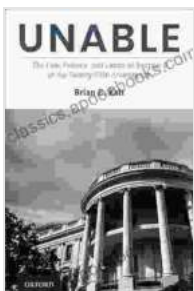


# The Law, Politics, and Limits of Section 4 of the Twenty-fifth Amendment

The Twenty-fifth Amendment to the United States Constitution was ratified in 1967 in the wake of the assassination of President John F. Kennedy. The amendment provides for the succession to the presidency in the event of the President's death, resignation, or removal from office. Section 4 of the amendment addresses the issue of Presidential disability and provides for the removal of the President from office if he or she is unable to fulfill the duties of the office.

Section 4 of the Twenty-fifth Amendment states that:

> "Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President."



## Unable: The Law, Politics, and Limits of Section 4 of the Twenty-Fifth Amendment by Brian C. Kalt

★★★★☆ 4.5 out of 5

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The amendment further provides that:

> "The President shall thereupon resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within 48 hours for that purpose if not in session. If the Congress, within 21 days after receipt of the second declaration, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office."

The Twenty-fifth Amendment has been invoked only four times in history. In 1973, Vice President Spiro Agnew resigned after being charged with bribery and tax evasion. President Richard Nixon then nominated Gerald Ford as his new Vice President. In 1974, Nixon resigned after the Watergate scandal. Ford then became President and nominated Nelson Rockefeller as his new Vice President. In 1985, President Ronald Reagan was shot and wounded in an assassination attempt. Vice President George H. W. Bush assumed the powers and duties of the office as Acting

President while Reagan was recovering. In 2002, President George W. Bush underwent a colonoscopy and transferred power to Vice President Dick Cheney for a brief period of time.

The Twenty-fifth Amendment has been the subject of much debate and controversy. Some critics argue that the amendment is too vague and that it could be used to remove a President from office for political reasons. Others argue that the amendment is necessary to ensure that the country has a stable and functioning government in the event that the President is unable to fulfill the duties of the office.

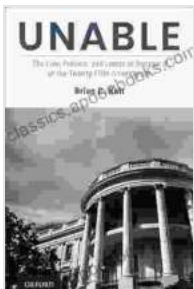
The Twenty-fifth Amendment does not provide a clear definition of what constitutes Presidential disability. The amendment simply states that the President is unable to discharge the powers and duties of his office. This leaves it up to the Vice President and the Cabinet to decide whether or not the President is disabled.

The Twenty-fifth Amendment also does not provide a clear procedure for removing a President from office. The amendment simply states that Congress shall decide the issue within 21 days after receiving a second declaration of disability from the Vice President and the Cabinet. This leaves it up to Congress to decide how to proceed.

The vagueness of the Twenty-fifth Amendment has led to some concern that the amendment could be used to remove a President from office for political reasons. However, it is important to note that the amendment has only been invoked four times in history, and in each case, the President was either unable to fulfill the duties of the office or had resigned.

The Twenty-fifth Amendment to the United States Constitution is a complex and controversial law. The amendment provides for the succession to the presidency in the event of the President's death, resignation, or removal from office. Section 4 of the amendment addresses the issue of Presidential disability and provides for the removal of the President from office if he or she is unable to fulfill the duties of the office. The amendment has been invoked only four times in history, and in each case, the President was either unable to fulfill the duties of the office or had resigned.

The Twenty-fifth Amendment is a necessary safeguard to ensure that the country has a stable and functioning government in the event that the President is unable to fulfill the duties of the office. However, the vagueness of the amendment has led to some concern that it could be used to remove a President from office for political reasons.



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