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American Bar Association Special Committee on Election Reform, Symposium on the Vice-Presidency, Panel Discussion, Supplementary Appendix B: An Overview of the Vice-Presidency

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Cover Page Footnote

A.B. Princeton University (1975); current Rhodes Scholar.

APPENDIX B: AN OVERVIEW OF THE VICE-PRESIDENCY

Prepared for and at the request of the
American Bar Association
Special Committee on Election Reform

*JOEL K. GOLDSTEIN**

Since its inception the Vice-Presidency has been the target of more derision than any other national office. It is, therefore, telling that prominent institutions and students of politics have recently shown serious interest in the office and selection process. The topic deserves careful consideration by public officials and private citizens alike for at least four reasons.

First, the Vice-President stands atop the line of successors in case of the death, resignation, removal, or inability of the President. "I am nothing, but I may be everything,"¹ realized the first Vice-President, John Adams. Were presidential vacancy a rare occurrence citizens and politicians could properly direct all attention elsewhere. But history shows that Vice-Presidents become "everything" through succession with unhappy frequency.

Nine Vice-Presidents have succeeded to the Presidency following the death or resignation of the Chief Executive, and filled in as President for more than 26 years. Thus, 21% of America's Vice-Presidents served as President by succession during 13% of our history. Also, incumbency has proved a valuable ally to Presidents who have sought reelection this century. If the sixteen years Theodore Roosevelt, Calvin Coolidge, Harry S Truman, and Lyndon B. Johnson served after being elected is included, then Presidents by succession have served more than 42 years or 22% of the time.

INSTANCES OF SUCCESSION TO THE PRESIDENCY

Successor	Date of Vacancy	Time Left in Term		
		Yrs.	Mo.	Days
John Tyler	4-04-1841	3	11	0
Millard Fillmore	7-10-1850	2	7	23
Andrew Johnson	4-15-1865	3	10	17
Chester A. Arthur	9-19-1881	3	5	13
Theodore Roosevelt	9-14-1901	3	5	18
Calvin Coolidge	8-02-1923	1	7	2
Harry S Truman	4-12-1945	3	9	8
Lyndon B. Johnson	11-22-1963	1	1	29
Gerald R. Ford	8-09-1974	2	5	11
	Total:	26	3	28

* A.B. Princeton University (1975); current Rhodes Scholar.

1. Quoted in C. Rossiter, *The American Presidency* 131 (1956 ed.).

On other occasions, a prolonged presidential illness raised the possibility that the Vice-President might have to perform presidential duties. President James Garfield was hospitalized for 80 days before dying in 1881. Much of the time he was unconscious. A stroke confined Woodrow Wilson to his bed for the last sixteen months of his tenure, during which, it is said, his wife and physician were making some executive decisions for him. Dwight D. Eisenhower three times suffered serious illness with succession seeming quite likely twice.

The Vice-Presidents in the Garfield, Wilson, and Eisenhower administrations declined to act during the Presidents' illness. Their reticence resulted from the lack of provisions to guide the determination of presidential inability and from the fear that once the Vice-President acted, the elected President might be barred by the Constitution from returning to office. The twenty-fifth amendment, ratified in 1967, met both of these difficulties.² But there is no reason to expect assassination and illness to visit Presidents less often in the future than they have in the past. The frequency of presidential vacancy thus attaches importance to the identity, caliber, and public acceptance of the successor.

A second reason study of the Vice-Presidency is important is that candidacy for the office almost always lifts one to the ranks of presidential contenders. Vice-Presidents in this century invariably are considered presidential timber. All but three of the seventeen men who held the position from 1901-1975 later sought, or figured prominently in speculation about, the presidential nomination.³ Only two sitting Vice-Presidents have actually won their party's nomination this century.⁴ But this figure is deceptively low. Prior to his downfall, Spiro T. Agnew was the first choice among Republican voters for the 1976 nomination. John Nance Garner, Henry Wallace, Alben Barkley, and Nelson A. Rockefeller all had considerable support in various opinion polls during their terms.⁵ The following table indicates the standing of Vice-Presidents in Gallup presidential preference polls of voters of their party when the Chief Executive is not included.

2. The nine instances of presidential vacancy and three illnesses top a pyramid of "near misses." Presidents Franklin D. Roosevelt, Truman and Ford narrowly escaped assassination attempts, in Ford's case twice. Arthur, Grover Cleveland, Lyndon Johnson and Nixon had health problems while in office. James Madison was nearly captured during the War of 1812. Tyler narrowly escaped death when a cannon misfired aboard the ship Princeton; Ford was in an automobile accident.

3. The three were James S. Sherman, who died during the campaign of 1912 while seeking re-election; Charles Curtis, who was defeated for re-election in 1932 at age 72 and who died three years later; and Nelson A. Rockefeller, who was essentially blocked from running in 1976 by President Ford's decision to seek election.

4. Nixon (1960) and Humphrey (1968).

5. Support for Garner and Barkley is indicated in the table. Gallup polls twice found Wallace with heavily favorable ratings which far surpassed those of other conceivable candidates other than Roosevelt. Rockefeller consistently has been one of the handful of Republicans near the top of Gallup polls which included President Ford.

STANDING OF VICE-PRESIDENTS IN
PRESIDENTIAL PREFERENCE POLLS
OF VOTERS OF THEIR PARTY

Vice-President	No. of Polls	Times 1st	Times 2nd	Others
Garner (1937-40)	16	10	5	1(5th)
Wallace		no available data		
Truman		no available data		
Barkley (1952)	3	0	2	1(3d)
Nixon (1954-56)	9	6	3	0
(1957-60)	19	19	0	0
Johnson		no available data		
Humphrey	3	2	1	0
Agnew (1971)	1	0	1	0
(1973)	3	2 (1 tie)	0	1(4th)
Ford (1974)	1	1	0	0
Rockefeller		no available data		

Even defeated Vice-Presidential candidates have later emerged as presidential contenders. Franklin D. Roosevelt, who occupied the second spot on the Democratic ticket in 1920, later became President. Estes Kefauver, Henry Cabot Lodge, and Edmund S. Muskie became front-runners for their parties' nomination in some polls.⁶

That the Vice-Presidency should be so promising a springboard is not surprising. Not only do Vice-Presidents face the public during a campaign; they also receive media coverage while in office. Further, the Vice-President's role in party politics allows him ample opportunity to win favor with party leaders.

The duties of the Vice-Presidency present a third area of study. From John Adams on, Vice-Presidents have thought their responsibilities far inferior to their talents and have devoted substantial time to other pursuits. Richard M. Johnson spent time presiding over the affairs of his tavern rather than those of the Senate; Henry Wilson wrote more history than he made. Theodore Roosevelt planned to finish law school. Thomas Marshall told jokes.

Vice-Presidents have some opportunities to influence administration policies. At various high-level meetings they may speak and seek to persuade others. Special assignments provide other chances to serve. It is worth asking, however, how important these duties have been in the past, how well they have prepared men to succeed, and whether reforms can improve the office.

The Vice-Presidency also deserves study because it offers its occupant a prominent podium with a ready audience. With the exception of the President, presidential candidates, and an occasional Cabinet member or Con-

6. Polls in 1957 and 1958 has Kefauver favored by Democrats over Kennedy; Lodge was the frontrunner among Republican voters following his write-in victory in the 1964 New Hampshire primary; Muskie ran first in polls at various times between 1969 and 1972.

gressman, Vice-Presidents and vice-presidential candidates receive greater media attention than other public figures. The behavior of those who hold the office and those who seek it importantly affects the nation's political climate. The rhetoric of Vice-Presidents helps set the issues and quality of political discourse. Controversies regarding vice-presidential candidates, particularly the Checkers affair in 1952 and the Eagleton episode in 1972, have dominated significant portions of presidential campaigns.

Origins of the Vice-Presidency

Creation of the Vice-Presidency was an afterthought. Not until the closing days of the Constitutional Convention was the office conceived. Three factors seem to have produced it.

The early discussions focused on the role as President of the Senate. Roger Sherman of Connecticut worried that without provision for a presiding officer some Senator would lose his vote by having to chair the sessions and his state's interest would be under-represented.⁷ There was also concern that, with an even number of members, the Senate might not always be capable of "definitive resolution."⁸

The delegates also realized the need for a means to fill presidential vacancies. Early proposals suggested that the presiding officer of the Senate, the Chief Justice, or a council to the President discharge executive powers in the absence of an elected Chief Executive. By an eight to two vote, the Convention decided to make the Vice-Presidency the first station for succession.

Finally, the original system of electing a Chief Executive depended on the simultaneous selection of a Vice-President. The Founding Fathers feared that electors would tend to support only men from their own state for President. To counter this threat, Hugh Williamson proposed that electors be required to vote for three men. At least one would be from a state other than the elector's, he reasoned.⁹ Gouverneur Morris then suggested voting for two men, one of whom could not be from the elector's state. The second vote, Madison thought, would correct the tendency for provincial loyalties to influence voting. The second choice of the individual electors "would probably be the first in fact,"¹⁰ he predicted. Acting upon this reasoning, the Convention prescribed a single election to choose both the President and the Vice President. The individual with the most votes, provided a majority, was to be President; the runner-up would be Vice-President.

The system did produce Adams and Jefferson as the first two Vice-Presidents but it also elected Aaron Burr as the third and almost made him President. By 1796 parties had begun to designate one candidate for President and another for Vice-President. The electors were to vote for the ticket but at least one was to withhold his vote from the vice-presidential candidate to

7. 2 M. Farrand, *Records of the Federal Convention of 1787*, at 537 (1911).

8. *The Federalist* No. 68 (C. Rossiter ed. 1961) (A. Hamilton).

9. 2 M. Farrand, *Records of the Federal Convention of 1787*, at 113 (1911).

10. *Id.* at 113-14.

assure that the de facto presidential nominee became Chief Executive. In 1800 the system misfired when the same number of electors voted for Jefferson and Burr. Jefferson was clearly the intended Chief Executive, but it was not until the House of Representatives had held 36 ballots that he was chosen. Many were appalled that someone never intended for the Presidency had almost been elected.

Consequently, the system outlined in the twelfth amendment was proposed. It provided for separate election of the two officers. Fearing a diminution in the quality of Vice-Presidents, some suggested abolishing the office. Since "The Vice President will not stand on such high ground in the method proposed as he does in the present mode of double ballot," Samuel Taggart feared it was likely that "so great care will not be taken in the selection of a character to fill that office."¹¹ The Vice-President will become a "secondary character,"¹² thought Samuel W. Dana. William Plumer believed "the office of Vice President will be a sinecure" which would "be brought to market and exposed to sale to procure votes for the Presidency."¹³ Nonetheless the Congress approved the amendment and it was ratified on September 25, 1804.

Nineteenth-Century Vice-Presidents

The election of subsequent Vice-Presidents proved these fears prophetic. It was, perhaps, inevitable that no office could continue to claim occupants of the stature of Adams and Jefferson. But the remainder of the nineteenth century witnessed a sharp decline in the caliber of Vice-Presidents.

Some prominent men still did hold the second office. John C. Calhoun and Martin Van Buren were among the early Vice-Presidents—although Calhoun resigned in a dispute over Administration policy. More often, however, the vice-presidential nomination was awarded as a consolation prize to a defeated faction of a party. The credentials of some nominees were embarrassingly bad. George Clinton, Elbridge Gerry, and Rufus King were advanced in years and in failing health. Others had scant experience. Arthur's prior public service consisted of seven years as Customs Collector for the Port of New York. Garrett A. Hobart had never had a post higher than state legislator. Six of the 23 Vice-Presidents in the century were not nominated to seek another term with the Chief Executive.¹⁴ Six others died in office.¹⁵ None of the four who succeeded to the Presidency was later nominated for his own term.

The experience of the century illustrated some hazards of making ideological balance the primary criterion in selecting vice-presidential candidates. The enmity between Jefferson and Burr was notorious. Clinton openly attacked Madison's policies. Calhoun exacerbated tensions in the Jackson administration over the Peggy Eaton affair, cast the decisive vote against Jackson's nomination of Van Buren as Minister to England, and split with the President

11. — Annals of Cong. 733 (1804).

12. *Id.* at 672.

13. *Id.* at 155.

14. Burr, Calhoun, Richard Johnson, Hannibal Hamlin, Schuyler Colfax, and Levi Morton.

15. Clinton, Gerry, King, Henry Wilson, Thomas Hendricks, and Hobart.

over state's rights. The four Vice-Presidents who succeeded either belonged to different factions of their predecessor's party or to a different party. They initiated some abrupt policy shifts on important issues, and Cabinet personnel left en masse.

The nineteenth century saw at least one other important development in the Vice-Presidency. A month after his inauguration, William Henry Harrison became the first President to die in office, but the status of his Vice-President, John Tyler, was unclear. The Constitution provided that "in case of the Removal of the President from office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the Said Office, the same shall devolve on the Vice President . . ." ¹⁶ Observers differed on whether "the same" referred to the "powers and duties" (in which case Tyler would be "acting" President), or to the "office." Tyler embraced the latter interpretation and enforced his claim by refusing to be recognized as anything but the President.

The consequences of Tyler's decision were not just linguistic. If the office devolved in case of death it would also seem to in the event of the other three contingencies including disability. A Vice-President could not therefore temporarily discharge executive powers as acting President; he would become President, displacing the incumbent and barring him from resuming the office. This interpretation complicated disability determinations.

The Twentieth Century

The new century witnessed a gradual improvement in the office. Hobart, the last Vice-President in the 1800s, may not have been presidential timber. But his close relationship with President William McKinley induced the Chief Executive to entrust him with some responsibilities. The choice of the 1900 Republican convention, Theodore Roosevelt, stood well above Vice-Presidents dating to Calhoun's time. After succeeding to the Presidency in 1901, he became the first President by succession ever to win a term on his own.

During the twentieth century, the Vice-President, traditionally regarded as a legislative officer, moved closer to the executive branch. Although he harbored some reservations, Thomas Marshall presided over the Cabinet while Woodrow Wilson was abroad. Coolidge regularly attended Cabinet meetings, as has every Vice-President since Garner.

The office was further upgraded during the Presidency of Franklin Roosevelt. "Until this administration," said Garner, "the principal job of the Vice-President was to preside over the Senate and dress up fancy and attend innumerable functions."¹⁷ Garner helped steer New Deal legislation through Congress until his falling out with Roosevelt. In 1941, Roosevelt appointed his second Vice-President, Henry A. Wallace, to be Chairman of the Economic Defense Board.

Since that time Presidents and Congress have acted to give Vice-Presidents

16. U.S. Const. art. II, § 1, cl. 6.

17. Garner, *This Job of Mine*, American, July 1934, at 23.

more to do. By statute, the Vice-President is a member of the National Security Council and is Chairman of the National Aeronautics Space Council. Nixon chaired the President's Committee on Government Contracts and the Cabinet Committee on Price Stability. Johnson headed the President's Committee on Equal Employment Opportunity and the Peace Corps National Advisory Council. Humphrey supervised the President's Councils on equal opportunity, youth opportunity, Indian opportunity, marine sciences, recreation and natural beauty, and economic opportunity. Agnew inherited many of these duties and chaired the White House Office of Intergovernmental Relations. Ford headed an executive branch committee on privacy. Rockefeller chaired the Domestic Council and the investigation by the executive branch into the Central Intelligence Agency.

Recent Vice-Presidents have also devoted considerable portions of their time to foreign travel. Garner visited the Philippines, Wallace Latin America and China. Nixon's foreign travels took him to 54 countries and included the historic "kitchen debate" with Nikita Khrushchev. Most prominent among Johnson's travels was his trip to West Germany to demonstrate American support following the erection of the Berlin Wall. Johnson visited 28 countries as Vice-President (including Vietnam), Humphrey 34, Agnew 27.

Some Vice-Presidents have lobbied effectively to secure support for the administration's legislative program. A ranking Truman aide credited Barkley with helping with congressional relations.¹⁸ "Nixon was regarded as a political broker . . . between Capitol Hill and the White House . . ." ¹⁹ Johnson helped win House approval for the plan to expand the Rules Committee in 1961. Humphrey worked behind the scenes to advance Great Society programs.²⁰

Clearly, the Vice-Presidency has assumed greater importance this century, especially during the past 35 years. The legislative history of the twenty-fifth amendment overflows with assertions of the significance of the office. Indeed, that amendment both recognized the growth of the Vice-Presidency in section two and contributed to its prominence in sections three and four.

Yet too rosy a picture should not be painted. Even recent Vice-Presidents have suffered numerous frustrations and embarrassments in office. Wallace was often overruled by Roosevelt. Several Roosevelt advisers knew of plans to build an atom bomb in 1945 but Truman was kept in the dark until he became President. When asked at a press conference: "What major decision of your administration has the Vice-President participated in?" Eisenhower responded, "If you give me a week I might think of one."²¹ Surely he would not have needed that much time to recall the contributions of dozens of other members of his official family. Humphrey was "frozen out" and "forgotten" at

18. Hearings on Administrative Vice-President Before the Subcomm. on Reorganization of the Senate Comm. on Government Operations, 84th Cong., 2d Sess. 60 (1956) (testimony of Clark Clifford).

19. D. Young, *American Roulette* 260 (1972).

20. H. Humphrey, *The Education of a Public Man* 409 (1976).

21. *N. Y. Times*, Aug. 25, 1960, at 22.

times during his Vice-Presidency.²² Johnson held progressively fewer meetings of the National Security Council to limit Humphrey's participation in discussions of Vietnam.²³ Well into 1973 Agnew told the *Washington Post* that "the President has not defined my role yet. I don't know exactly what I'll be doing and it's up to the President to define it."²⁴

The failure of Presidents to involve their Vice-Presidents to a greater extent in decision-making stems in part from the lack of political and personal compatibility that have often characterized relations between the two. Johnson told Humphrey in 1964 that no President and Vice-President had ever gotten along well together.²⁵ Johnson's statement, though exaggerated, identified a fact of American history. Even Presidents who recognize the ill treatment inflicted on past Vice-Presidents often have failed to achieve a friendly understanding with their Vice-President.

The Selection Process

The quality of Vice-Presidents and their compatibility with the Chief Executive depend in large part on the selection process. Americans may take some solace in the fact that at least in some ways the procedure has improved in recent decades. In 1904, the Democratic nominee for Vice-President, Henry G. Davis, was 80 years old. Badly in need of funds, the party hoped Davis might be persuaded to contribute part of his fortune to the campaign coffers if given a place on the ticket. Relatively inexperienced men were chosen in 1920 and 1924 by the Democrats largely because of their names (Roosevelt and Charles Bryan); one experienced man, Styles Bridges, was passed over by the Republicans in 1936 partly because a ticket of Landon-Bridges would be too easily subjected to mockery. Still, "recent events have evoked considerable agreement that something is amiss with the existing method of choosing Vice-Presidents."²⁶ In the aftermath of the Eagleton and Agnew episodes, most proposals for reforming the Vice-Presidency deal with the selection process.

With varying emphasis, critics of the present process make three complaints. First, they argue that the present system is undemocratic in that it essentially allows one man, the presidential nominee, to choose his running mate; the operation of the general election makes it likely that voters will give relatively little consideration to the views and credentials of the men in the second slots. Second, they note that the choice of a running mate is often made hastily without careful deliberation. Third, they suggest that political factors, not competence to serve as President, dictate the selection. Consequently, they contend that vice-presidential candidates often are unqualified to be President.

22. H. Humphrey, *The Education of a Public Man* 427 (1976).

23. *Id.* at 325.

24. Cannon, *Agnew Role Unsure But He Stays Loyal*, *Washington Post*, Dec. 3, 1974, at A17.

25. T. White, *The Making of the President 1964*, at 288 (1965).

26. Letter from Joseph L. Rauh, Jr. to the *Washington Post*, Dec. 3, 1974, at A17.

It is difficult for an observer to know what inputs are considered in selection of a vice-presidential candidate, when the actual determination is made, and what criteria prove crucial in the decision. Nor is a sure test evident to predict ability to be President. Some recitation of recent nominating experience may prove helpful in assessing the merits of the criticisms presented above.

Who Decides?

Early in this century conventions sometimes nominated vice-presidential candidates independent of the influence of the party's standard bearer. But as the recent report of the Harvard study group noted, "we continue to leave the designation of the Vice-Presidential contender largely to the personal judgment of the nominee"²⁷

Recent presidential nominees have exercised that judgment in different fashions. Adlai E. Stevenson met with Truman and two or three other party leaders to pick a running mate in 1952; four years later he left the decision to the delegates. Eisenhower gave aides a short list of names including Richard Nixon's in 1952. They met with party leaders and agreed on Nixon. Nixon met with 36 party leaders following his nomination in 1960. Having discussed the vice-presidential selection previously with each individually, he knew their preferences. His choice, and theirs, of the available candidates, was Ambassador Lodge. Nixon again met with party leaders following his nomination in 1968. One participant, Senator Hiram Fong, recalled that few of the leaders present suggested Agnew but that Nixon kept raising his name.²⁸

Johnson consulted and polled extensively in 1964. His choice, Senator Humphrey, consistently ran well in polls and was endorsed by an impressive array of political leaders. Four years later, Humphrey made his final decision with a handful of aides. Senator George McGovern chose Senator Thomas Eagleton after a lengthy meeting with staff members and on the recommendation of Senate friends after others declined to run. President Carter and Mr. Charles Kirbo on his behalf consulted Senators and party leaders before settling on Senator Walter Mondale. President Ford discussed his selection with trusted advisers and with his convention opponent, Governor Ronald Reagan. He had earlier asked delegates to submit their preferences.

Two other points are interesting to note. Contrary to much popular belief, "campaigns" occasionally do take place for the vice-presidential nomination. In 1956, Senators Humphrey, Kefauver, and Kennedy either openly sought the nomination or allowed friends to mount efforts on their behalf well before the convention opened. That year Harold Stassen pushed for the replacement of Nixon by Governor Christian Herter; Nixon allies in and out of Congress waged a counter-effort. Humphrey successfully encouraged friends to press

27. Institute of Politics, John F. Kennedy School of Government, Harvard University, Report of the Study Group on Vice-Presidential Selection (June 14, 1976).

28. Hearings on Examination of the First Implementation of Section Two of the Twenty-Fifth Amendment Before the Subcomm. on Constitutional Amendments of the Senate Comm. on the Judiciary, 94th Cong., 1st Sess. 127 (1975).

his case to Johnson while he met with several business groups to mute their opposition.

Some constraints seem to operate on incumbent Presidents. Seven Presidents this century have sought to open the Vice-Presidency to nomination while there was an incumbent Vice-President. In each case, the candidate or close supporters indicated a desire to replace the Vice-President. Five of the seven—Taft, Wilson, Hoover, Eisenhower and Nixon—ended by retaining the same man they had run with four years earlier.

The Problem of Haste

The amount of deliberation has varied widely since 1952. In 1964 and 1976, the Democratic nomination for President was settled well in advance of the convention. In both cases, extensive and careful thought and investigation characterized the process. Similarly, in 1956 and 1960, when the Republican nomination was not in doubt, candidates Eisenhower and Nixon respectively allowed processes to operate which permitted careful consideration of prospective running mates. In 1968 the Republican presidential nominee hardly knew his running mate. Nor did the 1972 Democratic standard bearer know his well. Having been drafted at the convention in 1952, Stevenson could hardly have given prolonged thought to his choice. The Democratic selection in 1960 seems to have been rushed.

Criteria

Presidential nominees generally celebrate the qualifications of their running mates. Nixon listed his criteria in 1960 as: capacity to be President, compatibility with the presidential nominee, and ability to help produce a victory for the party in that order. Many suggest that often the priorities are reversed.

A number of other standards, though less often cited by candidates, seem to be used. Chief among these is ticket-balancing. Consciously or not, candidates choose running mates who will complement their own regional ties, ideology, religion, age, and nature of experience.

Since 1952, all but two presidential candidates—McGovern and Ford—have selected running mates from different parts of the country from their own, though this is not conclusive proof that they sought regional balance. Ideological considerations seem to have dictated the Dewey-Bricker ticket in 1944 and the Reagan-Schweiker pairing. Age balance seems to have been a factor in producing Eisenhower-Nixon. Six tickets have included a Protestant and a Catholic—Smith-Robinson (1928), Kennedy-Johnson, Goldwater—Miller, Humphrey-Muskie, McGovern-Eagleton, and McGovern-Shriver. Prominent among the tickets including men with different types of experience were Willkie-McNary (1940), Dewey-Bricker, Nixon-Agnew, and Carter-Mondale.

At least five other factors have influenced selection of recent vice-presidential candidates. These are campaign ability (Goldwater said he chose William E. Miller as his running mate partly because "he drives Johnson nuts"), party popularity (Barkley), completion of a deal (Garner, 1932), desire

to carry a large state (Nixon, 1952; Johnson, 1960), and desire to highlight a certain issue (Nixon, 1952; Lodge, 1960).

Qualifications

Since 1952, fifteen decisions have been made by conventions or presidential nominees on running mates. Of the fifteen, seven resulted in the selection of men who had previously been considered serious presidential candidates. The seven were Nixon and Kefauver (1956), Johnson and Lodge (1960), Humphrey (1964), Agnew (1972), and Mondale (1976). Muskie, and to a lesser extent Shriver, were subsequently viewed as possible nominees in 1972 and 1976 respectively. Dole may be in 1980. Only Senator John J. Sparkman, Miller, and Eagleton have not figured prominently in presidential speculation.

Nine of the fifteen were Senators when chosen, two were already Vice-Presidents, one was a diplomat, one a Governor, one a member of the House of Representatives, and one in private life when chosen (have previously served under three Presidents in domestic and diplomatic posts). Two—Johnson and Humphrey—held leadership positions in Congress; two others—Miller and Dole—had been party chairmen.

Reforms

There has been no shortage of ideas concerning what should be done about the nomination, election, and office of the Vice-President. The rest of this paper briefly summarizes some of the major plans.

Nomination

Status quo Senator Barry M. Goldwater, Senator John J. Sparkman, and Spiro T. Agnew are among those favoring retention of the present system. They argue that it generally works well and that it allows the President the chance to choose a running mate with whom he is compatible. Opponents contend that the system includes no formalized consultative process, produces hasty decisions, and emphasizes criteria other than ability to be President.

Vice-Presidential Primaries A number of proposals would use primaries to help select vice-presidential candidates. Governor Peabody has proposed establishing vice-presidential primaries and limiting convention choice on the first ballot to those who had sought the Presidency or Vice-Presidency. A second proposal would nominate vice-presidential candidates in a national primary; a third would have the runner-up in a national presidential primary in which each voter had two votes fill the second spot on the ticket.

Primaries would remove the choice from the party's standard bearer and allow the people to participate. This would raise public perceptions of the office and eliminate the problem of haste. Such a system would, however, risk selection of incompatible presidential and vice-presidential nominees. It would exclude many prominent officeholders from consideration.

Barring Overlap Some suggest excluding presidential candidates from consideration for the vice-presidential nomination. Such a step might focus

more attention on the Vice-Presidency and lead minor presidential candidates to seek the second office instead. It would also eliminate from consideration many of a party's most qualified members.

Slates Some propose requiring presidential candidates to indicate their running mate when they announce their candidacy. The two would then campaign as a ticket in the primaries. Other plans would require presidential candidates to follow the example of Governor Reagan and specify their running mate prior to the convention. These plans would focus attention on the vice-presidential choice, allow voters or delegates a voice in the selection, and provide an early test of a presidential candidate's judgment.

It would also pose some problems. Aspirants whose prospects seemed dim early in the campaign season might find their options severely limited. Presidential candidates and their close supporters would be eliminated from consideration under the first plan. Voters might find it more difficult to gain knowledge about the candidates especially in early primaries when the field would be even more crowded than is now the case.

Open Conventions Senator Mike Gravel is among those who advocate an open convention. This would directly involve delegates in vice-presidential selection. It would be difficult, however, to prevent the presidential candidate from influencing the decision. And if he were prevented, it might produce an incompatible running mate.

Partially Open Conventions Professor James MacGregor Burns suggests that presidential candidates provide a list of acceptable running mates after the presidential nomination; John Gardner thinks the list should be produced in advance. These plans would preserve a role for both the standard bearer and the convention. They might be subject to manipulation by the presidential candidate and sometimes might force a hasty choice.

Rearrange Convention Schedule Many of those who testified before the Humphrey Commission on Vice-Presidential Selection suggested changing the convention calendar to allow an extra day or two to decide on a vice-presidential candidate. The presidential nomination might occur the second day, the platform discussions the third, and the vice-presidential nomination the fourth. Or the convention might be extended a day.

These plans would allow more time to consider the choice and might elevate the office in the minds of many observers. They might not always allow sufficient time for careful consideration and consultation. Conversely, some viewers, and delegates, might "tune out" after the presidential balloting.

Post-Convention Choice Other plans would have the presidential nominee submit his choice or a list of acceptable candidates to the National Committee after the convention. Senator Thomas Eagleton has suggested allowing the presidential candidate to make the choice alone ten days after his nomination. Another proposal calls for a post-convention vice-presidential primary.

These plans would allow ample time for consideration and would focus public attention on the choice. But it might be difficult to schedule two conventions and two post-convention events in July and August. The delegates to the convention would be removed from the process.

Election

The Twenty-fifth Amendment Process Senator Robert Griffin has suggested having presidential candidates run alone. After the November election, the winner would nominate, subject to confirmation by special sessions of the newly elected House and Senate, his choice for Vice-President.

Proponents of this plan argue that section two of the amendment operated well twice. It allows extensive consideration of the person nominated, more so than the electoral process, they argue. The plan would help provide compatibility and might lead to a larger role for Vice-Presidents. It would remove the often disturbing presence of vice-presidential candidates from the campaign.

Critics of this plan argue that it would divert the attention of the new President and Congress from developing new policies and programs. It would complicate presidential succession and inability, leaving a long gap in which there was no successor. The vice-presidential nomination would no longer be a tool to reunite the party. The proposal would require a constitutional amendment.

Separate Election of Vice-President Governor Peabody, Senator Jacob Javits and others have suggested a separate election for the Vice-President. Some would schedule this election to coincide with the midterm congressional races. Advocates of these plans believe that would improve the quality of Vice-Presidents. The successful candidate might become the people's representative and would receive greater attention. Opponents of the plan point to several difficulties. The President and Vice-President might be incompatible, perhaps even belonging to different parties. This would complicate transitions upon presidential vacancies or inability. These plans would also require a constitutional amendment.

Different Vote Scheme One proposal would provide for separating voting for President and Vice-President with the *ticket* gaining the most support winning. Such a plan would probably raise the level of vice-presidential candidates. It seems likely, however, that most people would simply cast their two votes for the ticket they preferred according to their assessment of the presidential candidates.

The Office

Abolition Professor Arthur M. Schlesinger Jr. has argued forcefully for a constitutional amendment to abolish the Vice-Presidency. He and others say the Vice-President has little to do, that the office often attracts unqualified men who are not really elected, and that the office does not prepare men to be President. On the contrary, it is said, the experience can be damaging. Proponents of this plan would usually have the Speaker of the House or Secretary of State serve temporarily as President pending the results of a special election.

Opponents of this plan argue that the Vice-Presidency provides a ready successor known and accepted by the American people. They contend that having a temporary successor and a special election would contribute to instability at a time when the nation might be reeling from the shock of a President's death. They also argue that the Vice-President does have important duties and that the office can be further upgraded.

Adding to the Legislative Duties Some would give the Vice-President a greater legislative role. In 1896 Theodore Roosevelt proposed giving him a vote on all Senate business²⁹ and allowing him to appoint Senate committees. These proposals would seem likely to encourage persons of high caliber to seek the office. Others view the extra vote in the Senate as being superfluous and note that the senate might resent an outsider exercising such control over its proceedings.

Adding to the Executive Duties Various proposals would increase the Vice-President's duties in the executive branch. Some propose a constitutional amendment to move the Vice-President out of the Senate to become a full member of the executive branch. This, they argue, would allow greater delegations of power to the Vice-President. He might be assigned more duties of the sort he now has. One proposal would require that the Vice-President also serve as one of the top four Cabinet officials.

Opponents of these plans point to the danger of making the Vice-President too independent of the President. This could weaken the Presidency, and it might be difficult for a President to dismiss his Vice-President from a high level position. Most recent Vice-Presidents would not seem to fit easily into existing Cabinet positions. Burdensome duties would prevent a Vice-President from attaining the broad-based knowledge necessary in one who suddenly succeeds to the Presidency.

Abolition of the Twenty-fifth Amendment Some propose a constitutional amendment to abolish the twenty-fifth amendment. They protest that a democratic nation should not be headed by two non-elected officials. Ironically, little attention is directed to the heart of the measure, sections three and four. Abolishing the amendment, argue its supporters, would eliminate the provisions for disability determination which were formulated after long and careful study.

29. The Constitution would require unanimous consent of the states to accomplish this. U.S. Const. art. V. See pp. 754-56 supra.