



**NAME OF EVENT:** Keeping Insurrectionists from Holding Office: The Potential Power of Section 3 of the 14th Amendment

**DATE | TIME | LOCATION:** March 2, 2023 | 1:00 PM-2:00 PM | Online

**BRIEF DESCRIPTION:**

In the two years since the January 6th insurrection, 950 people in nearly all 50 states and the District of Columbia have been arrested for their role in the attempt to overturn the results of the 2020 presidential election. More than half have pleaded guilty or been convicted of felonies. We have also seen several attempts—some successful and some unsuccessful—to use Section 3 of the 14th Amendment to keep elected officials who participated in that unprecedented attempt to subvert democracy from holding office. Known as the Disqualification Clause, Section 3 provides an avenue to disqualify anyone who took an oath to support the Constitution of the United States and then engaged in or encouraged insurrection or rebellion against the United States from holding federal or state office.

How can this provision of the Constitution, adopted as part of the Reconstruction Amendments, be used to prevent insurrectionists from getting on the ballot or holding office today? How do we address concerns about overturning the will of voters and about activities protected by the First Amendment? What are the challenges to realizing the potential power of the Disqualification Clause?

**WELCOME REMARKS**

**Russ Feingold**, President, American Constitution Society

**SPEAKERS' NAMES AND BIOS:**

- **Floyd Abrams**, Senior Counsel, Cahill Gordon & Reindel LLP
- **Prof. Sonia M. Gipson Rankin**, The University of New Mexico School of Law
- **Prof. Gerard Magliocca**, Indiana University Robert H. McKinney School of Law
- **Nikhel Sus**, Senior Counsel, Complaints and Litigation, Citizens for Responsibility & Ethics in Washington
- **Praveen Fernandes**, Vice President, Constitutional Accountability Center (*moderator*)

**AGENDA OF PROGRAM:**

- Introduction (5 mins)



- Speaker Presentations and Moderated Conversation (45 mins)
- Q&A (10 min)

**READING MATERIALS:**

[New Mexico, ex rel., Marco White, et al. v. Griffin](#), No. D-101-CV-2022-00473 (1st Judicial District, Santa Fe Sept. 6, 2022).

[Brief of Floyd Abrams, et al. as Amicus Curiae Supporting Plaintiffs](#), New Mexico, ex rel., Marco White, et al. v. Griffin, No. D-101-CV-2022-00473 (1st Judicial District, Santa Fe Aug. 1, 2022).

Bruce Ackerman & Gerard Magliocca, *Criminal Prosecution Is the Wrong Idea. Use the 14th Amendment on Trump.*, Wash. Post (Dec. 2, 2022).

Gerard N. Magliocca, *Amnesty and Section Three of the Fourteenth Amendment*, 36 Const. Comment. 87 (2021).

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON, [ENFORCING THE 14TH AMENDMENT'S DISQUALIFICATION CLAUSE](#) (2022).

[Letter](#) from Noah Bookbinder, President, Citizens for Responsibility and Ethics in Washington to New Mexico Secretary of State (Oct. 12, 2022).

[Press Release](#), U.S. Department of Justice, Attorney General Merrick B. Garland Statement on the Second Anniversary of the January 6 Attack on the Capitol (Jan. 4, 2023).