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President Trump Can Not Be Disqualified

Prof. Steven Calabresi changes his mind.

Sept. 12, 2023 4:30 pm ET



Former President Donald Trump campaigns in Rapid City, S.D., Sept. 8. PHOTO: JONATHAN ERNST/REUTERS

Former U.S. Attorney General Michael Mukasey’s op-ed “Was Trump ‘an Officer of the United States?’” (Sept. 8) has caused me to change my mind about an argument that I have had with Prof. Seth Barrett Tillman for 25 years. Mr. Mukasey is right: Looked at in the context of the Disqualification Clause of the 14th Amendment, the president is neither an “officer of the United States,” nor, obviously, a “member of Congress.” That must be why the Constitution prescribes a separate oath for the president.

As a result, former President Donald Trump isn’t covered by the Disqualification Clause, and he is eligible to be on the ballot in the 2024 presidential election. I am correcting the public record on this important issue by sending you this letter.

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