

DISQUALIFICATION AND PUBLIC DEBT

The right to remove disabilities imposed by this section was exercised by Congress at different times on behalf of enumerated individuals.²⁰⁷⁹ In 1872, the disabilities were removed, by a blanket act, from all persons “except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial, military and naval service of the United States, heads of departments, and foreign ministers of the United States.”²⁰⁸⁰ Twenty-six years later, Congress enacted that “the disability imposed by section 3 . . . incurred heretofore, is hereby removed.”²⁰⁸¹

Although § 4 “was undoubtedly inspired by the desire to put beyond question the obligations of the government issued during the Civil War, its language indicates a broader connotation. . . . ‘[T]he validity of the public debt’ . . . [embraces] whatever concerns the integrity of the public obligations,” and applies to government bonds issued after as well as before adoption of the Amendment.²⁰⁸²

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ENFORCEMENT

Generally

In the aftermath of the Civil War, Congress, in addition to proposing to the states the Thirteenth, Fourteenth, and Fifteenth Amendments, enacted seven statutes designed in a variety of ways to implement the provisions of these Amendments.²⁰⁸³ Several of these laws

²⁰⁷⁹ *E.g.*, and notably, the Private Act of December 14, 1869, ch.1, 16 Stat. 607.

²⁰⁸⁰ Ch. 193, 17 Stat. 142.

²⁰⁸¹ Act of June 6, 1898, ch. 389, 30 Stat. 432. Legislation by Congress providing for removal was necessary to give effect to the prohibition of § 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 Fed. Cas. 7 (C.C.D.Va. 1869) (No. 5815). Nor were persons who had taken part in the Civil War and had been pardoned by the President before the adoption of this Amendment precluded by this section from again holding office under the United States. 18 Op. Att’y Gen. 149 (1885). On the construction of “engaged in rebellion,” see *United States v. Powell*, 27 Fed. Cas. 605 (C.C.D.N.C. 1871) (No. 16,079).

²⁰⁸² *Perry v. United States*, 294 U.S. 330, 354 (1935), in which the Court concluded that the Joint Resolution of June 5, 1933, insofar as it attempted to override the gold-clause obligation in a Fourth Liberty Loan Gold Bond “went beyond the congressional power.” On a Confederate bond problem, see *Branch v. Haas*, 16 F. 53 (C.C.M.D. Ala. 1883) (citing *Hanauer v. Woodruff*, 82 U.S. (15 Wall.) 439 (1873), and *Thorington v. Smith*, 75 U.S. (8 Wall.) 1 (1869)). See also *The Pietro Campanella*, 73 F. Supp. 18 (D. Md. 1947).

²⁰⁸³ Civil Rights Act of 1866, ch. 31, 14 Stat. 27; the Enforcement Act of 1870, ch. 114, 16 Stat. 140; Act of February 28, 1871, ch. 99, 16 Stat. 433; the Ku Klux Klan Act of 1871, ch. 22, 17 Stat. 13; Civil Rights Act of 1875; 18 Stat. 335. The