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Report: Election of President and Presidential Succession

Committee on Privileges and Elections. Senate. United States.

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ELECTION OF PRESIDENT AND PRESIDENTIAL SUCCESSION

JANUARY 24 (legislative day, JANUARY 18), 1946.—Ordered to be printed

Mr. GREEN, from the Committee on Privileges and Elections,
submitted the following

REPORT

[To accompany S. Con. Res. 50]

The Committee on Privileges and Elections, to whom was referred the concurrent resolution (S. Con. Res. 50) relating to the succession to the Presidency of the United States, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution do pass.

Perhaps no subject has aroused more speculation and discussion over the years than the method of election of the President and Vice President and succession to the Presidency. Moreover, any intelligent discussion of this subject is certain to involve grave legal and constitutional questions. Many of these questions have from time to time come to the attention of your committee in the form of proposed legislation. The interrelation between the many issues involved is such that no one phase of the subject can be given adequate consideration without a thorough examination of the whole subject.

On June 19, 1945, the President sent a message to the Congress requesting action on the question of Presidential succession. Bills and joint resolutions have been introduced in the Senate touching this question. There has been referred to your committee a bill, H. R. 3587, passed by the House during the last session seeking to carry out the objective of the President's message. Other bills and proposed constitutional amendments dealing with some aspect of the subject are pending before Senate and House committees.

To what extent existing law is inadequate, to what extent the problems involved may be solved by legislation, and to what extent it will be necessary to resort to constitutional amendment has not been thoroughly canvassed.

In these circumstances your committee believes that it is desirable to have a full and complete study of all matters connected with the

succession to the Presidency and the election of the President and Vice President, by a joint committee of the Senate and House of Representatives, and accordingly recommends that Senate Concurrent Resolution 50 be adopted. The resolution creates a joint congressional committee composed of five Members of the Senate and five Members of the House of Representatives to make a full and complete study and investigation of all matters connected with the succession to the Presidency and the election of the President and Vice President, from the time of the nomination of the President and Vice President through the time of their election and the time of their inauguration until the termination of their respective terms of office, with the purpose of making the law certain as to the Presidential election and succession. Reference to the terms of the resolution will indicate the many and grave questions that are involved. The investigation may disclose others, in addition to the matters specified. Some of the questions involved are partially, and some will say inadequately, covered by the provisions of existing law. Others are in the category of matters on which the Constitution has authorized the Congress to legislate, but no legislation has been enacted. In the case of still other matters any change must be brought about by constitutional amendment.

In recent months there has been particular agitation for a change in the law on Presidential succession. This generally follows the death in office of a President. Under the resolution the joint committee will consider whether any change is necessary in the law of Presidential succession, along with other issues involved in the whole question.

It is believed that inasmuch as the committee is required to submit its final report not later than May 1, 1946, no time should be lost in the adoption of this resolution. It is hoped that a great deal of valuable information and background for intelligent action will be obtained and that, as a result, all uncertainties as to these important questions may be removed and all contingencies in connection with the election and succession of Presidents and Vice Presidents may be provided for adequately.

