

Summary of My Position - Senator Everett McKinley Dirksen

There is no doubt that we must have a constitutional amendment to deal with the problems of presidential succession and inability. I am in complete agreement with the Subcommittee on Constitutional Amendments and with the full Judiciary Committee that we should take favorable action on an amendment without delay.

I support the purpose of the amendment. My concern arises from some of the language of the amendment.

The Attorney General, in his testimony before the Senate subcommittee, found it necessary to make a large number of "assumptions" to resolve ambiguities in the language of S. J. Res. 1. Last week before the Judiciary Committee of the House, he indicated that the resolution as reported to the Senate had not cured these important ambiguities.

What are these troublesome points? They relate to the mechanics of the determination of the President's disability and the transfer of his powers and duties. Such details need not and should not be included in a constitutional amendment, just as the Constitution leaves the details of presidential succession for legislation instead of incorporating the details in the body of the Constitution. But if these details are to be included in the amendment they must be reworked to avoid the ambiguities. This will take time.

If these problems are not cured now, it will take another constitutional amendment to cure them. However, the proper way to cure these ambiguities is to omit the details which give rise to them. This way also permits the most expeditious action.

To that end, I shall offer a substitute amendment which not only has been espoused by the Attorney General but which has carried the endorsement of the American Bar Association, the Association of the Bar of the City of New York, and the New York State Bar Association. It has been sponsored in the past by members of the Senate from both sides of the aisle, and supported by three past Attorneys General of the United States. It is simple and direct in language. It provides that the Vice President succeeds to the Office of President upon the death or resignation of the President and to his powers and duties when the President is under a disability and it provides the route by which the Congress can deal with the details of presidential inability just as the Constitution now empowers the Congress to deal with presidential succession.

*Advocates Blank check*