

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Executive Branch Materials

Twenty-Fifth Amendment Archive

6-19-1945

Question of the Presidential Succession: Message from the President of the United States: Transmitting Request for Legislation Dealing with the Question of the Presidential Succession

Harry S. Truman

United States. President (1945-1953: Truman)

Follow this and additional works at: http://ir.lawnet.fordham.edu/twentyfifth_amendment_executive_materials

 Part of the [Law Commons](#)

Recommended Citation

Truman, Harry S. and United States. President (1945-1953: Truman), "Question of the Presidential Succession: Message from the President of the United States: Transmitting Request for Legislation Dealing with the Question of the Presidential Succession" (1945). *Executive Branch Materials*. 6.

http://ir.lawnet.fordham.edu/twentyfifth_amendment_executive_materials/6

This Book is brought to you for free and open access by the Twenty-Fifth Amendment Archive at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Executive Branch Materials by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

QUESTION OF THE PRESIDENTIAL SUCCESSION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

REQUEST FOR LEGISLATION DEALING WITH THE QUESTION OF
THE PRESIDENTIAL SUCCESSION

JUNE 19, 1945.—Referred to the Committee on the Judiciary and ordered to be
printed

To the Congress of the United States:

I think that this is an appropriate time for the Congress to reexamine the question of the Presidential succession.

The question is of great importance now because there will be no elected Vice President for almost 4 years.

The existing statute governing the succession to the office of President was enacted in 1886. Under it, in the event of the death of the elected President and Vice President, members of the Cabinet successively fill the office.

Each of these Cabinet members is appointed by the President, with the advice and consent of the Senate. In effect, therefore, by reason of the tragic death of the late President, it now lies within my power to nominate the person who would be my immediate successor in the event of my own death or inability to act.

I do not believe that in a democracy this power should rest with the Chief Executive.

Insofar as possible, the office of the President should be filled by an elective officer. There is no officer in our system of government, besides the President and Vice President, who has been elected by all the voters of the country.

The Speaker of the House of Representatives, who is elected in his own district, is also elected to be the presiding officer of the House by a vote of all the Representatives of all the people of the country. As a result, I believe that the Speaker is the official in the Federal Government whose selection, next to that of the President and Vice President, can be most accurately said to stem from the people themselves.

Under the law of 1792, the President pro tempore of the Senate followed the Vice President in the order of succession.

The President pro tempore is elected as a Senator by his State and then as Presiding Officer by the Senate. But the Members of the Senate are not as closely tied in by the elective process to the people as are the Members of the House of Representatives. A completely new House is elected every 2 years, and always at the same time as the President and Vice President. Usually it is in agreement politically with the Chief Executive. Only one-third of the Senate, however, is elected with the President and Vice President. The Senate might, therefore, have a majority hostile to the policies of the President and might conceivably fill the Presidential office with one not in sympathy with the will of the majority of the people.

Some of the events in the impeachment proceedings of President Johnson suggested the possibility of a hostile Congress in the future seeking to oust a Vice President who had become President, in order to have the President pro tempore of the Senate become the President. This was one of the considerations, among several others, which led to the change in 1886.

No matter who succeeds to the Presidency after the death of the elected President and Vice President, it is my opinion he should not serve any longer than until the next congressional election or until a special election called for the purpose of electing a new President and Vice President. This period the Congress should fix. The individuals elected at such general or special election should then serve only to fill the unexpired term of the deceased President and Vice President. In this way there would be no interference with the normal 4-year interval of general national elections.

I recommend, therefore, that the Congress enact legislation placing the Speaker of the House of Representatives first in order of succession in case of the removal, death, resignation, or inability to act of the President and Vice President. Of course, the Speaker should resign as a Representative in the Congress as well as Speaker of the House before he assumes the office of President.

If there is no qualified Speaker, or if the Speaker fails to qualify, then I recommend that the succession pass to the President pro tempore of the Senate, who should hold office until a duly qualified Speaker is elected.

If there be neither Speaker nor President pro tempore qualified to succeed on the creation of the vacancy, then the succession might pass to the members of the Cabinet as now provided, until a duly qualified Speaker is elected.

If the Congress decides that a special election should be held, then I recommend that it provide for such election to be held as soon after the death or disqualification of the President and Vice President as practicable. The method and procedure for holding such special election should be provided now by law, so that the election can be held as expeditiously as possible should the contingency arise.

In the interest of orderly, democratic government, I urge the Congress to give its early consideration to this most important subject.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 19, 1945.*

