

Sec. 3—Treason**Cl. 1—Definition and Limitations**

removal statute's reference to "any law providing for . . . equal rights" covered only laws "providing for specific civil rights stated in terms of racial equality."¹⁴¹³ Thus, apparently federal constitutional provisions and many general federal laws do not qualify as a basis for such removal.¹⁴¹⁴

Clause 3. The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.¹⁴¹⁵

IN GENERAL

See analysis under the Sixth Amendment.

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.

TREASON

The Treason Clause is a product of the awareness of the Framers of the "numerous and dangerous excrescences" which had disfigured the English law of treason and was therefore intended to put it beyond the power of Congress to "extend the crime and punish-

indictment should have been removed because federal law secured nondiscriminatory jury service and it could be predicted that he would be denied his rights before a discriminatorily selected state jury. In *Virginia v. Rives*, 100 U.S. 313 (1880), there was no state statute, but there was exclusion of Negroes from juries pursuant to custom and removal was denied. In *Neal v. Delaware*, 103 U.S. 370 (1880), the state provision authorizing discrimination in jury selection had been held invalid under federal law by a state court, and a similar situation existed in *Bush v. Kentucky*, 107 U.S. 110 (1882). Removal was denied in both cases. The dissenters in *City of Greenwood v. Peacock*, 384 U.S. 808, 848–52 (1966), argued that federal courts should consider facially valid statutes which might be applied unconstitutionally and state court enforcement of custom as well in evaluating whether a removal petitioner could enforce his federal rights in state court.

¹⁴¹³ *Georgia v. Rachel*, 384 U.S. 780, 788–94 (1966); *City of Greenwood v. Peacock*, 384 U.S. 808, 824–27 (1966), *See also id.* at 847–48 (Justice Douglas dissenting).

¹⁴¹⁴ *City of Greenwood v. Peacock*, 384 U.S. at 824–27. *See also Johnson v. Mississippi*, 421 U.S. 213 (1975).

¹⁴¹⁵ *See* the Sixth Amendment.