

Opinion of BARRETT, J.

SUPREME COURT OF THE UNITED STATES

No. 23–719

DONALD J. TRUMP, PETITIONER *v.*
NORMA ANDERSON, ET AL.

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF COLORADO

[March 4, 2024]

JUSTICE BARRETT, concurring in part and concurring in the judgment.

I join Parts I and II–B of the Court’s opinion. I agree that States lack the power to enforce Section 3 against Presidential candidates. That principle is sufficient to resolve this case, and I would decide no more than that. This suit was brought by Colorado voters under state law in state court. It does not require us to address the complicated question whether federal legislation is the exclusive vehicle through which Section 3 can be enforced.

The majority’s choice of a different path leaves the remaining Justices with a choice of how to respond. In my judgment, this is not the time to amplify disagreement with stridency. The Court has settled a politically charged issue in the volatile season of a Presidential election. Particularly in this circumstance, writings on the Court should turn the national temperature down, not up. For present purposes, our differences are far less important than our unanimity: All nine Justices agree on the outcome of this case. That is the message Americans should take home.