



CIVICS IN REAL LIFE

The 25th Amendment

Civics is all around us. There is a lot to know about the government and how "We the People" interact with the government and each other. Let's help each other expand our civic literacy.



The U.S. Constitution was designed with one primary method to replace a president in a manner other than election: removal following impeachment. But, this can be an issue when the president dies, becomes incapacitated or is otherwise incapable of carrying out the functions of the presidency.

Who is in charge when presidents cannot fulfill their responsibilities? If the vice-president becomes president, who becomes the vice-president?

In 1841, President William Henry Harrison died one month into his presidency. Neither the government nor the public knew who should handle the president's responsibilities because the U.S. Constitution was silent on the issue. While the Cabinet and the Congress tried to decide who would be in charge, Vice President John Tyler directed the Chief Justice of the US Supreme Court to administer the oath and he declared himself president! This act established a precedent that would be followed several times into the 20th century.

Discussions about constitutional change emerged after the many illnesses of President Dwight Eisenhower, who served from 1953-1961, and the assassination of President John Kennedy in 1963. President Lyndon Johnson, inaugurated after Kennedy's death, was often ill, and there were doubts about whether potential successors could handle the job. Ultimately, the **25th Amendment**, which laid out clear instructions for succession, was ratified.

Let's look at what is actually included in each section of the 25th Amendment.

AMENDMENT XXV

Passed by Congress July 6, 1965. Ratified February 10, 1967.

Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

Section 1.
In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2.
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.

Section 3.
Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall devolve upon the Vice President as Acting President.

Section 4.
Whenever the Vice President and a majority of either the principal officers of the executive department or 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. Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or 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, and if Congress determines 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.

SECTION 1

Section 1 of the 25th Amendment states that the vice-president will become president in three circumstances: death, resignation, and removal from office.

SECTION 2

In Section 2, the president is given the power to fill an empty vice-president position with approval from Congress. Section 2 is an important piece because President Lyndon Johnson did not name a vice-president once he took office following Kennedy's death. It was not until Johnson ran for president in 1964 that he named a running mate (Hubert Humphrey) who later became vice-president upon his and Johnson's inauguration the following January.

SECTION 3

Section 3 provides a framework for the vice-president, with the support of the Cabinet, to assume the duties of the president as Acting President if a majority of the Cabinet decides that the president cannot adequately do the job due to physical or mental incapacitation.

SECTION 4

Section 4 lays out the procedure for the president, sidelined by the 25th Amendment, to use in order to resume authority. Vice-President Gerald Ford became president under the 25th Amendment as he was appointed vice-president by President Richard Nixon upon Vice-President Spiro Agnew's resignation (and confirmation by Congress, including the Lou Frey Institute's own founder, Congressman Lou Frey!). Ford became president upon Nixon's resignation. Gerald Ford is the only president in US history never to be elected to any nationwide office.

The 25th Amendment resulted from serious concerns over who would have power in the event that a president could not fulfill the responsibilities of the position. The 25th Amendment is necessary because it may serve as a means to ensure the stability of the nation in difficult times.

To Think and To Do:

Why is the guarantee of presidential continuity so important and how does it assist in the peaceful transition of power from one president to the next? How does this guarantee reflect the goals of government as provided in [the Preamble](#)?

Learn MORE about the 25th Amendment. Free registration may be required.

- [The 25th Amendment](#), from Bill of Rights Institute
- [Establishment and First Uses of the 25th Amendment](#), from the Gerald R. Ford Presidential Library
- [The Tyler Precedent](#), from Politico



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