

# Trump Colorado ballot case backfiring

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By Terry A. Hurlbut

December 23, 2023



The case of *Anderson v. Griswold*, or the Trump Colorado ballot case, is still in the news today. But this does not please those who brought the case or wanted someone to bring similar cases. True enough, many of the principals still believe they are doing justice, however illogical and spiteful that might sound. But the rest of the country is reacting in anger, and already the proponents begin to know it. A consensus is now setting in, that the Colorado Supreme Court jumped the gun (or the shark), and that the principals have done nothing except to ensure the nomination, and eventual reelection, of President Donald J. Trump.

## Legal eagles excoriate the Colorado Supremes

I fear all we have done is to awaken a sleeping giant and fill him with a terrible resolve.  
*Actor Sō Yamamura, as Vice-Adm. Isoroku Yamamoto IJN, in Tora! Tora! Tora! (1970)*

Many lawyers have weighed in after the opinion in *Anderson* came out.

Almost all of them have said the Colorado Supreme Court judged the case incorrectly. Lanny Davis, an adviser to two Presidents, agreed with Chief Justice Brian Boatright's dissent in the case. He might as well have agreed with all three dissents, for they all said the same thing. Namely that none of the Colorado courts even tried to have a trial of Trump on a charge of

insurrection. Instead they accepted, uncritically, the report of the House January 6 Committee – or a *dictionary* definition of the word *insurrection*. The process, says Davis, denied Trump due process of law.

Alan Dershowitz furiously condemned the decision as “anti-democratic,” “unconstitutional,” and “absurd.” (Prime source: Tim Haines at *RealClearPolitics*.)



[Watch Video At:](#)

[https://youtu.be/T6-lZtJI\\_kl](https://youtu.be/T6-lZtJI_kl)

He maintained that disqualifying a President from running for office again requires impeachment, not a court trial. (Trump has faced impeachment – twice – and gained acquittal each time.) Furthermore, Amendment XIV Section 5 gives to Congress – and only Congress – the power to enforce any other section. Finally, this decision effectively deprives Coloradans the right to vote for him if they so choose. (Actually, it’s stayed until January 4 – or until the Supreme Court acts, if anyone asks it to act.)

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## Former administration lawyers weigh in

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Former U.S. Attorney General Bill Barr told CNN (according to Jim Hoft at *The Gateway Pundit*) that the court was wrong to find facts that had not been tried by a jury. In fact he called the proceedings a “procedural Frankenstein.” But his greatest fear was how the people would react to it, and how Trump could play it.

I think this kind of action of stretching the law, taking these hyper-aggressive positions to try to knock Trump out of the race, are counterproductive. They backfire. As you know, he feeds on grievance just like a fire feeds on oxygen, and this is going to end up as a grievance that helps him.

The federal government, said Barr, should have set up the procedure.



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<https://youtu.be/qiiyPek8Pbs>

Of course, no one thus far has commented on the effects of the Amnesty Acts of 1872 and 1898. Those Acts, especially the 1898 Act, should apply in perpetuity, as CNAV has said [here](#) and [here](#).

Jonathan Turley made an even stronger statement.

This country is a powder keg and this court is just throwing matches at it.

Jonathan Turley is fed up:

"This country is a powder keg and this court is just throwing matches at it. This is hands down the most anti-democratic opinions I've seen in my lifetime." [pic.twitter.com/04TaVn1oat](https://pic.twitter.com/04TaVn1oat)— Citizen Free Press (@CitizenFreePres) [December 20, 2023](#)

Furthermore, Ty Cobb, a former White House lawyer, [told The Hill](#) he expected the U.S. Supreme Court to vote 9-0 to reverse, on the theory that a President is not an "officer" within the meaning of Amendment XIV Section 3.

## Retaliation, by Trump and his friends

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Officer or no, Trump has friends, and those friends are already preparing to retaliate. Colorado's Republican Party has threatened to cancel the primary and run caucuses, with which the State could not interfere.

You won't have to because we will withdraw from the Primary as a Party and convert to a pure caucus system if this is allowed to stand.— Colorado Republican Party (@cologop) [December 20, 2023](#)

Grant Stinchfield [suggested](#) on his streaming show that Trump hold a rally in Colorado to show the strength of his support.

Lt. Gov. Dan Patrick (R-Texas) suggested Texas might exclude Joe Biden from the general election ballot by reason of his failure to protect Texans from the 8 million migrants who have illegally crossed the U.S.-Mexican border. ([Source: The Hill.](#))

Texas Lt. Gov [@DanPatrick](#) flips script on Democrats after Trump gets barred from ballot in Colorado:

"Maybe we should take Joe Biden off the ballot in Texas for allowing 8 million people to cross the border since he's been President."

[pic.twitter.com/k9IyAckEcM](#)— Benny Johnson (@bennyjohnson) [December 20, 2023](#)

Wayne Allen Root suggested [three ways](#) Republicans could retaliate:

1. Remove President Joe Biden from the ballot in every State under Republican control. They could charge him with failure to protect against invasion, as Article IV Section 4 requires.
2. Have State Attorneys General indict Biden, Vice-President Kamala Harris, and SecHomeSec Alexander Mayorkas on treason charges.
3. Hold a Trump rally in Colorado, as Grant Stinchfield suggested.

Jim Hoft [reported this morning](#) that one Republican State Representative each from Pennsylvania, Georgia and Arizona are introducing legislation to exclude Biden from the ballot in their respective States. (Prime source: [Breitbart.](#)) One of them (Cory McGarr of Arizona) released a joint statement:

Biden is leading an insurrection on the border. Time to remove him from the ballot. [pic.twitter.com/DS4ATDkAe5](#)— Cory McGarr (@CoryMcGarr) [December 22, 2023](#)

## Popular reaction

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But even without such retaliation, the people seem to be lining up on Trump's side. Jim Hoft, this morning, reported poll results showing Trump leading among voters between the ages of 18 and 34 inclusive.

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MORNING CONSULT POLL: Trump now leads Biden among 18- to 34-year-olds, and Biden continues to lose support among Black and Hispanic voters. Trump also maintains a narrow edge among independents. [pic.twitter.com/AVwU9II70w](https://pic.twitter.com/AVwU9II70w)— Election Wizard (@ElectionWiz) December 22, 2023

So about that Nikki Haley "surge" in New Hampshire.

New poll shows Donald Trump over 50% and with a dominant lead over the field in the Granite State.

. [pic.twitter.com/CTwDy21NOX](https://pic.twitter.com/CTwDy21NOX)— Vince Manfeld (@AureliusStoic1) December 21, 2023

Fox News Host Greg Gutfeld laughed at Democrats for "opening Pandora's box."

So thankfully, much like Joe without his rubber soled shoes, this almost certainly won't stand. But what's sad and amazing is if Donald Trump had not swung the Supreme Court, it could have. That's tragic and scary because as the Colorado Supreme Court accuses Trump of insurrection and election interference, today's Democratic Party should hold that thought. You opened a Pandora's Box that would make the Unabomber sue you for plagiarism.



[Watch Video At:](#)

<https://youtu.be/n2cnORWz8Pk>

## Other news related to Trump and ballot access

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Yesterday Cullen Linebarger listed sixteen States where Democrats are trying to keep Trump off the ballot. Working from this map by Lawfare Media, he came up with these names:

1. Alaska
2. Arizona
3. Maine
4. Michigan
5. Nevada
6. New Jersey
7. New Mexico
8. New York
9. Oregon
10. South Carolina
11. Texas
12. Vermont
13. Virginia
14. West Virginia
15. Wisconsin
16. Wyoming



Scratch West Virginia; Jim Hoft reported today that Judge Irene Berger of the West Virginia District Court dismissed that lawsuit. The lawsuit came from a Texas resident and write-in candidate for President. Judge Berger flatly accused him of running in bad faith.

West Virginia Federal Judge Irene Berger declares that I'm running for President "in bad faith" to "manufacture" standing.

So if I was a corrupt POS running for President to enrich myself and corporate oligarchs, they'd find "good faith."

But because I'm running for President... [pic.twitter.com/RiLq2JRX1T](https://pic.twitter.com/RiLq2JRX1T)— 🇺🇸 John Anthony Castro (@realJohnACastro) December 21, 2023

Courts in Minnesota, Florida, New Hampshire and Rhode Island have also dismissed attempts to remove Trump from the ballot. Mr. Castro withdrew his suit in California, but Lt. Gov. Eleni Kounalakis (D-Calif.) asked California Secretary of State Shirley Weber, in writing, whether California could still keep Trump off its ballot.

On the other hand, the Democratic Parties of Florida, Tennessee, North Carolina and Massachusetts will have Joe Biden's name *only* on their primary ballot. Challenger Marianne Williamson protested.

[@stevekerrigan](#) Dem Chair Steve Kerrigan's misplaced attempt at protecting Joe Biden robs Massachusetts Democrats of their voice and choice in the upcoming election.

This action is a flagrant violation of DNC rules and process. 2/4— Marianne Williamson (@marwilliamson) December 20, 2023

Florida, Tennessee, North Carolina, now Massachusetts...

This is a pattern and we cannot let it stand. 4/4— Marianne Williamson (@marwilliamson) December 20, 2023

## Summary

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In sum, the Trump Colorado case has done nothing but turn a sleepy story into an active one. Admiral Yamamoto might – or might not – have said what that movie actor portrayed him as saying. But he could have been speaking of the Democratic Party today, as well as the Imperial Japanese Navy. Democrats have indeed awakened a sleeping giant and filled him with a terrible resolve.

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