

1-23-1964

John D. Feerick to the New York Times

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Recommended Citation

Feerick, John D., "John D. Feerick to the New York Times" (1964). *Correspondence*. 54.
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3840 Greystone Ave.
Riverdale 63, N. Y.
Jan. 23, 1964

The New York Times
229 West 43 Street
New York, N. Y.

Attention: Letters to the Editor Department

Gentlemen:

I would like to underscore an item which almost went unmentioned on these pages. On January 20 and 21 a panel of twelve lawyers met in Washington, D. C., at the request of the American Bar Association, to consider the vital subjects of Presidential Inability and Succession. Included among its members were such well known personages as Walter E. Craig, President of the ABA, former Attorney General Herbert Brownell, Professor Paul A. Freund of Harvard Law School, Dean Charles B. Nutting of the National Law Center, former Deputy Attorney General Ross. L. Malone, Professor James C. Kirby of Vanderbilt University, Lewis F. Powell, Jr., President-Elect of the ABA, Sylvester C. Smith, Jr., former President of the ABA, and Martin Taylor, Chairman of the Committee on the Federal Constitution of the New York State Bar Association. A consensus was reached by this group and it has received the approval of Senator Birch Bayh, Chairman of the Senate Subcommittee on Constitutional Amendments which is presently studying the subjects of disability and succession. This consensus deserves the full consideration of the American people and the Congress. The ABA panel recommended, with respect to presidential disability, the adoption of a constitutional amendment containing the following points:

1. In the event of presidential inability, the Vice President or person next in the line of succession acts as President for the period of inability.
2. The determination of inability could be made by the President in writing or by the Vice President with the concurrence of a majority of the Cabinet (or such body as Congress may determine).
3. The cessation of inability could be declared by the President in writing but if the Vice President and a majority of the Cabinet disagreed with his determination the President's continuing inability could be declared by a vote of two-thirds of the members of each House of Congress.

The urgency of a solution to the critical problem of presidential inability is rapidly becoming lost due to the numerous proposals being made to change the succession law, elect or appoint a new Vice President, and to reform the Electoral College. Congress has considered the subject of presidential disability extensively and is presently holding further hearings on it. What is now required is prompt action by Congress on this problem.

Very truly yours,

John D. Feerick
Member, American Bar Association
Conference on Presidential
Disability and Succession

