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John D. Feerick to George H. Cain

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February 22, 1964

George H. Cain, Esq.
300 Park Avenue
New York, New York

Dear Mr. Cain:

I have re-read your Report and I am now convinced that there is little I can add. My comments are minor and few in number:

(1) I believe the succession provision of the Constitution is Clause 6, not 5, though I have seen it both ways.

(2) It may be advisable to include in paragraph 5 on page 3 the idea that the time to adopt a method is now, while there is interest in the problem. An amendment which gives Congress merely a broad power would leave the "method" decision for a later date, when interest in the problem would likely not be present.

(3) I am pleased to associate myself with your views that Congress should be given no power to change the Cabinet as the determining body.

(4) I think "heads of the executive departments" suffices because it conforms with Article II, Section 2, Clause 1 of the Constitution ("principal officer in each of the executive Departments) and because it would cover the heads of departments yet to be created.

(5) In your "Repeal of Existing Provisions" section, I wonder whether or not the "failure to qualify" contingency need be mentioned in your recommendation in view of the Twentieth Amendment.

George H. Cain, Esq. - 2

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Barry mentioned that you would like to obtain copies of my article for the members of the Committee. I would be very pleased to have the Fordham Law Review send each member a copy. If you would send me a list of their names and addresses, I will get on it promptly.

In concluding, I would like to say again that I think your Report is excellent and, if adopted, will be very favorably received.

With kindest regards and very best wishes, I am

Sincerely,

John D. Feerick