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14th Amendment: a tool Congress should use to oust neo-Klan Reps and Senators

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In the aftermath of the ferocious January 6th attack on the Capitol building as well as the vote by most of the Republican House members and many of their Senators to discard the Electoral College result and allow Trump to retain power in a coup d'état, the Democratic leadership quickly drew up an article of impeachment against Donald Trump, chief instigator of this violent "insurrection."

However, President Biden, rather than condemning those Reps that voted before and even after the violent attack to disenfranchise voters in Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin. has signaled his message of "unity" and "bipartisanship" with those racists. The majority of Republican Senators have already voted that the impeachment of Donald Trump is "unconstitutional" because their delay tactic for opening the trial allowed Trump to leave office unscathed.

This makes Trump's acquittal a foregone conclusion. So Trump and his Congressional minions, who engineered the Capitol attack by falsely proclaiming the election "stolen", smearing Black people and officials in Detroit, Philadelphia,

Atlanta and elsewhere as “illegal voters”, face no consequences. Only a small fraction of the neo-Klan mob that rampaged through the building, threatening to shoot or kidnap Speaker Pelosi, Congresswomen Alexandria Ocasio-Cortez, among others, and even to hang chief Trump minion Vice-President Pence, quite justly face trial.

This does not have to happen, even within the confines of the capitalist legal system, designed to be a brutal police state for the oppressed, while at the same time a “protective bubble” for the billionaire class and its political minions, whose crimes of corruption and exploitation are meant to be rewarded rather than punished.

The 14th Amendment: A tool to fight the Ku Klux Klan

After the Union victory in 1865 in the Civil War, the Black “freedmen” and “Unionists” in the South came under relentless attacks from the newly formed terrorist Ku Klux Klan, made up largely of ex-Confederate soldiers and political leaders. Black political meetings in Memphis and New Orleans were attacked, with dozens killed.

President Andrew Johnson, who blamed this reign of terror on the newly freed slaves themselves, moved to quickly allow the Southern states back into the Union under the control of ex-Confederate officials.

A small but powerful Abolitionist group in Congress, called the “Radical Republicans”, who had already engineered the passage of the 13th Amendment of the Constitution that outlawed slavery, composed the 14th Amendment to deal with this crisis and prevent the slavocracy from taking back power. The text of this amendment has five sections (source - Wikipedia):

Section 1. *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they*

reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. *Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.*

Section 3. *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. But Congress may, by a vote of two-thirds of each House, remove such disability.*

Section 4. *The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in*

aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

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

Section 1 makes clear that all persons, including Black people, born, or naturalized in the U.S., are citizens, to be treated equally by the law. Section 2 makes it clear that it is unlawful to deny citizens the right to vote (unless, for example, they participated in the Confederate “rebellion”). This was written **before** the 15th Amendment, which gave all men the right to vote in all the states.

Section 3 has the greatest implications for the current situation. It declares that any public official who was “engaged” with the Confederate insurrection, shall never be permitted to hold public office, unless two-thirds of each house of Congress agrees to it. This excluded not only Confederate officers, but all the Confederate political leaders.

Section 4 declares that all debts incurred by the Confederacy are “illegal and void”. Section 5 states that Congress has the power to enact legislation to enforce this amendment.

This Amendment was used by Congress and the Grant administration to not only smash the first iteration of the Klan, but also to allow the election of hundreds of Black local, state, and federal officials from the South, including Congressmen and Senators, replacing those racist white ex-Confederate officials.

Unfortunately, particularly after the Great Panic of 1873, the reformers within the capitalist class lost their clout, and with the racist “Compromise” of 1876, the northern and southern capitalists came to terms, Union troops were pulled out of the

South, and the Southern ruling class was able to impose its horrible Jim Crow regime. But the 14th Amendment is still on the books. And it has been used to advance Civil Rights, women's rights, LGBTQ+ rights, and more.

The timidity of the Democrats and the right of workers and the oppressed to have justice.

It is clear that the Democratic Party leadership will acquiesce to the acquittal of Trump, and the Biden spirit of "bipartisanship" will prevail with the racist, Trumpist Republican Senators and Congressmen who acted to overturn the votes of 81 million people, in support of a violent fascist neo-Klan insurrection openly designed to do just that.

Why is that? It is because they are too afraid to offend the section of the billionaire class that supports Trump, as well as the other members of that class that opposes Trump because he has created massive disorder in the midst of the pandemic, yet want to keep the growing fascists militias in their "back pocket" in the face of the powerful Black Lives Matter movement that is challenging the power of their racist murderous police.

But there is a pathway for the workers and oppressed to decapitate the leadership of this right-wing turn. Whatever the outcome of the impeachment trial, we can demand Congress enact legislation under Section 5 of the 14th Amendment that:

- Declares the violent attack on January 6th an insurrection with the proclaimed purpose to disenfranchise voters in several key states.
- Using Section 2 to declare unlawful Trump and the Congressional Trumpists attempt to disenfranchise the voters in Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin
- Using Section 3 to declare that Trump can never hold public office again, and

- Using that same section, to declare that all Representatives and Senators who voted to overturn the electoral college results after the insurrection were in fact declaring that they were engaged in that insurrection, and thus must be removed from their seats and never be permitted to hold public office again.

There can be no compromise, no “bipartisanship”, with any of these Trumpists, since as the Amendment says, they violated their oath to the Constitution and defacto supported this white supremacist insurrection, the most serious since the Civil War. Such legislation would only require a majority vote in each house. Even the threat of passage could have a profound effect.

These neo-Klan militias and their representatives in Congress are a threat to all working people, particularly at a time when nearly 450,000 people have lost their lives to the Covid-19 disease, millions have lost their jobs, millions are threatened with foreclosures and evictions, all while 660 billionaires are stashing trillions in their vaults from their Wall Street stock speculations.

We have a right to use every tool at our disposal, even legal demands, to defeat these threats to our welfare and that of our families.

Source: [Fighting Words](#)



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