



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

Public Officials Adjudicated to be Disqualified under Section 3 of the Fourteenth Amendment*

Name of Disqualified Official	Took Oath in What Public Position?	“Engaged” in Insurrection How?	Public Position at Time of Disqualification	Mechanism of Disqualification	Deciding Body	Court Review?	Convicted of a crime?*	Year	Notes
Kenneth H. Worthy	County Sheriff	Held local office in a Confederate state. Worthy was not accused of engaging in violence.	County Sheriff	Mandamus action by Worthy to challenge his disqualification by county commissioners under state law implementing Section 3.	North Carolina Supreme Court	Yes. Worthy v. Barrett, 63 N.C. 199 (1869) , <i>appeal dismissed</i> , 76 U.S. 611 (1869)	No	1869	“The oath to support the Constitution is the test. The idea being that one who had taken an oath to support the Constitution and violated it, ought to be excluded from taking it again, until relieved by Congress.”
William L. Tate	County Attorney	Served as an officer in the Confederate army.	State Solicitor	Mandamus action by Tate challenging his Section 3 disqualification by state judge.	North Carolina Supreme Court	Yes. In re Tate, 63 N.C. 308, 309 (1869)	No	1869	

*This table includes only individuals affirmatively determined by a court, legislature, or other body to be disqualified under Section 3 of the Fourteenth Amendment. Section 3 adjudications during Reconstruction were rare because it was widely understood that former Confederates who took an oath to support the Constitution before the Civil War were disqualified under Section 3 and thus they likely did not seek office for that reason. This understanding is evidenced by the [thousands of amnesty requests](#) ex-Confederates made to Congress to “remove” their Section 3 disqualification. Moreover, the window for disqualifying ex-Confederates was small: the Fourteenth Amendment was ratified on July 9, 1868, and Congress removed the Section 3 disqualification for most ex-Confederates less than four years later in the Amnesty Act of May 22, 1872.

**Section 3’s text, legislative history, and precedent make clear that a criminal conviction is not required for an individual to be disqualified. Nor were any of the disqualified individuals listed in this chart charged under the criminal “rebellion or insurrection” statute (18 U.S.C. § 2383) or its predecessors.

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J. D. Watkins	District Attorney	“Engaged in the late rebellion” (unclear precisely what Watkins did)	State Judge	Quo warranto action filed against Watkins under state law and Section 3.	Louisiana Supreme Court	Yes. Louisiana ex rel. Sandlin v. Watkins, 21 La. Ann. 631 (La. 1869).	No	1869	Court confirmed state courts can enforce Section 3 and that Section 3 is not a criminal punishment but a qualification for office.
John H. Christy	Unclear	“[V]oluntarily giv[ing] aid, countenance, counsel, and encouragement to persons engaged in armed hostility to the United States.” (unclear precisely what Christy did)	U.S. Rep. (GA)	Georgia Governor refused to commission him, and Congress refused to seat him. Hinds’ Precedents, Ch. 14, § 459 Col. John H. Christy Obituary, Calhoun Times (Mar. 3, 1877)	U.S. House of Reps.	No	No	1868	After Christy won the election, Georgia Governor determined he was disqualified under Section 3 and certified the losing candidate, John Wimpy, for the House seat. However, a House committee later found that Wimpy had served in the Confederate Army and was likewise disqualified. Neither was admitted.
Zebulon B. Vance	U.S. Rep. (NC)	NC Governor under the Confederacy. Served in Confederate army.	U.S. Senator (NC)	Congress refused to seat him, though Senate refused disqualification	U.S. Senate	No	No. Vance was arrested and imprisoned in 1865,	1872	Vance was elected by the state legislature to his U.S. Senate seat. His appointment was challenged by the losing candidate. Neither were

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				<p>petition by losing candidate.</p> <p>U.S. Senate. The Election Case of Joseph C. Abbott v. Zebulon B. Vance and Matt W. Ransom of North Carolina (1872)</p>			<p>during the Civil War. Later the same year, he applied for and was granted parole through President Johnson's amnesty program. Vance was formally pardoned in 1867, though no charges were ever brought against him.</p>		<p>seated. At the time, President Andrew Johnson's amnesty program did not apply to former U.S. Representatives. Ultimately re-elected in 1878 and served a long U.S. Senate tenure.</p>
A.F. Gregory	Unclear	Unclear	Local Postmaster (Grayson County, VA)	Removed by Postmaster General following a quo warranto	Postmaster General	No	Unclear	1871	

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				<p>action filed in court</p> <p>A Case Under the 14th Amendment. The Daily Dispatch. (June 7, 1871)</p>					
Victor L. Berger	U.S. Rep (WI)	Conviction under Espionage Act, and being “disloyal to the United States, giving aid and comfort to a public enemy, [and for] publication of expressions hostile to the government.”	U.S. Rep. (WI)	<p>Congress refused to seat.</p> <p>Cannon’s Precedents. Ch. 157, § 56</p>	U.S. House of Reps.	No	Yes, convicted under the Espionage Act. In 1921, the Supreme Court overturned Berger’s conviction based on Berger’s affidavit of prejudice against the presiding judge. <i>Berger v.</i>	1919	Convicted under the Espionage Act. While under indictment, elected to the House in 1918. Congress formed a committee that on 11/10/1919 decided to leave the seat vacant citing Section 3. Conviction appealed and overturned by the US Supreme Court after disqualification. Afterward, Berger lost election to the 67th Congress, but successfully won election to the 68th, 69th, and 70th.

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							<i>United States</i> , 255 U.S. 22 (1921).		
Couy Griffin	County Commissioner	Mobilizing the mob before the Jan. 6th Capitol insurrection, and then joining and inciting the mob attack on Jan. 6th. Griffin was not accused of personally being violent or entering the Capitol building.	County Commissioner	Quo warranto action filed against Griffin under state law in state court.	New Mexico State District Court	Yes. New Mexico ex rel White v. Griffin , 2022 WL 4295619 (N.M. Dist. Sept. 6, 2022), <i>appeal dismissed and reconsideration denied</i> , No. S-1-SC-39571 (N.M. Feb. 16, 2023)	Yes, convicted of trespass; acquitted of disorderly conduct.	2022	

Notes

- Table does not include *United States v. Powell*, 27 F. Cas. 605, 607 (C.C.D. N.C 1871), because we have located only the jury charge and not the verdict. However, the court instructed the jury to find that the defendant “engaged in” the rebellion if they found he voluntarily “furnished a substitute for himself to [serve in] the Confederate army.”

- Table does not include unsuccessful or mooted Section 3 challenges, such as:
 - **U.S. Rep. John Rice**, [Hinds' Precedents, Ch. 14](#) (overruling of majority report which had found Rice was disqualified under Section 3 due to membership of Kentucky House of Representatives during Confederacy, after he had taken oath as member of the Kentucky House of Representatives before secession).
 - **U.S. Rep. Alfred Waddell**, [Hinds' Precedents, Ch. 14](#) (swearing in Waddell and referring his credentials to the Committee on Elections because Waddell's position as an officer in Confederate army was not "judicial in character" and therefore Waddell was not disqualified, despite having taken oath as North Carolina Clerk and Master of Chancery).
 - [Quo Warranto Cases of 1870](#) (federal cases brought to remove half of the Tennessee Supreme Court were mooted by the Amnesty Act of 1872).

- **Background Sources:**
 - Gerard N. Magliocca, *Background as Foreground: Section 3 of the Fourteenth Amendment and January 6th* (2022), <https://ssrn.com/abstract=4306094>
 - Gerard N. Magliocca, *Amnesty and Section 3 of the Fourteenth Amendment*, 36 Constitutional Commentary 87 (2021). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3748639
 - Congressional Research Service, *The Insurrection Bar to Office: Section 3 of the Fourteenth Amendment* (Sept. 7, 2022), <https://crsreports.congress.gov/product/pdf/LSB/LSB10569>
 - *Litigation of Criminal Prosecutions for Treason, Insurrection, and Seditious Conspiracy*, 179 Am. Jur. Trials 435, § 17 (2023)
 - Myles S. Lynch, *Disloyalty & Disqualification: Reconstructing Section 3 of the Fourteenth Amendment*, William and Mary L. Rev. (2021), <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1992&context=wmborj>
 - McKinney, Gordon B. "Zebulon Vance and His Reconstruction of the Civil War in North Carolina." *The North Carolina Historical Review* 75, no. 1, 69–85 (1998)