

lodging duties and investing resources in the vice presidency can make vice presidents useful agents and advisers of the administration, none of that is as important as preparing the vice president to become president. Because occasions for succession have arisen frequently in the United States--about once every twenty years--the Task Force believes that the incentives are stronger than at any time in history to select capable political leaders to serve as vice president and to invest them with sufficient duties and resources to prepare them to be president.

There are, in addition, issues meriting discussion relating to the process of succession itself, both permanent succession (which occurs after the president dies, resigns, or is removed) and temporary succession (when the president is disabled). Most of these issues arise from the Twenty-fifth Amendment.

Section 2 of the amendment provides that "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." Although the purpose of this section is to assure that a vice president will always be in place to succeed to the presidency if needed, nothing binds either Congress or the president to act promptly when a vice presidential vacancy occurs. In 1974, for example, 139 days elapsed between Ford's succession to the presidency and Congress's confirmation of his nomination of Rockefeller to be vice president. One hundred and twenty-eight of those days were spent on the confirmation process.

Here as in the case of selection and duties, the Task Force believes that admonition and encouragement rather than laws or constitutional amendments offer the best solution to the problem of delays in the succession

✓ process. To be sure, time limits could be imposed upon the president (to submit a nomination) and Congress (to vote upon it). To do so, however, would require a constitutional amendment, a ~~device~~<sup>remedy</sup> far out of proportion to the problem. It also would tie the hands of the president and especially Congress should an unusually troublesome nomination arise. The proper remedy for political foot dragging on a vice presidential nomination, if that should take place, is, and likely would be, public pressure through the press and other channels to act responsibly.

yes ✓ The majority of the Task Force believes that the high degree of legitimacy that was enjoyed by the Ford-Rockefeller administration is a testimony to the effectiveness of the current constitutional arrangement. The sort of unusual, potentially turbulent circumstances that produce such administrations cry out for procedures that, although equally unusual, are certain and stabilizing. Section 2 is in keeping with these criteria. It also preserves at least the spirit of normal vice presidential selection. For the president to nominate the vice president is a well accepted practice of modern electoral politics; that both houses of Congress scrutinize and confirm the president's vice presidential nominee is a not unreasonable substitute for popular election. Finally, Section 2 enjoys considerable legitimacy simply by virtue of being a duly enacted constitutional procedure.

The Task Force also expressed some concern for problems related to the presidential disability provisions of the Twenty-fifth Amendment. Section 3 authorizes the president, when "unable to discharge the powers and duties of his office," to transfer those powers and duties temporarily to the vice president by writing a simple letter to the president pro tempore of the Senate and the speaker of the House of Representatives. A subsequent letter, sent by the president when once again able, ends the transfer.

The Task Force believes that presidents should not be reluctant to transfer power to the vice president whenever they are incapacitated by anesthesia, serious illness, or injury. The stigma of weakness or instability will be attached to such transfers only if they are made rarely and shamefacedly; if Section 3 is applied routinely, these stigma will disappear entirely. Ideally, future presidents <sup>should</sup> ~~will~~ announce, publicly and early in their administrations, the circumstances in which they will invoke Section 3 and the procedures they will use to decide whether those circumstances exist. Failing such initiatives, public pressure to act responsibly will encourage presidents to understand that the politically wise course and the statesmanlike course are one.

A second difficulty regarding presidential disability, covered in Section 4 of the Twenty-fifth Amendment, involves situations in which the president may be disabled but is unable or unwilling to say so. In this case, the amendment provides that "the Vice President and a majority of either the principal officers of the executive departments or of other such body as Congress may by law provide" agree to transfer the powers and duties of the presidency to the vice president until either the president's disability passes or the four-year term expires. Some members of the Task Force thought that Congress should, in such cases, exercise its option under the amendment to pass a law to replace the heads of the departments, a diverse and perhaps unwieldy group, with a smaller body, perhaps the three senior department heads (the secretaries of state, treasury, and defense).

Despite this suggestion, the majority of the Task Force regards the full complement of department heads as the best group to share responsibility with the vice president in determinations of presidential disability. In

*I don't  
- Chris  
Hamerick??*

keeping with Section 4, it believes that the group should be one that the president has appointed, to mute any possibility of charges of coups d'etat when power is taken from the president. It also agrees that given the nation's diversity, the group should be diverse. As to size, a group of fourteen (the present size of the cabinet plus the soon-to-be established secretary of veterans affairs) is both large enough to resist conspiracy and small enough to assemble around one table and freely discuss the question at hand. Finally, the legislative history of Section 4 suggests that although it entrusted Congress with the right to replace the cabinet in disability determinations, its principal intent was to deter a disabled but intransigent president from firing his department heads in order to prevent a determination of disability.

#### Conclusion

The vice president's most important responsibility always has been to be prepared to be president at a moment's notice; in an era of superpower politics and nuclear armaments, this has become critical. When vice presidents are political leaders of demonstrated competence, when adequate information and resources are made available to them, and when succession procedures are followed with sensitivity and care, vice presidents are most likely to be adequately prepared. These conditions are most likely to be met when the parties, the press, presidential candidates, Congress, the president, and the vice president are aware of their duties and perform them responsibly. All of our recommendations are exhortations to that end.

## COMMENTS

by

Arthur Schlesinger, Jr., Hugh Heclo, and Henry Reuss

We believe that long experience has proved the office of the vice president to be beyond redemption. The Constitution assigns no role to the vice president except to preside over the Senate, to cast a vote in case of a tie, and to succeed to the president's powers and duties in case of the death, disability, removal, or resignation of a president. Efforts have been made from time to time to invest the vice presidency with substance. These efforts have uniformly failed.

NOTS

The only real point of the office is to provide for presidential succession. But far from preparing the occupant for the presidency, the frustrations inseparable from the office have made it as often a maiming as a making experience, a process of emasculation rather than of education.

Trump in Bad?

The modern vice presidency that has developed with little forethought over the past 30 years is proving a more disruptive than constructive feature of our political system. First, the contemporary office confers unfair political advantages on its holder in the contest for the presidential nomination--a result that is bad for the incumbent party and bad for the country. Second, the recent development of a vice presidential bureaucracy with few real functions to perform and limited accountability to Congress increases the potential for mischief at the summit of government. Finally, the process of selecting vice presidential candidates in the heat of modern presidential campaigns

Ms  
Eip

has not worked reliably to produce qualified nominees; instead, the process has increasingly served to create a secondary personality contest in national elections. In short, there is a fundamental and growing contradiction between the function of providing for a worthy but temporary stand-in at the Oval Office and the form inherent in today's vice presidency.

For these reasons, we favor a return to the constitutional principle that a president "be elected" (Article II, Section 1) and to the principle enunciated by President Harry S. Truman in 1945 that no president should have the power to appoint his own successor. These two principles can be implemented in several ways to provide for a vacancy in the presidency. One possibility would be a constitutional amendment abolishing the vice presidency and providing for a special election to be held ninety days after the death, disability, resignation, or removal of a president. In such cases, the acting president, who would serve until the president is elected, would be a member of the cabinet according to the order set forth in the Succession Act of 1886 (Secretary of State, Secretary of Treasury, and so on). Should such a vacancy occur within 120 days of a regular biennial or quadrennial election, the acting president would serve until the next regular election.

TASK FORCE ON THE VICE PRESIDENCY

Mr. James Cannon  
3345 Q Street, NW  
Washington, DC 20007  
(202) 965-1065 - Sherry

Leonard Garment, Esq.  
Dickstein, Shapiro & Morin  
2101 L Street, NW  
Suite 1000  
Washington, DC 20037  
(202) 828-2236 - Suzanne

Prof. Hugh Heclo  
Dept. of Public Affairs  
George Mason University  
4400 University Dr.  
Fairfax, VA 22030  
(703) 764-6125 - Iris

Richard Moe, Esq.  
Davis, Polk & Wardwell  
1575 I Street, NW  
Suite 400  
Washington, DC 20005  
(202) 789-7100 - Margaret

Mr. Roger Mudd  
MacNeil/Lehrer Newshour  
3620 S. 27th Street  
Arlington, VA 22206  
(703) 998-2844, 2750 - Karen

Prof. Richard Neustadt  
Kennedy School of Government  
79 John F. Kennedy St.  
Harvard University  
Cambridge, MA 02138  
(617) 495-1100 - Sally

Prof. George Reedy  
College of Journalism  
Marquette University  
Milwaukee, WI 53233  
(414) 224-7089

The Hon. Henry F. Reuss  
470 N Street, SW  
Washington, DC 20024  
(202) 554-3488

Ms. Catherine Rudder  
Executive Director  
American Political Science Assn.  
1527 New Hampshire Ave., NW  
Washington, DC 20036  
(202) 483-2512 - Ms. McHenry

Mr. Arthur M. Schlesinger, Jr.  
CUNY Graduate Center, Rm. 1606  
33 West 42nd St.  
New York, NY 10036  
(212) 642-2060 - Diane

Jack Watson, Esq. (Chairman)  
Long, Aldridge & Norman  
2 Concourse Pkwy., Suite 750  
Atlanta, GA 30328  
(404) 527-4000 - Pat

Rapporteur:  
Prof. Michael Nelson  
Dept. of Political Science  
Vanderbilt University  
Nashville, TN 37240  
(615) 322-6222 (w)

Fund Representative:  
Richard Sinopoli  
41 East 70 St.  
New York, NY 10021  
(212) 535-4441

## The Twentieth Century Fund

41 East 70th Street  
New York, N.Y. 10021

(212) 535-4441

M. J. Rossant, *Director*

*File*

January 26, 1988

The Honorable Walter F. Mondale  
Dorsey & Whitney  
2200 First Bank Place East  
Minneapolis, Minnesota 55402

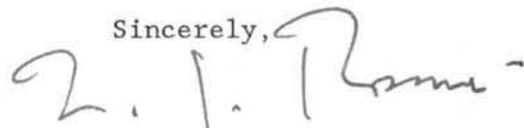
Dear Mr. Mondale:

The Twentieth Century Fund, a public policy foundation, is sponsoring an independent Task Force to study and issue recommendations on the vice presidency. I understand that Messrs. Richard Moe and Jack Watson, Task Force members, have spoken to you regarding the possibility of your serving as a guest witness before the Task Force. I am following up on these conversations to issue this invitation on behalf of the Fund and the Task Force. I enclose a roster of Task Force members, the Fund's latest Annual Report and copies of some Fund Task Force reports.

The next two meetings of the Task Force are scheduled to take place at the Hay-Adams Hotel in Washington on February 22 and March 29. The last meeting is scheduled for April 25 and will take place in either New York or Washington. We would be delighted to have you attend any of these sessions. If these dates are not convenient, the Fund would be glad to send a representative to get your answers at a time and place of your convenience. We would also provide you with a list of questions prior to meeting.

As a former vice president and presidential nominee, your testimony would be invaluable to the Task Force and would add a perspective on the subject that members, despite their experience and study of our political system, cannot duplicate. I look forward to hearing from you.

Sincerely,



M. J. Rossant

MJR:hq  
Encl.

January 27, 1988

Richard Moe, Esq.  
Davis, Polk & Wardwell  
1575 I Street, N.W.  
Washington, D.C. 20005

Dear Dick:

Thanks for sending the material on the Twentieth Century Fund devoted to the Vice Presidency. I would like to participate, however my schedule will not permit it. Perhaps Jack Watson could call me and we could work something out.

With best wishes,

Walter F. Mondale  
Dictated but not read

WFM/llp

DAVIS POLK & WARDWELL

1575 I STREET, N.W.  
WASHINGTON, D. C. 20005  
202-789-7100  
TELEX: ITT-440626  
TELECOPIER: 202-789-7129

1 CHASE MANHATTAN PLAZA  
NEW YORK, N.Y. 10005

499 PARK AVENUE  
NEW YORK, N.Y. 10022

4, PLACE DE LA CONCORDE  
75008 PARIS

1 FREDERICK'S PLACE  
LONDON EC2R 8AB

RICHARD MOE  
202-789-7190

January 14, 1988

The Honorable Walter F. Mondale  
Dorsey & Whitney  
2200 First Bank PLace East  
Minneapolis, Minnesota 55402

Dear Fritz:

Last year I mentioned to a friend at The Twentieth Century Fund, which as you probably know has done some first-rate studies on the Presidency, that they really ought to devote some attention to the Vice Presidency. Lo and behold, they took me up on it and created a task force to do just that. The task force, under Jack Watson's chairmanship, is now up and functioning and, as you can see from the attached membership list, has some very good people serving on it.

It's going to be a broad-ranging inquiry into the office, focusing not so much on constitutional, statutory or other structural changes as on the potential of the office as it now stands. It's my own hope that we can produce a document that might be of some value to a prospective presidential nominee faced with the necessity of selecting a vice president without having given the subject much prior thought. It would hopefully offer him some background and perspective on the subject and at least encourage him to ask the right questions.

Because your experience in the office was such a significant one in its modern evolution, the Commission is eager to meet with you in the next few months to get your thoughts. There are meetings scheduled in Washington on January 25 and February 22, 1988, and Jack has asked me to indicate that he would be delighted to clear the agenda for

January 14, 1988

your appearance at either of those sessions. If neither of those dates is convenient, clearly we would like to work out another time when you will be either in Washington or New York where we could arrange a couple hours to sit down together.

I am enclosing a background paper prepared for the Task Force by Professor Michael Nelson. This paper is probably the single best academic treatment of the office which at least I have seen. It will be largely familiar territory for you, but parts of it might be of interest.

In any case, the Task Force is eager to get your views first-hand and we all hope it might be possible to work out a date. If you could either let me or Jack Watson (404/527-8320) know if there is a convenient time soon, we would be very grateful.

We had great skiing at Vail, as I assume you did. Again, Happy Birthday--I'm told life really does begin at 60!

Warmest regards.

Sincerely,



Richard Moe

Enclosure

## Political Memo

## Scouting the Vice-Presidential Field

By E.J. DIONNE Jr.

Special to The New York Times

BOSTON, June 11 — Michael S. Dukakis this week ordered reporters covering his campaign not to pay any attention to "highly placed advisers and well-placed sources" in writing about whom he would pick as his running mate. Mr. Dukakis said that he and only he was a good source on that subject.

Since Mr. Dukakis is famed for his caution, that could leave reporters with nothing to write about on the subject of the Vice Presidency for the next several weeks.

A lot of Democrats — including, occasionally, Mr. Dukakis' well-disciplined aides — are quite willing to ignore Mr. Dukakis's desire that nobody speculate about whom the Massachusetts Governor is likely to choose, and why.

Speculating on the choice is not, in fact, that difficult, because the range of possibilities is small enough to make it manageable and large enough to create some suspense.

## Two Schools of Thought

At this early stage, opinion seems to be divided between two groups: Those who state firmly that there are really only two or three real possibilities — say, Senators Bill Bradley, John Glenn and Lloyd Bentsen — and those who have fun by tossing out names that most people haven't considered. How about Senator Brock Adams of Washington? Those who tout long shots have the best chance of being wrong and also the best chance of being described as brilliant later if they guessed right. Then there is the Rev. Jesse Jackson.

The process of speculation often starts with an analysis of Michael S. Dukakis's mind and character. One popular view is that he is so intent on someone smart, spotless and well educated that he is quite prepared to ignore geography and politics and simply pick someone he respects.

This view inevitably leads to Senator Bradley. Mr. Bradley is clearly a Dukakis sort of character: Princeton and Oxford, extremely substantive, moderate, cerebral, studious. He is knowledgeable on foreign policy and could complement Mr. Dukakis, who has no special expertise in that area.

From a political standpoint, Mr. Bradley is from New Jersey, a state that has 18 electoral votes and that the Democrats have not carried since 1964. He is a former basketball player who could help the Democrats with a large and rather important voting bloc that has been straying Republican in recent years: Males. And Mr. Bradley was born in Missouri, so he might help in the border states.

The objections to Mr. Bradley are that he would make the ticket too Ivy League and too Northeastern. He is about 10 inches taller than Mr. Dukakis. He cannot move crowds any more than Mr. Dukakis can.

True, say Mr. Bradley's defenders, but a moderate sports hero may be more helpful in the South than many Southern politicians would. As for height, Mr. Dukakis seems to have no complexes on the matter, and the carpenters' union would just love the chance to build all those "risers" that could bring Mr. Dukakis up to Mr. Bradley's level.

And people have spoken so much about the boredom factor that it is becoming boring. Even the revisionist view that "boring is beautiful" is now boring.

Many of those who reject Mr. Bradley tout Senator Glenn of Ohio. The

## The range of choices is wide enough for suspense.

choice of Mr. Glenn makes sense especially to Democrats who see their party winning an electoral majority not out of the South, but by a clean sweep of the economically troubled Midwest.

Mr. Glenn is a moderate and a hero from his astronaut days. His state has 23 electoral votes. Since 1964, the Democrats have carried Ohio only once, with Jimmy Carter in 1976. And Mr. Carter's tiny 7,000-vote margin was a fluke, since southern Ohio tends to vote like the South and gave an unnaturally high vote to the first son of the Old South to carry the state since the War Between the States.

## Objections to Glenn

The objections to Mr. Glenn are that he did not prove himself to be very much of a hit on the stump in his unsuccessful 1984 campaign, that he does not add much outside of Ohio, that temperamentally he's not quite as buttoned-down intellectual as Michael Dukakis would like. Nonsense, reply his defenders. Ohio is important, and Michael S. Dukakis knows that John F. Kennedy won in 1960 by picking someone as different as possible from himself, Lyndon B. Johnson.

At this point in discussions among Democrats, someone will usually yell something about the South and the need for the party to win support

from white Southern moderates and conservatives. The argument goes that the Democrats have never won a recent election without the South, that a Massachusetts-Harvard-ethnic candidate needs a good old boy to balance the ticket.

The room usually divides sharply over two choices, Senator Sam Nunn of Georgia and Senator Albert Gore Jr. of Tennessee. Mr. Nunn would appeal to Mr. Dukakis, according to one theory, because he, like Mr. Bradley, has defense and foreign policy expertise and is universally regarded as extremely bright. But Mr. Jackson's liberal supporters have put a hex on Mr. Nunn — less because of his foreign policy views than because of his conservative votes on civil rights, abortion and other domestic issues. If Mr. Dukakis wants to avoid a fight with Mr. Jackson, he will avoid Mr. Nunn.

Mr. Gore, it is said, ended his campaign on less than perfect terms with Mr. Dukakis. This view is disputed by Mr. Gore's allies, who also point out that he could help Mr. Dukakis in a block of mid-Southern states, Tennessee, Kentucky and Arkansas, that have a total of 26 electoral votes. Mr. Gore is young and has a good environmental record, which could make him a hit in California.

Two other Southerners are prominently mentioned: Senator Bentsen of Texas (26 electoral votes) and Senator Bob Graham of Florida (17 electoral votes). Democrats tend to choose between the two depending on whether they think Florida or Texas should be the main Democratic target. Two Democrats from Arkansas, Senator Dale Bumpers and Gov. Bill Clinton, are often discussed, though not as much these days as Mr. Bentsen or Mr. Graham.

## The 'Western problem'

Then there is the Democrats' "Western problem." Democrats have been clobbered in the West election after election and some in those parts are lobbying for one of their own. Their top candidate: Representative Thomas S. Foley of Washington, the House majority leader. Mr. Foley is highly respected in the nation's capital — so much so, in fact, that he is often seen among politicians as being more a man of the House than a man of the West.

The name of Jesse Jackson has been raised most prominently by Mr. Jackson himself. Mr. Jackson's chances are rated as almost nil, both because of Mr. Dukakis's basic caution and because the evidence from virtually all polls is that, because of racial attitudes and because his politics are seen as too left-leaning, Mr. Jackson would lose the Democratic



Senator Brock Adams of Washington, one of the wild-card possibilities for Vice President.



Representative William H. Gray of Pennsylvania, mentioned as a black alternative to Jesse Jackson.



Senator Lloyd Bentsen of Texas, seen by many as one of the possibilities.



Representative Thomas S. Foley of Washington, the top candidate of some from the West.



Senator Sam Nunn of Georgia, one of the obvious choices from the South.



Senator John Glenn of Ohio, the choice of those who see a sweep of the Midwest as crucial.



Senator Bill Bradley of New Jersey, clearly a Dukakis sort of character: moderate, cerebral, studious.

ticket far more votes than he would pick up. But Rep. William H. Gray of Pennsylvania, who has extensive Congressional experience and is being relied on by the Jackson and Dukakis forces to help write a mutually agreeable platform, is sometimes mentioned as a black alternative to Mr. Jackson.

Then there are the wild-card

choices, the people whose names are mentioned to spice up the usual list. These days, they include three Senators from the West: Mr. Adams of Washington, Dennis DeConcini of Arizona and Timothy E. Wirth of Colorado, and a Southerner, Senator Wyche Fowler of Georgia. Representative Richard A. Gephardt of Missouri, Mr. Dukakis's one-time rival for the No. 1

spot, also gets a sympathetic mention now and then.

This last list is the most speculative, people whom insiders bring up to suggest that they know something that others don't — even though Mr. Dukakis isn't saying much of anything yet to anyone. So remember: If one of these names turns up on the ticket, you read them here first.



The New York Times/Chester Higgins Jr.

The Rev. Jesse Jackson checking exit poll results in the New York primary in April. According to an adviser, his leather phone book may be his most valuable possession.

## Jackson Is Greeted in Chicago as a Winner

By ISABEL WILKERSON

Special to The New York Times

CHICAGO, June 11 — The Rev. Jesse Jackson came home today, a winner in the eyes of those who stood by him regardless of the campaign results.

It was a jubilant and defiant celebration at the headquarters of Operation Push as local officials and ordinary citizens stood to cheer their native son. They waved posters reading "Thank You, Jesse" as he took the podium, and they buoyantly chanted what has become an informal campaign slogan: "Run, Jesse, Run."

It was also a bittersweet pep rally in which the candidate appeared to try to invigorate proud but slightly discouraged supporters wondering what they might get out of the Democratic National Convention in Atlanta. Mr. Jackson cited first place finishes in 13 states and second place showings in 33 others as proof of his viability.

"Hold your head high," Mr. Jackson told the audience of about 1,000 people. "This was a great victory. We're moving on up. We're going to Atlanta with power derived from the people."

While some in attendance voiced frustration and anger over the re-

jection of Mr. Jackson by many white voters, Mr. Jackson stressed the positive and reiterated his interest in the Vice Presidency. At the same time, he appeared to try to win over some black supporters who question whether the Vice Presidency would be right for him.

"Don't let anybody convince you that the position of Vice President is unimportant," Mr. Jackson told the audience. "One heartbeat away from the leadership of the Free World and of Western civilization is not an unimportant job."

He praised his opponent for the Democratic Presidential nomination, Michael S. Dukakis, noting that the two of them got along well together in the campaign. "I believe that together we have shown that it is possible to compete without conflict and to differ without division," Mr. Jackson said.

He said that because of improved relations with the Soviet Union, problems in third world nations should be a major foreign policy focus of the next administration, and he suggested he would be an ideal candidate at this juncture. "Selection of the Vice President could be used to give someone with third-world experience and sensitivity a chance to bridge the gaps," Mr. Jackson said.

Some in attendance still held out hope that their candidate could be nominated at the convention. Officials of Push, the civil rights organization founded by Mr. Jackson, preceded him on the podium and spoke of Mr. Jackson as "the next President of the United States" and appeared to send warnings to party officials that "the whole world is watching."

**'He Couldn't Be Free'**

Others seemed sadly resigned to the racism that they said hampered Mr. Jackson from the start, saying there was little point in his being on the ticket at all. "Jesse deserves it," said Philip Gary, owner of a construction company. "But this country is so racist, I think Jesse could hurt the ticket. The main thing is to get those Republicans out of there."

But many people who showed up today were like Flenoy Jackson, a retired custodian who used to work in the Chicago Theological Seminary where Mr. Jackson was a student. His life had been touched by Mr. Jackson, and he wanted to show his appreciation and pride.

"I just wish him the best of everything," said the retired custodian. "I'm glad he went as far as he did."

# Van Buren's 'Jinx'

By Joel K. Goldstein

ST. LOUIS — This is high season for the Vice Presidency, the only time in four years when Americans think much about the office. Unfortunately, much of the discussion is marred by obsolete stereotypes.

To make shrewd choices, or correctly evaluate such questions as George Bush's chances of breaking the "Van Buren jinx" by becoming the first sitting Vice President in more than 150 years to be elected President, we need to refresh our thinking.

The Vice Presidency is often portrayed as a sinecure, the last stop in the public careers of men of modest talents. That view accurately summarized the office during most of the 19th century, but not anymore. During the 20th century, and particularly since the New Deal, the Vice Presidency has been transformed. The old stereotype, reinforced by such men as Richard Johnson, President Van Buren's second, who padded his Government income by running a tavern, is seriously out of date.

The conventional view of the Vice Presidency combines at least three myths, the first being that the office fails to attract persons of the first rank — that the job appeals only to the undistinguished.

In fact, the Vice Presidency has attracted an impressive list of candidates during the last 40 years or so. Presidential nominees perceived as having a reasonable chance of winning have their pick of running mates. During the last 40 years, only two men — Gov. Nelson A. Rockefeller of New York in 1960 and Senator Edward M. Kennedy in 1968 — have declined invitations to run on a ticket their party perceived to have reasonable hope of success.

Men (and now women) of distinction openly and routinely covet the second spot. Since 1948, for example,

---

The Vice  
Presidency  
abounds  
in myth.

---

those who sought the Vice Presidency included Gov. (later Chief Justice) Earl Warren, Senate majority leader Lyndon B. Johnson, Hubert H. Humphrey, Senator (later Secretary of State) Edmund S. Muskie, Walter F. Mondale and Bob Dole.

The second myth is that the Vice Presidency is a ticket to political oblivion. The historical fact that Martin Van Buren was the last sitting Vice President to be elected President conceals more than it reveals. The 16 Vice Presidents of the 19th century after Van Buren failed to win election to the Presidency for a combination of reasons, including: dying in office (four), succeeding to the Presidency (four), thorough mediocrity, and serving under a President who failed to win a second term.

The Van Buren jinx has little more relevance in the 20th century. It is not just sitting Vice Presidents who fail to win the Presidency. Rather, during this century the incumbent party has retained the Presidency on only two occasions when it ran someone other than an incumbent President.

In fact, the Vice Presidency is the best springboard to the Presidency. Nine Vice Presidents have become President following death or resignations of the incumbent. Four other Vice Presidents have won the Presidency. Put differently, one-third of America's Presidents served first as Vice President. Two Vice Presidents — Richard M. Nixon in 1960 and Mr. Humphrey in 1968 — narrowly lost the Presidency.

Moreover, nearly every recent Vice President has become a leading Presidential contender. Neither Mr. Nixon nor Gerald R. Ford had been considered Presidential timber before becoming Vice President; once installed in office, they emerged as the preferred choice among Republicans. Neither Mr. Mondale nor Mr. Bush could gain the Presidential nomination before becoming Vice President. Mr. Bush may not break the Van Buren jinx, but if he fails it will be due to his own shortcomings, not those of the office.

The final myth claims that the Vice Presidency is inevitably an empty job, that its occupant attends funerals but does little else. But recent Vice Presidents — particularly Mr. Mondale — have been more than America's official pallbearers. Rather than filling the Vice President's schedule with menial tasks, Jimmy Carter made Mr. Mondale a general adviser and trouble shooter with unfettered access to the President and the information coming to the Oval Office.

President Reagan and Mr. Bush tried to duplicate the Mondale model, though it's not clear that they have succeeded. While Mr. Bush headed several Presidential commissions — one on drugs and another on ways to cut back Federal regulations — he did not appear to exert the influence that Mr. Mondale did.

The Vice Presidency is indeed an awkward job. But it can no longer be considered a political graveyard, to be avoided by able politicians.

Joel K. Goldstein, a lawyer, wrote a book on the Vice Presidency.

DRAFT  
NOT FOR QUOTATION

*File*

THE VICE PRESIDENCY

by Michael Nelson

Background Paper for the Task Force on the Vice Presidency

The Twentieth Century Fund  
41 East 70th Street  
New York, NY 10021  
(212) 535-4441

## Table of Contents

- Chapter 1. Introduction
- Chapter 2. Origins and Development
- Chapter 3. Selection
- Chapter 4. Activities
- Chapter 5. Succession and Disability
- Chapter 6. Recommendations

## Chapter 1

### INTRODUCTION

The vice presidency has long been an easy target of derisive humor, the running joke being that the office is of little consequence. Finley Peter Dunne, speaking through his invented character Mr. Dooley, described the vice presidency as "not a crime exactly. Ye can't be sint to jail f'r it, but it's kind iv a disgrace. It's like writin' anonymous letters." One motif of George S. Kaufman and Morrie Ryskind's popular 1930s musical, Of Thee I Sing, was the ongoing effort of Vice President Alexander Throttlebottom to find two references so that he could get a library card. Some vice presidents have joined in the fun. Thomas R. Marshall compared himself to "a man in a cataleptic fit; he cannot speak; he cannot move; he suffers no pain; he is perfectly conscious of all that goes on, but has no part of it." John Nance Garner derided his job as not "worth a pitcher of warm spit." (That's a G-rated version of what he said.) Even scholars have given way to merriment at the thought of the vice presidency. "The chief embarrassment in discussing the office," wrote Professor Woodrow Wilson, "is, that in explaining how little there is to say about it one has evidently said all there is to say."<sup>1</sup> Clinton Rossiter spent seven of 281 pages on the vice presidency in his book The American Presidency, then apologized that "even this ratio of forty to one is no measure of the vast gap between [the two offices] in power and prestige."<sup>2</sup>

Many a truth--about the vice presidency as well as other things--has been spoken in jest, of course. Constitutionally, the vicepresidency was born weak and has not grown much stronger. But lost in all the laughter is an appreciation of the importance--ongoing in American history but growing in recent years--of the position the vice presidency occupies in the American political system. The office is most significant, of course, when, cocoonlike, it empties itself to provide a successor to the presidency. ("I am vice president," said the first person to hold the office, John Adams. "In this I am nothing, but I may be everything.")

Nine vice presidents, more than a fifth of those who have been selected for the office, have become president when the incumbent died or resigned. Each of the twentieth century's five vice-presidents-turned-successor-presidents--Theodore Roosevelt, Calvin Coolidge, Harry S. Truman, Lyndon B. Johnson, and Gerald R. Ford--subsequently was nominated by his party for a full term, and all but Ford were elected. (Collectively, they led the nation for almost twenty-nine years, roughly a third of the century to date.)

In 1965, Congress decided that it was so important to have a vice president standing by at all times that it passed the Twenty-Fifth Amendment, establishing the procedure for filling vice presidential vacancies. In addition, the amendment, ratified by the states in 1967, stated unequivocally the right of the vice president, in the event of the president's death, resignation, or impeachment, to serve as

president for the balance of the four-year term, and going even further, it created a mechanism by which the vice president could assume the powers and duties of the presidency whenever and for as long as the president was disabled.

Besides its long-standing role as contingent presidential successor, the vice presidency also has become an important electoral springboard to the presidency. The modern vice president is not only a presumptive candidate for president, but the presumptive frontrunner and nominee of the party as well. Fifteen of nineteen twentieth century vice presidents have gone on to seek the presidency. In the history of the Gallup poll, which extends back to 1936, Garner and every vice president since Richard M. Nixon has led in a majority of surveys measuring the voters' preferences for their party's presidential nomination.<sup>3</sup> Five of the seven recent vice presidents later were nominated for president in their own right. (From the beginning of his term, George Bush has been favored to make it six of eight.)

Finally, recent changes in the vice presidency have made the office itself increasingly substantial. The vice presidency has become "institutionalized" to some degree.<sup>4</sup> This is true both in the narrow sense that it is organizationally larger and more complex than in the past (the vice president's staff, for example, has grown from twenty in 1960 to around seventy today) and in the broader sense that certain kinds of vice presidential activities now are taken for granted. These include: regular private meetings, membership on the National Security Council, national security briefings, frequent diplomatic missions,

public advocacy of the president's leadership and programs, party leadership, and others. Modern vice presidents have a lot more to do than, in Marshall's gibe, "ring the White House bell every morning and ask what is the state of health of the president."

The vice presidency, then, as successor, springboard, and institution, has become an important office. It also is a problematic one. Some of its problems are relatively new, others are long-standing, still others are long-standing but seem new because recent changes in the office have brought them into sharp relief. Among the problems of the vice presidency are these:

- Vice presidential candidates sometimes have been chosen by the two major parties in haste and with victory in the election, not governing afterward, uppermost in mind. Critics argue that the traditional nominating process is poorly designed to produce vice presidents of talent and ability. Others identify problems in the Twenty-Fifth Amendment's procedure for vice presidential selection when a vacancy occurs in the office, which entails presidential nomination and congressional confirmation. They suggest, for example, that presidents typically will make bland selections in order to avoid a lengthy and perhaps losing fight in Congress.

- For all the newfound influence of the office, vice presidential power still is largely a function of the president's willingness to confer it. Vice presidents who wish to make the most of the position, therefore, are encouraged to keep their views anonymous, their behavior loyal, their attitude toward sometimes unpleasant presidential assignments dutiful, and their deportment self-effacing. (Those who

deviate even slightly from this code may be regarded as untrustworthy by the president and, especially, by the White House staff.) All this has led Arthur Schlesinger, Jr., to suggest that the vice presidency is "much less a making than a maiming experience."<sup>5</sup>

• The ambiguous constitutional status of the vice presidency is the source of some concern. A variety of opinions and practices have emerged through the years. Vice President Thomas Jefferson, dwelling on the vice president's role as president of the Senate, said, "I consider my office as constitutionally confined to legislative duties." Garner placed the vice presidency in "a no man's land somewhere between the executive and legislative branch"; Mondale said that as vice president he was "a member of both . . . branches." In practice, recent vice presidents (including Mondale) have served as adjuncts to the presidency, slighting their legislative responsibilities. Yet presidents are understandably reluctant to assign certain important tasks to vice presidents, knowing that, unlike department heads and other executive officials, they cannot be commanded, removed, or otherwise held formally accountable for their words and actions.<sup>6</sup>

• Numerous problems have been perceived in the succession arrangements that place the vice president first in line to be president in the event of a presidential vacancy or disability. For example, if vice presidents are selected in haste for short-term electoral reasons, then put to work in sometimes degrading ways, are they likely to be worthy successors to the presidency? Does vice presidential succession undermine the Constitution's larger concern that the president "be elected"? Does the Twenty-Fifth Amendment,

which allows for an endless string of appointed vice presidents succeeding to the presidency, fly in the face of democratic norms?

In sum, although the vice presidency is an increasingly important office, it is not devoid of problems.

## Chapter 2

### ORIGINS AND DEVELOPMENT

The vice presidency has evolved through four fairly distinct eras: the founding period, which extended from the Constitutional Convention of 1787 until the enactment of the Twelfth Amendment in 1804; the nineteenth century, which was the office's nadir; the first half of the twentieth century, a period that began with the vice presidency of Theodore Roosevelt, was marked by greater vice presidential visibility but still minor functions, and ended with Harry S. Truman's sudden and dangerously unprepared succession to the presidency in 1945; and the modern era, in which the role of the vice president has been greater and perhaps has been institutionalized as well. During the first two eras, the remark of the first vice president, John Adams--"I am possessed of two powers; the one is esse and the other is posse"--was true because it was ironic. In the more recent periods, it has become true almost at face value.<sup>1</sup>

### THE FOUNDING PERIOD

#### Constitutional Origins

The Constitution contains the vice presidency's genetic code, its hereditary legacy from the act of conception. To be sure, both historical changes in the political environment of the office and the actions of individual presidents and vice presidents have substantially affected the development of the vice presidency. But the general

contours within which the office's functions and influence have evolved have been shaped by the Constitution.

All the more surprising, then, that the invention of the vice presidency was an afterthought of the Constitutional Convention, a residue of its solution to the problem of presidential selection. Initially, the framers had agreed that the legislature should choose the executive, who, to remove the temptation to use the powers and patronage of the office to trade favors for votes with legislators in a quest for reelection, was to be allowed only one term. But as the convention wore on, delegates became so enamored of the incentive to excellent service in office provided by eligibility for reelection that they removed the restriction and, with it, the legislative method of presidential selection.<sup>2</sup>

How, then, to elect the president? Late in its proceedings, after rejecting a number of proposals, the convention turned the matter over to the Committee of Eleven (sometimes aptly referred to as the Committee on Postponed Matters). The committee's solution was the electoral college, a system by which each state choose electors who in turn chose the president by majority vote. A possibly fatal defect of this procedure--that state electors simply would vote for a variety of favorite sons, preventing the choice of a nationally elected president--was remedied by assigning the electors two votes each for president, requiring that they cast at least one of their votes for a candidate who "shall not be an Inhabitant of the same State with themselves," and--to assure that their second votes would not be used frivolously--attaching a consequence to them: the runner-up in the

election for president would be awarded the newly created office of vice president.

Thus, as Hugh Williamson, a delegate to the convention from North Carolina and a member of the Committee of Eleven, testified, "Such an office as vice-President was not wanted. It was introduced only for the sake of a valuable mode of election which required two to be chosen at the same time."<sup>3</sup> But, having invented the vice presidency, the committee proposed that the office also be used to solve two other problems that had vexed the convention. The first was the role of president of the Senate. Some delegates had fretted that if a senator were chosen for this position (which customarily carried no vote on legislation except to break ties), the senator's state would be effectively denied half its representation. The committee recommended that, as a way around this problem, the vice president be president of the Senate.<sup>4</sup> Although a few delegates expressed concern that giving this role to the vice president would violate the principle of separation of powers, the convention assented.

The second loose end that the committee used the vice presidency to tie off involved presidential succession. The convention earlier had stipulated that the Senate president would assume the powers and duties of the presidency in the event of a vacancy. But that decision had displeased some delegates, who feared it would give the Senate a stake in presidential vacancies and who suggested instead that the chief justice or a council of state fill the office. The committee then proposed that the vice president, who as runner-up in the presidential election could reasonably be judged the second-most

qualified person in the country to be president, be designated as successor to the presidency. As will be described later, both the committee and the convention that accepted its recommendation almost certainly intended that the vice president would be acting president, assuming the powers and duties of the presidency but not the office itself, and would serve only until a special election could be held to choose a new president. But the Committee of Style, which was created to turn the convention's many decisions into a final draft of the Constitution, unwittingly blurred these intentions.

In all, the invention of the vice presidency was an ingenious solution to a number of problems related to the presidency and the Senate. As an office, however, it was inherently plagued by problems of its own. Its hybrid status was bound to make it suspect in legislative councils because it was partly executive and in executive councils because it was partly legislative. The single assigned responsibility of the vice presidency, to preside over the Senate, was almost trivial, yet were there not this duty, observed Roger Sherman of Connecticut, the vice president "would be without employment." The successor role was to be an inevitable source of tension between president and vice president, as well as of confusion. (The fabled "one heartbeat away" that separates the vice president from the presidency is, after all, the president's.) Finally, more than any other institution of the new government, the vice presidency required the realization of the framers' hope that political parties would not emerge in the new nation. The office would seem less a brilliant than a rash improvisation of the convention if it were occupied as a matter of course by the president's leading partisan foe.<sup>5</sup>

### The Early Vice Presidency

Midway through his tenure as the nation's first vice president, John Adams lamented to his wife Abigail that, "My country has in its wisdom contrived for me the most insignificant office that ever the invention of man contrived or his imagination conceived." Little did Adams realize that the vice presidency was at a peak of influence during the period in which he served. Because the Senate was small and still relatively unorganized, Adams was able not only to cast twenty-nine tiebreaking votes (still the record), but to guide the upper house's agenda and intervene in debate. Adams also was respected and sometimes consulted on diplomatic and other matters by President George Washington, who invited him to meet with the cabinet in his absence. And, having won his office by receiving the second largest number of electoral votes for president in 1789 and 1792, it seemed only fitting that Adams should be chosen as Washington's successor.

Adam's election as president was different from Washington's, however. The framers' hopes notwithstanding, political parties emerged during the Washington administration. The result in 1796 was the election as vice president of the losing party's presidential nominee, Thomas Jefferson. Even before the inauguration, Adams tried to lure Jefferson into the administration's fold by urging him to undertake a diplomatic mission to France, but Jefferson, eager to build up his own party and win the presidency away from Adams, would have none of it. He justified his refusal by claiming that, constitutionally, the vice presidency was a legislative position.

Unsatisfied with the ~~divided~~ partisan result of the 1796 election,



# MINNESOTA HISTORICAL SOCIETY

Copyright in the Walter F. Mondale Papers belongs to the Minnesota Historical Society and its content may not be copied without the copyright holder's express written permission. Users may print, download, link to, or email content, however, for individual use.

To request permission for commercial or educational use, please contact the Minnesota Historical Society.