

## CONSTITUTIONAL OBLIGATION OF PUBLIC OFFICIALS UNDER ARTICLE VI (OATH CLAUSE)

### *Historical Origin, Legal Effect, and Application to This Case*

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#### I. INTRODUCTION

Article VI of the United States Constitution establishes a clear and binding requirement that all federal, state, and local officials—legislative, executive, judicial, and administrative—must take an oath to support the Constitution. This provision is not symbolic. It is a constitutional mandate designed to ensure that every officer who exercises public authority does so subject to, and constrained by, the supreme law of the land.

The Oath Clause forms one of the central pillars of the Reconstruction civil-rights framework. Congress enacted the Civil Rights Acts of 1866 (14 Stat. 27) and 1871 (17 Stat. 13) specifically to provide federal remedies when officers acting under color of law violate the duties imposed by this oath. The purpose was to make the Constitution “a shield in the hands of the innocent,” ensuring that rights guaranteed on paper would be enforceable in fact.

Defendants’ conduct in this case—misuse of expired records, unlawful seizure, denial of due process, obstruction of access to courts, refusal to perform ministerial duties, and coordinated suppression of procedural rights—constitutes a direct breach of the obligations voluntarily undertaken under Article VI.

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#### II. TEXT OF ARTICLE VI, CLAUSE 3 (OATH CLAUSE)

“The Senators and Representatives... and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution...”

Every defendant in this action—police, city administrative staff, municipal-court personnel, county officials, towing contractors acting under delegated authority, and TMLIRP-associated actors—is required by law to uphold the Constitution as a condition of office or participation in governmental power.

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#### III. LEGAL SIGNIFICANCE OF THE OATH CLAUSE

- 1. Creates binding, affirmative legal duties for public officials**  
Officials must know, follow, and enforce constitutional limits on power.
- 2. Establishes personal accountability under §1983**  
When officials violate constitutional rights under color of law, the oath provides the legal foundation for imposing civil liability.
- 3. Eliminates the defense of “I was following orders”**  
The oath binds the *individual* officer, not merely the office.
- 4. Reinforces the supremacy of the Constitution over statutes, policies, customs, or directives**  
No city policy or common practice can justify unconstitutional conduct.
- 5. Serves as the Constitutional basis for Reconstruction civil-rights enforcement**  
Congress designed the Civil Rights Acts to provide a federal remedy when state actors violate their oath.

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## IV. CONGRESSIONAL INTENT — CIVIL RIGHTS ACTS OF 1866 & 1871

Members of the Reconstruction Congress repeatedly declared:

- *that the Oath Clause would be meaningless unless citizens had a federal remedy when officials violated it;*
- *that the Constitution required “practical, enforceable protections, not theoretical ideals”;*
- *and that state actors who refused to protect rights were acting in rebellion against constitutional authority.*

Thus, the Acts of 1866 and 1871 empowered individuals to sue any person who, under color of law, violated the rights the oath obligates officials to protect.

Defendants in this case engaged in the very conduct Congress intended to reach: misuse of authority, evasion of law, denial of remedy, and obstruction of constitutional protections.

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## V. APPLICATION TO THIS CASE

Defendants:

- seized property without lawful authority;
- fabricated jurisdiction using expired administrative records;
- denied notice, hearing, and due process;
- refused mandatory public records and bond disclosures;
- obstructed court access and ministerial filings;
- acted jointly to suppress remedy and accountability.

Each of these actions violates the obligations imposed by Article VI.

Because the oath binds each public actor individually, and because violations occurred under color of state law, the resulting harms fall squarely within the federal remedies Congress created through §1983.

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## VI. CONCLUSION

Article VI is not ceremonial — it is enforceable constitutional law. Every public servant is required to:

- (1) know the Constitution,**
- (2) obey the Constitution, and**
- (3) refrain from any action that violates the Constitutional rights of the people.**

When officials act contrary to their oath, the Constitution authorizes the federal courts to intervene. The Civil Rights Acts of 1866 and 1871 were enacted to ensure that federal courts provide that remedy.

Defendants’ conduct represents the precise category of constitutional injury that Article VI, the Civil Rights Acts, and 42 U.S.C. §1983 were enacted to prevent and correct.