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section 3 senate clause 1 composition the senate of the united states shall be composed of two senators from each state chosen by the legislature thereof for six years and each senator shall have one vote arti s3 c1 1 equal representation of states in the senate arti s3 c1 2 historical background on state voting rights in congress section 3 treason against the united states shall consist only in levying war against them or in adhering to their enemies giving them aid and comfort no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court section three 14th amendment section three of the amendment gave congress the authority to bar public officials who took an oath of allegiance to the u s constitution from holding in short section 3 disqualification appears to apply to any covered person who has taken an oath to uphold the constitution of the united states and thereafter either 1 engages in insurrection or rebellion against the united states or 2 gives aid or comfort to the enemies of the united states unless a supermajority of congress removes suc by saikrishna b prakash article ii section 3 both grants and constrains presidential power this section invests the president with the discretion to convene congress on extraordinary occasions a power that has been used to call the chambers to consider nominations war and emergency legislation it further grants the president the section 3 no person shall be a senator or representative in congress or elector of president and vice president or hold any office civil or military under the united states or under any state who having previously taken an oath as a member of congress or as an officer of the united states or as a member of any state legislature or section three is also a striking exception to the president s pardon power aside from impeachment and reflects the bitter antagonism between congress and president andrew johnson that led to the proposal of the fourteenth amendment in the first place so far advocates for section 3 disqualification of president trump have not advanced comprehensive or systematic evidence that the president is an officer of the united states section 3 disqualification from holding office no person shall be a senator or representative in congress or elector of president and vice president or hold any office civil or military under the united states or under any state who having previously taken an oath as a member of congress or as an officer of the united states or as a section 3 treason against the united states shall consist only in levying war against them or in adhering to their enemies giving them aid and comfort no person shall be convicted of treason unless on the

testimony of two witnesses to the same overt act or on confession in open court legislation by congress providing for removal was necessary to give effect to the prohibition of section 3 and until removed in pursuance of such legislation persons in office before promulgation of the fourteenth amendment continued to exercise their functions lawfully griffin s case 11 f cas 7 c d va 1869 no 5815 article iii section 3 clause 1 treason against the united states shall consist only in levying war against them or in adhering to their enemies giving them aid and comfort no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court levying war but one provision in the constitution section 3 of the 14th amendment makes things more complicated it says that no person who has taken an oath as an officer of the united states can hold section three began as a broad restructuring of state government that was given effect before the fourteenth amendment was even ratified by supplying the standard for disenfranchising ex confederates in elections for their state ratifying conventions 7section three was then the first part of the fourteenth amendment construed by the courts section 3 no person shall be a senator or representative in congress or elector of president and vice president or hold any office civil or military under the united states or under any state who having previously taken an oath as a member of congress or as an officer of the united states or as a member of any state legislature or abstract section three of the fourteenth amendment forbids holding office by former office holders who then participate in insurrection or rebellion because of a range of misperceptions and mistaken assumptions section three s full legal consequences have not been appreciated or enforced section three of the fourteenth amendment declares ineligible for state or federal office any person who after taking an oath as a federal or state officer to support the constitution of the united states engage s in insurrection or rebellion against the same the language is mandatory section 3 treason against the united states shall consist only in levying war against them or in adhering to their enemies giving them aid and comfort no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court

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