

Definition: **Succession** from *The SAGE Glossary of the Social and Behavioral Sciences*

The established order of leadership replacement among political leaders or monarchs. In the United States, the Presidential Succession Act (1947) delineates that in the case of the removal, death, or resignation of the President, he or she would be succeeded in the following order: the Vice President, the Speaker of the House, the President Pro Tempore, and then cabinet members in the order in which their departments were created.

The act was signed by President Harry Truman and replaced the 1886 version of the law, in which Congress had removed the President Pro Tempore and the Speaker of the House from the original act of 1792s line of succession.

Summary Article: **Succession**

From *American Government A to Z: The Presidency A to Z*

The Constitution provides that the vice president shall assume the powers and duties of the chief executive in the event that the president dies, resigns, becomes disabled, or is removed from office. In these provisions, delegates to the Constitutional Convention anticipated well. As of 2011 eight presidents had died in office and one had resigned under threat of impeachment. All were duly succeeded by their vice presidents.

John Tyler became president when William Henry Harrison died of an illness just one month after his inauguration in 1841.

Millard Fillmore succeeded to the presidency in 1850 when Zachary Taylor died of natural causes during the second year of his term.

Andrew Johnson became president when Abraham Lincoln was assassinated in 1865, just six weeks after the start of his second term.

Chester A. Arthur became president in 1881 after the death of James A. Garfield, who was assassinated near the start of his term.

In 1901 an assassin killed William McKinley. Theodore Roosevelt served the remaining three and a half years of McKinley's term and was elected president in 1904, serving until 1909.

Warren G. Harding died of natural causes in 1923 with nineteen months left in his term. He was succeeded by Calvin Coolidge, who in 1924 won election to a full term as president and served until 1929.

Franklin D. Roosevelt died of natural causes three months after the start of his fourth term in 1945 and was succeeded by Harry S. Truman. Truman was elected president in 1948 and served until 1953.

Lyndon B. Johnson was sworn in as president in 1963 barely an hour after John F. Kennedy was assassinated with fourteen months remaining in his term. Johnson was elected president in his own right in 1964 and served until 1969.

Under threat of imminent impeachment and removal, Richard Nixon resigned in 1974, after serving less than two years of his second term. Gerald R. Ford became president. In 1976 Ford was nominated for a full term in his own right but was narrowly defeated in the general election.

Vacancies have occurred in the vice presidency on eighteen occasions. In nine instances, the office was vacated when the vice president succeeded to the presidency. Seven other vice presidents died in office (George Clinton in 1812, Elbridge Gerry in 1814, William R. King in 1853, Henry Wilson in 1875, Thomas A. Hendricks in 1885, Garret A. Hobart in 1899, and James S. Sherman in 1912). Two resigned (John C. Calhoun in 1832 and Spiro T. Agnew in 1973).

Although the Constitution provided for succession, it was silent on many issues concerning implementation. Was the vice president to be sworn in as president or simply to serve in an acting capacity? Was the vice president to serve out the president's term or to hold the office only until a new president could be selected at a special election? What would happen if the presidency and vice presidency fell vacant at the same time?



On November 22, 1963, barely an hour after President Kennedy was assassinated in Dallas, Texas, Vice President Lyndon B. Johnson, with his wife, Lady Bird (left), and Jacqueline Kennedy (right) looking on, took the oath of office aboard Air Force One.

LBJ Library

These were not idle questions. Assassination attempts, impeachment proceedings, and illness made succession an active concern in twenty of the nation's first forty-two presidencies. As a result, many of the questions surrounding succession have been answered through precedent, constitutional amendment, and law.

Full Succession

The question of whether the vice president would succeed to the office of president or only perform the president's duties was resolved the first time the presidency became vacant. That occurred in 1841, when William Henry Harrison died shortly after his inauguration. Initially some members of Harrison's cabinet thought Vice President Tyler would only become acting president. But Tyler had different thoughts. He quickly took the oath of office as president, delivered an inaugural speech of sorts,

declared his intention to serve out the remainder of Harrison's term, and moved into the White House.

Tyler's decisiveness prevailed in a constitutionally and politically uncertain situation. His action set a precedent that Fillmore nine years later, and future vice presidents were able to follow without controversy. Not until the Twenty-fifth Amendment was ratified in 1967, however, did the Constitution explicitly state the vice president's right to full succession.

Line of Succession

The Constitution also did not set a line of succession that extended past the vice president, but instead left that task to Congress.

The Second Congress passed the Succession Act of 1792, which called for a special election if a double vacancy occurred. In the interim the president pro tempore of the Senate (or if there were none, the Speaker of the House) would serve as interim president. In 1886 Congress replaced that law with a new one that located the line of succession in the president's cabinet in the order in which the departments were created, beginning with the secretary of state.

This law remained in place until 1947 when, at Truman's request, Congress enacted a new law. Truman had succeeded to the presidency after Franklin Roosevelt died in 1945. Had Truman died in office he would have been succeeded, under the 1886 law, by the secretary of state, an official Truman himself had appointed. Truman argued that in a democracy the power to choose a successor should not lie solely with the chief executive.

The 1947 law set the line of succession that is still in effect today: vice president, Speaker of the House, president pro tempore of the Senate, secretary of state, secretary of the Treasury, secretary of defense, attorney general, and, in order, the secretaries of interior, agriculture, commerce, labor, health and human services, housing and urban development, transportation, energy, education, veterans affairs, and homeland security.

Remarkably, the nation by 2011 had never experienced a presidential term in which both the president and the vice president died. As a result, the statutory line of succession has never been invoked.

Vice-Presidential Vacancies

Although the Constitution provided for the vice president to succeed the president if the chief executive died or otherwise left office, it made no provision to fill vacancies in the vice presidency. Such vacancies could occur either when the vice president succeeded to the presidency or when the vice president himself died, resigned, or was impeached and removed from office.

Despite frequent vacancies in the office, a mechanism to name a successor vice president did not become part of the Constitution until 1967, when the Twenty-fifth Amendment was ratified. That amendment authorized the president to nominate, and both houses of Congress to confirm, a new vice president whenever the office became vacant.

The importance of having a successor standing ready to become president became clear at the end of World War II, when Truman served for the first three and a half years of the nuclear age with no vice president. The possibility that a vice president would not be available to succeed to the presidency was not regarded as intolerable, however, until after the assassination of President Kennedy on November 22, 1963.

During the fourteen months remaining in Kennedy's term, the two men in line to succeed Lyndon Johnson were aged and ill, House Speaker John W. McCormack of Massachusetts and the president pro tempore of the Senate, Carl Hayden of Arizona. As legal scholar John D. Feerick noted, "Neither had been chosen for his position with an eye toward possible succession to the presidency, and neither was viewed by the public as a person of presidential stature."

Less than three weeks after Kennedy's death, Democratic senator Birch Bayh proposed a constitutional amendment that empowered the president to nominate a vice president when the office became vacant. A majority of both houses of Congress would have to confirm the nomination before the new vice president could take office. (The proposal also established a mechanism for replacing a disabled president; see *disability amendment*.) The Twenty-fifth Amendment was approved by Congress in 1965 and ratified in 1967. Six years later Gerald R. Ford became the first nonelected vice president in U.S. history.

Ford Nomination

On October 10, 1973, Vice President Spiro Agnew resigned as part of a plea bargain that allowed him to avoid prosecution on most of the charges of bribery and income tax evasion that the Justice Department was preparing to bring against him. Two days later President Nixon nominated Gerald Ford for the post. The House Republican leader was popular with legislators of both parties. Although Ford was reportedly not Nixon's first choice, the president, by then deeply entangled in the Watergate affair, wanted to avoid a prolonged confirmation battle and possible defeat.

Ford's nomination prompted the most extensive investigation into the background of a nominee for government office that had been conducted up to that time. Personnel from the Federal Bureau of Investigation, Internal Revenue Service, Library of Congress, General Accounting Office, and various congressional committees pored over Ford's public career, tax returns, medical records, campaign finance reports, bank accounts, and payroll records. Nothing seriously detrimental was uncovered.

Although some legislators argued about the proper criteria to use in evaluating a president's nominee for vice president, a majority in Congress apparently agreed with Senator Bayh. The author of the Twenty-fifth Amendment contended that Congress should defer to the president in the selection of a vice president except when defects in character, competence, or integrity made a nominee unacceptable.

The Senate confirmed Ford by a vote of 92–3 on November 26. The House confirmed him, 387–35, on December 6. Immediately after that vote Chief Justice Warren E. Burger administered the vice-presidential oath of office to Ford before a joint session of Congress. The entire confirmation process, from nomination to swearing in, had lasted seven weeks.

Rockefeller Nomination

Gerald Ford served only eight months as vice president. When President Nixon resigned on August 9, 1974, Ford became president, and the vice presidency was once again vacant.

Ford's succession posed an early test for the legitimacy of the vice-presidential appointment process. Not only was Ford, in a sense, the "handpicked" choice of his discredited predecessor, but his own nomination of a new vice president would mean that for the first time the nation would be led by an unelected president and an unelected vice president.

Presidential addresses to a joint session of Congress such as the State of the Union address are events attended by all major officers of the United States. This includes, but is not limited to, the Speaker of the House, the vice president, Supreme Court justices, the Joint Chiefs of Staff, and the heads of executive departments and agencies. With every person eligible to become president under the Presidential Succession Act of 1947 in attendance, the United States could find itself without any president if a tragedy such as a terrorist attack destroyed the House chamber. To ensure the continuation of government, an eligible cabinet-level secretary does not attend the speech. To the right is a list of persons who did not attend the State of the Union address and would have become president if such a tragedy had occurred.

Department Heads in Presidential Line of Succession Who Did Not Attend the President's State of the Union Address

| | | |
|---|--------------------------------|-------------------------------|
| 1984 | Secretary Samuel R. Pierce Jr. | Housing and Urban Development |
| 1985 | Secretary Malcolm Baldrige | Commerce |
| 1986 | Secretary John Block | Agriculture |
| 1987 | Secretary Richard Lyng | Agriculture |
| 1988 | Secretary Donald P. Hodel | Interior |
| 1989 | NONE | |
| 1990 | Secretary Edward J. Derwinski | Veterans Affairs |
| 1991 | Secretary Manuel Lujan | Interior |
| 1992 | Secretary Ed Madigan | Agriculture |
| 1993 | Secretary Bruce Babbitt | Interior |
| 1994 | Secretary Mike Epsy | Agriculture |
| 1995 | Secretary Federico Peña | Transportation |
| 1996 | Secretary Donna Shalala | Health and Human Services |
| 1997 | Secretary Dan Glickman | Agriculture |
| 1998 | Secretary Bill Daley | Commerce |
| * an official "State of the Union" address. | | |
| 1999 | Secretary Andrew W. Cuomo | Housing and Urban Development |

| | | |
|---|--|---------------------------------------|
| 2000 | Secretary Bill Richardson | Energy |
| 2001 | Secretary Anthony Principi | Veterans Affairs |
| 2002 | Secretary Gale Norton | Interior |
| 2003 | Attorney General John Ashcroft and Secretary Norman Mineta | Justice & Transportation |
| 2004 | Secretary Donald Evans | Commerce |
| 2005 | Secretary Donald Evans | Commerce |
| 2006 | Secretary Jim Nicholson | Veterans Affairs |
| 2007 | Attorney General Alberto Gonzales | Justice |
| 2008 | Secretary Dirk Kempthorne | Interior |
| 2009* | Attorney General Eric Holder | Justice |
| 2010 | Secretary Hillary Clinton and Secretary Shaun Donovan (Donovan was the “designated survivor,” but Clinton is ranked higher in the presidential line of succession and would have assumed the presidency in the event of calamity.) | State & Housing and Urban Development |
| 2011 | Secretary Ken Salazar | Interior |
| 2012 | Tom Vilsack | Agriculture |
| * an official “State of the Union” address. | | |

On August 20 Ford announced his nomination of New York governor Nelson A. Rockefeller to fill the vacancy in the vice presidency. Rockefeller was a national leader of demonstrated competence in the fields of administration, urban problems, and foreign affairs, and his nomination was met with acclaim from both the press and the public.

Rockefeller's confirmation took four months. He may have caused some of the delay himself by announcing that he would not campaign in the 1974 congressional elections until his nomination had been confirmed. Congress, led by Democrats who had little desire to see Rockefeller on the campaign trail, responded by dragging its feet. Hearings also were slowed by revelations that Rockefeller had given substantial cash gifts to several aides and may have financed the writing of a critical biography of his Democratic opponent in the 1970 gubernatorial election.

Prodded by Ford and apparently persuaded that Rockefeller had not used his vast wealth improperly, Congress finally acted. On December 10 the Senate voted 90–7 to confirm Rockefeller. The House voted 287–128 in Rockefeller's favor on December 19. Like Ford, Rockefeller was sworn in

immediately after the House vote.

Other Contingencies

A combination of legislation, constitutional amendments, and political party rules cover a variety of circumstances under which a president-elect or presidential candidate must be replaced.

The Twentieth Amendment, which became part of the Constitution in 1933, dealt with some of these issues. It states that if the president-elect dies the vice president–elect becomes president at the beginning of the term. It also stipulates that if a president-elect either has not been chosen or fails to qualify by inauguration day the vice president–elect shall serve as acting president until a president is named.

The amendment also authorized Congress to provide for a situation in which neither a president nor a vice president is chosen by inauguration day. Congress did so in 1947, stipulating that the Speaker of the House would become acting president, followed by the other officials listed in the line of succession. Since enactment, these provisions of the amendment have never been needed.

The wisdom of our fathers, foreseeing even the most dire possibilities, made sure that the Government should never be imperiled because of the uncertainty of human life. Men may die, but the fabrics of our free institutions remain unshaken.

—Chester A. Arthur, Address upon Assuming the Office of President of the United States, September 22, 1881

Party rules govern if a presidential or vice-presidential candidate were to die or resign between the time of nomination, usually July or August, and mid-December, when the Electoral College meets. Republican Party rules provide that the party's national committee would meet to choose a replacement.

Until 1984 the Democratic National Committee also was responsible for choosing a replacement nominee. In 1984 the responsibility was given to the national nominating convention's "superdelegates" (elected and party officials). In 1972 the Democratic National Committee was called upon to name a replacement for vice-presidential nominee Thomas F. Eagleton, who had withdrawn from the race.

What would happen if the presidential candidate who had won a majority of electoral votes died or withdrew before January 6, the day Congress counts the electoral votes and the president is officially "elected"? In that case, the vice president would still be elected vice president, and as the vice president–elect, would become president on January 20 under the language of Section 3 of the Twentieth Amendment.

Disability Amendment

Historic Milestones of the Presidency

Vice President

Additional provisions in the Twenty-fifth Amendment concern the temporary transfer of authority to the vice president when the president is incapacitated. Section 3 of the amendment allows the

president to transmit to the Speaker of the House of Representatives and the president pro tempore of the Senate a written declaration that he is unable to discharge the duties of president. When this happens, the vice president serves as “acting president” until the president notifies the congressional leaders that he is able to resume his duties. This has been invoked three times: On July 13, 1985, President Reagan temporarily transferred power to Vice President George H. W. Bush for almost eight hours while undergoing surgery to remove a precancerous growth in his colon. On two occasions (June 29, 2002, and July 21, 2007), President George W. Bush transferred authority to Vice President Dick Cheney while undergoing a colonoscopy. Each of Bush's transfers lasted just over two hours.

Section 4 of the Twenty-fifth Amendment includes a provision to strip the president of authority if the vice president and a majority of the cabinet declare the president unable to exercise his duties. This provision has never been employed. If used, the president can transmit to congressional leaders his declaration that no disability exists. If the vice president and a majority of the cabinet disagree with the president's self-assessment, the issue of presidential fitness to remain in office will be decided by Congress.

If the vice president assumes presidential power based on the invocation of either Section 3 or 4 of the Twenty-fifth Amendment, he serves as acting president and does not officially succeed to become the president of the United States.

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Chicago

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