



Written by [James Murphy](#) on November 19, 2023

## Colorado Judge Nixes Bid to Keep Trump Off Ballot, but Says He Incited “Insurrection” With “Coded Language”

On Friday, the Colorado judge presiding over an [effort](#) to remove former President Donald Trump from the 2024 presidential ballot in the state rejected that bid. Judge Sarah Wallace ruled that Trump did not meet the requirements laid out in Section 3 of the 14th Amendment, which the left-wing group Citizens for Responsibility and Ethics in Washington (CREW) contended disqualified him from running for office again.

Wallace did rule that Trump engaged in an insurrection on January 6, 2021, but since he is not currently an “officer of the United States,” he could not be included on the list of individuals that could be barred from running for office.



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“While the Court agrees that there are persuasive arguments on both sides, the Court holds that the absence of the President from the list of positions to which the Amendment applies combined with the fact that Section Three specifies that the disqualifying oath is one to ‘support’ the Constitution whereas the Presidential oath is to ‘preserve, protect and defend’ the Constitution, it appears to the Court that for whatever reason the drafters of Section Three did not intend to include a person who had only taken the Presidential Oath,” Wallace wrote in her [ruling](#).

Wallace’s ruling that Trump engaged in insurrection was based largely on tweets that Trump posted in the weeks leading up to January 6.

“The Court finds that on December 19, 2020, when Trump tweeted ‘Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6. Be there, will be wild!’ he knew he had lost the election, and he knew there was no basis for Vice President Pence to reject the States’ lawfully certified electors.”

According to Wallace, Trump’s tweet was responsible for “focusing the anger” of right-wing forces:

The Court also finds that Trump’s December 19, 2020 tweet focused the anger he had been sowing about the election being stolen on the January 6, 2021, joint session. The message he sent was that to save democracy, his supporters needed to stop the January 6, 2021 joint session.

Wallace found that Trump repeated this “call to insurrection” several times in subsequent weeks, writing, “Trump repeated his invitation to come to Washington, D.C. on January 6, 2021 at least a dozen



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times.”

She also determined that Trump’s speech on January 6 added fuel to the “insurrection” fire by the use of “coded language.”

“Trump’s speech took place in the context of a pattern of Trump’s knowing ‘encouragement and promotion of violence’ to develop and deploy a shared coded language with his violent supporters.... [He] understood the power that he had over his supporters,” Wallace surmised.

Despite these conclusions, though, Wallace held that Trump could not be barred from inclusion on the ballot in 2024, as she was disinclined to support an interpretation that “would disqualify a presidential candidate without a clear, unmistakable indication that such is the intent of Section Three.”

So, it seems that the judge would have liked to remove Trump from the ballot, but couldn’t in good conscience be moved to do it. Instead, she offered the correct ruling while at the same time giving left-wing ideologues some judicially approved talking points on which to base their coming appeal.

The plaintiffs wasted no time jumping on Wallace’s conclusion of “insurrection.”

“The court’s decision affirms what our clients alleged in this lawsuit: that Donald Trump engaged in insurrection based on his role in January 6th,” [said](#) Noah Bookbinder of CREW.

“When we filed this case, we knew it likely would not end at the district court level. We will be filing an appeal to the Colorado Supreme Court shortly. Today was not the end of this effort, but another step along the way,” he added.

Trump addressed the ruling in a speech in Iowa on Saturday: “CREW, did you ever hear of CREW?” Trump asked. “Bunch of losers.”

“There was an outrageous attempt at disenfranchising millions of voters by getting us thrown off the ballot,” he told a raucous crowd. “In the end [Judge Wallace] saw the light.... In the end, the judge said we can’t do that.”

“We have now beaten the radical-left Democrats’ election-rigging, ballot qualification scam in Colorado, Michigan, Minnesota, and New Hampshire,” [Trump declared](#).

[Minnesota](#) and [Michigan](#) have already denied the long-shot effort to have Trump removed from the upcoming presidential ballot. Trump’s attorney Scott Gessler cited those cases in his closing argument, saying there is “an emerging consensus here within the judiciary across the United States” to allow Trump to remain on the ballot.



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