

# Mission Indictable: A Presidential Robbery

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An entirely average day, interrupted by an entirely absurd and decidedly not average occurrence, may be a direct result of a decision made by nine people. To set the scene of an average day, you must imagine a bank teller sitting down for what will inevitably be a long day of questions, concerns, and cash. However, the absurd and anything but average interruption strolls in asking for the contents of the till and the bank vault. The factor that makes the bank robbery in question absurd is that the thief is recognizable because they are the President of the United States. In this hypothetical, the thief selected the suit and tie in lieu of the ski mask not only for fashion's sake, but also because they hadn't committed a crime according to their identity.

The 2020 election was not merely accompanied by accusations of electoral robbery, but rather, it acted as a catalyst for the very legalization of it. Following the election of Joe Biden as the forty-sixth president of the United States, former President Donald Trump publicly made claims of election fraud and fueled similar messages amongst his supporters, ultimately leading to the insurrection on January 6th, 2021. The act of knowingly spreading false information with the intention of overturning the election was deemed worthy of indictment, thus leading to the Trump v. United States going before the Supreme Court.

The court was tasked with determining whether presidents, current and former, are immune from criminal prosecution for acts committed in office that fall within their constitutional authority. The decision, a six-to-three split along partisan lines, clarified that presidents are granted presumptive immunity from prosecution for all official acts. The court's ruling acted as a veritable 'get out of jail free' card, effectively dismissing the existing indictment and ensuring presidential acts are immune from criminal consequences<sup>1</sup>. The Supreme Court declined to define acts that are within the president's authority, beyond their conclusive and preclusive authority, nor did they clarify whether acts within the president's constitutional authority must be committed in a particular manner to maintain immunity. Thus introducing a Schrödinger's Presidential Crime dilemma - wherein the acts of a president while in office are both within their authority and decidedly not, but are unable to be defined as either until the court may determine as such. The dilemma not only leaves the American people questioning whether their president

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<sup>1</sup> Trump v. United States, 603 U.S. \_ (2024)

is a criminal at any given time, but also ensures that a president is granted an additional factor the average citizen is not entitled to: the benefit of the doubt.

The scene painted of the average day in a bank, interrupted by an executive robbery, may not initially seem to fall within a presidential act. However, if the presidential thief were to appear before the court and explain that they were collecting this money to fund an emergent infrastructure issue or to stabilize the economy, the Supreme Court decision may stand in the way of legal ramifications. Considering both circumstances are official issues the president may be responsible for addressing, and it was an act committed while in office, robbing a bank is not an act that the Supreme Court considered when making it a legal possibility. With such large gaps in the Trump v. United States ruling, clarification on the legality of such actions is subject to the Supreme Court's subsequent decisions, effectively rewarding presidents for their creativity in new and inventive ways to officially commit a crime. Now, the voters must consider when entering the voting booth not only the candidate's platform, but also their opinions on the Ocean's 11 franchise.