

June 1, 2009

Extract from United States Code Annotated,
Section on Article I, Section 6, Clause 2, citing
Tillman's The Federalist Papers as Reliable
Historical Source Material for Constitutional
Interpretation and the Calabresi-Tillman and the
Prakash-Tillman exchanges on the
Incompatibility Clause

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United States Code Annotated [Currentness](#)
Constitution of the United States
Annotated
Article I. The Congress ([Refs & Annos](#))

Section 6, Clause 2. Holding Other Offices

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

LAW REVIEW COMMENTARIES

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The Federalist papers as reliable historical source material for Constitutional interpretation. Seth Barrett Tillman, 105 W. Va. L. Rev. 601 (2003).

The Great Divorce: The Current Understanding of Separation of Powers and the Original Meaning of the Incompatibility Clause. Seth Barrett Tillman and Steven G. Calabresi, 157 U. Pa. L. Rev. PENumbra 134 (2008).

Hardest question in constitutional law. Mark v. Tushnet, 81 Minn.L.Rev. 1 (1996).

One person, one office: Separation of powers or separation of personnel? Steven G. Calabresi and Joan L. Larsen, 79 Cornell L.Rev. 1045 (1994).

Term limits: History democracy and constitutional interpretation. Harry H. Wellington, 40 N.Y.L.Sch.L.Rev. 833 (1996).

Why our next President may keep his or her Senate seat: A conjecture on the Constitution's Incompatibility Clause. Seth Barrett Tillman, 4 Duke J. Const. L. & Pub. Pol'y Sidebar 1 (2008).

Why the Incompatibility Clause applies to the Office of the President. Saikrishna Bangalore Prakash, 4 Duke J. Const. L. & Pub. Pol'y Sidebar 35 (2008).