

from the CAPITOL

By GOV. GRANT SAWYER



ONE OF THE MOST significant and far-reaching legislative proposals to be passed by the 89th Congress this year was the 25th Amendment to the U. S. Constitution, which will now go before the legislatures of the individual states for ratification into law.

This measure, approved overwhelmingly by both houses of Congress, is designed to close existing gaps in our Constitution by clearly defining procedures relating to Presidential continuity and Presidential disability.

The proposed law provides methods by which vacancies in the office of Vice President may be filled, and also spells out how a President may be determined to be disabled, thus enabling a Vice President to temporarily assume the duties of the chief executive.

Most Americans undoubtedly would agree that such a law is long overdue, and I am hopeful that the proposal will be brought before Nevada's legislature for ratification at the earliest possible date. Three-fourths of the states -- 38 in all -- must act favorably upon the amendment before it can become law. To date, three states already have done so.

THE PROPOSED AMENDMENT, numbering less than 300 words, is crystal clear in language and intent. It reads as follows:

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

"Section 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall assume the powers and duties of the office as Acting President.

"Section 5. Whenever the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress that the President is unable to discharge the powers and duties of his office. Thereupon Congress will immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the 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."

The death of President Kennedy in 1963,

and the accession of President Johnson, pointed up once again the abyss which exists in the executive branch of our federal government when there is no Vice President. Sixteen times the United States has been without a Vice President, totaling 37 years during our history.

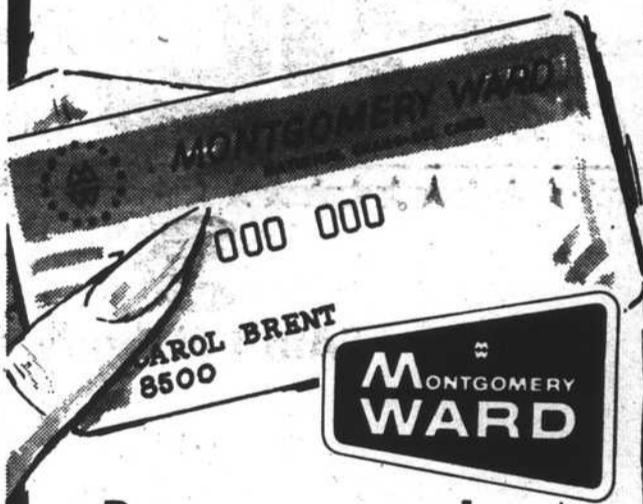
OUR FOUNDING FATHERS foresaw the need to have a qualified and able occupant of the Vice President's office should the chief executive die. They did not, however, provide the mechanics whereby a Vice-Presidential vacancy could be filled. The proposed 25th Amendment will remedy this situation.

The proposal contains provisions that we hope we shall never have to use. But in our history, several American Presidents have suffered extended physical disabilities. It is time we provided legislation which may be needed in such emergencies.

The amendment, largely conceived by Senator Birch Bayh of Indiana, has earned the wholehearted support of the men closest to the problem in the past decade--Presidents Johnson and Eisenhower. It has also been unanimously endorsed by the American Bar Association's House of Delegates.

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