

Mr. CELLER. I would accept that amendment. It is a very good amendment.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, we are pleased to accept the amendment. It has been thoroughly discussed and it is agreeable to us.

Mr. POFF. Mr. Chairman, I have been asked to make a brief explanation of the amendment, after which I will yield to the distinguished minority leader.

Mr. Chairman, the amendment simply requires that the Congress as an automatic proposition will, if not in session, when it receives the Vice President's challenge of the President's declaration of restoration, assemble within a 48-hour period.

Now I would assume, and I will yield to the chairman of the Committee on the Judiciary in order to make legislative history on this point, that the Vice President who is then Acting President would as a matter of procedural necessity by proclamation, directive, or otherwise indicate a time certain and a place certain where and when the Congress would assemble. Is that the understanding of the gentleman from New York?

Mr. CELLER. That is exactly the understanding, that the Vice President would issue a proclamation and fix a time certain within 48 hours as to when the Congress must assemble.

Mr. POFF. May I ask the gentleman further, if for any reason the Vice President as Acting President should not do so, then the Speaker of the House would have the apparent power, as the Congress automatically assembled, to fix the time certain when the Congress would assemble?

Mr. CELLER. That is correct. In other words, if he does not summon the Congress, the Congress automatically gathers and assembles—and must assemble. But I take it in the ordinary course, the Speaker would issue a summons to the Members of the House to assemble and the President pro tempore would issue a summons to the Senators to assemble in the other body.

Mr. POFF. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, during the history of our country, the Nation has been without a Vice President 16 times, totaling 37 years, creating a vacuum in the executive branch of Government in particularly important and crucial times.

The Constitutional Convention wisely looked into the future to see the need for a qualified Vice President in the event of the Chief Executive's death or inability. However, the precise method of activating the line of succession has been clouded with legal and political uncertainties, controversy, and debate.

This resolution being considered by the House will amend the Constitution to clarify this vitally important issue,

assuring a clear-cut method of action to result in proper succession.

A large number of bar associations in the country and some of the best legal minds in our Nation support this resolution, which is the result of long, indepth study by the Committee on the Judiciary. In the past, Attorneys General Herbert Brownell, William P. Rogers, and Nicholas deB. Katzenbach agreed that an amendment is necessary. The tragic death of John Fitzgerald Kennedy and the physical health of former President Dwight D. Eisenhower in our most recent history brought quick and urgent congressional and public attention to the need for an amendment.

Presidents Eisenhower, Kennedy, and Johnson made informal agreements with the Vice Presidents to fill the Chief Executive's position in event of inability. I stress that these were informal agreements, without constitutional definition.

The resolution before the House at this time, in my opinion, fulfills a vital need, especially at a vital and turbulent time in our Nation's history.

I support the resolution and urge my colleagues to do likewise in the national interest.

Mr. POFF. I thank the gentleman. I yield back the remainder of my time.

Mr. McCORMACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I feel that I should make a few observations on this occasion because what we do here is not only a matter of importance but also could have a marked and tremendous effect in the future life of our Nation.

What we have said here today will be referred to by some future House of Representatives, particularly if the situation under section 4 of the pending resolution should arise.

We all know that a constitutional amendment is a very important matter involving a very sensitive question—sensitive not only to draft, but sensitive to consider, and sensitive to picture or contemplate all the human considerations which might arise in the future.

I agree with the statement made in that respect by the distinguished minority leader.

I favor strongly this resolution. I favor section 2 because we must be practical. We must realize, whether we like to or not, that great changes are taking place, have taken place within the past 30 years, and changes of a greater nature are going to take place in the years which lie ahead.

I have lived for 14 months in the position of the man who, in the event of an unfortunate event happening to the occupant of the White House, under the law then would have assumed the Office of Chief Executive of our country. I can assure you, my friends and colleagues, that a matter of great concern to me was the vacuum which existed in the subject of determining inability of the occupant of the White House, if and when that should arise.

I have in my safe in my office a written agreement. As has been well said, it is outside the law. It is an agreement between individuals. But it was the only thing that could be done under the circumstances, when we do not have a dis-

ability law in relation to the President in existence.

We have made a marked contribution by this resolution, and particularly by section 3 and section 4.

Section 3 will enable the President of the United States or an acting President or one who is in the office of the Chief Executive, when he is ill without being totally incapacitated, to declare his inability for a limited period of time. For example, a man might have a heart attack. He is mentally equipped and there is no impairment of his mental facilities, but there is a marked impairment of his physical facilities. If he has the knowledge that he can declare himself to be disabled or unable to perform the duties of his office in a broad sense and if he has the knowledge that on a statement by himself or a declaration by himself he can resume the office, and the duties of the office, then this could play a very important part, in my opinion, in the future life of our country.

Section 4 is a matter of vital concern, as I see it. I will not say this is the only vacuum but a great vacuum which has existed since the institution of our Government is the fact that there has been nothing on the statute books or in the Constitutional law whereby there could be a legal determination made of the inability or the disability of the President of the United States and of the restoration of his ability. I can assure you, as the one who for 14 months was next in line for the Presidency, that I know I could never have made the decision. There are so many human considerations involved. For example, my motives might well be impugned. Also there could be the feeling that I might be involved in a quest for personal power. As a result of those considerations, and others, I would have great difficulty in making the decision myself, because I could appreciate the fact and picture the fact that the whole legitimacy of government, if I were in the White House, would be clouded and could be affected very seriously. Therefore, I am very happy with the provisions of this resolution and particularly, as I say, with section 4 thereof. We cannot legislate for every human consideration that might occur in the future. All we can do is the best that we can under the circumstances. The considerations of the committee and the deliberations of the members of both parties have resolved the problem confronting us in the best manner possible, having in mind the fact that with all our strengths we have weaknesses as human beings.

I am glad that the gentleman from Virginia [Mr. Poff] offered his amendment because I recognize that we could establish in our minds or we could create there hypothetical cases in the future which no resolution and no law could avoid and the resolution did contain a weakness in the language which states: "Thereupon Congress shall decide the issue, immediately assembling for that purpose if not in session." Now, first of all, I would assume that a Vice President, as Acting President, if the provisions of section 4 should develop and a Vice President who assumes the Presidency and

