

89TH CONGRESS
1ST SESSION

S. J. RES. 1

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1965

Mr. BAYH (for himself, Mr. ANDERSON, Mr. BARTLET, Mr. BIBLE, Mr. BOGGS, Mr. BREWSTER, Mr. BURDICK, Mr. BYRD of Virginia, Mr. CARLSON, Mr. CASE, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. CURTIS, Mr. DIRKSEN, Mr. DODD, Mr. DOMINICK, Mr. DOUGLAS, Mr. EASTLAND, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. HICKENLOOPER, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. JOHNSTON, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. KUCHEL, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCCARTHY, Mr. McCLELLAN, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONRONEY, Mr. MORSE, Mr. MORTON, Mr. MOSS, Mr. MUNDT, Mr. MURPHY, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. ROBERTSON, Mr. SALTONSTALL, Mr. SCOTT, Mr. SIMPSON, Mr. SMATHERS, Mr. SPARKMAN, Mr. STENNIS, Mr. SYMINGTON, Mr. TYDINGS, Mr. YARBOROUGH, Mr. YOUNG of North Dakota, and Mr. YOUNG of Ohio) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

- 1 *Resolved by the Senate and House of Representatives of*
- 2 *the United States of America in Congress assembled (two-*
- 3 *thirds of each House concurring therein), That the following*

1 article is proposed as an amendment to the Constitution of
2 the United States, which shall be valid to all intents and
3 purposes as part of the Constitution when ratified by the
4 legislatures of three-fourths of the several States within seven
5 years from the date of its submission by the Congress:

6 "ARTICLE —

7 "SECTION 1. In case of the removal of the President
8 from office or of his death or resignation, the Vice President
9 shall become President.

10 "SEC. 2. Whenever there is a vacancy in the office of the
11 Vice President, the President shall nominate a Vice Presi-
12 dent who shall take office upon confirmation by a majority
13 vote of both Houses of Congress.

14 "SEC. 3. If the President declares in writing that he is
15 unable to discharge the powers and duties of his office, such
16 powers and duties shall be discharged by the Vice President
17 as Acting President.

18 "SEC. 4. If the President does not so declare, and the
19 Vice President with the written concurrence of a majority
20 of the heads of the executive departments or such other body
21 as Congress may by law provide, transmits to the Congress
22 his written declaration that the President is unable to dis-
23 charge the powers and duties of his office, the Vice President
24 shall immediately assume the powers and duties of the office
25 as Acting President.

1 “SEC. 5. Whenever the President transmits to the Con-
2 gress his written declaration that no inability exists, he shall
3 resume the powers and duties of his office unless the Vice
4 President, with the written concurrence of a majority of the
5 heads of the executive departments or such other body as
6 Congress may by law provide, transmits within two days to
7 the Congress his written declaration that the President is
8 unable to discharge the powers and duties of his office.
9 Thereupon Congress will immediately decide the issue. If
10 the Congress determines by two-thirds vote of both Houses
11 that the President is unable to discharge the powers and
12 duties of the office, the Vice President shall continue to dis-
13 charge the same as Acting President; otherwise the Presi-
14 dent shall resume the powers and duties of his office.”