



2 Presidential Succession and the Vice Presidency

Section Preview

OBJECTIVES

1. **Explain** how the Constitution provides for presidential succession.
2. **Understand** the constitutional provisions relating to presidential disability.
3. **Describe** the role of the Vice President.

WHY IT MATTERS

Should the President die, be removed from office, or resign, the Vice President succeeds to the presidency. The Vice President is, indeed, just a heartbeat away from the President.

POLITICAL DICTIONARY

- ★ **presidential succession**
- ★ **Presidential Succession Act of 1947**
- ★ **balance the ticket**

Consider these facts. Forty-six men have served as Vice President.⁷ Fourteen of them later reached the White House—most recently, George Bush in 1989. Indeed, five of our last eleven Presidents were once Vice President.

The Constitution and Succession

Presidential succession is the scheme by which a presidential vacancy is filled. If a President dies, resigns, or is removed from office by impeachment, the Vice President succeeds to the office.

Originally, the Constitution did not provide for the succession of the Vice President. Rather, it declared that “the powers and duties” of the office—not the office itself—were to “devolve on [transfer to] the Vice President.”⁸

In practice the Vice President did succeed to the office when it became vacant. Vice President John Tyler set this precedent in 1841 when he succeeded President William Henry Harrison, who died of pneumonia just one month after taking office. What had been practice became a part of the written Constitution with the adoption of the 25th Amendment in 1967:

FROM THE Constitution *“In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.”*
—25th Amendment, Section 1

⁷No woman has yet held the office, but nothing in the Constitution bars that possibility.
⁸Article II, Section 1, Clause 6.

Presidential Succession	
1	Vice President
2	Speaker of the House
3	President <i>pro tempore</i> of the Senate
4	Secretary of State
5	Secretary of the Treasury
6	Secretary of Defense
7	Attorney General
8	Secretary of the Interior
9	Secretary of Agriculture
10	Secretary of Commerce
11	Secretary of Labor
12	Secretary of Health and Human Services
13	Secretary of Housing and Urban Development
14	Secretary of Transportation
15	Secretary of Energy
16	Secretary of Education
17	Secretary of Veterans Affairs
18	Secretary of Homeland Security



Interpreting Charts The Vice President is first in line to succeed to the presidency should the office become vacant. Such was the case when Lyndon Johnson took the oath of office aboard *Air Force One* after the assassination of President Kennedy in 1963. **How does the chart demonstrate the importance of the position of Speaker of the House?**

Congress fixes the order of succession following the Vice President.⁹ The present law on the matter is the **Presidential Succession Act of 1947**. By its terms, the Speaker of the House and then the President *pro tem* of the Senate are next in line. They are followed, in turn, by the secretary of state and then by each of the other 13 heads of the Cabinet departments, in order of precedence—the order in which the offices were created by Congress.¹⁰

Presidential Disability

Before the passage of the 25th Amendment, there were serious gaps in the arrangement for presidential succession. Neither the Constitution nor Congress had made any provision for deciding when a President was disabled. Nor was there anything to indicate by whom such a decision was to be made.

For nearly 180 years, then, the nation played with fate. President Eisenhower suffered three serious but temporary illnesses while in office: a heart attack in 1955, ileitis in 1956,

and a mild stroke in 1957. Two other Presidents were disabled for much longer periods. James Garfield lingered for 80 days before he died from an assassin's bullet in 1881. Woodrow Wilson suffered a paralytic stroke in 1919 and was an invalid for the rest of his second term. He was so ill that he could not meet with his Cabinet for seven months after his stroke.

Sections 3 and 4 of the 25th Amendment fill the disability gap, and in detail. The Vice President is to become Acting President if (1) the President informs Congress, in writing, "that he is unable to discharge the powers and duties of his office," or (2) the Vice President and a majority of the members of the Cabinet inform

⁹Article II, Section 1, Clause 6. On removal of the President by impeachment, see Chapter 11.

¹⁰A Cabinet member is to serve only until a Speaker or a president *pro tem* is available and qualified. Notice that the 25th Amendment also provides for the filling of any vacancy in the vice presidency. In effect, that provision makes the Presidential Succession Act a law with little real significance—except in the highly unlikely event of simultaneous vacancies in the presidency and vice presidency.

Congress, in writing, that the President is so incapacitated.¹¹

In either case, the President may resume the powers and duties of the office by informing Congress that no inability exists. However, the Vice President and a majority of the Cabinet may challenge the President on this score. If they do, Congress then has 21 days in which to decide the matter.

To this point, the disability provisions of the 25th Amendment have come into play twice. On the first occasion, in 1985, Ronald Reagan transferred the powers of the presidency to Vice President George H.W. Bush for a period of nearly eight hours, while surgeons removed a tumor from Mr. Reagan's large intestine. And, in 2002, George W. Bush conveyed his powers to Vice President Dick Cheney for two hours, while Mr. Bush was anesthetized during a routine medical procedure.

¹¹The 25th Amendment gives this authority to the Vice President and the Cabinet or to "such other body as Congress may by law provide." To date, no "such other body" has been established.

The Vice Presidency

"I am Vice President. In this I am nothing, but I may be everything." So said John Adams, the nation's first Vice President. Those words could have been repeated, very appropriately, by each of the 45 Vice Presidents who have followed him in that office.

Importance of the Office

The Constitution pays little attention to the office of the Vice President. It assigns the position only two formal duties: (1) to preside over the Senate¹² and (2) to help decide the question of presidential disability.¹³ Beyond those duties, the Constitution makes the Vice President a "President-in-waiting."

Through much of the nation's history, in fact, the vice presidency has been treated as an office of little real consequence and, often, as the butt of jokes. Many Vice Presidents themselves have

¹²Article I, Section 3, Clause 4; see Chapter 12, Section 1.
¹³25th Amendment, Sections 3 and 4.

The Living Constitution

Changes in the Presidency

While historians have often noted the changes in the *power* of the presidency, other important aspects of the office have changed as well. These include how the President is selected, when the President takes office, how many terms the President may serve, and how the office of the President is to be filled when vacant. The time line lists some of the most important amendments, laws, and other developments concerning these areas of the nation's highest office. Go to www.phschool.com to learn more.



1796

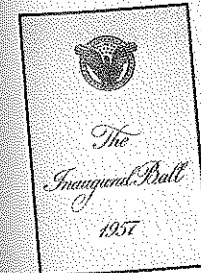
George Washington does not run for a third term, setting the precedent of a two-term limit.

1804

12th Amendment requires separate ballots for President and Vice President.

1800

1925



1933

20th Amendment moves President's inauguration from March to January.

1950



1947

Presidential Succession Act lists officials who would succeed to the presidency after the Vice President.

1973

President Nixon, following the 25th Amendment, nominates Gerald Ford to replace Vice President Agnew, who had resigned.

1975

1974

The 25th Amendment is invoked again as President Ford nominates Nelson Rockefeller as his successor in the vice presidency.

2000

2002

Vice President Cheney serves as Acting President while President Bush is anesthetized during a routine medical procedure.

1944
FDR wins a fourth term; and Congress later acts (1947) to limit a President to two terms in office (22nd Amendment, ratified in 1951)

1947
Presidential Succession Act lists officials who would succeed to the presidency after the Vice President.

1967
25th Amendment sets up procedures to follow when a President is disabled or vice presidency is vacant.

1985
Disability provision of the 25th Amendment first used when Vice President Bush becomes Acting President while President Reagan is in surgery.

Analyzing Time Lines

1. Which amendment deals with a vacancy in the office of Vice President? When and why was this provision first used?
2. For what reason do you think the 20th Amendment was passed?



Interpreting Political Cartoons What does the cartoon suggest about the common perception of the vice presidency?

Vice Presidents Who Succeeded to the Presidency	
Successor	Reason for Succession
John Tyler	Death (pneumonia) of William Henry Harrison, April 4, 1841
Millard Fillmore	Death (gastroenteritis) of Zachary Taylor, July 9, 1850
Andrew Johnson	Death (assassination) of Abraham Lincoln, April 15, 1865
Chester A. Arthur	Death (assassination) of James A. Garfield, September 19, 1881
Theodore Roosevelt	Death (assassination) of William McKinley, September 14, 1901
Calvin Coolidge	Death (undisclosed illness) of Warren G. Harding, August 2, 1923
Harry S. Truman	Death (cerebral hemorrhage) of Franklin D. Roosevelt, April 12, 1945
Lyndon B. Johnson	Death (assassination) of John F. Kennedy, November 22, 1963
Gerald R. Ford	Resignation of Richard M. Nixon, August 9, 1974

Interpreting Tables Eight Presidents have died in office, and one was forced to resign. In each case, the Vice President succeeded to the office. **What circumstances, other than the death or resignation of the President, may lead to the Vice President succeeding to the presidency?**

had a hand in this. John Adams described his post as “the most insignificant office that ever the invention of man contrived or his imagination conceived.” Thomas Jefferson, who followed him, found the office “honorable and easy” and “tranquil and unoffending.”

Theodore Roosevelt, who had come to the White House from the vice presidency, was annoyed by the tinkling of the prisms of a chandelier in the presidential study. He ordered it removed, saying: “Take it to the office of the Vice President. He doesn’t have anything to do. It will keep him awake.” The fixture has been in the Vice President’s office ever since.

John Nance Garner, who served for two terms as Franklin D. Roosevelt’s Vice President, once said: “The vice presidency isn’t worth a warm pitcher of spit.” Alben Barkley, who served during Harry Truman’s second term, often told the story of a woman who had two sons. One of them, Barkley said, went away to sea and the other one became Vice President, “and neither of them was ever heard from again.”

Despite these and a great many other unkind comments, the office is clearly an important one. Its occupant is literally “only a heartbeat away from the presidency.” Remember, eight Presidents have died in office, and one, Richard M. Nixon, was forced to resign.

Much of the blame for the low status of the vice presidency can be laid on the two major parties and the way they choose their candidates for the office. Traditionally, each national convention names the hand-picked choice of its presidential candidate. Usually, the presidential candidate picks someone who will “**balance the ticket.**” That is, the presidential candidate chooses a running mate who can strengthen his chance of being elected by virtue of certain ideological, geographic, racial, ethnic, gender, or other characteristics.

Vice Presidential Vacancy

The vice presidency has been vacant 18 times thus far: nine times by succession to the presidency, twice by resignation, and seven times by death.¹⁴

¹⁴John C. Calhoun resigned to become a senator from South Carolina in 1832. Spiro T. Agnew resigned in 1973, after a conviction for income tax evasion and in the face of other charges. The seven who died in office were: George Clinton (1812), Elbridge Gerry (1814), William R. King (1853), Henry Wilson (1875), Thomas A. Hendricks (1885), Garret A. Hobart (1899), and James S. Sherman (1912).

Yet, not until 1967 and the 25th Amendment did the Constitution deal with the matter. The amendment provides, in part:

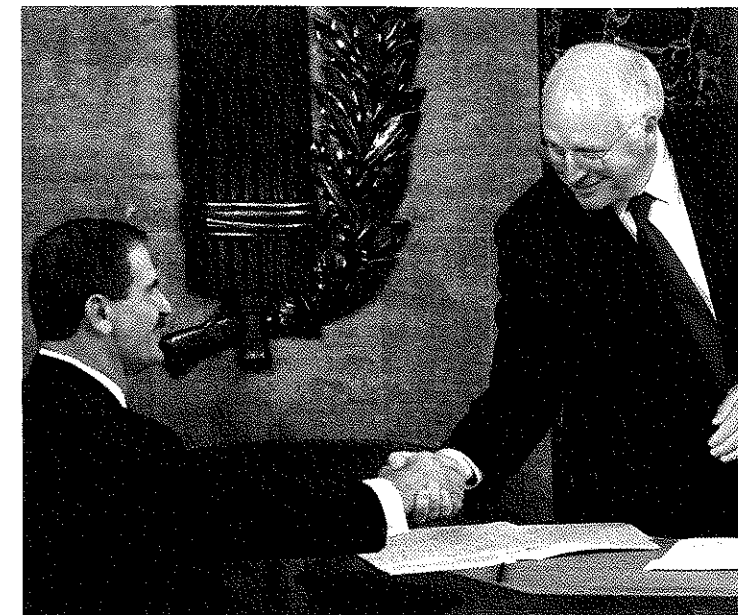
FROM THE Constitution “Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.”

—25th Amendment, Section 2

This provision was first implemented in 1973. In that year, President Nixon selected and Congress confirmed Gerald R. Ford to succeed Spiro Agnew as Vice President. It came into play again in 1974, when President Ford named and Congress approved Nelson Rockefeller.

The Vice President Today

Many people have long urged that the Vice President be given a larger role in the executive branch. The more recent Presidents, from Eisenhower on, have in fact made greater use of their Vice Presidents. Vice President Dick Cheney is widely regarded as the most influential Vice President ever. He was President Ford’s White House Chief of Staff (1975–1977), a member of the House (from Wyoming, 1979–1989), and later Secretary of Defense in the first Bush Administration (1989–1993).



▲ **An Active Vice President** Vice President Dick Cheney (right) meets with Mexican President Vicente Fox (left).

So far, however, no President has upgraded the Vice President to the role of a true “assistant president.” The major reason: Of all the President’s official family, only the Vice President—who is elected by the people, rather than appointed by the President—is not subject to the ultimate discipline of removal from office by the President. No matter what the circumstances, the President cannot fire the Vice President.

Section 2 Assessment

Key Terms and Main Ideas

1. What was the purpose of the **Presidential Succession Act of 1947**?
2. How is presidential disability to be determined?
3. Why are vice presidential candidates often chosen to **balance the ticket**?
4. (a) What official duties does the Constitution assign to the Vice President? (b) How has the role of the Vice President changed in recent years?

Critical Thinking

5. **Formulating Questions** Suppose you have just been offered the vice-presidential nomination. Make a list of questions that will help you decide whether to accept or reject the offer.

6. **Predicting Consequences** You have read that no matter what the circumstances, the President cannot fire the Vice President. (a) What might be the reasons for this provision? (b) What might be the consequences if this were not the case?

Take It to the Net

7. Choose an instance when a Vice President succeeded to the presidency and read more about it. Then write a news story from the point of view of a reporter living at the time. Use the links provided in the Social Studies area at the following Web site for help in completing this activity. www.phschool.com