

A RESOLUTION OF THE JACKSON COUNTY DEMOCRATIC PARTY
Resolution No. 2023-3

14th Amendment Invocation

Whereas, Clause 3 of the 14th Amendment to the U.S. Constitution states unequivocally:

“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,”

; and

Whereas, constitutional scholars from both sides of the aisle, such as J. Michael Luttig and Lawrence Tribe have argued (1), for example: “The disqualification clause operates independently of any ... criminal proceedings and, indeed, also independently of impeachment proceedings and of congressional legislation. The clause was designed to operate directly and immediately upon those who betray their oaths to the Constitution, whether by taking up arms to overturn our government or by waging war on our government by attempting to overturn a presidential election through a bloodless coup,”; and

Whereas, the same constitutional scholars argue that this clause is ‘self-executing’ meaning it “requires no legislation, criminal conviction, or other judicial action in order to effectuate its command” (1); and

Whereas, the evidence that Donald J. Trump through actions leading up to, on and subsequent to January 6th, 2021, incited an insurrection to thwart the peaceful transition of power to the legitimate winner of the 2020 U.S. Presidential election and has subsequently given comfort to those engaged in that insurrection; and

Whereas, it is antithetical to the principles of democracy as embodied in the U.S. Constitution that an individual who has engaged in insurrection should hold federal or state office; and

Whereas, according to the National Conference of State Legislatures (2): “In 33 states, voters elect the chief election official. In most of those states, the elected chief election official is the secretary of state, but in Alaska and Utah the role is held by the lieutenant governor.” Indicating that in Oregon, it is the secretary of State who administers

elections and determines an individual's eligibility for candidacy for state and federal office.

NOW, THEREFORE, THE JACKSON COUNTY DEMOCRATIC PARTY RESOLVES AS FOLLOWS:

1) The Central Committee of the Jackson County Democratic Party urges the Oregon Secretary of State, LaVonne Griffin-Valade, to explore whether it is appropriate to declare Donald J. Trump ineligible for inclusion in the Oregon ballot for President.

2) Similarly, we urge that the Secretary to evaluate other potential candidates for state and federal office who may similarly be ineligible to run as candidates.

REFERENCES:

(1) Luttig J Michael and Tribe Laurence 2023 The Constitution Prohibits Trump From Ever Being President Again The Atlantic, August 19.

<https://www.theatlantic.com/ideas/archive/2023/08/donald-trump-constitutionally-prohibited-presidency/675048/>

(2) National Council of State Legislatures 2022 Election Administration at State and Local Levels. <https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels>

Resolution submitted by the Platform and Resolutions Committee.

ADOPTED by the Jackson County Democratic Party Central Committee on the 27th day of November, 2023.

David B. Sours

David Sours,

Chair, Jackson County Democratic Party