

they will educate and accustom the nation to disability, and perhaps win political credit for acting prudently. If they fail to do so, they should be strongly criticized in Congress, the press, and other public forums.

A curious omission of the Twenty-Fifth Amendment is any provision for vice presidential disabilities. As noted earlier, an important purpose of the amendment was to assure that a vice president would always be available to succeed to a vacant presidency or fill in for a disabled president. Even a briefly disabled vice president would be inadequate to either task; to have a vice president who was suffering from a long term or permanent disability would undermine the Twenty-Fifth Amendment entirely.

The Twenty-Fifth Amendment offers a convenient model for a solution to the problem of the disabled vice president, which could be included in the proposed omnibus constitutional amendment. Very simply, either the vice president or the president and a majority of the heads of the executive departments could declare the vice president disabled. During the disability, the secretary of state (or, if the secretary did not meet the constitutional qualifications for vice president, the secretary of defense, and so on) would become acting president in a situation of presidential vacancy or disability, but would not assume the vice president's Senate responsibilities. The disability would end when the vice president declared it ended, unless the president and cabinet disagreed, in which case Congress would settle the issue, as it would in a situation of disputed presidential disability. In the unlikely event that the secretary of state was

serving as acting president when the vice presidential disability ended, the vice president would resume the office's successorship duties.

CONCLUSION

Reform of the vice presidency is a long standing topic of American political discourse. Modern-day reformers confront a curious state of affairs. Most important historical problems of the vice presidency--notably, poor vice presidential selection and inadequate preparation to be president--have been allayed, if not solved. Other problems of the office probably admit of no general solution. For example, the same public advocacy role that offers vice presidents such powerful political benefits with the party and the administration risks making them appear to be servile, divisive figures, inadequate to unify and lead the nation either by succession or election. This problem can be alleviated by the political sensitivity, even artistry, of individual presidents and vice presidents, not by political reform.

Somewhere between these two extremes are the problems of the vice presidency that can be eased through purposeful action. Legislation to fulfill Section 4 of the Twentieth Amendment would solve one such problem, that of the presidential or vice presidential candidate who dies before Congress declares (or, in the event of an electoral college deadlock, decides on) a president-elect and vice president-elect. An

ous constitutional amendment to correct certain defects in the -Fifth Amendment would solve others. Specifically, the amendment include a provision for vice presidential disabilities, place a

time limit on congressional confirmation of vice presidential appointments, and limit to one the number of appointed vice presidents per term. But it is in civic education that the greatest opportunities for continued improvement in the vice presidency lie. Citizens should be taught, so that they in turn can teach those who would lead them, both that presidents and presidential candidates have no excuse either to choose vice presidents rashly or to prepare them inadequately to be president and that routine invocations of the Twenty-Fifth Amendment's provisions for presidential disability are to be encouraged, not avoided.

NOTES

Chapter 1

1. Woodrow Wilson, Congressional Government (Boston: Houghton Mifflin, 1901), p. 240. Originally published in 1885.

2. Clinton Rossiter, The American Presidency, rev. ed. (New York: Harcourt, Brace & World, 1960), pp. 134-35.

3. Joel K. Goldstein, The Modern American Vice Presidency (Princeton, N.J.: Princeton University Press, 1982); various annual editions of The Gallup Poll (Wilmington, Del.: Scholarly Resources, 1982-87).

4. Paul C. Light, Vice-Presidential Power: Advice and Influence in the White House (Baltimore: The Johns Hopkins University Press, 1984); Joseph Pika, "A New Vice Presidency?" in Michael Nelson, ed., The Presidency and the Political System, 2nd ed. (Washington, D.C.: Congressional Quarterly Press, 1987), pp. 462-81.

5. Arthur M. Schlesinger, Jr., The Imperial Presidency (New York: Popular Library, 1974), p. 479.

6. Quotations from Goldstein, Modern Vice Presidency, pp. 137-38.

Chapter 2

1. This history is drawn from numerous sources, the most noteworthy of which are: Goldstein, Modern Vice Presidency; Light, Vice-Presidential Power; Irving G. Williams, The Rise of the Vice

Presidency (Washington, D.C.: Public Affairs Press, 1956); and Max Farrand, The Records of the Federal Convention of 1787, 4 vols. (New Haven, Conn.: Yale University Press, 1966).

2. Delegates also found that it was easier to favor legislative selection in principle than in practice. To give each legislator one vote in a joint election of the House of Representatives and the Senate would favor the large states; to do otherwise would favor the small states.

3. Farrand, Records of the Federal Convention, vol. 2, p. 537.

4. To avoid an obvious conflict of interest, an exception was made for impeachment trials of the president, during which the chief justice of the Supreme Court presides. The reason presiding officers customarily voted only to break ties was to assure that votes would not end in ties.

5. Ibid., p. 537.

6. Quoted Goldstein, Modern Vice Presidency, p. 6.

7. The Twelfth Amendment also stipulated that if none received a majority of electoral votes for vice president, then "from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice." The amendment's final provision regarding the vice presidency extended the original Constitution's age, citizenship, and residency requirements for president to the vice president.

8. Quoted in Thomas E. Cronin, "Rethinking the Vice-Presidency," in Cronin, ed., Rethinking the Presidency (Boston: Little Brown, 1982),

p. 326. Rather than being buried, of course, Webster would have succeeded to the presidency when Zachary Taylor died in 1850.

9. Quoted in Williams, Rise of the Vice Presidency, p. 66.

10. Robert K. Murray and Tim H. Blessing, "The Presidential Performance Study: A Progress Report," Journal of American History, vol. 70, no. 4 (December 1983), pp. 535-55.

11. Theodore Roosevelt, "The Three Vice-Presidential Candidates and What They Represent," Review of Reviews (September 1896), p. 289.

12. Charles Dawes announced before his inauguration that he would not accept an invitation from Calvin Coolidge to meet with the cabinet, if one were proffered. Dawes argued that presidents should be free to consult with whomever they pleased (!), and that for him to join with the cabinet might set a precedent that would constrain future presidents. Williams, Rise of the Vice Presidency, pp. 134-35.

13. Franklin D. Roosevelt, "Can the Vice Presidency Be Useful?" Saturday Evening Post (October 16, 1920), p. 8.

14. Williams, Rise of the Vice Presidency, pp. 158-59.

15. Ibid.

16. Goldstein, Modern Vice Presidency, pp. 147-48.

17. Public Papers of the Presidents (Washington, D.C.: Government Printing Office, 1957), p. 132.

18. Pika, "New Vice Presidency?"

19. Rockefeller also headed the White House Domestic Council, an assignment that, like Henry Wallace's, ended in failure.

20. Paul Light calls this the "abused child syndrome."
Vice-Presidential Power, p. 108.

Chapter 3

1. Franklin D. Roosevelt, "Can the Vice President Be Useful?" Saturday Evening Post (October 16, 1920), p. 8. The abolition of the two-thirds rule for presidential and vice presidential nominations helped Roosevelt to accomplish his goal, both for the reasons discussed in Chapter 2 and because it is not at all certain that he could have obtained a two-thirds vote in Wallace's favor.

2. Goldstein, Modern Vice Presidency, pp. 72-75, 84-88.

3. Ibid., pp. 123-27.

4. Ibid., pp. 130-32.

5. Ibid., pp. 70-72.

6. Shortly after the 1972 Democratic convention, Time magazine, in its August 7 issue, captured well the nature of some vice presidential nominations:

It is all done in a 3 a.m. atmosphere by men in shirt-sleeves drinking room service coffee--elated, frantic politicians running on sleeplessness, juggling lists, putting out phone calls, arguing in the bathrooms, trying to make their reluctant minds work wisely as they consider an afterthought: the party's nominee for Vice President for the U.S. It is the worst kind of deadline politics.

. . . .

7. Official Report of the Vice-Presidential Selection Committee of the Democratic Party (Democratic National Committee, Washington, D.C., December 19, 1973); Report of the Study Group on Vice-Presidential Selection (Institute of Politics, John F. Kennedy

School of Government, Harvard University, Cambridge, Mass., June 14, 1976); American Bar Association Special Committee on Electoral Reform, "Symposium on the Vice Presidency," Fordham Law Review, vol. 45, special issue (February 1977), pp. 703-804.

8. Endicott Peabody, "For a Grass-Roots Vice Presidency," New York Times (January 25, 1974); Stuart Eizenstadt, "Alternative Possibilities of Vice Presidential Selection (paper prepared for the Vice-Presidential Selection Committee, Democratic National Committee, Washington, D.C., October 5, 1973).

9. Statement by Sen. Mike Gavel to the Vice-Presidential Selection Committee, Democratic National Committee, September 28, 1973; Eizenstadt, "Alternative Possibilities."

10. Introduced in the Senate in 1973 by Sen. Robert Griffin as S.J. Res. 166. See his remarks in Congressional Record, vol. 119 (1973), p. 34795. Tom Wicker also endorsed the idea. "Two for the 25th," New York Times (December 20, 1974).

11. See the discussion in Goldstein, Modern Vice Presidency, ch. 10.

12. Allan P. Sindler, "Presidential Selection and Succession in Special Situations," in Alexander Heard and Michael Nelson, eds., Presidential Selection (Durham, N.C.: Duke University Press, 1987), pp. 349-50. President Ford also has urged that a time limit be placed on congressional confirmation. "Transcript of President's News Conference on Domestic and Foreign Affairs," New York Times (October 30, 1974).

13. Goldstein, Modern Vice Presidency, pp. 241-48.

14. Rep. Charles Mathias, quoted in Schlesinger, Imperial Presidency, p. 491.

15. Not until then does Congress count the votes and declare the winners, after an opportunity is allowed to consider objections to any of the votes. Walter Berns, ed., After the People Vote: Steps in Choosing the President (Washington, D.C.: American Enterprise Institute, 1983), pp. 19-20.

Chapter 4

1. Quoted in Joseph E. Persico, The Imperial Rockefeller (New York: Simon and Schuster, 1982), p. 262. Such stereotypes of the vice presidency persist. In 1987, when the president's press secretary told reporters that Vice President George Bush was planning a diplomatic mission to Europe, they responded: "Did somebody die?" "They will die!" "After he gets there." "He'll have his black suit with him?" "Is he going to [Rudolph] Hess's funeral?" The New York Times (September 6, 1987).

2. Light, Vice-Presidential Power, pp. 43-44; Goldstein, Modern Vice Presidency, p. 180.

3. Rowland Evans and Robert Novak, Lyndon B. Johnson: The Exercise of Power (New York: New American Library, 1966), pp. 305-7.

4. Dwight D. Eisenhower, Waging Peace (Garden City, N.Y.: Doubleday, 1965), p. 6; Richard M. Nixon, Six Crises (Garden City, N.Y.: Doubleday, 1962), pp. 185-86; "Nixon's Own Story of 7 Years in the Vice Presidency," U.S. News and World Report (May 16, 1960), p. 98.

5. Indeed, the president has less constitutional sanction over the vice president than does Congress, which can impeach on grounds of "Treason, Bribery, or other High Crimes and Misdemeanors."

6. Quoted in Goldstein, Modern Vice Presidency, p. 157.
7. Quoted in Light, Vice-Presidential Power, p. 33.
8. Clinton L. Rossiter, "The Reform of the Vice-Presidency," Political Science Quarterly, vol. 63, No. 3 (September 1948), pp. 383-403. Cf. Rossiter, American Presidency, p. 140.
9. Quoted in Cronin, "Rethinking the Vice Presidency," p. 339; Dom Bonafede, "Making the Office Significant," National Journal (March 11, 1978), p. 380.
10. See, for example, Joseph E. Kallenbach, The American Chief Executive (New York: Harper and Row, 1966), pp. 234-35.
11. Vice President Thomas R. Marshall made strong declarations on all sides of the issue: he agreed to preside over the cabinet during President Woodrow Wilson's postwar trip to Europe only after stating that he was "a member of the legislative branch" and would do so "informally and personally," then said on another occasion that the president "was my commander-in-chief, and his orders would be obeyed." Williams, Rise of the Vice Presidency, pp. 110, 107.
13. Milton Eisenhower, realizing that the president cannot assign ongoing executive responsibilities to a vice president who cannot be removed, proposed the creation of two appointed vice presidents, one for domestic policy and one for foreign policy. Such officials, of course, still would not be immune from bureaucratic infighting by the White House staff and cabinet. More seriously, recent improvements in presidential succession would be jeopardized. The constitutional vice presidency, which, under Eisenhower's proposal, would continue to exist in its current form but in much diminished status, would be

considerably less appealing to competent political leaders. Milton S. Eisenhower, The President Is Calling (Garden City, N.Y.: Doubleday, 1974), pp. 540-41.

14. This suggestion of Carl Kaysen is described in Schlesinger, Imperial Presidency, p. 476.

15. Farrand, Records of the Federal Convention, pp. 536-37.

16. Quoted in Light, Vice-Presidential Power, p. 108.

17. Hubert H. Humphrey, "Changes in the Vice Presidency," Current History, vol. 67, no. 396, (August 1974), p. 59.

18. Light, Vice-Presidential Power, pp. 108-13.

19. Rossiter, The American Presidency, ch. 1.

20. Quoted in Light, Vice Presidential Power, p. 135.

21. Ibid., pp. 201-02.

22. Historically, not all vice presidents have sought influence. But in the modern era, the only two who have not--vice presidents Barkely and Ford--are exceptions that demonstrate the rule. President Truman tried to involve Barkley in a variety of important administration activities, but the elderly vice president simply preferred the ceremonial duties of the office. Ford, of course, came into office at the height of the Watergate investigation and had every reason to keep his distance from the president, Richard Nixon, whom he seemed likely to succeed.

23. Pika, "New Vice Presidency?"

24. Quoted in Cronin, "Rethinking the Vice Presidency," p. 339.

Chapter 5

1. The vice president also would serve as acting president in the event of a failure to elect a president, a situation that is discussed briefly in Chapter 3.

2. Goldstein, Modern Vice Presidency, pp. 207-08.

3. See, for example, Ruth C. Silva, Presidential Succession (Ann Arbor, Mich.: University of Michigan Press), 1951; Edward S. Corwin, The President: Office and Powers, 4th ed. (New York: New York University Press, 1957), ch. 2; and John D. Feerick, From Failing Hands: The Story of Presidential Succession (New York: Fordham University Press, 1965), ch. 1.

4. Farrand, Records of the Federal Convention, vol. II, pp. 495, 532, 535.

5. Leonard Dinnerstein, "The Accession of John Tyler to the Presidency," The Virginia Magazine of History and Biography, vol. 70, no. 4 (October 1962), pp. 447-58; Stephen W. Stathis, "John Tyler's Presidential Succession: A Reappraisal," Prologue, vol. 8, no. 4 (Winter 1976), pp. 223-36.

6. Schlesinger, Imperial Presidency, p. 487.

7. O'Hara is quoted in Goldstein, Modern Vice Presidency, p. 292; Eric F. Goldman, The Tragedy of Lyndon Johnson (New York: Alfred A. Knopf, 1967), p. 264.

8. Presidents Truman and Eisenhower endorsed a similar arrangement in the event of a double vacancy. Quoted in Schlesinger, Imperial Presidency, pp. 488-89, 497-98.

9. Ibid., pp. 471-99. Schlesinger also made the argument for abolishing the vice presidency and substituting a special presidential election for vice presidential succession in "Is the Vice President Necessary?" Atlantic Monthly (May 1974), pp. 37-44; and "On the Presidential Succession," Political Science Quarterly, vol. 89, no. 3 (Fall 1974), pp. 475-505.

10. Paul B. Sheatsley and Jacob J. Feldman, "The Assassination of President Kennedy: Public Relations," Public Opinion Quarterly, vol. 28, no. 2 (Summer 1964), pp. 189-215.

11. See the data reported in Erwin C. Hargrove and Michael Nelson, Presidents, Politics, and Policy (Baltimore: The Johns Hopkins University Press, 1984), pp. 21-22.

12. Calculated from the results of the Murray-Blessing poll. Murray and Blessing, "Presidential Performance Study." Reagan was not included in the survey.

13. Sindler, "Presidential Selection and Succession," pp.361-62.

14. Farrand, Records of the Federal Convention, p. 427.

15. John D. Feerick, The Twenty-Fifth Amendment (New York: Fordham University Press, 1976), p. 9; Williams, Rise of the Vice Presidency, pp. 112, 114.

16. Quoted in Nixon, Six Crises, p. 168

17. Feerick, Twenty-Fifth Amendment, pp. 200-02.

18. Quoted in Louis W. Koenig, The Chief Executive, 5th ed. (New York: Harcourt Brace and Jovanovich, 1986), p. 83.

19. Lawrence I. Barrett, Gambling with History: Ronald Reagan in the White House (Garden City, N.Y.: Doubleday, 1983), ch. 7.

20. Quoted in Goldstein, Modern Vice Presidency, p. 298.
21. Ibid., p.11.
22. See Chapter 1, note 3.
23. As Vice President Ford remarked in 1974, "I am now surrounded by a clutch of Secret Service agents, reporters and cameramen, and assorted well-wishers. When I travel I am greeted by bands playing 'Hail Columbia' and introduced to audiences with great solemnity instead of just as 'my good friend Jerry Ford.'" Quoted in Light, Vice-Presidential Power, p. 10.
24. Quoted in Cronin, "Rethinking the Vice Presidency," p. 338.
25. Eisenhower, Waging Peace, p. 596.

Chapter 6

1. Kevin V. Mulcahy, "Presidents and the Administration of Foreign Policy: The New Role for the Vice President," Presidential Studies Quarterly, vol. 17, no. 1 (Winter 1987), pp. 119-31.



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