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Seth Barrett Tillman

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5 Most compelling are the places where the Constitution very specifically distinguishes service in Congress from offices under the United States in general, and from offices of trust or profit under the United States in particular. *See* U.S. CONST. art. I, § 6, cl. 2 (“[N]o Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.”); *id.* art. II, § 1, cl. 2 (“[N]o Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.”); *id.* amend XIV, § 3 (“No person shall be a Senator or Representative in Congress, . . . or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath . . . 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.”); *see also* id. § 2, cl. 2 (providing for presidential appointment of officers of [not under] the United States); *id.* § 3 (providing the same with regard to commissioning officers of the United States); *id.* amend. XIV, § 3 (disqualifying those who violated oaths taken “as a member of Congress, or as an officer of the United States” to support the Constitution).

A lengthy accounting—not limited to the textual arguments—of the authorities on both sides of this question appears in Seth Barrett Tillman, *Interpreting Precise Constitutional Text*, 61 CLEV. ST. L. REV. 285, 304 n.42 (2013). Tillman agrees that DQees are eligible for Congress, and most of the sources that he says disagree only do so through implication, or in cursory statements.