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Ira A. Huggins to Donald E. Channel

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March 26, 1964

American Bar Association
Washington Office
1120 Connecticut Ave., N. W.
Washington, D. C.

Attn: Donald E. Channel, Director

Dear Sir:

I have just read your Washington Letter of March 16, 1964, and I am particularly interested in the "Presidential Inability and Succession" amendment to the Federal Constitution.

It seems to the undersigned that even under this proposed amendment there would still exist an extremely dangerous hiatus with respect to the office of Vice President.

As I read your proposals, if the President becomes unable to fulfill the duties of the office, the Vice President would succeed to the powers, and duties of the President. Under these circumstances, what would happen if the President's disability continues, and the Vice President should be killed or otherwise die? It appears axiomatic that if the President were unable to carry on his duties as President, one of which is to appoint a Vice President in the event of a vacancy, that under those circumstances the vacancy could not be filled, and we would be back in the same situation that we are now in, only worse, for the reason we would have a President who could not function, and no Vice President at all. Perhaps there is something in the proposed bill which is not included in your letter of the 16th. Otherwise, it would appear necessary to include a provision to cover this situation.

I have some doubts with respect to Paragraph 2 in your Washington Letter, which provides, "the President may announce his own inability; if he does not, it may be established by the Vice President or person next in line of succession with the concurrence of a majority of the Cabinet or by action of such other body as the Congress may provide;" having in mind the loyalty usually existing between the President and his appointed Cabinet Members,

#2.

it would seem unrealistic, in the event the President refuses or fails to announce his own inability, except under extreme circumstances, that his appointees would find that he was unable to perform his duties for two reasons: First, their loyalty to him, and secondly, the fear of possible reprisals in the event he recovered his ability to act.

I realize it is most difficult to cover every exigency, but these two items are of such importance as to warrant, as I am sure you will agree, very careful consideration.

Very truly yours,

IRA A. HUGGINS, ESQ.

IAH/nw