

DDE

GETTYSBURG  
PENNSYLVANIA

Palm Desert, California  
March 2, 1964

Dear Senator Bayh:

Responding to your letter of the twenty-seventh, which reached me only this morning, March second, it is obvious that my answer must be brief because of the time limit you have indicated.

Regarding the matter of Presidential succession, I favor the law that existed before 1947 over the one now controlling, but after reflection I have come to believe that a better method for handling this matter might well be adopted.

I suggest that at any time a Vice President succeeds to the Presidency he should immediately nominate another individual as Vice President to fill the vacancy with the nomination to be approved, preferably, by both bodies of the Congress rather than merely by the Senate.

Should such an event occur during recess of Congress, I believe that a special session should be promptly called so that there could be no question that public opinion, as represented by the Congress, would approve of the new President's nominee.

There, of course, arises the bothersome possibility that some type of disaster might remove the President and the Vice President simultaneously. I believe that to cover this contingency we should return to the provisions of the law that governed succession before 1947, but with the proviso that if both President and Vice President should be lost their successor should be considered only as an "Acting President" and the Congress should provide for another election of a President and a Vice President to serve out the Presidential term then current.



I believe that these changes should be accomplished by Constitutional Amendment.

\* \* \*

The question of determining Presidential disability and the action to be taken seem to me to be more complicated. Many systems have been proposed but each seems to be so cumbersome in character as to preclude prompt action in emergency. My personal conclusion is that the matter should be left strictly to the two individuals concerned, the President and the Vice President, subject possibly to a concurring majority opinion of the President's Cabinet.

A disability could be of different kinds, one caused by physical or mental illness, or another by an absence from the seat of government of such a character that would preclude Presidential decisions and action in time of emergency. Wherever possible I believe that a President's disability should be acknowledged and announced by himself. If circumstances made this impossible I think the Vice President should voluntarily step forward, announce the disability, and, with the concurrence of a majority of the Cabinet, assume the Presidential responsibilities and duties. However, I believe it should be made clear that in this case the Vice President is merely an "Acting President" and would require no new oath of office and would receive no Presidential emoluments.

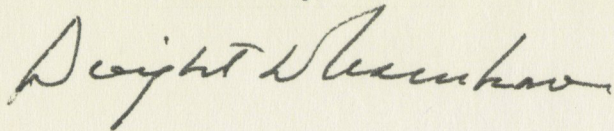
The end of the disability would be determined by the President himself upon his declaration in writing that he was ready to resume his office. Should there be any dispute between the President and the Vice President as to whether the former is ready to resume his duties and the Cabinet should agree with the Vice President, then the Vice President should continue to serve for the time being, while the matter should go to a Commission comprised of the three senior members of the Cabinet, the Speaker of the House of Representatives and the Leader of the Minority Party in the House, the President Pro Tem of the Senate and the Leader of the Minority Party in the Senate, and four medical personnel recognized by the American Medical Association as competent in their fields and whose function it would be to advise the other members of the Commission. Each member of the medical portion of the Commission should be selected and requested to serve by a majority vote of the Cabinet.



I should add that the chance is very remote that such a dispute might occur for the simple reason that we must assume that in these serious affairs the individuals concerned would be men of good will, concerned with the welfare of the nation as a whole. The only possibility to be feared is that a President might become so mentally deranged that his personal convictions regarding his recovery might be logically doubted by reasonable men, thus requiring a decision of the kind that a politically and medically competent Commission could make. However, again recognizing the value of public opinion, I believe that the findings of the entire Commission might well be submitted to both Houses of the Congress for approval.

There is of course no completely foolproof method covering every contingency and every possibility that could arise in the circumstances now under discussion. We must trust that men of good will and common sense, operating within Constitutional guidelines governing these matters, will make such decisions that their actions will gain and hold the approval of the mainstream of American thinking.

Sincerely,

A handwritten signature in cursive script, reading "Dwight D. Eisenhower". The signature is written in dark ink and is centered below the typed name "Sincerely,".

Honorable Birch Bayh  
Chairman  
Subcommittee on Constitutional Amendments  
United States Senate  
Washington, D. C.