

117TH CONGRESS
2D SESSION

H. CON. RES. 93

Finding that the January 6, 2021, attack on the United States Capitol Complex and the corresponding attempt to bypass constitutional order and obstruct through corrupt means the counting of certified electoral votes of the several States under section 15 of title 3, United States Code, on January 6, 2021, with intent to displace the lawfully elected President of the United States or thwart the will of the majority of electors, constitute an insurrection against the United States, and that any person who participated in the attack, or conspired or attempted to bypass constitutional order and obstruct through corrupt means the counting of certified electoral votes of the several States under section 15 of title 3, United States Code, on January 6, 2021, with intent to displace the lawfully elected President of the United States or thwart the will of the majority of electors, is deemed to have engaged in an insurrection in violation of section 3 of the 14th Amendment to the Constitution.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2022

Ms. WASSERMAN SCHULTZ (for herself and Mr. RASKIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Finding that the January 6, 2021, attack on the United States Capitol Complex and the corresponding attempt to bypass constitutional order and obstruct through corrupt means the counting of certified electoral votes of the several States under section 15 of title 3, United States Code, on January 6, 2021, with intent to displace the lawfully elected President of the United States or

thwart the will of the majority of electors, constitute an insurrection against the United States, and that any person who participated in the attack, or conspired or attempted to bypass constitutional order and obstruct through corrupt means the counting of certified electoral votes of the several States under section 15 of title 3, United States Code, on January 6, 2021, with intent to displace the lawfully elected President of the United States or thwart the will of the majority of electors, is deemed to have engaged in an insurrection in violation of section 3 of the 14th Amendment to the Constitution.

Whereas section 3 of the 14th Amendment to the Constitution states “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 as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.”;

Whereas the 14th Amendment, ratified following the Civil War, included section 3, which originally was intended to address insurrection against the United States by, among other things, preventing those who joined the Confederacy from holding future State or Federal office;

Whereas the language of section 3 of the 14th Amendment, and subsequent congressional actions and judicial decisions, all uniformly establish that disqualification from

holding future Federal or State office is applicable to covered persons who participate in any and all future rebellions or insurrections, and not merely covered persons who joined the Confederacy;

Whereas invoking section 3 of the 14th Amendment does not impose criminal punishment, but merely acts to ensure that those entrusted with public office have not acted dangerously towards the Union in the past by previously participating in an insurrection against the United States, as was stated by Senator Waitman T. Willey from West Virginia during the debate on ratifying the 14th Amendment, the ban on office holding is not “penal in its character, it is precautionary”;

Whereas Congress has broad authority under article I, section 8 of the Constitution to protect the functions of the government and has authority to pass appropriate resolutions to enforce section 3 of the 14th Amendment, following the decisive precedent established by Congress in 1869 when it invoked section 3 through a Joint Resolution in 1869 ordering the removal of civil officeholders who had not received amnesty from Congress;

Whereas Congress previously passed the Ku Klux Klan Act of 1871 which, among other things, enforced section 3 of the 14th Amendment by giving priority to civil actions seeking to remove ineligible officials and imposing criminal penalties for knowing violations of this constitutional provision; and

Whereas the framers of the 14th Amendment intended that “office, civil or military, under the United States” include the Office of the President and Vice President, and the term “officer of the United States” include the President and Vice President: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That based on the foregoing, Congress de-
3 clares that—

4 (1) any person who participated in the attack
5 on the United States Capitol Complex on January 6,
6 2021, is deemed to have engaged in an insurrection
7 in violation of section 3 of the 14th Amendment to
8 the Constitution;

9 (2) any person who conspired or attempted to
10 bypass constitutional order and obstruct through
11 corrupt means the counting of certified electoral
12 votes of the several States under section 15 of title
13 3, United States Code, on January 6, 2021, with in-
14 tent to displace the lawfully elected President of the
15 United States or thwart the will of the majority of
16 electors, is deemed to have engaged in insurrection
17 in violation of section 3 of the 14th Amendment to
18 the Constitution; and

19 (3) therefore, pursuant to section 3 of the 14th
20 Amendment to the Constitution of the United
21 States, any person described in paragraph (1) or (2)
22 is disqualified from being a Senator or Representa-
23 tive in Congress, or elector of President and Vice

- 1 President, or holding any office, civil or military,
- 2 under the United States, or under any State.

