



ACLJ: SCOTUS Should Toss Colorado Ruling Against Trump

[In its final brief](#) filed before oral arguments are heard tomorrow in *Trump v. Anderson*, the American Center for Law and Justice (ACLJ) delivered the death knell to the Colorado Supreme Court's ruling against Trump: The states, under the 14th Amendment, have no power to enforce Section 3.

Complaints filed through the efforts of the far-left Citizens for Responsibility and Ethics (CREW) focus only on the relevant parts of Section 3 of the 14th Amendment:



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No person shall ... hold any office ... under the United States ... who, having previously taken an oath ... as an officer of the United States ... shall have engaged in insurrection or rebellion against the same.

According to CREW, Trump held the office of president. He took an oath. He engaged in insurrection. Game over. The Deep State can relax.

Not so fast. In ACLJ's initial brief the public-interest law firm obliterated CREW's conclusions: Trump was not an "officer," the oath he took differs from the ones taken by other government officials, and he never engaged in insurrection.

Lawyers for CREW, representing the six plaintiffs the group recruited, failed to mention Section 5 of the 14th Amendment, which states simply, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The argument the ACLJ presented (and expanded in its 22-page response to arguments presented by CREW) was elegantly simple:

The Constitution does not allow states to seize authority and decide the 2024 presidential election.

The Anderson Respondents have focused their brief on the events of January 6, 2021, arguing that those events were especially egregious and are the "central issue" in this case...

They are wrong.

The central issue here is the more fundamental question of who has authority to decide questions of disqualification based on "insurrection."



Written by [Bob Adelman](#) on February 7, 2024

Section Three of the Fourteenth Amendment applies only to those categories of people specifically delineated, and the Constitution does not grant individual litigants [like those recruited by CREW], states, or state officials, authority to decide presidential elections.

The Constitution vests authority in Congress, alone, to enforce Section Three.

The final brief filed by the ACLJ reiterates its previous arguments: “The President commissions and appoints all officers of the United States; he is not one of them.” End of discussion. Case closed.

The ACLJ ended with this:

Since the Fourteenth Amendment was designed precisely to limit the power of rebellious states, it makes no sense at all to empower such states to bar candidates from federal office....

The judgment of the Colorado Supreme Court should be reversed.

Jordan Sekulow, executive director of the ACLJ, noted that the ruling in this case has enormous ramifications for the entire political process:

This is so much more than one primary in one state — this is the greatest election interference case in U.S. history. As I have said before, this is one of the most important cases we have ever taken on....

It’s direct election interference.

Oral arguments begin on Thursday, with a ruling expected to be issued in favor of the Republican Party of Colorado that brought the original suit. The high court will likely issue its decision well before Super Tuesday, March 5, the date when 16 states hold their primaries.

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