civil Rights Act, the Voting Rights Act, and the Elections Clause of the Constitution?

“We regard it as equally unquestionable that the right to have one's vote counted is as open to protection by Congress as the right to put a ballot in a box.” — *United States v. Mosley*, 238 U.S. 383 (1915) US Supreme Court

Does Petitioner Alter, therefore, have a reasonable expectation that the Federal government will count his vote and the votes of others who share his political interests, ensuring their votes are represented by lawful electors at the time of counting, untainted by acts of insurrection or fraudulent actions as described in the Insurrection Clause, the Civil Rights Act, and the Voting Rights Act?

PARTIES

Petitioner: Joe Alter is an ordinary citizen who voted in the 2020 Presidential Election, casting his vote for Joseph R. Biden, Jr. He personally witnessed violent acts and political intimidation, including the January 6, 2021, attack on the U.S. Capitol, an attack led by Respondent Donald J. Trump, which sought to disenfranchise legitimate electors and substitute fraudulent electors. Petitioner has no professional affiliation with any political party or outside interest groups. He is acting in his capacity as an individual citizen concerned about the integrity of the electoral process.

Respondent: Donald J. Trump, the former President of the United States, whose actions and conduct before and during the January 6 insurrection have raised questions regarding his qualification to hold office again under the 14th Amendment, Section 3.

RELATED PROCEEDINGS

1. Trump v. Anderson (U.S. Supreme Court, 2024)
23-719
2. Alter v. Trump (D.C. Circuit, 2024)
1:2024cv00478 Hon Judge Moss
3. Alter v. Trump (US Court of Appeals, for the
District of Columbia) 24-5132
4. Georgia v. Trump (23SC188947) Georgia State
Court Hon. Scott McCaffee
5. United States v. TRUMP (9:23-cr-80101) Hon.
Ayleen Cannon
6. United States v. TRUMP (1:23-cr-00257-TSC)
Hon. Tanya Chutkan (D.C.District Court)
7. Alter v. McConnell (US court of appeals, pending
in the 9th circuit) - 24-1276
8. Alter v. Gorsuch et al (US Court of Appeals,
pending in the 9th circuit) - 24-4113
9. Georgia v Trump (23SC188947) Georgia State
Court Hon. Scott McCaffee
10. United States v. TRUMP (9:23-cr-80101) Hon.
Ayleen Cannon

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Cases

<i>Dobbs v. Jackson Women’s Health Organization</i> , 142 S. Ct. 2228 (2022)	4, 6
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<i>Lance v. Coffman</i> , 549 U.S. 437 (2007)	3, 4
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Constitutional and Statutory Provisions

U.S. Constitution, Article III	2, 5
U.S. Constitution, Article VI, Clause 2	2
U.S. Constitution, 14 th Amendment, sec 3 . . .	2, 4, 6
Civil Rights Act	2
Voting Rights Act (1965)	2

OPINIONS BELOW

Alter v. Trump

United States District Court for the District of
Columbia, 1:24-00748 (RDM) (Randolph D Moss),
May 9, 2024

Alter v. Trump

(US Court of appeals for the DC Circuit) 24-5132,
September 4, 2024 – Panel : Katsas, Pan and Garcia

Alter v. Trump

(US Court of appeals for the DC Circuit) 24-5132,
October 15, 2024 – Panel : Katsas, Pan and Garcia

JURISDICTION

Mr. Alter's petition for rehearing to the panel of the US Court of Appeals for the District of Columbia was Denied on October 15, 2024 (App. C, p.7a), who rendered its original decision on September 4. Mr. Alter invokes this Court's jurisdiction under 28 U.S.C. § 1254, having timely filed this petition for a writ of certiorari within ninety days of the US Court of Appeals for the District of Columbia's judgment, as well as within 60 days of the Supreme Court Clerk's letter dated November 25, 2024 under Rule 14.5.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article VI, Clause 2, U.S. Constitution

Article III, Clause 2, U.S. Constitution

14th Amendment, U.S. Constitution, sec 3

Elections Clause, U.S. Constitution

Civil Rights Act

Voting Rights Act (1965)

STATEMENT OF THE CASE

Alter v. Trump presents a distinct legal issue from *Trump v. Anderson*. While *Trump v. Anderson* concerned whether a **state** could disqualify a candidate from its primary ballot under the 14th Amendment's Insurrection Clause, *Alter v. Trump* focuses on whether an individual citizen has standing to challenge a former President's eligibility to hold office under Section 3 of the 14th Amendment in Federal court. The *Trump v. Anderson* case did not address the substantive merits of Trump's disqualification but rather focused on state versus federal authority in the context of ballot access.

In contrast, *Alter v. Trump* raises constitutional questions concerning federal jurisdiction and standing, as well as the applicability of the 14th Amendment in

this specific context. Unlike *Trump v. Anderson*, the case does not ask a state court to act or interfere with state election law, but seeks a declaration from the federal judiciary about the constitutional qualifications of a candidate based on a specific set of past actions related to insurrection and rebellion.

This case is timely and critical for the future integrity of the electoral process, particularly as it pertains to the qualifications of candidates seeking to hold the office of the President of the United States.

ARGUMENT

I. The Petitioner Has Standing to Bring This Case Before the Federal Courts

In *Lance v. Coffman*, 549 U.S. 437 (2007), the Court discussed the narrow requirements for standing, emphasizing that a plaintiff must show a direct injury that is traceable to the defendant's actions. In *Laity v. Harris*, 2021 U.S. App. LEXIS 7061, the Court ruled that standing may be lacking if a plaintiff cannot establish a "chain of causation" linking the defendant's actions to the harm alleged. Here, Petitioner Alter's injury is directly tied to the actions of Respondent Trump, including the January 6 insurrection. Unlike the plaintiffs in *Lance* or *Laity*, who were unable to trace their injuries to specific actions of the defendant, Alter's claims are rooted in a direct constitutional injury—the undermining of his vote and the integrity of the electoral process due to the insurrection instigated by Trump.

The U.S. Court of Appeals for the D.C. Circuit dismissed Alter's claim for lack of standing, citing *Lance* and *Laity*, but this ruling fails to account for the unique facts of this case. Alter's standing is grounded in his position as an ordinary citizen whose vote and electoral rights were directly affected by the alleged actions of the former President.

From Alter's perspective *Trump v. Anderson* ceased to be related to Alter's interests (the subversion of his vote) when it abandoned addressing the merits of the alleged acts of Mr. Trump, when it was determined that The Supreme Court could not simply accept the merits as found by the Colorado State Supreme Court, because within the merits contain the damages that give Petitioner Alter standing, necessitating a Federal trial of the merits, and therefore this action in District Court.

II. This Court Has Jurisdiction to Review the Plain Meaning of Section 3 of the 14th Amendment, as does any Federal Court

Section 3 of the 14th Amendment, which prohibits individuals who have engaged in insurrection or rebellion from holding public office, is a clear constitutional provision. As Justice Alito noted in *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022), the Supreme Court must interpret the Constitution in accordance with its plain meaning, without overextending previous precedents that may conflict with the text.

Contrary to the reasoning in *Trump v. Anderson*, which suggested that enforcement of Section 3 is solely within Congress's domain, Section 3 provides for a clear constitutional disqualification of certain individuals. The role of the courts is to interpret and apply the Constitution, not to defer entirely to legislative or executive branches when their actions conflict with constitutional mandates.

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

(Article III)

Alter's claim does not seek enforcement of penalties or penalties beyond disqualification. It simply asks the Court to clarify and adjudge the meaning and applicability of Section 3 to Trump's actual alleged conduct. This is a matter of constitutional interpretation, not legislative or executive enforcement.

III. The Lower Courts Erroneously Interpreted the Scope of *Trump v. Anderson* and Denied Petitioner's Standing

it [Roe] devoted great attention to and presumably relied on matters that have no bearing on the meaning of the Constitution; it disregarded the fundamental difference

between the precedents on which it relied and the question before the Court; (Majority Opinion, *Dobbs v. Jackson* 597 U. S. Supreme Court 2022).

The Court's decision in *Trump v. Anderson* did not address the merits of the case under the 14th Amendment's Insurrection Clause and thus should not be read to bar federal courts from reviewing the substance of Petitioner Alter's claims in reference its veracity or to the plain constitutional meaning of 14sec3.

REASONS FOR GRANTING THE PETITION

This Court's review is necessary to resolve significant constitutional questions regarding the qualifications of a former President under Section 3 of the 14th Amendment. The lower courts have failed to adequately address the merits of Alter's claims, and the dismissal based on lack of standing is both erroneous and inconsistent with constitutional principles.

The public's right to an orderly and lawful electoral process is at stake, and this case presents an opportunity for the Court to clarify the application of Section 3 of the 14th Amendment, ensuring that those who engage in insurrection or rebellion are disqualified from holding office.

This case should be remanded back to the District Court and make its way through the normal federal

appeals process *unbound* by *Trump v. Anderson* or the US Court of Appeals panel finding that Alter lacks standing.

CONCLUSION

For the foregoing reasons, this Court should grant this Petition for Writ of Certiorari.

Respectfully Submitted,

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