

THE VICE PRESIDENCY: RETAIN, REFORM, ABOLISH?

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To the memory of

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TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION	1
A Member of the Executive Branch?	1
Literature Review	5
Design of the Study	11
II. HISTORICAL DEVELOPMENT OF THE VICE PRESIDENCY	16
Colonial Governments	16
Early State Governments	19
Creation of the Vice Presidency	21
John Adams as Vice President	27
Twelfth Amentment	30
Other Amendments	31
A New Vice President?	31
Summary	34
III. THE ELECTORAL SIGNIFICANCE OF THE VICE PRESIDEN- TIAL CANDIDATE	42
Balancing the Ticket	43
Voting for Vice President	46
The Home State Strategy	50
Summary	51
IV. NEW METHODS OF VICE PRESIDENTIAL SELECTION	58
Vice Presidential Primaries	60
Convention Reforms	62
Committee Choice	64
Time Changes	65
Constitutional Reforms	66
Summary	69
V. THE VICE PRESIDENCY AS APPRENTICESHIP	73
Training for the Presidency	77
Vice Presidential Character	81
The Vice Presidency and Five Presidential Qualities	85
Summary	87

Chapter	Page
VI. PRESIDENTIAL SUCCESSION AND THE VICE PRESIDENCY	92
The History of Presidential Succession	93
The Tyler Precedent: The First "Single" Vacancy	95
Presidential Succession Acts	96
Development of the Twenty-Fifth Amendment	98
Promise and Performance	99
Rationale	99
Surrogate Electors	101
Harmony or Continuity?	104
Proposals for Change	110
Special Elections and Caretaker Regimes	111
VII. CONCLUSION	121
BIBLIOGRAPHY	128

LIST OF TABLES

Table		Page
I.	References to Office of Lieutenant Governor in Early State Constitutions	20
II.	Feeling Toward Vice Presidential Candidate and How Respondent Voted	47
III.	Percent Voting for Presidential Candidate by Four Groups	47
IV.	Succeeding Vice Presidents in the Twentieth Century and Subsequent Presidential Nomination or Election	75
V.	Average Ratings of Presidents by Vice Presidential Experience	78
VI.	Average Ratings of Presidents by Experience as Governor or Congressman	80
VII.	Average Ratings of Presidents by Vice Vice Presidential Experience	86
VIII.	Congressional Vote on Confirmation of Vice Presidential Nominees by Party	103
IX.	Position of President and Vice Presidential Nominee on Selected Issues	106
X.	Average Approval Ratings of Presidents, 1945-1977	114

LIST OF FIGURES

Figure		Page
1.	Executive Branch of Government	4
2.	Three Presentations of Electoral Votes by Year	52

CHAPTER I

INTRODUCTION

As a precaution against excessive and arbitrary rule, the Constitution provided each branch with the means of controlling, to some extent, each of the other branches. In addition, each branch was further divided: the Congress was divided into two houses, the federal courts were divided into the Supreme Court and inferior courts, and the executive was to consist of a president and vice president. These internal divisions in the three branches have provided additional "checks" on the government, except in the case of the executive branch. In fact, although it is common to describe the president and vice president as the top executives in the United States government, there is considerable doubt about the accuracy of this description.

A Member of the Executive Branch?

Article I of the Constitution outlines the legislative branch of the government. It is in this article that one of the two constitutional duties of the vice president is discussed. Article I, Section 3, clause 4 states: "The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided."¹ The only other constitutional duty mentioned is that pertaining to succession and disability in Article II.

In expressing his opinion on Adams' refusal to invite him to cabinet meetings, Vice President Jefferson once said, "I consider my office as constitutionally confined to legislative functions, and that I could not take part whatever in executive consultations, even were it proposed."² Presidents Truman and Eisenhower also believed that the vice president was not a member of the executive branch.³ Donald Young, a respected scholar of the vice presidency, agrees. He writes, "Technically, then, he [Vice President] was to be a member of the legislative branch."⁴ Even though he presided over cabinet meetings (the first vice president to do so), Vice President Marshall regarded himself as a member of the legislative branch.⁵ The status of the vice president as a member of the legislative branch rather than the executive branch was clearly stated during congressional hearings in 1956 concerning a proposed administrative vice president. The first person to testify at that hearing was former President Hoover. The following exchange concerning the status of the vice president takes place between Senator McClellan (D-Arkansas) and Mr. Hoover:

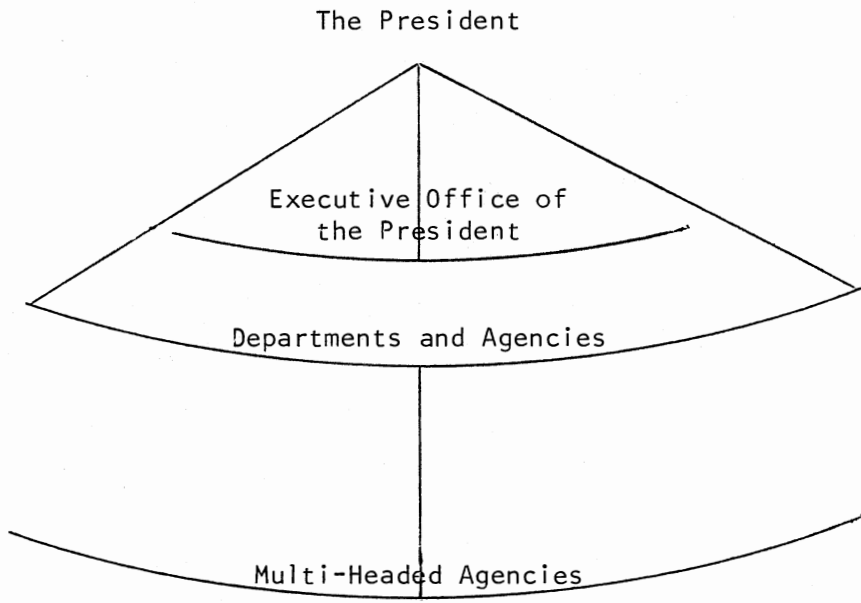
Senator McClellan: Today he is in the legislative branch of the Government, and, . . . he performs very little duties in that capacity. . . . does seem to me that the office of Vice President of the United States should be related to the executive branch of the Government where the Vice President, in the performance of functions that might be assigned to him in that branch of the Government, would become equipped from experience and direct contact with the problems involved to assume the duties of the Presidency in the event a vacancy should occur.

Mr. Hoover: My only comment, Senator, is if you were going to do that, that you would have to make the Vice President appointed by the President.

Senator McClellan: I am not proposing any particular method, but it does seem to me that the Vice President really belongs in the executive branch of the Government.⁶

In this discussion both appear to agree on one point, and that is that the vice president is not a member of the executive branch. Clark Clifford, former special assistant to President Truman, later testified and gave his opinion about the status of the Vice President. He stated: "I believe that the Vice President could be moved from the legislative branch, where he now is, to the executive branch. It would take a constitutional amendment."⁷ Inserted into the record of these hearings was a large organizational chart labeled "Executive Branch of the Government" (Figure 1). The office of the vice president does not appear on that chart. As recently as 1978, the National Journal was referring to the vice presidency as a "hybrid office."⁸ After noting that vice presidents are often confused as to the behavior expected of them, the Journal states: "Neither are Vice Presidents helped by the Constitution, which only vaguely defines their duties and leaves unclear whether they are members of the legislative or executive branch."⁹ The United States Governmental Manual, which describes itself as the official handbook of the federal government, did not list the Vice President in its organizational chart of the United States government until the 1981/82 edition. Instead the vice president appears in the organization chart of the United States Senate. A small box on that chart states, "This chart seeks to show only the more important agencies."¹⁰

Where does this leave the vice president? Gerald Ford, when Vice President, described the office as "a constitutional hybrid . . . with one foot in the legislative branch and the other in the executive. . . . He belongs both to the President and to Congress."¹¹ Ford's comments give additional credence to the argument that there is confusion over the actual location of the vice presidency in the national government.



Source: U.S. Congress, Senate, Committee on Government Operations, Administrative Vice President, Hearings, Before the Subcommittee on Reorganization, 84th Cong., 2nd sess., 1956, p. 69.

Figure 1. Executive Branch of Government

Consider also the following quotes, all of which appear in the same recent article on the vice presidency:

The vice-presidency is now very much a part of the executive branch and the presidential establishment.

Another paradox is that technically a vice-president is neither a part of the executive branch nor subject to the direction of the president.

As matters now stand, a vice-president is a full member of neither branch.¹²

Ford suggests the Vice President belongs to both; however, a more accurate description would be that he belongs to neither. The importance of this description lies in the fact that the many criticisms leveled against the vice presidency system stem from this peculiar relationship.

Literature Review

One of the criticisms made about research on the presidency is the anecdotal nature of such research. Entire articles in scholarly journals have pleaded for more systematic research on the chief executive. If there is a tendency to emphasize anecdotal material in studying the presidency, the tendency is even stronger in studies of the vice presidency. Almost every book on the vice presidency devotes an introductory chapter to the development of the office and a concluding chapter on the need for reform. Sandwiched between these are chapters detailing the history of the vice presidency. These chapters are usually little more than biographical sketches of each vice president. Any analysis, if present in these books, tends to revolve around the selection process for the vice president, which is the favorite topic of most of the authors.

One such book is American Roulette by Donald Young. Young gives a historical account of the selection of every vice president, up to and

including Spiro Agnew. There is very little analysis provided in these seventeen chapters except for the periodic references to the "balancing the ticket" strategy. He concludes that presidents should continue to have the authority to select their running mates and that "balancing the ticket" (with the exception of political philosophy) is proper. He also speculates that in future presidential elections "... young, relatively unknown men will see Vice-Presidential nominations, even on tickets they expect may lose, in order to obtain national exposure."¹³ As another consideration of the election procedure, he endorses the "package deal" which prevents voters from expressing a separate vote for president and vice president.¹⁴ Young believes that the problems with the vice presidency are basically a reflection of problems with the government in general. He does not, therefore, think that any major overhaul such as a constitutional amendment enumerating specific powers of the office or attempting to upgrade it is necessary. His boldest recommendation is that we write into the Constitution: "The Vice President shall serve the President in such administrative capacity as the latter may deem appropriate."¹⁵

A book which is dissimilar to Young's is Edgar Waugh's Second Counsel.¹⁶ This book is not a collection of vice presidential biographies, although the careers of certain vice presidents are detailed. Waugh is more interested in what the vice presidency has contributed, rather than what any single vice president has contributed, to the government. His conclusion is that the vice presidency has been a monumental failure. Waugh's solution is to remove the vice president from the Senate and make him first assistant to the president. He does, however, consider other "reforms" with an analysis of what the results of each might be.

A noted scholar of the vice presidency, Irving G. Williams, published a book on the vice presidency in 1956. Williams' book is highly biographical, but does shed important light (as will be discussed in the next chapter) on the creation and election of the vice presidency as designed by the delegates at the Constitutional Convention. Williams notes in his preface that he wrote the book "to close a serious gap in the literature . . . for . . . there are only two other volumes which treat the vice-presidency as a whole."¹⁷ This fact in itself is something of a commentary on the activity of past vice presidents. Williams believes that most of the nineteenth century vice presidents were unimportant men who helped to shape the vice presidency into an unimportant office. With the twentieth century, however, the importance of the vice presidency increases so that in writing about Vice President Nixon he describes the office as one of responsibility and power.¹⁷

Two years earlier Professor Williams published a monograph on the vice presidency which is much more concise, but much more analytical in its study of the office. In that study he condemns the selection method for vice presidential candidates. He blames the historical demise of the office on the selection process and warns that any attempt to reform the office will be for naught unless the selection process is first improved. One reform he does advocate is making the vice president an administrative assistant to the vice president.

Another book devoted to biographies of each vice president (up to Walter Mondale) is Sol Barzman's Madness and Geniuses.¹⁸ Each biography is about six pages long and there is very little analysis or interpretive analysis in the book. He does, however, in his epilogue, discuss his interpretations of why the vice presidency is in need of reform. His

conclusions are almost identical to Williams' except that he reverses the priority. First, he argues the office must be given important duties. Given these, the problem of selection of good personnel to fill the office should correct itself. The only viable alternative, in Barzman's opinion, is to amend the Constitution to delegate specific powers to the vice president.

A whole body of literature is devoted to presidential succession. Some of the leading books include the following: Feerick's From Failing Hands, Silva's Presidential Succession, Cohen and Witcover's A Heartbeat Away, and Shannon's The Heir Apparent.¹⁹ Because of the ratification of the Twenty-Fifth Amendment, most of these books are dated and serve only as histories to the office and past successions. One early book that is particularly good at providing a history and sketching the development and ratification of the Twenty-Fifth Amendment is Bayh's One Heartbeat Away.²⁰ As chairman of the Senate Judiciary's subcommittee on Constitutional Amendments (which had jurisdiction over the Twenty-Fifth Amendment), Bayh serves as participant observer in this landmark development. Two books that followed that amendment are Sindler's Unchosen Presidents and Feerick's The Twenty-Fifth Amendment.²¹ The subject of these books will be discussed in Chapter IV which is devoted to reforming the selection of the vice president, and Chapter VI on presidential selection.

Scholarly articles on the vice presidency have also appeared from time to time. As with books, these have tended to be devoted to a current issue (in most cases succession or disability, or both) and thus are clustered around such events. One early article that raised serious questions about retaining the office was written by Senator Beveridge from Indiana. The article, which appeared in Century Magazine, called

the vice president a "fifth wheel" in our government and "a Queen Bee kept in reserve."²² To increase the prestige of the office, Senator Beveridge proposed giving the vice president the power to appoint Senators to the standing committees. In 1953, an article appeared in the Political Science Quarterly which argued that it was impossible to solve the dilemma of the vice presidency (get presidential timber to accept an "empty" Job).²³ The author concludes that one way to improve the situation would be to have "special elections" when a vice president succeeds. The way to solve the problem, however, would be to abolish the office. This was not the first time, nor was it the last, that someone has proposed this, but it was one of the first such articles to appear in a major political journal. Since then the champion for abolishing the vice presidency has been Arthur Schlesinger, Jr. He advocated this in an appendix to his book, The Imperial Presidency.²⁴ His arguments in that book will be discussed in a later chapter. Another article published in Political Science Quarterly was written by a well-known political scientist noted for his writings on the presidency: Clinton L. Rossiter. Rossiter's article is devoted to reforming the vice presidency. He considers abolishing the office as one alternative but concludes that this is undesirable. His list of reforms is quite extensive. They include the following:

- (1) Enact new statutes and amend old ones shifting administrative duties from the president to the vice president
- (2) Designate the vice president as the president's chief assistant
- (3) Give the vice president the authority to sign the president's name
- (4) Create an Executive Office of the Vice President
- (5) Require the Vice President to be a member of the president's Cabinet
- (6) Phase out the vice president's role of 'President of the Senate.'²⁵

Since the publication of this article in 1948, none of these reforms has been acted upon.

In 1967, David published an article on the vice presidency in The Journal of Politics.²⁶ This article differed significantly from previous ones in its conspicuous lack of reform suggestions. David's article was a description of the vice presidential terms of Richard Nixon, Lyndon Johnson, and Hubert Humphrey. Based on personal observation and interviews with leaders in government, David comes up with the following propositions:

- (1) The Vice Presidency is in transition to a new institutional status in which it will be recognized as an office established predominantly in the Executive Branch, while retaining its constitutional prerogatives in the Legislative Branch.
- (2) Future Vice Presidents can be expected to serve routinely as deputy chiefs of state and deputy leaders of their national political party; to be available for service at any time as deputy to the President in the field of foreign affairs; to receive many ad hoc administrative and legislative assignments; to continue to accumulate a set of continuing functions in the Executive Branch; and to serve from time to time as Acting President under the Twenty-Fifth Amendment.
- (3) The increasing recognition of the Vice Presidency reflects the hazards of the present world situation, in which the Vice President may be called upon at any time to take over as commander-in-chief, as well as the growing burdens on the time and strength of the President as chief executive, leader of his political party, and chief of state.
- (4) The functions, duties, and prerogatives of the Vice President as a member of the Executive Branch are not likely to be expanded except with the formal or informal concurrence of the President; but once such functions, duties, and prerogatives are in place, withdrawal through action by the President becomes more difficult than their initial establishment.
- (5) The Vice Presidency is rapidly achieving a status in which a typical incumbent will be the most likely next presidential nominee of the party in power whenever the President himself is unavailable, if this transformation has not in fact already occurred mainly as a result of the Twenty-Second Amendment.
- (6) Most of the changes previously noted would have been difficult or impossible, despite other causal factors, if the

winning presidential nominees of recent years had not been permitted to control the selection of the vice-presidential nominee on the same ticket.

- (7) The office of Vice President of the United States is presumably the most important 'second man position' in the world, but it is still a 'second man position,' with characteristics of ambiguity, personal self-denial, and psychological insecurity that are inherent in some degree in all such positions.
- (8) Despite these characteristics and as long as present trends continue, there will be no lack of able candidates for the vice presidential nomination on any prospectively winning national party ticket.²⁷

Thomas E. Cronin, a political scientist who is a leading scholar on the Presidency, has recently published an article on the vice presidency.²⁸ He traces the growth of the office including, in his analysis, the Mondale vice presidency. He concludes that "Mondale's Model" has added prestige to the office and that Bush should continue this trend. Concerning the various proposals for reform, Cronin stresses the selection process rather than substantive or institutional matters. Given the proper personnel, Cronin believes that the vice presidency can be a useful training ground for future presidents.

Design of Study

A review of the literature on the vice presidency demonstrates the three areas of emphasis: biographical studies, reform of the vice presidency (usually with an emphasis on vice presidential selection), and presidential succession and disability. The tendency for studies of the vice presidency to concentrate on these areas is understandable given the few constitutional duties assigned to the office. Historians have paid more attention to the office than political scientists and both have devoted most of their research to the vice presidents and not the vice presidency. As such, few analytical studies have been done on the

office. This has left a serious gap in what is now considered to be by many an important political office. To set the stage for such analysis, Chapter II will trace the history of the vice presidency. This historical review will clarify and explain the development of the vice presidency. This history is important in that not only does it provide one with the background for putting the vice presidency into proper perspective, it rejects some myths concerning the office (such as the reason for its creation).

Chapter II concludes with a question. Has the vice presidency developed into an important office? If the answer is yes, then perhaps the office should be retained in its present form. The Carter-Mondale team is cited by some as the turning point in this development. Until several administrations come and go, it will be uncertain whether this is true or not. Yet, other reasons, independent of the Carter-Mondale relationship, exist for retaining the vice presidency. First, there is the argument that the vice president is the most appropriate to succeed to the presidency because he and the president are the only two individuals which have all the voters of the United States as their constituency. Chapter III examines the validity of this argument. While it is true that the president and vice president represent the nation, the question remains, "Do voters in fact cast a vote for a presidential ticket on the basis of the vice presidential candidate?" This chapter also examines the related question of the home state strategy.

Chapter IV examines the various proposals for reforming the election or selection of the vice president. The findings from the previous chapter, along with important constraints recognized in the literature, are applied to these reforms.

A second argument for retaining the vice presidency is that it serves as a good apprenticeship or understudy for the presidency. This argument is discussed and its validity questioned in Chapter V. Additional questions addressed in this chapter are: (1) Has there been any significant improvement made in the caliber of individuals selected as vice president in this century? (2) Do higher rated presidents tend to select higher rated vice presidents? And (3) Do higher rated vice presidents, upon becoming president, tend to be higher rated presidents?

Chapter VI discusses that area of the vice presidency that is given considerable attention by many other authors--presidential succession. The discussion uses as its focal point the Twenty-Fifth Amendment, which happens to be the most recent constitutional development pertaining to the vice presidency. What impact has this amendment had on the development of the office? Advocates of the amendment believed that it was needed because of the increasing importance of the office. What were they trying to achieve when writing this amendment and did they achieve it? Of particular importance is the question of the desirability of a caretaker regime, because several reforms proposed for the vice presidency (including abolishment) are criticized for creating caretaker executives. Chapter VI concludes with a discussion of the possible effects of this situation.

Chapter VII summarizes the findings of the other chapters and presents the overall conclusions.

NOTES

- ¹Article 1, Section 3, Clause 4.
- ²John D. Feerick, From Failing Hands (New York, 1965), p. 70.
- ³Arthur M. Schlesinger, Jr., The Imperial Presidency (New York, 1974), p. 475.
- ⁴Donald Young, American Roulette (New York, 1974), p. 8.
- ⁵*Ibid.*, p. 130.
- ⁶U.S. Congress, Senate. Committee on Government Operations, Administrative Vice President, Hearings, before the subcommittee on Reorganization, 84th Cong., 2nd sess., 1956, pp. 18-19.
- ⁷*Ibid.*, p. 57.
- ⁸Dom Bonafede, "Vice President Mondale--Carter's Partner With Portfolio," National Journal, 10 (March, 1978), p. 376.
- ⁹*Ibid.*, p. 377.
- ¹⁰U.S. Office of the Federal Register, National Archives, Records Service, and General Services Administration. United States Government Manual, 1980-1981 (Washington, D.C., 1974), p. 32. The vice president is listed in the 81/82 (p. 815) and 82/83 (p. 792) editions.
- ¹¹Bonafede, p. 377.
- ¹²Thomas E. Cronin, "Rethinking the Vice-Presidency," Rethinking the Presidency (Boston, 1982), pp. 324, 329.
- ¹³Young, p. 375.
- ¹⁴*Ibid.*, p. 377.
- ¹⁵*Ibid.*, p. 381.

- ¹⁶ Edgar W. Waugh, Second Consul (Indianapolis, 1956), p. 11.
- ¹⁷ Irving G. Williams, The Rise of the Vice Presidency (Washington, D.C., 1956), p. 235.
- ¹⁸ Sol Barzman, Madmen and Geniuses (Chicago, 1974), p. 7.
- ¹⁹ Feerick, p. 3; Ruth Silva, Presidential Succession (Ann Arbor, 1951), p. 1; Richard Cohen and Jules Witcover, A Heartbeat Away (New York, 1974), p. 1; William Shannon, The Heir Apparent (New York, 1967), p. 1.
- ²⁰ Birch Bayh, One Heartbeat Away (New York, 1968), p. 1.
- ²¹ Alan Sindler, Unchosen Presidents (Berkeley, 1976), p. 2; John Feerick, The Twenty-Fifth Amendment (New York, 1976), p. 3.
- ²² A. J. Beveridge, "The Fifth Wheel in Our Government," Century (December, 1909), p. x.
- ²³ Lucius Wilmerding, Jr., "The Vice Presidency," Political Science Quarterly, 68 (1953), p. 17.
- ²⁴ Schlesinger, pp. 471-499.
- ²⁵ Clinton L. Rossiter, "Reform of the Vice-Presidency," Political Science Quarterly, 63 (1948), pp. 383-403.
- ²⁶ Paul T. David, "The Vice Presidency: Its Institutional Evolution and Contemporary Status," The Journal of Politics, 29 (1967), p. 721-722.
- ²⁷ *Ibid.*
- ²⁸ Cronin, pp. 324-348.

CHAPTER II

HISTORICAL DEVELOPMENT OF THE VICE PRESIDENCY

The vice presidency to a very great degree is a legacy of history. Of major significance for the forming of the vice presidency were six factors: (1) colonial governments; (2) early state governments; (3) creation of the vice presidency; (4) John Adams, the first Vice President; (5) the Twelfth Amendment; and (6) the effects of other amendments. In this chapter each of these factors shall be considered in turn.

Colonial Governments

It is probable that the vice presidency's prototype was the lieutenant governor. The title "lieutenant governor," however, had several different meanings in colonial times. Before discussing those different meanings, a brief sketch of colonial governments is in order.

There were basically three types of colonies: proprietary, royal, and charter. Only two states were of the charter type, and any generalizations about colonial government would normally exempt these two. Most colonial governments consisted of a chief executive and a bicameral legislature. One house (usually referred to during that time as the "upper house") was comprised of the governor's council. These were a group of men (usually 12) who had three duties:

The council was a unique institution in its power and composition. It served in a threefold capacity with executive, legislative, and judicial duties. It was the governor's advisory

board, the upper house of the assembly, and the highest court of appeals in the province.¹

The governor in royal colonies was a representative of the king (indirectly this was true in proprietary colonies).

The duties of the governor were extensive and his powers almost dangerously great. As direct representative of his royal master he was naturally endowed with prerogatives which in Great Britain belonged solely to the king.²

The title of lieutenant governor was used in colonial governments in three different ways:

1. governor
2. deputy to proprietor
3. lieutenant governor (as in contemporary usage).

Labarce notes that the official title for colonial governors included "lieutenant and governor general" and "lieutenant governor and commander in chief."³ In proprietary colonies the "actual" governor (the proprietor was the top authority when present in the colony) was often called lieutenant governor because he served as the proprietor's lieutenant.⁴ It was the third meaning of lieutenant governor that serves as a prototype to contemporary lieutenant governor and the vice presidency of the United States. This meaning refers to the lieutenant governor as the governor's successor. "By this term is here meant an officer named to exercise all the powers granted to the governor on the latter's death or absence from the province."⁵ The title given to this person, in addition to lieutenant governor, included "deputy governor," "vice director," and "vice president."⁶ The lieutenant governor was usually an ex officio member of the council, usually senior councilor. As such he served as a replacement for the governor, who in early colonial history, had himself presided over the council when it met as the "upper house" of the assembly.

The history of the colonial lieutenant governor helps, in several ways, to explain the creation and evolution of the vice presidency. First, it is clear that the lieutenant governor's most important role was acting as governor when a vacancy occurred or when the governor was absent from the colony. Second, the constitutional duty given the vice president to preside over the Senate is clearly a continuation of a similar duty given most lieutenant governors. Third, the manner in which conflicts between governors and lieutenant governors were resolved may have helped establish the vice president as a weak officer of the government. The following examples illustrate this point:

1. For periods of time the crown experimented with having the same person as governor of more than one colony. This caused some confusion as to the status of the lieutenant governor of a particular colony when such a governor was not physically present in that colony. The question arose during the tenure of Edward Hyde, Lord Cornbury, as governor of both New York and New Jersey. As Cornbury spent most of his time in New York, it was suggested that the lieutenant governor of New Jersey, Colonel Ingoldsby, should act in Cornbury's absence. Cornbury, however, was of a different opinion. He held to the view that when he was in New York, he was to be regarded as legally present in both colonies. Since Cornbury was a strong individual, he prevailed in the struggle.
2. Until 1741 these colonies (Massachusetts and New Hampshire) had the same governor and he usually resided in Boston. In 1703 Lieutenant Governor John Usher of Massachusetts sought to remove some civil and military officials for disloyalty to the crown and incompetency. He wrote to the governor, Joseph Dudley, who resided in Boston, for authority to make the removals. Dudley suggested that Usher act cautiously, remarking that 'where there are so few persons fit for public business we must drive as we can.' Usher subsequently attempted to remove one Captain Hincks. Dudley replied to Usher that he would sign all commissions. Dudley further stated that any request he had to make would reach Usher within twenty-four hours. The perplexed Usher complained to the authorities in England, declaring that his commission was a mere cipher, that the position of lieutenant governor meant nothing, and that he was seldom consulted by Dudley concerning New Hampshire. Usher's complaints, however, were to no avail.

3. Lieutenant Governor George Vaughan, a resident of New Hampshire, had acted as governor for a year before [Governor] Shute's arrival in the colony. Vaughan took the position that he was to act as governor whenever the governor was absent from New Hampshire. Shute disagreed, stating that he was legally present in both New Hampshire and Massachusetts when present in either. Vaughan brought the matter to a head by acting in disregard to Shute's orders and by suspending one of the counsilors. Thereupon, Shute returned to New Hampshire and suspended Vaughan. The suspension was approved by the assembly.⁷

Early State Governments

Following the declaring of independence, the colonies began the process of transforming themselves into states. This entailed the writing of state constitutions in the tradition of colonial charters and the theory of limited government. Of the original thirteen colonies, six had some form of lieutenant governor in their original state constitutions (see Table I). Of the remaining states, three created the office of lieutenant governor with the first revision of their constitution, and two created the office in the 1860's. Georgia created the office of lieutenant governor in 1945 and two of the original thirteen states have never had lieutenant governors.

The rationale for creation of the office of lieutenant governor in the states was basically the same one that existed in colonial governments: to provide for a successor. When evaluating the office of lieutenant governor it is this function that is usually singled out. Thus, one author writes:

It seems likely that the office of Governor, over the years, has been . . . undergirded by the peacefully smooth succession to office resulting from the existence of the office of Lieutenant Governor when the Governor departs from his office.⁸

Even those advocating abolition of the office warn that before such a step

TABLE I
REFERENCES TO OFFICE OF LIEUTENANT GOVERNOR
IN EARLY STATE CONSTITUTIONS

State	Lieutenant Governor in Original Constitution	Lieutenant Governor in Revision of Constitu- tion With Date
Connecticut	No	Yes/1818
Pennsylvania	Yes*	Dropped/1790 (Restored/1873)
Massachusetts	No	Yes/1780
Rhode Island	Yes	No Change/1842
Delaware	Yes	Dropped/1792 (Restored/1897)
South Carolina	Yes ¹	Yes/1778
Virginia	Yes ²	Yes ² /1830
New York	Yes	No Change/1823
Maryland	No	No/1837
North Carolina	No	No/1835
Georgia	No	No/1777
New Hampshire	No	No/1784
New Jersey	No	No/1844

¹The title of "Vice President" was used.

²Under the original state constitution the president of the privy council was the lieutenant governor. In 1830, the senior member on the Council of State was lieutenant governor.

is taken, serious study would have to be made of the question of succession to the governorship.⁹

New York's constitutional provision for the office served as a model for the United States vice presidency.¹⁰ In that state a lieutenant governor, who served ex officio as the presiding officer of the state senate, was elected by popular vote in the same way as the governor. This may explain why so many arguments for reforming or abolishing the vice presidency coincide with the same arguments for the office of lieutenant governor.

Creation of the Vice Presidency

The delegates to the Constitutional Convention of 1787 had all the political experiences of the colonies and states to rely on for helping them devise a new government. Using these was helpful in establishing some parts of the Constitution, but the delegates came up with some innovations of their own. The delegates are usually seen as characterizing two extremes: benevolent philosophers or wealthy opportunists. A good case can be made that they were neither.¹¹ That the Constitution contains so many compromises indicates the delegates were not the idealists described in many school textbooks. Idealists, by definition, do not compromise. Some of the compromises struck at Philadelphia were to bring disagreeing factions together, while others were struck in anticipation of the ratification process. Some were more direct than others. The compromise to establish a Congress in which "people" and "states" were represented was direct, but it indirectly resulted in the creation of a bicameral legislature (even though the first national government, under the Articles of Confederation, had a unicameral Congress). The creation of the vice presidency was this kind of indirect compromise.

Because of the history of the office of lieutenant governor, the office of vice president is often viewed as solving (or helping to solve) the problem of succession. Thus, one author of a book on the vice presidency writes:

Yet , if we consider the full significance of the vice presidential office, its raison d'etre is to provide, when necessary, continuity in the presidential succession through a fully qualified successor. . . . He should be the person who, next to the presidential candidate, is deemed best able to meet the complex and increasingly exacting requirements of the American Chief Executive. This was what the framers of the Constitution envisaged.¹²

In fact, creation of the office was tied to the debate over the election of a president rather than the concerns over succession (the succession provision is discussed in Chapter IV).

There were four basic proposals proposed by the Convention for electing the president: (1) by Congress, (2) by the state legislatures, (3) direct election, and (4) indirect election by electors. On July 25, Madison made the following comment pertaining to election of the president: "The election must be made either by some existing authority under the national or state constitution--or by some special authority derived from the people--or by the people themselves."¹³ There was much discussion, during the summer, over these four possible methods of election. Corwin states, "On no other problem did the Convention expend more time and effort."¹⁴ The delegates had, at one point, unanimously approved of Congress electing the president. Later in the Convention this method was rejected for the elector system. Gouverneur Morris articulated his, and no doubt other delegates', concern with the Congress electing the president:

Our Country is an extensive one. We must either then renounce the blessings of the Union, or provide an Executive with sufficient vigor to pervade every part of it. . . . One great object

of the Executive is to control the Legislature. The Legislature will continually seek to aggrandise and perpetuate themselves; and will seize those critical moments produced by war, invasion, or convulsion for that purpose. It is necessary then that the Executive Magistrate should be the guardian of the people. . . . If he is to be the Guardian of the people let him be appointed by the people.¹⁵

Later on, the delegates reversed themselves and once again opted for election by Congress. When, however, the Committee on Postponed Matters and Unfinished Business (the so-called "Committee of Eleven") gave its support on September 4, the elector method was the election method proposed rather than the election by Congress. Why the change?

There were three reasons for this change. First, there was the aforementioned concern expressed by Gouverneur Morris that if elected by Congress the president would not be an independent officer. Second, there was a great deal of concern that if Congress elected the president, the process would consistently be affected by cabal and foreign influence. Third, the proposal to let Congress elect the president also specified that the president would be ineligible for a second term.¹⁶

What were the objections to direct election? One point working against the direct election method was not so much an objection, but more an omission that made it less attractive than election by electors. "The electoral method had the additional advantage that it left each state free to determine its own rule of suffrage without sacrificing its due weight in the choice of a President."¹⁷ Some delegates objected to direct election on the grounds that the public was too ignorant to select a president. The following quotation of Gerry, a staunch opponent to direct election, exemplifies this objection:

A popular election in this case is radically vicious. The ignorance of the people would put it in the power of some one set

of men dispersed through the Union and acting in concert to de-
lude them into any appointment.¹⁸

A third, and not insignificant, objection to direct election was the advantage it would give the most populous states. This method would, it was thought, discriminate against southern states, because of the smaller population in these states and the fact that the population was further diluted by disenfranchised slaves. Mr. Williamson proposed a solution to this problem on July 25, as recorded in Madison's journal:

The principal objection against an election by the people seemed to be, the disadvantage under which it would place the smaller States. He suggested as a cure for this difficulty, that each man should vote for 3 candidates. One of these he observed would be probably of his own state, the other 2 of some other States; and as probably of a smaller or a large one.¹⁹

Gouverneur Morris liked this idea but suggested the number of votes be changed from three to two.²⁰

The electoral system partially remedied these problems in that small states would be given two electoral votes regardless of the population of their state. Still, the objection concerning large states versus small states which had been made against direct election had also been made against the electoral system.²¹ This seemingly resulted in a partial fusion of the idea of direct election and electoral vote and resulted in the constitutional provision giving each elector two votes.

After the Committee of Eleven introduced the idea of a vice president there were several objections voiced against the idea. In voicing his objections, Mr. Williamson alluded to why the Committee of Eleven had proposed the office in the first place. "... an officer as vice-president was not wanted. He was introduced only for the sake of a valuable mode of election which required two to be chosen at the same time."²²

There is no mention of the vice president solving the succession problem.

That is because that problem had been solved earlier in the summer (see Chapter VI). Luther Martin predicted that the larger states (in fact, the single largest state) would have a disproportionate influence in selecting the vice president and therefore would "always have him of their choice."²³ Most of the objections to the vice presidency, however, dealt with the job of presiding over the Senate. The report from the Committee of Eleven stated that the vice president shall be ex officio President of the Senate (on September 12 the delegates approved the deletion of ex officio). Mr. Gerry opposed this regulation:

We might as well put the President himself at the head of the Legislature. The close intimacy that must subsist between the president and vice-president makes it absolutely improper. He was against having any vice president.²⁴

Colonel Mason also objected to the office as an infringement on the separation of powers doctrine.²⁵ Mr. Gerry further argued for a two-third's vote rather than a three-fourth's vote to override a presidential veto on the grounds that with the vice president presiding it would increase the danger of a few senators, some motivated by a desire for appointment to the executive branch, having the power to sustain a presidential veto.²⁶ Another objection was that by giving the vice president a vote (in the event of a tie), the vice president's home state would actually have three votes and thus an "unnecessary and unjust preeminence over the others."²⁷ William R. Davis argued that just the opposite was the case:

Had the Vice-President been taken from the representation of any of the states, the vote of that state would have been under local influence in the second. It is true he must be chosen from some state; but, from the nature of his election and election and office, he represents no one state in particular, but all the states.²⁸

Another defense of making this vice president presiding officer of the Senate was given by James McHenry: "The Committee of Detail by their

report had at first given to the Senate the choice of their own President, but to avoid cabal and undue influence, it was thought better to alter it."²⁹ Another defense which is usually quoted today as a commentary on the weakness of the office was given by Mr. Sherman:

If the vice-President were not to be President of the Senate, he would be without employment, and some member by being made President must be deprived of his vote, unless when an equal division of votes might happen in the Senate, which would be but seldom.³⁰

The constitutional duties of presiding over the Senate and serving as successor were not the primary reasons for creation of the vice presidency. Schlesinger is correct in stating, "The Vice Presidency entered the Constitution . . . to insure the election of a national President."³¹ The assumption here is that states would, in casting their first electoral vote, vote for their "favorite son" and search for someone of national prominence when casting the second electoral vote. The assumption is further evidence in the original (before the Twelfth Amendment) constitutional provision that the runner-up need only have a plurality of electoral votes to be elected vice president. With each state voting for a "favorite son" a simple majority requirement would have been tantamount to Senate election of the vice president. When Hamilton, Madison, and Jay under the pseudonym of Publius wrote newspaper editorials defending the proposed constitution, it was Hamilton who defended, in a very brief way, the office of vice presidency. Since it is the only reference in the Federalist Papers to that office it deserves being quoted here in its entirety:

The Vice-President is to be chosen in the same manner with the President; with this difference, that the Senate is to do, in respect to the former, what is to be done by the House of Representatives, in respect of the latter.

The appointment of an extraordinary person, as Vice-President, has been objected to as superfluous, if not mischievous. It has been alleged that it would have been preferable to have authorized the Senate to elect out of their own body an officer answering to that description. But two considerations seem to justify the ideas of the convention in this respect. One is that to secure at all times the possibility of a definitive resolution of the body, it is necessary that the President should have only a casting vote. And to take the senator of any State from his seat as senator, to place him in that of President of the Senate, would be to exchange, in regard to the State from which he came, a constant for a contingent vote. The other consideration is that as the Vice-President may occasionally become a substitute for the President, in the supreme executive magistracy, all the reasons which recommend the mode of election prescribed for the one apply with great if not with equal force to the manner of appointing the other. It is remarkable that in this, as in most other instances, the objection which is made would be against the constitution of this State. We have a Lieutenant-Governor, chosen by the people at large, who presides in the Senate, and is the constitutional substitute for the Governor, in casualties similar to those which would authorize the Vice-President to exercise the authorities and discharge the duties of the President.³²

John Adams as Vice President

John Adams' vice presidency had characteristics which the framers had hoped for the office, but also traces of what was to make the office a sort of national joke. Adams certainly brought prestige to the office. He had an impressive career as a politician and diplomat. He had been a member of the Massachusetts legislature (1768), a delegate to the First and Second Continental Congresses, a leader in the breaking of ties with England (he signed the Declaration of Independence), a member of Massachusetts' Constitutional Convention, and minister to France, Holland, and England. Bringing such a reputation to the vice presidency fit very nicely with the arguments that had been made about the 'mode of election' selecting the second most capable man for the office. Adams fulfilled this prediction, and went on to fulfill another. When Washington decided to retire at the end of two terms, it was Adams who became the natural

successor, seemingly proving early on that the election system was selecting presidential timber for the second highest office. According to Barzman, Adams tolerated being vice president because he wanted (badly) to be president. He saw it as a natural stepping stone to the presidency. Apparently so did Hamilton, for he used his political influence to see to it that the vote for Adams did not indicate a strong political base for Adams.

However, Hamilton called on some of the electors not to vote for Adams, contending that it would not be appropriate for Adams' vote to approach too closely the total received by the great Washington. But Hamilton himself wanted to succeed Washington, and he hoped that a small vote for Adams would reflect poorly on the latter's popularity.³³

Adams also attempted to establish the vice presidency as an important office in its own right. This can be seen in his relationship with Washington and the early years of his presiding over the Senate. Williams notes, "Adams enjoyed the personal esteem of the President and was frequently consulted by him in those social and diplomatic affairs that were considered his specialization."³⁴ As President of the Senate he attempted to set a precedent for actively participating in Senate debate and proceedings. According to Dorman, he tended to "lecture the members and to join in their debates."³⁵ One journal of Senate proceedings credits Adams with making two or three speeches a day from the Chair.³⁶ Williams summarizes best Adams' early attitude toward the Senate:

John Adams early stamped the chamber as his plaything; from the first he refused to be the important chairman. He conceived the office as a place to exercise the functions of majority leader and thus was for all practical purposes a member of the Senate. He presented the agenda, intervened in debate, apostrophized the Senate for real or fancied derelictions of duty, refused to yield the chair when the Senate turned itself into Committee of the Whole, gave his opinions on any matters before it when he felt like it, and exercised his right of casting votes more than any other future Vice-President would.³⁷

Adams, however, did not continue to follow his own precedent. When the Senate started to reject this active role from what they considered an outsider, Adams began to sit back passively. Vice Presidents have been passively presiding over the Senate (when they take the time to be present in the chamber) ever since.

What are generally considered today to be characteristics of the vice presidency deserving criticism were also present during Adams' tenure. Adams was selected as a running mate to balance, geographically, Washington's home state of Virginia. This was the beginning of what later developed into "balancing the ticket." Washington did not even view Adams as his electoral successor to office.³⁸ The Adams vice presidency ended without setting any major precedents. Adams had tried to be a significant national political officer. He had, for example, tried to participate significantly in Washington's administration (even sitting in on cabinet meetings when Washington was absent). He had also tried to play an active role in the Senate proceedings. Yet, the vice presidency did not become an important office. Future vice presidents copied Adams' later example of sitting passively during Senate debate or not attending the Senate at all. After all, the Senators would not accept an active "outsider," and their vote was really only half a vote.³⁹ The election of Jefferson, a Democrat, as vice president during Adams' Federalist administration could no doubt be accused of furthering this tendency. Jefferson, in reacting to Adams' party leanings, was also weakening the possibility of a strong vice presidency in the future. Young writes of a specific instance which exemplifies this point:

Adams asked his Vice President to undertake a diplomatic mission to France. Jefferson, a former Minister to that country, might have averted the drift toward undeclared war with the revolutionary regime in Paris, but he refused Adams' request.

His theoretical reason was that such an assignment lay outside his constitutional duties. As a practical matter, he had no intention of aiding a political opponent.⁴⁰

Young's next sentence points out a major gap in the development of the vice presidency. He states, "Nearly 150 years would pass before a Vice President would travel abroad in an official capacity, or undertake any other important responsibilities."⁴¹ The accuracy of Young's assessment is demonstrated by the fact that anecdotal material has since dominated studies of the vice presidency.

Twelfth Amendment

Most American history books discuss the presidential election of 1800 and its outcome's responsibility for proposal and ratification of the Twelfth Amendment. Although both Jefferson and Burr received a majority (this was possible because each elector had two votes and the Constitution specified a majority of electors to win), they tied and therefore the contingency plan, as specified in the Constitution, was triggered.⁴² It is important to note that it was widely understood that Jefferson was running for president and Burr for vice president. Because electors, under the original Constitution, could not specify this, Burr could be elected president. The tie had actually occurred because of the faithfulness of the electors in following the party line. Even as early as 1796, the parties were selecting "tickets," that is, selecting one candidate for president and another for vice president. The Twelfth Amendment was not responsible for this practice. The development of political parties was. Basically, then, all the Twelfth Amendment did was prevent future tie votes between individuals running for the two offices by requiring that each elector specify one vote for president

and one vote for vice president. The vice presidency did continue to develop as electoral bait. Whether or not this strategy is based on accurate voter behavior is discussed in the next chapter.

Other Amendments

Two other amendments include provisions relating to the vice presidency. The Twentieth Amendment provides for contingencies if a president has not been chosen by noon, January 20 (inauguration), in the event a president elect dies before inauguration, or if a president elect has failed to qualify before inauguration. These provisions have had no impact since the ratification of the Amendment in 1933. The Twenty-Fifth Amendment, dealing with presidential succession, is discussed in Chapter VI.

It has been suggested that another amendment has indirectly affected vice presidency. Cronin suggests that the Twenty-Second Amendment, which places a two-term limit on presidents, creates a better chance for vice presidents to move up to the presidency. Given the two-term tradition which preceded this amendment, and the lack of any vice president before this Amendment (except Van Buren) to be elected president on his own, the increase in odds is insignificant.

A New Vice Presidency?

The newly nominated presidential candidate's speech (given on the day of announcing his choice of running mate) which promises increasing the importance of the office of the vice presidency has become a tradition in American politics. Just as traditional is the failure to make the office an important part of the administration. Consider, for example, what some believe to be the best president-vice president

relationship in this century: the Carter-Mondale relationship. Articles on the vice presidency now focus on Mondale's vice presidency as the one with which to compare all others.⁴³

Cronin asks, "Will the Mondale-Carter relationship establish a precedent for succeeding administrations?"⁴⁴ The question, which Cronin never directly addresses, is what kind of precedent is being discussed here? Apparently, what Cronin is referring to is the intimacy and friendship that existed between Carter and Mondale. In discussing the "Mondale Model" he states, "Most students of the vice presidency agree that Mondale enjoyed a closer and better relationship with his boss, President Jimmy Carter, than any previous vice-president."⁴⁵ About the only thing which most commentators can pronounce as a definite trend established by Carter was giving his vice president an office in the White House (Bush also has an office in the White House). These "precedents" serve as a commentary on the continued weakness of the office rather than demonstrating a new important role.

When one turns from the current rise in the "trappings" of the vice presidency to the actual duties assigned to them, the same conclusion emerges. When reading about the duties performed by vice presidents (particularly by those authors wanting to retain the office), one is reminded of the college senior's resume. Consider the following vice presidents and their most important duties:

Richard Nixon: Chairman of the Commission on Government Contracts; Chairman of the Cabinet Committee on Price Stability;⁴⁶ Presiding over numerous meetings of the Cabinet and the National Security Council in the President's absence; Visiting fifty-four foreign nations on special diplomatic missions; Liaison between the administration and the Congress; Chief political campaigner for the Republican Party.⁴⁷

Lyndon Johnson: Chairman of the Committee on Equal Employment Opportunities; Chairman of the Peace Corps National Advisory

Council;⁴⁸ Chairman of the Committee on Government Contracts; Chairman of the Aeronautics and Space Council; Member of special executive committee of the National Security (EXCOMM); Making eleven tours outside of the United States.⁴⁹

Hubert Humphrey: Chairman of the National Aeronautics and Space Council; Coordinator of all federal activities in the civil rights field; Head of the National Advisory Council on anti-poverty programs; Chairman of Cabinet task force on youth; Overseer of program to encourage American and foreign tourists to 'see the U.S.A.'; Liaison with majors; Lobbyist for Johnson's programs on Capitol Hill.⁵⁰

Theodore Agnew: Head of Intergovernmental Relations Council; Chairman of several minor, non-policy commissions;⁵¹ Fund-raiser and campaign speaker;⁵² Vice Chairman of the Urban Affairs Council; Head of the National Council on Marine Resources.⁵³

Gerald Ford: President's representative on Capitol Hill.⁵⁴

Nelson Rockefeller: Chairman of commission to investigate CIA activities; Vice Chairman of the Domestic Council; Chairman of the Committee on the Right of Privacy; Chairman of the National Commission on Productivity and Work Quality; Chairman of Federal Compensation Commission; Member of the Board of Regents of the Smithsonian Institution; Chairman of the National Commission on Water Quality; Member of the Commission on the Organization of the Government for the Conduct of Foreign Policy.⁵⁵

Walter Mondale: Chairman of the White House executive committee;⁵⁶ Liaison with Congress; In-house political adviser.⁵⁷

George Bush: National Security Assistant of Head of the White House crisis management team; Chairman of the Presidential Task Force on Regulatory Relief;⁵⁸ Ex officio member of Cabinet council on legal affairs;⁵⁹ Director of Cabinet level group to combat drug smuggling.⁶⁰

Of course, all the above named vice presidents had the constitutional job of presiding over the Senate and all are legally a member of the National Security Council. One is impressed with two points when reading the list of vice presidential duties. First, it is apparent that much of what is assigned to a vice president is make-work. According to National Journal, it was make-work that Mondale wanted to avoid and hence his refusal to take many line functions.⁶¹ Second, one is impressed

with some of the tasks vice presidents are given. Either these signify nothing more than fancy titles for do-nothing commissions or else vice presidents are not getting credit for much of what goes on in the presidency. It seems safe to conclude that the former comes closer to the truth. Our most current vice president, for example, has experienced frustrations such as when two of his aides resigned because they had so little to do.⁶²

However much vice presidents try, it seems almost impossible for them to shed the old Trottlebottom concept.⁶³ There is little evidence to support the idea that the Carter-Mondale relationship will make any difference in the traditional role of the vice president. George Reedy perhaps said it best:

The thing about the Vice President is that he has almost no power base and if you don't have that under the American political system you have nothing. He has derivative power, what the President allows him to have. Mondale may have the ear of the President, but that doesn't change the office itself.⁶⁴

Still, presidents seem to take the selection of their running mate very seriously, and it could be that presidents are elected or defeated on the basis of their choice.

Summary

The office of vice president of the United States was probably patterned after the lieutenant governor's office found in several colonial governments. These lieutenant governors, as we refer to them today, sometimes went by the title of vice president. Their primary function in the colonies was to serve as immediate successor to the governor. Though this was not the reason for the creation of the vice presidency, he was given the same function. The lieutenant governor was also a

member of the governor's council and presided over this group in the governor's absence. The parallel with the vice president occurs here too. The framers made the vice president the President of the Senate. Finally, just as controversies between governor and lieutenant governor were usually resolved in the governor's favor, vice presidents have found very little power which they may use on their own, independent of the president. The same reasons were applied to the creation of the lieutenant governor in the various state governments following independence.

The framers' rationale for the creation of the vice presidency was to remedy the problem of electing the president. It was not created to solve the succession problem, but once created was seen as an officer who could do so. The immediate problem with presidential election was to provide an electoral system that would please both large and small states. Having adopted and then later disposed of the proposal to allow Congress to elect the president, the delegates compromised and opted instead for election by electors. To further moderate the large state-small state controversy, each elector was given two votes (with the requirement that no elector could cast both votes for individuals from their home state). The assumption was that the first vote cast by an elector would probably be for a "favorite son," while the second vote would, because of the out-of-state requirement, be cast for a "national" figure. Having given each elector two votes, the second office (vice presidency) was created and subsequently named as successor and Senate President.

Although John Adams, the first vice president, contributed his prestige to the office, and although he tried to establish himself (and indirectly the vice presidency) as an active participant in Senate

proceedings, the office did not develop into one of importance. On the contrary, the one precedent which Adams' vice presidency did establish, balancing the ticket, is now cited as a fundamental problem with the office.

Several constitutional amendments pertain to the vice presidency, but most have had little direct effect on the office. The Twelfth Amendment is sometimes blamed with the development of presidential tickets (and the practice of using the vice presidency to balance the ticket). Ticket balancing is due more to the development of political parties rather than this Amendment. The Twentieth Amendment prescribes a contingency if a president-elect dies or fails to qualify before inauguration. The Twenty-Second Amendment limits a president to two elected terms and could indirectly affect the vice presidency; however, given the strong two-term tradition that preceded this Amendment, one would have thought that any such effect would have already been demonstrated. The Twenty-Fifth Amendment, ratified in 1967, outlines the procedures for filling vice presidential vacancies and the role and status of vice presidents in presidential disability.

While most presidents promise to make the vice presidency an important office, none has delivered on the promise. Although it remains to be seen how powerful Bush will be in the Reagan administration, the last president to make such a promise (Carter) did not give his vice president (Mondale) any important duties. Still, the Carter-Mondale relationship is viewed by some as the dawning of a new age for the vice presidency. Much of what is actually assigned to vice presidents is make-work. Mondale may have been physically and temperamentally closer to Carter than other vice presidents have been to their respective presidents, but no

significant duties were assigned to him. Even if they had been, it is clear that this would not change the office because this was a prerogative of Carter. The vice presidency is still an unimportant office. Why not abolish it?

The following chapter is one of several which examines reasons given for not abolishing the vice presidency. Chapter III will empirically test the view that the vice presidency should be retained because as an elected official (and the only other one, besides the president, with a national constituency), he makes the best successor.

NOTES

¹ Leonard W. Labree, Royal Government in America (New York, 1958), p. 134.

² *Ibid.*, p. 123.

³ *Ibid.*, p. 92.

⁴ John D. Feerick, "Vice President Mondale--Carter's Partner With Portfolio," From Failing Hands (New York, 1965), p. 29.

⁵ Leonard W. Labree, Royal Government in America (New York, 1958), p. 19.

⁶ John D. Feerick, From Failing Hands (New York, 1965), p. 29. See also R. F. Patterson, The Office of Lieutenant-Governor in the United States, Report No. 13 (Vermillion, S.D., 1944), pp. 5-7.

⁷ Feerick, pp. 33-34.

⁸ Harvey Walker, "The Office of Lieutenant Governor: Its Status and Future," State Government (Autumn, 1966), p. 242.

⁹ Patterson, p. 9.

¹⁰ Joseph E. Kallenback, The American Chief Executive (New York, 1966), p. 200.

¹¹ John P. Roche, "The Founding Fathers: A Reform Caucus in Action," American Political Science Review (December, 1961), p.

¹² Irving G. Williams, The Rise of the Vice Presidency (Washington, D.C., 1956), p. 1.

¹³ Max Farrand, Ed., The Records of the Federal Convention of 1787, Vol. II (New Haven, 1966), p. 109.

¹⁴ Edward S. Corwin, The President: Office and Powers, 3rd ed. (New York, 1948), p. 12.

- ¹⁵ *ibid.*, p. 13.
- ¹⁶ *ibid.*, pp. 12-14.
- ¹⁷ *ibid.*, p. 14.
- ¹⁸ Farrand, p. 114.
- ¹⁹ *ibid.*
- ²⁰ *ibid.*
- ²¹ *ibid.*, p. 111.
- ²² *ibid.*, p. 537.
- ²³ Farrand, Vol. III, p. 158.
- ²⁴ Farrand, Vol. II, pp. 536-537.
- ²⁵ *ibid.*, p. 537.
- ²⁶ *ibid.*, p. 586.
- ²⁷ *ibid.*, p. 639.
- ²⁸ Farrand, Vol. III, p. 344.
- ²⁹ *ibid.*, pp. 147-148.
- ³⁰ Farrand, Vol. II, p. 536.
- ³¹ Arthur M. Schlesinger, Jr., The Imperial Presidency (New York, 1974), p. 482.
- ³² Alexander Hamilton, James Madison, and John Jay, The Federalist Papers (New York, 1961), pp. 414-415.
- ³³ Donald Young, American Roulette (New York, 1974), p. 10.
- ³⁴ Williams, p. 22.

³⁵Michael Dorman, The Second Man (New York, 1970), p. 10.

³⁶Edgar W. Waugh, Second Consul (Indianapolis, 1956), p. 37.

³⁷Williams, p. 23.

³⁸*Ibid.*, p. 24.

³⁹The Constitution (Art. 1, Sec. 3, C. 4) permits the vice president to vote only in the event of a tie; therefore, if the vice president does not vote, it is the same as a "no" vote since a bill cannot pass on a tie vote.

⁴⁰Young, p. 12.

⁴¹*Ibid.*

⁴²*Ibid.*, pp. 42-43.

⁴³Thomas E. Cronin, "Rethinking the Vice-Presidency, Rethinking the Presidency (Boston, 1982), p. 337; and Dom Bonafede, "Vice President Mondale," National Journal, 10 (March, 1978), p. 376.

⁴⁴Cronin, p. 380.

⁴⁵*Ibid.*, p. 337.

⁴⁶Bonafede, p. 380.

⁴⁷Michael Dorman, The Second Man (New York, 1970), p. 203.

⁴⁸Bonafede, p. 380.

⁴⁹Dorman, pp. 261-265.

⁵⁰*Ibid.*, pp. 281-282.

⁵¹Dom Bonafede et al., "White House Report/Active Vice Presidential Role as Capitol Hill Broker Anticipated by Ford Choice," National Journal, 5 (October, 1973), pp. 1151-1152.

⁵²Dom Bonafede, Andrew J. Glass, and Richard E. Cohen, "White House Report/Agnew Resignation Left Hanging as Controversy Heads for Courts," National Journal, 5 (September, 1973), p. 1445.

- ⁵³Dorman, pp. 303-308.
- ⁵⁴Bonafede et al., p. 1551.
- ⁵⁵Dom Bonafede, "White House Report/Rockefeller's Role Fails to Match Ford Promise," National Journal, 7 (August, 1975), pp. 1193-1195.
- ⁵⁶Bonafede, "Vice President Mondale," p. 383.
- ⁵⁷Dom Bonafede, "The Tough Job of Normalizing Relations With Capitol Hill," National Journal, 11 (January, 1979), p. 57.
- ⁵⁸Dick Kirschten, "George Bush--Keeping His Profile Low So He Can Keep His Influence High," National Journal, 13 (June, 1981), pp. 1096-1098.
- ⁵⁹"Reagan Will Name a Legal Affairs Council," National Journal, 14 (January, 1982), pp. 213-214.
- ⁶⁰"U.S. to Employ Navy in South Florida Drug Fight," The New York Times (March 17, 1982), p. A18.
- ⁶¹Bonafede, "Vice President Mondale," p. 380.
- ⁶²Steven R. Weisman, "Bush Prizes His Behind-the-Scenes Influence," The New York Times (February 28, 1982), p. 1.
- ⁶³This was the name of a fictitious vice president in the Broadway musical Of Thee I Sing. He was portrayed as a man with very little to do and few acquaintances.
- ⁶⁴Bonafede, "Vice President Mondale," p. 381.

CHAPTER III
THE ELECTORAL SIGNIFICANCE OF THE
VICE PRESIDENTIAL CANDIDATE

Conventional wisdom about American politics holds that the choice made by the presidential candidate and his party as to whom should be the vice presidential candidate is apt to have a decisive effect on the election. There are many instances in recent American politics in which the choice of a running mate seemed of dramatic importance.

During the 1980 Republican Convention, for example, Republican party leaders held their breath while waiting for Ronald Reagan to announce his choice for his vice presidential running mate. With rumors running rampant, several Republican leaders at the convention thought the "perfect" Reagan-Ford ticket was about to be created. Later reports confirmed some of the rumors, although no one (outside of Reagan and Ford themselves) knows for sure how serious either Reagan or Ford were in their conciliatory gestures toward each other. What we do know is that all of this speculation created some excitement in what was otherwise thought to be a dull convention. Reports had been circulating for some time before the convention that Reagan was purposely concealing his preference for a running mate to generate public interest in the convention. Since the networks usually cover the conventions from gavel to gavel, any foreseeable surprises would give the Republicans full advantage of the free advertising which the coverage provided.¹

Balancing the Ticket

In choosing his running mate, Reagan was involved in an important political decision. This was a decision which past nominees, from both parties, had thought could be the deciding factor in whether or not they were elected. Because of the perceived electoral significance in the running mate decision, presidential nominees have usually selected a running mate that "balances the ticket." This simply means selecting someone that differs from the presidential nominee in some respect (ideology, geography, religion, etc.) with the hope of obtaining more votes. It does not mean that presidential nominees have sought running mates who were forceful in countering their own policy positions or political philosophies. If that were the case, Schlesinger would be right when he says that the idea of a "balanced ticket" is a fraud on the public.² But that is not the case. Schlesinger's interpretation focuses on the word "balance" but ignores the word "ticket," which is the key to understanding that phrase. The idea of balancing the ticket was an adaptation to the early development of political parties. It was furthered along by ratification of the Twelfth Amendment. That amendment was ratified to remedy the mutation that had occurred in 1800 with Jefferson and Burr.

Survival in politics is translated as winning, and that is exactly what presidential nominees have in mind when choosing a running mate. A clear example is Kennedy's selection of Johnson in 1960.³ Though somewhat disillusioned with his selection of Johnson, Kennedy's aides took the time to add up the electoral votes Johnson could attract. They were surprised (no doubt pleasantly) to discover that the electoral vote of the states they assumed Johnson could carry could guarantee victory.⁴ Johnson found himself in a similar situation while running for president

in 1964. During the early summer he ordered numerous polls costing many thousands of dollars to assess the vote-pulling ability of various hopefuls.⁵ Nixon also conducted polls in 1968 to determine which potential running mate could best contribute to his election.⁶

Presidential incumbents seeking reelection are not immune to this agonizing process. In 1956, Eisenhower vacillated between hinting at dumping Nixon from the ticket and vague supportive statements for him.⁷ Likewise, if Nixon had wanted to "dump" Agnew in the 1972 presidential election, the anticipated electoral consequences of doing so would have probably prevented him from taking such action.

The reasons for selecting a particular vice presidential candidate are numerous, but can be grouped into two categories: (1) internal reasons, such as satisfying a wing of the party; and (2) external reasons, such as appealing to a segment of the electorate outside the party. Both categories of reasons, though different in their own particular ways, are aimed at the end of selecting a winning ticket. Ultimately, one has to believe that party unity is not sought, at least by American political parties, as an end in itself, but as a means to winning. Even a "purist" candidate like George McGovern, after promising 1000 percent support for Eagleton, opted for the more electorally appealing candidate. Bringing electoral strength to the ticket is the overriding concern in most vice presidential selections. When it is not, such as in the case of the Republicans in 1964 and perhaps in 1976, the result has been disappointing to the ticket.

Much of this seems to contradict the conventional wisdom concerning vice presidential selection. That wisdom states that presidential candidates give very little thought to whom they might select for running

mates. Most of the accounts of this process describe the presidential nominee on the night of his nomination frantically calling potential running mates until the wee hours of the morning when finally someone accepts. That may have been the case with McGovern in 1972, but it was not the case with Johnson in 1964, Nixon in 1968, or Carter in 1976. Furthermore, indications are that it will most likely not be the case in the years to come. The reason is presidential primaries.

The increasing use of the presidential primary has made the deadlocked convention extinct. Since 1952, neither major party's convention has gone beyond one ballot. Also, since 1972, about three-fourths of the delegates have been selected in presidential primaries. Jimmy Carter was literally an unknown when he began running for president. His victories in the primaries, however, propelled him into front-runner status. Because of the bandwagon effect produced by victories in the early primaries, Carter's nomination was not in question when the convention met. As a result, attention shifted to his choice for a running mate. Carter began his vice presidential search in mid-April. The search consisted of lists compiled by aides, public opinion polls and calls to "distinguished Americans."⁸ Just prior to the convention he invited three men to Plains to interview for possible selection.⁹ Ronald Reagan has had two rather unique experiences in vice presidential selection. In 1976, he announced his vice presidential selection before the convention even met. Four years later he purposely withheld his choice until the last minute, probably to attract attention to the convention. If presidential primaries continue to be popular and increase in number, the result could be that the presidential nominees are decided before the convention

meets. The selection of the vice presidential running mate may then become the big event at the nominating conventions.

Whether it is true or not, presidential candidates seem to believe that the election may hinge on whom they choose for a running mate. Implicit in this belief is the assumption that voters may cast their vote for president on the basis of the person selected for vice president. Unlike the procedure used in most states for electing a lieutenant governor, the voter in a presidential election is faced with a "packaged deal." In casting a vote for a presidential candidate, the voter is, at the same time, casting a vote for the respective vice presidential candidate.¹⁰ Is there any evidence to support the assumption that voters cast a vote on the basis of the vice presidential candidate? While recognizing the electoral strategy used in selecting a vice presidential running mate, Polsby and Wildavsky state, "Actually there is no evidence whatsoever to suggest that Vice-Presidents add or detract from the popularity of Presidential candidates by the voters."¹¹

Voting for Vice President?

While he may not have had any evidence on which to base his opinion, Richard Nixon thought that the vice presidential candidate did detract from the presidential candidate's popularity. In 1968, he stated, "The Vice President can't help you. He can only hurt you."¹² In his specific case, Nixon's polls indicated that when his name was paired with the name of any of the numerous men who had been mentioned as possible vice presidential candidates, Nixon's poll figures declined.¹³

The data in Tables II and III indicate that Nixon may have been correct in his generalization. The data in these tables come from

TABLE II
FEELING TOWARD VICE PRESIDENTIAL CANDIDATE AND HOW RESPONDENT VOTED (IN PERCENT)

	1968				1972				1976			
	Muskie		Agnew		Shriver		Agnew		Mondale		Dole	
	Like	Dislike	Like	Dislike	Like	Dislike	Like	Dislike	Like	Dislike	Like	Dislike
Voted for Ticket	59.3	9.2	64.0	17.5	60.2	10.3	82.4	30.9	75.0	18.8	69.8	19.9
Did not Vote for Ticket	40.6	90.7	35.9	82.4	39.8	89.7	17.6	69.1	24.9	81.1	30.1	80.0

TABLE III
PERCENT VOTING FOR PRESIDENTIAL CANDIDATE BY FOUR GROUPS

	Group 1		Group 2		Group 3		Group 4	
	Like President	Like Vice President	Like President	Dislike Vice President	Dislike President	Like Vice President	Dislike President	Dislike Vice President
Carter-Mondale	81.0		48.2		10.4		4.3	
Ford-Dole	74.5		44.2		15.0		3.1	
McGovern-Shriver	76.3		46.2		8.5		3.7	
Nixon-Agnew	85.5		63.0		37.9		5.9	
Humphrey-Muskie	70.7		30.0		3.6		1.2	
Nixon-Agnew	66.7		42.2		28.5		2.0	

interviews conducted by the Center for Political Studies of the Institute for Social Research at the University of Michigan.¹⁴ Table II indicates that voters' feelings toward a vice presidential candidate is related to how a voter votes. For the years examined, the average percent of those with favorable feelings toward a vice presidential candidate that vote for the respective presidential candidate is 68.4 percent. On the other hand, of those with unfavorable feelings toward a vice presidential candidate only 17.7 percent supported the ticket. It would seem, from these data, that feelings toward vice presidential candidates is very important in determining how individuals vote. But it must be remembered that voters do not have the prerogative of voting for each candidate on the ticket. It is a "package deal." This complicates the process for determining the electoral significance of vice presidential candidates. For example, it might be that only 19.9 percent of those with unfavorable feelings toward Dole in 1976 voted for Ford because they had unfavorable feelings toward Ford. The mention of Dole to these individuals might suggest nothing more than a fruit canning company. The same principal could also apply to those with favorable feelings toward Dole. Although 69.8 percent of those who were favorably disposed toward Dole voted for Ford, this may just be due to the fact that the same people were favorably disposed toward Ford. In short, the voting pattern in Table II might be as much a result of the feelings the voter has towards the presidential candidate as it is feelings toward the vice presidential candidate. In an attempt to demonstrate this, a control was added separating the feelings toward presidential and vice presidential candidates (see Table III). The first observation to be made from Table III is that in every case under study the percentages decline when

moving from left to right across the table. Not surprisingly, voters with favorable feelings for both candidates on a ticket usually voted for these candidates. In the six tickets examined, over three-fourths of this group, on the average, voted for the ticket. The corollary is just as obvious. On the average only about 3 percent of those who had unfavorable feelings toward both candidates of a ticket voted for the ticket. The two inner columns of Table III present information which is more revealing and less obvious.

A significant difference exists between the voting patterns of voters who like a presidential candidate but disagree in their feelings toward a vice presidential candidate (Table III, columns 1 and 2). As previously stated, on the average three-fourths of those voters with favorable feelings toward both candidates vote for the ticket. The average for those voters with favorable feelings toward the presidential candidate and unfavorable feelings toward the vice presidential candidate is about 46 percent. The average difference between these two groups is just over 30 percent. A much smaller difference exists between the voting pattern of voters who dislike a presidential candidate but disagree over their feelings toward a vice presidential candidate (Table III, columns 3 and 4). Thus, those voters who did not like a presidential candidate voted about the same regardless of their feelings about the respective running mate. The average difference between the two groups is 14 percentage points.

The revealing point about the data presented in Table III is the indication that a running mate usually hurts a ticket but does not help it much. Those who like a presidential candidate are frequently disgruntled enough by the vice presidential choice to vote for someone else.

Those who do not like the presidential candidate rarely support the candidate even though they may like the vice presidential choice.

Though he may have overstated the case, Richard Nixon was basically correct when he stated that a vice presidential candidate can only hurt a presidential candidate's chances of winning. There are, however, several circumstances in which this would not be the case. One would be if everyone who liked a presidential nominee also liked the vice presidential nominee. It was this reasoning which apparently dictated Nixon's strategy in 1968. He avoided the "glamour boys" (Reagan, Lindsay, and Romney) and selected Agnew instead. By doing so, Nixon must have felt that the voters who liked him would have less of a tendency to dislike a relatively unknown running mate. The practice of "balancing the ticket" makes this practice unlikely. Another circumstance in which a vice presidential candidate could help the ticket would be if a vice presidential candidate was popular enough to change negative feelings toward the presidential candidate into positive feelings. A final circumstance might explain the surprising figures for Agnew in Table III. In 1972, almost 38 percent of those liking Agnew and disliking Nixon voted for Nixon. While several reasons could be given for such a high figure, the best reason would seem to be the fact that Agnew was an outspoken incumbent vice president who had established his own following. Four years earlier Agnew also seemed to add much greater than average support for Nixon, but that was due to the low number of individuals that liked Nixon but disliked Agnew.¹⁶

The Home State Strategy

Even though the data indicate that the tendency is for a vice

presidential candidate to hurt the ticket, there still exists the argument that a presidential candidate can count on the electoral votes of the vice presidential candidate's home state. One could further argue that this belief would lead a presidential candidate to select a running mate from an electorally large state. Both of these arguments are correct.

In this century, the president has carried the vice presidential candidate's state 85.7 percent of the time. Two-thirds of the vice presidential candidate's home states were electorally large states.¹⁷

This does not, however, directly address the question of the "home state" strategy. While it may be true that presidential candidates tend to carry the home state of their running mates, this does not necessarily mean this is an important factor in winning the election. Figure 2 indicates that this is, in fact, not the case. In only one election in this century would the loss of a running mate's home state result in losing the election. If Wilson had not carried Indiana, he would have lost the election. Ironically, in that presidential election both vice presidential candidates were from the same state. The weakness of the "home state" argument is further demonstrated by the fact that in 70 percent of the elections, no one state would have made a difference in the election. A presidential candidate could have won by selecting a running mate from a larger state in only six elections. In the remaining cases, no one state could have made a difference.

Summary

Contrary to popular belief, presidential nominees do not always ignore the question of who to select as a running mate until the last few

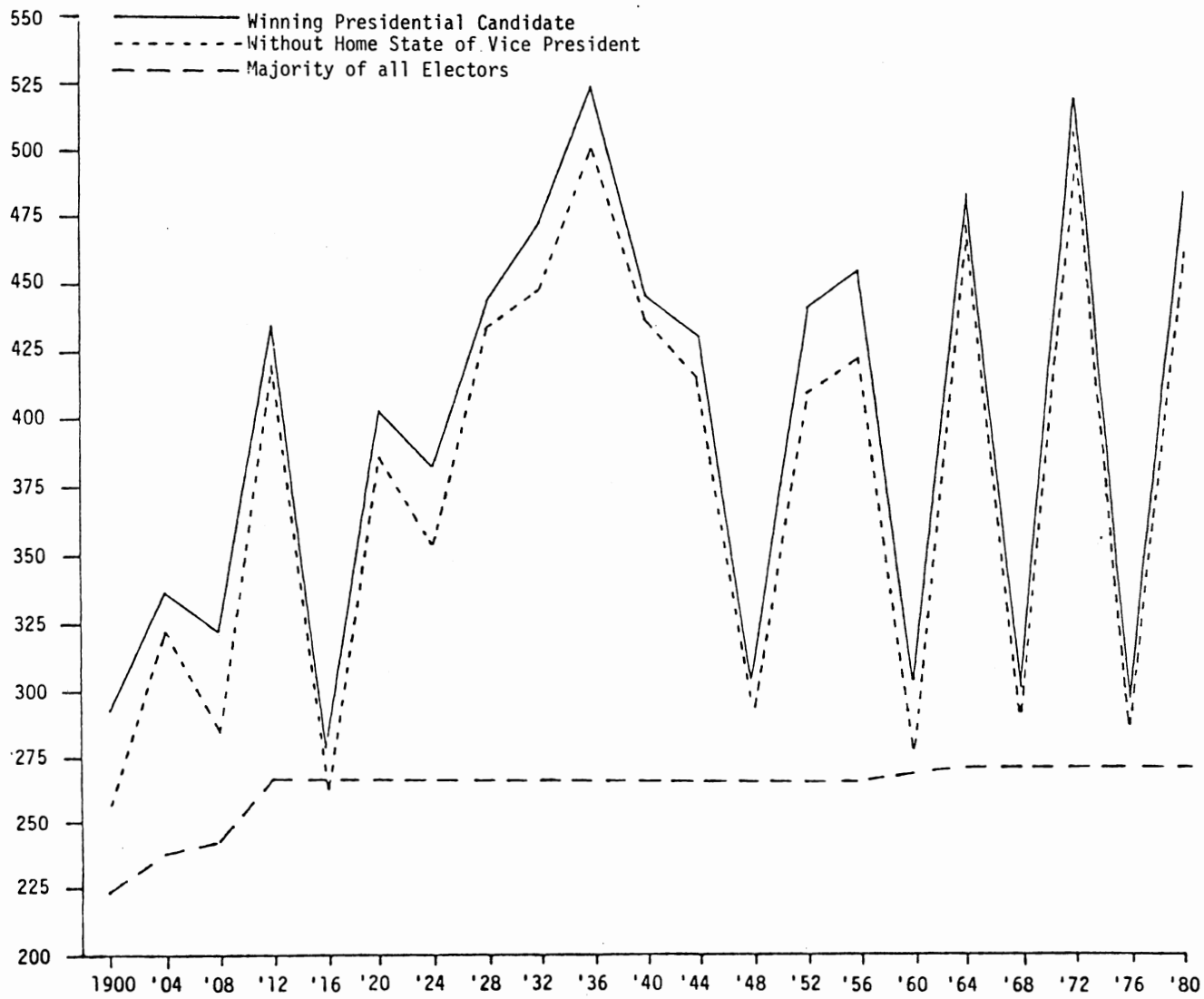


Figure 2. Three Presentations of Electoral Votes by Year

hours of the convention. Furthermore, increasing use of presidential primaries should place more attention on the vice presidential selection. Presidential candidates often select running mates to help them get elected. Sometimes this means selecting someone who appeals to a particular group, ideology, or region to "balance the ticket." At other times it means selecting someone to unite the party. In either case the goal is to win. This study has shown that the tendency is for the vice presidential candidate to hurt rather than help the ticket. The only time a vice presidential candidate could help a ticket is if the candidate is extremely popular or has a loyal following of his own. It is unlikely that a presidential candidate will find an extremely popular candidate who wishes to be vice president. The next best alternative would be for a presidential candidate to select a non-controversial, relatively unknown person for a running mate. This will minimize the negative feelings the voters might have for such a candidate. The success of this strategy will be affected by other factors such as the number and popularity of potential vice presidential nominees which a presidential candidate rejects. It also depends on the behavior of the vice presidential candidate. One author in discussing Agnew during the 1968 election noted that he became something of a national joke during the campaign.¹⁸

When balancing the ticket, candidates should be aware of the fact that one state has infrequently been a deciding factor in the election. For example, if forced to choose between an individual who balances ideology but comes from an electorally small state and another individual who does not provide much of an ideological balance but comes from an electorally large state, the presidential candidate would in all probability be off selecting the ideological balance. This is particularly

true if the same individual is not disliked by any major segments of the population.

Besides the implications this study has for selecting vice presidential running mates, there are also some implications for the institution of the vice presidency itself. Several reforms in the vice presidency have been proposed which range from increasing the strength of the vice presidency to abolishment of the office. The vice presidency is often defended as providing an "elective" successor in the event of a vacancy or disability.¹⁹ Yet, the data presented here indicate that few people vote for a vice presidential candidate (or for a president because of the vice presidential candidate). On the contrary, people tend to vote against vice presidents. Given the present election procedures, it would seem this defense no longer exists. While it is true that since WW II five previous vice presidents have been nominees for the presidency, only one (Richard Nixon) won without first being ensconced with the office of the presidency.

One alternative to abolishment would be to change the election process for vice presidents. Several methods have been proposed ranging from making the vice presidency an appointive office to permitting the voter to cast a separate vote for vice president (as is done in many states in electing lieutenant governors). These and other proposals are discussed in the next chapter.

NOTES

¹"The networks devoted more than half of last week's prime time to coverage of the Republican National Convention; but it was non-political programming that attracted the most viewers according to figures from the A. C. Nielsen Co." See "GOP Holds Ratings Down," Tulsa Tribune, July 23, 1980, p. 25A.

²Arthur M. Schlesinger, Jr., The Imperial Presidency (New York, 1974), p. 478.

³Although a vice presidential nominee is technically selected by the full convention, it is a common practice for the delegates to ratify the choice of the presidential nominee. Two exceptions to this practice are the election of 1900, in which McKinley left the choice of his running mate up to the convention, and Stevenson's similar decision in 1956. See Michael Dorman, The Second Man (New York, 1970), pp. 92, 240.

⁴Ibid., p. 253.

⁵Ibid., p. 273.

⁶Ibid., p. 292.

⁷Marie D. Natoli, "The Vice Presidency Since World War II" (unpublished Ph.D. dissertation, 1975), pp. 45-49.

⁸The three "finalists" were Ed Muskie, Walter Mondale, and John Glenn. For an account of the Carter selection process, see Betty Glad, Jimmy Carter: In Search of the Great White House (New York, 1980), pp. 271-273.

⁹Ibid. Carter began his vice presidential selection process early because he seemed to have the nomination "wrapped-up." No doubt this strategy also made Carter appear to already be the presidential nominee and thus add to the bandwagon effect already in motion. Future candidates may also want to appear confident of winning the nomination and thus imitate Carter's strategy of an early search for a running mate.

¹⁰It should be pointed out that the voter never really casts a vote for a presidential or vice presidential candidate, but instead votes for electors. No doubt, many voters believe they are casting a vote for a

particular candidate and given the practice of the electors following the popular vote (with few exceptions) the distinction is rather unimportant.

¹¹Nelson W. Polsby and Aaron B. Wildavsky, Presidential Elections: Strategies of American Electoral Politics, 2nd ed. (New York, 1968), p. 108.

¹²Natoli, p. 121.

¹³Dorman, p. 292.

¹⁴The data utilized in this chapter were made available by the inter-university consortium for political social research. The data for the SRC 1968 American national election study were originally collected by the political behavior program of the Survey Research Center, Institute for Social Research while the data for the 1972 and 1976 studies were originally collected by the Center for Political Studies of the Institute for Social Research, the University of Michigan, under grants from the National Science Foundation and the National Institute for Mental Health. Neither the original collectors of the data nor the consortium bear any responsibility for the analysis or interpretations presented here. The principal investigators for each were: 1968, Political Behavior Program; 1972, Warren Miller, Arthur Miller, Richard Brady, Jack Dennis, David Kovenock, and Merrill Shanks; 1976, Warren Miller and Arthur Miller. The data from the feeling thermometers for the years 1968, 1972, and 1976 were used in the analysis. Following is the question used in the 1972 study (similar questions were used in the other years): "I have here a card on which there is something that looks like a thermometer. We call it a feeling thermometer because it measures your feelings toward these people. Here's how it works. If you don't feel particularly warm or cold toward a person, then you should place him in the middle of the thermometer, at the fifty degree mark. If you have a warm feeling toward a person, or feel favorably toward him, you would give him a score somewhere between fifty and one hundred degrees, depending on how warm your feeling is toward that person. On the other hand, if you don't feel very favorable toward a person--that is, if you don't care too much for him--then you would place him somewhere between zero and fifty degrees. Of course, if you don't know too much about a person, just tell me and we'll go on to the next name." For this analysis the scores were recoded so that a score from one to forty-nine was coded as an unfavorable feeling while a score from fifty-one to ninety-seven was coded as a favorable feeling (neutral feelings are omitted from the analysis). All of the surveys were conducted before the election except the 1968 survey.

¹⁵Dorman, p. 292.

¹⁶In the 1968 national sample only 14 people who voted liked Agnew and disliked Nixon. Four of these reported that they voted for Nixon while the other 10 voted for a candidate other than Nixon. It would seem that if an individual did not like Nixon, they also disliked Agnew.

¹⁷A state was considered electorally large if it would fall into the category of states that rank highest in electoral votes and give, if won, an electoral majority to a candidate.

¹⁸Dorman, p. 301.

¹⁹See H. H. Humphrey, "Changes in the Vice Presidency," Current History, 67 (August, 1974), pp. 58-59, 89-90; Marie D. Natoli, "Abolish the Vice Presidency?" Presidential Studies Quarterly, 9, No. 2 (1979), pp. 202-206; and U.S. Congress, House Committee on the Judiciary, Application of the Twenty-Fifth Amendment to Vacancies in the Office of the Vice President, 93rd Cong., 1st sess., 1973, pp. 193-194, 205-208.

CHAPTER IV

NEW METHODS OF VICE PRESIDENTIAL SELECTION

Numerous proposals have been put forth for "improving" the method of selecting vice presidents.¹ The first major reform to be adopted was ratification of the Twelfth Amendment in 1804. Prior to this amendment, no one ran for vice president, since the runner-up in the presidential election became vice president. This fact explains why the original Constitution (before amendments) did not specify the qualifications for being vice president, another detail addressed in the Twelfth Amendment. Under this original election system several so-called problems arose. First, it allowed the election of a president of one party and a vice president from a different party. Thus, in 1796 John Adams, a Federalist, was elected president and Thomas Jefferson, a Democratic-Republican, was elected vice president. Custom, however, began to correct this so-called flaw but in the process created a new "flaw." As political parties solidified and the electors became automatic in their support for their party's nominee, it was not as likely that the kind of party split as occurred with Adams-Jefferson would arise. Various methods for selecting electors (such as by congressional district) could increase or decrease the chances of a party split, but given the early custom of the general ticket system in most states, it was likely that this problem would not have persisted. On the other hand, the increasing influence of party on the elector's choice did point up a new problem of the in-

creasing possibility of all the electors casting their votes for two candidates with the result of a tie. This occurred in the presidential election of 1800. Because every Democratic-Republican elector cast one vote for Jefferson and one vote for Burr, each received a majority of the total number of electors; therefore, the election was thrown into the House. Although it was understood that Burr was not intended to be president, he saw the chance to possibly win and this resulted in emphasizing the kind of intrigue and confusion that could emerge in future election. The Twelfth Amendment, by separating the electors' votes for president and vice president, did remedy this "problem."

Sindler argues that any proposal to change the method of selecting vice presidents should be evaluated by their violation (or not) of the following three constraints:

1. The presidential successor should be of the same party as the last president.
2. The presidential successor should have, broadly, the same policy outlook as the last president.
3. The presidential nominee should have considerable discretion and the controlling say in the designation of a running mate and the controlling say in the determination of the activities of the vice-president.²

These constraints are generally recognized by those examining change in the vice presidency. They were also the major constraints which the subcommittee on Constitutional Amendments recognized when writing the Twenty-Fifth Amendment. These three constraints are justified for various reasons, but the argument for accepting them can be summarized as insuring continuity. To have a vice president of a different party than the president would violate this continuity if the vice president were to succeed. In addition, what president is going to assign his vice president important duties and prepare him for the possibility of succeeding if the vice president is a member of another party? The same

arguments apply to the second and third constraints listed above. Given the consensus which exists on the importance of being guided by these constraints when considering reforming the vice presidency, each proposal should be examined with these constraints in mind. This is done in the following discussion on reforming the selection of the vice president.

Each of the following reforms will be evaluated in view of these constraints.

Vice Presidential Primaries

Since 1972, presidential candidates have literally been forced to drop the old strategy of entering presidential primaries to "show" support rather than to "build" support. Because three-fourths of the conventions' delegates are now selected in primaries, candidates must enter several primaries in order to be considered a serious contender. This is drastically different from the not so distant past when Hubert Humphrey could be nominated in 1968 having never entered a primary. Not only must candidates enter for the practical reason of winning delegates, there is a growing expectation in the minds of voters that candidates should enter in order to place themselves before the public for pre-convention scrutiny. Vice presidential candidates, on the other hand, are notably absent from this process. In fact, what has developed is a kind of pre-Twelfth Amendment electoral process at work only at the nomination level. That is to say all candidates begin (usually in New Hampshire) by running as presidential candidates and the runner-up becomes the vice presidential candidate. Consider, for example, the Republican Party candidates in 1980. Initially Bush was Reagan's most

serious contender in the early caucus and primary states. When Reagan eventually became the clear party favorite, Bush dropped out and, of course, was later selected as Reagan's running mate. It is difficult to come up with any other examples of this pattern, and so one would conclude that this was the exception to the rule. One proposal would move in the direction of making this the general rule. That is, why not require (or at least expect) vice presidential candidates to enter vice presidential primaries in order to win delegates in hopes of winning enough to be nominated? This proposal would definitely violate the constraint of presidential control over the selection of the running mate. It should also violate policy harmony constraint. A slight variation of this proposal would be to make the runner-up (in delegate strength) in the presidential primaries the presidential nominee's running mate. This violates the same constraints as the vice presidential primary proposal. Another variation, violating the same constraints, would be to hold a national primary after the convention had selected a presidential nominee. Still another possible variation would be to require that a presidential and vice presidential candidate enter the primaries (as they currently exist) as a team (just as they now campaign in the general election). This would, on its face, satisfy all three constraints. But, in all probability, presidential candidates would select someone of a different political outlook in hopes of satisfying a faction of the party. While this is also a criticism of the current system, it would be magnified by the timing since candidates would, at the pre-convention stage, be wooing party leaders rather than the electorate. It could also be argued that this proposal fails on its own merits because it would probably exacerbate the problem of selecting higher caliber candi-

dates for vice president. Few high caliber candidates (and possible presidential nominees) would want to commit themselves, early in the election, to the second place on the ballot. It would appear that all of these proposals violate, though in different degrees, the constraints deemed essential in selecting a successor to the president.

Convention Reforms

Another group of proposals for reforming the selection process would retain the convention as the place for nominating the running mate, but would make changes in the procedures.

For example, it has been proposed that the delegates select the vice presidential nominee before the presidential nominee. "The reform is intended to heighten the quality of vice-presidential nominees by focusing attention on the nomination in its own right and by taking the nomination out from under control by the presidential nominee."³ Not only does this proposal violate possibly all three constraints, it could result in lowering the caliber of vice presidential candidates by lowering the pool of eligibles to those who did not wish to seek the presidential nomination.

It has also been proposed that all presidential candidates select their running mates about a month before the convention convenes. This procedure was actually used by Ronald Reagan in 1976. When it appeared that he might lose the nomination unless he could make inroads into the uncommitted delegations, he selected a liberal Republican, Senator Schweiker, in July (weeks before the convention met). When this strategy appeared to backfire, he sought to demonstrate that Ford would also seek to "balance the ticket" with his choice by urging the convention to adopt

rule 16(c). This rule would have required all candidates to reveal their choice for running mate before the balloting for presidential nominee. Reagan forces argued that this was the more democratic way of going about the process. The rule was not adopted.

A related proposal would retain the traditional order of selection but would give the delegates the job of selecting a vice presidential running mate with no formal preference stated by the presidential nominee. This "open convention" method has been used. Adlai Stevenson used it in 1956, when he refused to hand-pick a running mate, but instead allowed the delegates the freedom to choose. The two major contenders were John Kennedy and Estes Kefauver, who won the vice presidential nomination. In 1900, McKinley, whose vice president had died in office, was a shoe-in for renomination. He notified the convention that "he had no favorite candidate for the vice presidency and would accept anyone chosen by the delegates."⁴ These occurrences of an "open convention" are the only two that have taken place. While seemingly more democratic, this method violates the constraint (willingly by the presidential nominee in the two historical examples above) of permitting the nominee to have final say in choosing his running mate.

To correct for this flaw another group of proposals retains the privilege of the presidential nominee to initiate the selection of the running mate but with some variation of the traditional process. One such proposal would restrict the presidential nominee's choice to the candidates who were nominated at the convention for president. This restriction would probably lead to a violation of the constraint that the vice president not differ broadly in ideology from the presidential candidate. A variation of this reform would be to let the presidential

nominee select at least three individuals (unrestricted) from which the delegates could choose. This proposal would not seemingly violate any of the constraints mentioned earlier. Nevertheless, Sindler rejects it for the following reasons:

The procedure...may often move the standard-bearer, not toward a wider involvement of others in the making of the decision, but toward exercising his own control more covertly and without being held as clearly responsible for the outcome.⁵

Committee Choice

One set of proposals would utilize either a special ad hoc committee or the party's national committee for making the initial selection of a running mate subject to the approval or disapproval of the delegates. The committee could propose one name or a list of at least three from which the delegates could choose their favorite, or the process could be reversed so that the presidential nominee would submit his choice (or list of possible choices) to the National Committee for approval. Finally, these two general proposals could be combined so that an ad hoc party committee would make the initial selection with the national party committee given the role of approving or disapproving the selection. One of the above mentioned reforms was utilized by the Democratic Party in 1972, though not by design. When Senator Eagleton withdrew from the ticket, the delegates had dispersed and the Democratic National Committee was convened to give "formal" approval to McGovern's new choice, Sargent Shriver. The problem most often discussed with these proposals are the pro forma nature of the presidential nominee's choice or, at least in the case of the use of a committee to initially select, denying the presidential nominee the ultimate choice. Finally, the presi-

dential nominee could be given, without even a pro forma vote of the delegates, an absolute say over who his running mate would be. No constraints are violated by this proposal but again Sindler rejects it by saying,

It is questionable whether the public would support a proposal which would strip the original nomination of any appearance of having been a broadly-based party decision and openly acknowledge it as the decision of a single person, the presidential nominee.⁶

Time Changes

An entire group of proposed reforms address a problem which has, particularly since the Eagleton affair, received much attention, namely the constraint of time. Typically, the delegates vote on the presidential nominee the evening (sometimes very late) of the third day of the national convention. The next day the presidential nominee announces his vice presidential choice and that evening the delegates vote on his choice. Critics have pointed out that this does not give the presidential nominee sufficient time for screening the potential running mates. They point to historical examples (the most current being Eagleton and Agnew) to make their point. To remedy this, they propose several ways of giving the presidential nominee more time. Most of their proposals could be combined with the other proposals discussed here. One would be to add a fifth day to the convention and postpone the selection of the vice president to that day.

Almost immediately after Eagleton was dropped in August 1972, the Democratic National Committee set up its Commission on Vice Presidential Selection, headed by former Vice President Humphrey, to study and recommend better ways of selecting the party's vice presidential candidates.⁷

Speakers at the Democratic commission's hearings generally agreed there should be more time between the presidential and vice presidential nominations to allow for more thorough investigation into the backgrounds of potential vice presidential candidates.⁸

Commenting on the one-day extension, Sindler states,

Significantly more time for the nomination decision can be had only by moving the matter into the postconvention period and by depriving the convention of any direct involvement in its settlement.⁹

Constitutional Reforms

There remains a group of reforms which are so drastic they would require that the Constitution be amended. One arose following the utilization of section two of the Twenty-Fifth Amendment for the appointment of Ford and Rockefeller (see Chapter VI). That section permits the president to nominate, and the Congress to confirm, a vice president. Because this procedure was deemed a success when used with Ford and Rockefeller, it has been suggested that it be extended to cover all instances of vice presidential selection. In short, make the vice president an appointive office. As explained by Sindler, this proposal stems from the two "catastrophies" experienced with Eagleton and Agnew:

Perhaps, then, it would be better to have the vice-presidency occupied by someone nominated by the president and closely reviewed for confirmation by the Congress, on the model of what was then occurring on Nixon's nomination of Gerald Ford to the vice-presidency? (Emphasis mine.)¹⁰

The two major criticisms to this proposal are as follows:

One is that a president's control over successorship as direct as his appointment of his successor is repugnant to a democracy, and should not be allowed. The other is that presidential successorship posts should be elective not appointive.¹¹

Given the findings of the data presented earlier in this chapter, it is difficult to see how the above stated criticism could not just as eas-

ily be applied to the method of selection currently being used by both parties. Although this proposal is usually discussed under the assumption of retaining a fixed term for the vice president, it would also be possible, perhaps desirable, to make the vice presidency equivalent to that of other superior offices mentioned in the Constitution. This would permit the president to remove a vice president. Combined, these two proposals (appointment and removal) could result in a higher caliber of nominee and one given significant duties to perform. It has long been understood that one reason presidents have been so reluctant to give vice presidents important duties is because of the constitutional constraint on removing them should they differ with the president. Sindler notes this when discussing the appointed vice president with a fixed term:

At best, then, changing to an appointive vice president might upgrade the average quality of the incumbent (and hence of the direct presidential successor), but it would not bring about any redefinition of the constricted and dependent role of the vice-presidency in our political system.¹²

Another proposed amendment would repeal the Twelfth Amendment, thus reverting to the original method of electing vice presidents but with one major modification. The proposed amendment would give each elector one vote rather than the two specified in the original document. Chapter II explained the framers' rationale for giving each elector two votes. It could be argued that the rationale no longer applies to today since the mass media, among other things, discourages the kind of parochialism that the two vote per elector idea was designed to remedy. What would be retained from the original plan would be the election of the president by a majority of electors and the runner-up being declared vice president. This would permit, and perhaps even guarantee, the elec-

tion of a president from one party and a vice president from another party. In defense of the proposal, it is argued that it would increase the probability of individuals of presidential caliber as vice president. Hinckley does not think these individuals would make good vice presidents because the vice president would be a rival.¹³ On the other hand, concerning the present system she states that it elects a running mate, and running mates may not make good presidents.¹⁴

Another reform would use a method for electing the president and vice president that is currently used in several states to elect the governor and lieutenant governor. Of the 43 states that currently have a lieutenant governor, 22 (51%) are elected independent of the governor.¹⁵ Unlike presidential elections in which the presidential and vice presidential candidates are presented to the voter as a "package deal," in these 22 states the voters cast separate votes for governor and lieutenant governor, and it is not unusual for the two officers to be of different political parties.¹⁶ This method could be adopted in presidential elections. It would require a constitutional amendment and would also permit the election of a president and vice president of different parties. If this proposal were adopted, it would no doubt encourage some of the other reforms mentioned earlier. It is likely that this would give an impetus to the development of vice presidential primaries. It could also encourage repeal of section two of the Twenty-Fifth Amendment, so that instead of filling vice presidential vacancies through appointment, vacancies could be filled by electing a new vice president in a special election. While this would democratize the office, it would most likely exacerbate the "rival" problem, and thus presidents would only rarely delegate important duties to the vice president. This

reform, then, would do no more than insure the continuation of a vice president with little authority but, at least, one chosen by the voters. It should be noted that the trend at the state level is for more and more states to have joint election of the governor and lieutenant governor.

A variation of this proposal which has only rarely been discussed is to separate the vice presidency from the presidency entirely by electing the vice president during the mid-term elections rather than with the president.¹⁷ This could serve as a kind of referendum on the president's first two years in office. It could also produce a vice president of a different political party. Given the tradition of the "out" party gaining, on the average, 35 seats in the House in these elections, it could mean that the vice president would almost always be of a different party. On the other hand, this kind of election might stimulate interest in the mid-term elections and thus result in a new tradition of its own. Given the radical nature of this proposal it is highly unlikely that it would be approved.

Summary

The discussion above of the various reforms for selecting a vice president demonstrates the complexity in trying to meet the objectives of reform and at the same time work within the three constraints considered important. Of the reforms listed, these would not violate any of the constraints.

1. Require the presidential and vice presidential candidates to run in the primaries together.
2. Require presidential candidates to announce their choice for

vice president several weeks before the convention convenes.

3. Require the presidential candidate or nominee to supply the delegates of a special committee with a list of three or more possible running mates.

4. Extend the time between the selection of the presidential and vice presidential nominees.

5. Give the presidential nominee absolute say, after the convention, in selecting a running mate.

6. Make the vice presidency an appointive office.

Reforms one through five could be accomplished without amending the Constitution, but number six would require an amendment to the Constitution. Given the criticism which section two of the Twenty-Fifth Amendment received for permitting an appointed vice presidency when a vacancy occurs in the office and the difficulty of amending the Constitution, it is unlikely that this reform will be adopted. Of the other five reforms listed above, three would remove or extremely restrict the role of the convention delegates. Only numbers two and four above would not do this, although it is possible for number three to also rely on the delegates rather than a special committee.

Requiring presidential candidates to announce their choice for a running mate prior to the convention (as Reagan did in 1976) would supply the media and others with additional time for screening the candidate more closely. Whether it would result in a different kind of vice presidential candidate than is sought under the present system is unlikely. Reagan's choice of Schweiker is only one example, but it would indicate a continuation of the tradition of selecting someone to "balance the ticket." Similarly, an extension of time between the selection of

the presidential and vice presidential candidates would permit greater scrutiny of the possible running mate, but would, in all probability, have no other significant effect. Given the fact that presidential candidates can screen potential running mates on their own before the convention, and that presidential primaries may encourage this (as in the case of Carter in 1976), this reform would not be significant in any respect. What, then, can be done?

A final proposal would be to abolish the vice presidency. This would, of course, require a constitutional amendment, and some provision would have to be made in the law for an immediate successor. For example, the Secretary of State or some other officer could be made the immediate successor upon the death, resignation, or removal of a president. This proposal would also affect the inability provisions of the Twenty-Fifth Amendment. That amendment designates the vice president as the individual to declare (along with a majority of the cabinet) the president unable to govern. The new law specifying the immediate successor could just as easily name the person to act with the cabinet (assuming continuation of that part of the Twenty-Fifth Amendment which refers to the vice president). Abolition of an office as well established as the vice presidency is not likely. Still, few persuasive arguments exist for retaining it. Another argument for keeping the office, however, has not been discussed. This is the argument that a vice president makes the "best" successor because it is a good training ground for the presidency. Past arguments have been intuitive, and have generally been supportive of this contention. It is this argument that will be discussed in the next chapter.

NOTES

¹Most of this chapter, including the specific reforms and the possible effects of each, comes from the following: Alan P. Sindler, Unchosen Presidents (Berkeley, 1976), pp. 52-117.

²Sindler, pp. 52-60.

³Ibid., pp. 69-70.

⁴Michael Dorman, The Second Man, with an introduction by Hubert H. Humphrey (New York, 1970), p. 92.

⁵Sindler, p. 82.

⁶Ibid., p. 90.

⁷"Naming Vice Presidents: Efforts to Improve System," Congressional Quarterly, Vol. 32 (January 12, 1974), p. 50.

⁸Ibid.

⁹Sindler, pp. 86-87.

¹⁰Ibid., p. 93.

¹¹Ibid., p. 94.

¹²Ibid., p. 110.

¹³Barbara Hinckley, Outline of American Government (Englewood Cliffs, N.J., 1981), p. 133.

¹⁴Ibid.

¹⁵The Council of State Governments, The Book of the States, 1978-1979 (Lexington, 1978), pp. 116-117.

¹⁶Clyde F. Snider, American State and Local Government, (New York, 1965), p. 270.

¹⁷"Naming Vice Presidents," p. 49.

CHAPTER V

THE VICE PRESIDENCY AS APPRENTICESHIP

Constitutionally the vice president has one actual job and one potential job. The vice president is the president of the Senate (Article 1, Section 3, Clause 4). The vice president may become president or "acting president" following the death, inability, resignation, or removal of a president (Article 2, Section 1, Clause 5).

The job of president of the Senate is not taken seriously by most vice presidents. The framers' rationale for making the vice president president of the Senate, as expressed in Federalist Paper 68, was to provide for a "tie breaker" without short changing a state whose senator might otherwise be President of the Senate. Although the concern for tie votes may have been justified in the early part of the 19th century, today they are much more scarce. One study noted that they only occur now about once every two-and-a-half years.¹ Richard Nixon, when vice president, claimed to have spent about 10 percent of his time presiding over the Senate. This exemplifies the manner in which almost all vice presidents (except John Adams during his first term as vice president) have approached this job. It is literally indisputable that the vice president would not be missed if removed from this job.

As the potential successor to the office of the presidency, the vice presidency takes on some importance. Presidents, of course, hope that vice presidents never have to perform this job. Vice presidents

ostensibly never want to perform this job either, but know in the back of their minds that doing so might be their "big chance." Twentieth century vice presidents have been given this chance several times particularly since World War II (see Table IV). In addition to this, vice presidents have increasingly been selected as presidential nominees following their tenure as vice president. Thus, in 1968, both Democrats and Republicans turned to past vice presidents for their presidential nominees (Hubert Humphrey and Richard Nixon). Before resigning, Theodore Agnew was seen by many as a strong contender for the presidency, and Walter Mondale is currently seen as the frontrunner in the Democratic race for the party's nomination.

The fact that the vice presidency has been propelling so many individuals into the White House or the presidential election, points up another "indirect" function of the vice presidency: training an individual to be president. Stating it another way, the vice presidency is a kind of internship or apprenticeship. What better way, it is argued, for training someone to take over the reins of government?

This argument has been a major defense for preserving the office when proposals for abolishing the office are made. After all, it is rather hard to defend the office on the grounds that the government would be deprived of a president of the Senate, especially when one of the so-called strongest vice presidents was absent from the job 90 percent of the time. While another strong argument for retaining the office relies on the "succession" function, this argument is predicated on the argument that the vice president is best prepared to succeed. If the office does not prepare the individual to succeed, then one has no argument for retaining the office as unique and indispensable, but could

TABLE IV
 SUCCEEDING VICE PRESIDENTS IN THE TWENTIETH
 CENTURY AND SUBSEQUENT PRESIDENTIAL
 NOMINATION OR ELECTION

Succeeding President	Reason for Succession	Subsequently Presidential Nominee?	Subsequently Elected Vice President?
T. Roosevelt	Death of President	Yes	Yes
C. Coolidge	Death of President	Yes	Yes
H. Truman	Death of President	Yes	Yes
L. Johnson	Death of President	Yes	Yes
G. Ford	Resignation of Presi- dent	Yes	No

just as easily argue that the Secretary of State, or some other officer, could serve as successor. At this point one could argue that the vice president has one other characteristic which no other national figure (except the president) has and that is his gaining office through election by a vote of the nation. That argument, which is constitutionally sound, may be unfounded in practice as was demonstrated in Chapter III.²

Arguing against the notion of the vice presidency contributing to our government by way of a presidential training ground can be very difficult. The difficulty lies in the passive nature of this function. If a vice president literally does nothing, he could still be learning, if nothing else through osmosis, how to be president. The question remains, does the vice presidency perform this function? The importance of this question lies in the fact that the answer may be the one determining if the office should be retained or be abolished.

Schlesinger, Jr. does not believe the vice presidency prepares its incumbents to be president. Rather, just the opposite occurs. He refers to it as a "maiming experience" which, to make matters worse, increases the incumbent's chances of being presidential nominee.³

In recent years, as men of larger aspirations and capacities have responded to the actuarial attractions of the office, the damage to Vice Presidents has increased. The more gifted and ambitious the Vice President, the more acute his frustration--and the less the President is inclined to do to alleviate it...Few Vice Presidents can survive the systematic demoralization inflicted by the office without serious injury to themselves.⁴

Much has been written, mostly by psychologists, on career "burnout" in high stress jobs such as law enforcement and airline traffic controllers. Yet, Schlesinger is not referring to the kind of "burnout" that results from employment in highly stressful jobs. In the case of the

vice president, he seems to be arguing that just the opposite is the case. What he describes seems to be closely related to what has been called underemployment. Willis Harmon defines underemployment as "working at less than one's full productive capacity."⁵ An example which he gives is the college graduate working in a blue-collar job. In describing the underemployment he states, "As a consequence of wasting their human potential, these people often develop such pathologies as chronic life disorganization,...mental depression,...or other self-destructive... behavior."⁶ While this overstates the case for the vice presidency, it seems to come close to the destructive experience which Schlesinger argues vice presidents experience. Is Schlesinger correct?

Training for the Presidency

To test this idea all presidents following Jefferson were divided into three groups: those who had never served as vice president, those who had served as vice president for less than two years, and those who had served as vice president for more than two years.⁷ The "ratings" of these three groups, taken from four different polls, were then compared. The data appear in Table V.

The fact that presidents who served as vice president for more than two years had the worst ratings in all four polls would tend to support Schlesinger's argument. In two of the polls, however, presidents who had a short tenure as vice president averaged better ratings than the other two groups. Still the differences in ratings between those presidents who had never served as vice president and those who had served as vice president less than two years were much closer than those with more than two years of experience as vice president. For comparison,

TABLE V
 AVERAGE RATINGS OF PRESIDENTS BY
 VICE PRESIDENTIAL EXPERIENCE

	Experience of President ¹		
	Never Vice President	Vice President <2 Years	Vice President >2 Years
Schlesinger Poll (1962) ²	2.1	2.0	1.0
Maranell-Dodder Poll (1970) ³	17.6	16.6	21.6
U.S. Historical Society Poll (1977) ⁴	19.8	20.8	7.0
Chicago Tribune Poll (1982) ⁵	643.7	613.1	587.2

¹Pre-Twelfth Amendment presidents are not included.

²Presidents rated as Great, Near Great, Average, Below Average, and Failure were scored 4, 3, 2, 1, and 0, respectively.

³In this poll the lower the score the better the rating.

⁴In this poll the higher the score the better the rating.

⁵Ibid.

political experiences other than the vice presidency were also analyzed. The data appear in Table VI.

In every poll, presidents who had previously served as governor averaged higher ratings than those who had not served as governor. Just the opposite was true for service in Congress. In every poll, those presidents who had never served in Congress averaged better ratings than those who had served in Congress. The highest ratings were for those presidents who had served as governor but had not been elected to any national office before becoming president.

Some surprising consistencies emerge when examining the data in both Tables V and VI. When one compares the ratings of the presidents for the three different political experiences (governor, congressman, or vice president), in every poll the best ratings are for those presidents who had been governor and the worst ratings are for those who had been vice president for more than two years. Again, the highest ratings (and the scores are significantly higher) were for those presidents whose only political experience (of the three listed) was serving as governor. Years ago many of our presidents were recruited from governorships. During this century, however, presidential candidates have increasingly been recruited from the U.S. Senate. Governorships provided candidates with executive experience but also tended to expose them to a narrow range of issues. The U.S. Senate exposed candidates to a broad range of issues, but prepared them for political maneuvering in a decentralized environment. The data indicate that the executive experience gained from serving as governor is better preparation for the presidency than legislative experience in the U.S. Congress. The data would also indicate that the vice presidency is not a good training ground for the presidency and

TABLE VI
 AVERAGE RATINGS OF PRESIDENTS BY EXPERIENCE¹
 AS GOVERNOR OR CONGRESSMAN

	Governor?			Congressman?	
				Yes	No
Schlesinger (1962) ²	2.4	1.7	3.7	1.9	2.2
Marannel-Dodder (1970) ³	16.0	19.2	7.0	18.2	17.3
U.S. Historical Society Poll (1977) ⁴	23.8	15.3	58.7	15.3	25.5
Chicago Tribune Poll (1982) ⁵	671.7	604.1	795.8	602.6	686.0

¹Pre-Twelfth Amendment presidents are not included

²Presidents rated as Great, Near Great, Average, Below Average, and Failure were scored 4, 3, 2, 1, and 0, respectively.

³In this poll the lower the score the better the rating.

⁴In this poll the higher the score the better the rating.

⁵Ibid.

thus indirectly support Schlesinger's contention concerning the negative impact which serving as a vice president can have on an individual.

Vice Presidential Character

The conclusions discussed above, though tentative, are quite discouraging concerning the increasing occurrence of vice presidents becoming presidential nominees and/or president. One could argue, however, that the trend has been corrected in recent years by selecting higher caliber vice presidents. Furthermore, presidents are more inclined now to increase the caliber of the office itself and this has resulted, it is argued, in the office undergoing considerable change since the Truman administration. Referring to this recent transformation, National Journal reports the following:

Thus, while the constitutional prerogatives of Vice Presidents have remained static, their political parameters have been expanded, both to ease the burden of the Chief Executive and to prepare them for any eventuality, such as the death, impeachment or physical disability of the President.⁸

If in fact the office has been upgraded since the Truman administration, it should be more attractive to higher caliber politicians than in the past. Making the office additionally attractive is the increasing probability of vice presidents succeeding to the presidency or obtaining the presidential nomination. On the other hand, given the history of the vice presidency and its reputation as a national joke, one might argue that anyone enjoying or taking the job seriously would not be the kind of individual suited for the presidency. This raises two related questions. Are we selecting "better" vice presidents now than in the past? Second, even if the answer is yes, does it matter? Do "good" vice presidents make "good" presidents?

In an attempt to address these questions, an overall rating of vice presidents was utilized.⁹ This rating was based primarily on the biographical sketches of vice presidents in S. Barzman's Madmen and Geniuses.¹⁰ Each vice president under study (Wheeler through Mondale) was rated on a scale of 1 to 9 on 13 different variables.¹¹ The scores for each vice president were used to create an overall effectiveness score. The highest individual score was Thomas Marshall's (1.33) while Charles Curtis received the lowest (-0.8) for a range of 2.13. Each score was then used in the present study to compare the average ratings of early and recent vice presidents. The average effectiveness scores for these two groups were as follows:

Early Vice Presidents (1877-1953)	-0.003
Recent Vice Presidents (1953-1979)	0.04

Given the possible range of scores this difference would not indicate great improvement in selection of vice presidents. This is not too surprising when one considers that the most important criterion for selecting vice presidential candidates has been the same for all vice presidents rated in the study. That criterion is how well the running mate balances the ticket. Perhaps if vice presidential candidates had more important assignments during the campaign (such as debating the other candidate as in 1976 between Mondale and Dole), the demographic characteristics of the candidates would start counting for less. The lack of improvement in vice presidents is also traced to presidential candidates since they have been delegated the power of making the selection. Given this prerogative, presidents must be held accountable for opting for candidates because of their vote getting strength rather than high moral and intellectual qualities. They could defend their selections

on the grounds that they must operate under a great deal of constraints and that it is not easy to persuade high caliber individuals to take the job. Still, one wonders if presidential egos could withstand highly intelligent, ambitious, and experienced running mates. Presidents cannot fire vice presidents and the Twenty-Fifth Amendment gives the vice president and a majority of the cabinet the authority to declare a president unable to govern (making the vice president "acting president").¹² Thus, the lack of improvement in vice presidential selection may also be due to the lack of improvement in selecting presidential nominees. Higher caliber presidential nominees should, for several reasons, result in the selection of higher caliber running mates. First, such a candidate should find it easier to persuade a greater number of individuals to accept what has been considered an unattractive position. If the trend of recent years continues and vice presidents increasingly become presidential nominees or presidents, this should also contribute to presidential nominees finding more candidates from which to pick. Second, a higher caliber candidate could select a higher caliber running mate without feeling threatened by doing so. Using the Chicago Tribune's (1982) presidential ratings with the Wendt and Muncy vice presidential ratings, it appears that higher rated presidents do select high rated vice presidents. Using the scores for the 24 vice presidents rated, the average effectiveness score for each presidential grouping appears below. The titles, "Great, Near Great..." were not used in the Chicago Tribune poll (the actual scores from that poll appear in the parenthesis following each title).

<u>Presidential Ratings</u>	<u>Average Rating of Vice Presidents</u>
Great (883-1, 086)	.38
Near Great (741-836)	.14
Average (461-728)	-.33
Below Average (350-452)	-.15
Failure (319-329)	.14

Still unanswered is the question of the relationship of being a good vice president (however rare they may be) to being a good president. To answer this question, the 24 vice presidents rated in the Wendt and Muncy study were categorized into "Good," "Fair," and "Poor."¹³ Of those placed in the "Good" and "Fair" category, three became president from each; of those rated "Poor," only one became president. Their subsequent ratings as president based on the scores received in the Chicago Tribune poll are as follows:

<u>Vice Presidential Categories</u>	<u>Subsequent Presidential Ratings</u>
Good.....	858
Fair.....	552
Poor.....	417

The average score of 858 is, for comparison purposes, closest to the overall rating given Harry Truman. The 552 score is closest to Chester Arthur and the 417 score represents Richard Nixon, the single individual in this category. These scores are based on a limited number of presidents and vice presidents; however, assuming they reflect merely a rough generalization would be enough to stress the importance (particularly at a time when the vice presidency is increasingly serving as a "stepping stone" to the presidency) that should be attached to the selection of

vice presidents. The data also indicate that 60% of the vice presidents from the "Good" category were nominated for president while only 9% from the "Poor" category were so nominated. While this may be viewed as encouraging, it should be noted that the 60% figure is mostly accidental since all those nominated for president first succeeded to the presidency and thus had a much better chance of obtaining the nomination. The low percentage of "poor" vice presidents nominated for president should also be understood as reflecting not so much the tendency for the parties to discriminate between vice presidents as to generally forget them (regardless of their performance) when selecting presidential nominees (except, as mentioned above, those who succeed to the presidency).

The Vice Presidency and Five Presidential Qualities

When conducting the Chicago Tribune poll, Steve Neal asked the respondents to rate the presidents on five qualities: leadership ability, accomplishments and crisis management, political skill, appointments, and character and integrity. Although the data cited earlier indicated that experience as vice president did not contribute to a higher overall rating for presidents, it might be that a particular quality of our presidents is enhanced as a result of this experience. To see if presidents with vice presidential experience scored higher on these five qualities, Table VII was compiled. The scores do not vary a great deal; however, in three out of five instances the presidents with the longest terms as vice president averaged less than those who had never been vice president. On the accomplishments/crisis management and political skills qualities, just the opposite was true. The biggest difference in scores

TABLE VII
 AVERAGE RATINGS OF PRESIDENTS BY
 VICE PRESIDENTIAL EXPERIENCE

Chicago Poll (1982)	Presidential Experience ¹		
	Never Vice President	Vice President <2 Years	Vice President >2 Years
Leadership	126	108	102
Accomplishments/ Crises	117	114	119
Political Skills	117	115	143
Appointments	122	118	112
Character and Integrity	161	157	112

¹Pre-Twelfth Amendment presidents are not included.

occurred with the political skill quality. The vice presidency does not appear to be contributing to the formation of better presidents as much as it is to the formation of better politicians. This is not necessarily bad. Jimmy Carter, who some argued was too idealistic, ranked 30th on this quality, and could have used a course in politicking. The top rated president in this category was Abraham Lincoln. But, considering the relatively lower scores on leadership, political appointments, and character and integrity which this group of presidents receives raises additional questions concerning the value of the vice presidency.

Summary

One of the reasons for retaining the office of the vice presidency is that the office serves as a "training ground" or apprenticeship for the presidency. Serving in this office, it is argued, is the best preparation one could have as preparation for assuming the presidency. One historian, Arthur Schlesinger, Jr., argues that the vice presidency not only fails to prepare individuals for the presidency, but it is a maiming experience.

In an attempt to resolve the differences of opinions, the ratings of presidents with previous vice presidential experience were compared with those who had no such experience. In addition, other political experiences were compared with these scores (serving as governor and in Congress). The results tend to support Schlesinger's argument or, at least, refute the argument that the vice presidency is the best position from which to become acquainted with the presidency. The highest ratings were for those presidents who had previously served as governors; the

worst were for those who had served as vice president for more than two years.

The counter argument that recent vice presidents are of a higher caliber was also tested using the same data and found to be only insignificantly supported. The "root" of the problem lies in the caliber of individuals selected as presidential nominees. Selection of better candidates here should improve the quality of individuals selected for vice president.

Does experience as vice president contribute anything to those who later become president? The data indicate that presidents with this experience do average higher scores in political skill. This is not in itself a negative finding, but could be so interpreted in light of the other findings of this study.

The findings in this study are in no way conclusive, but given the circumstances behind the creation of the vice presidency and the history of its development, nothing less than inconclusive findings contradicting those reported would justify retaining the office.

Two of the major reasons given for retaining the vice presidency have been empirically tested in the last three chapters. One chapter has also discussed various proposals for changing the office and what the effects of each might be. One major area remains to be examined--presidential succession. The next chapter examines this topic, using as a focal point the Twenty-Fifth Amendment. Of particular importance in this chapter is the question of the desirability of a caretaker regime. This is important because given the findings of the previous chapters, it appears that the major arguments for retaining or reforming the vice presidency are groundless. If one is to consider

abolishing the office, however, consideration must be given to the one function which has so preoccupied those who have studied the office. Furthermore, abolishment of the office would, most likely, result in the creation of a caretaker regime when a presidential vacancy occurred. The next chapter discusses these important subjects.

NOTES

- ¹Thomas E. Cronin, Rethinking the Presidency (Boston, 1982), p. 327.
- ²See Chapter III.
- ³Arthur M. Schlesinger, Jr., The Imperial Presidency (New York, 1974), pp. 478-480.
- ⁴*Ibid.*, pp. 479-480.
- ⁵Willis W. Harman, An Incomplete Guide to the Future, The Portable Stanford Series (San Francisco, 1976), p. 52.
- ⁶*Ibid.*, p. 54.
- ⁷Pre-Twelfth Amendment presidents were excluded since before this Amendment no one ran for vice president, and it is generally understood that this system resulted in a higher caliber individual being elected vice president. See Edgar W. Waugh, Second Consul (Indianapolis, 1956), pp. 27-49; and Barbara Hinckley, Outline of American Government (Englewood Cliffs, N.J., 1981), pp. 129-133.
- ⁸Dom Bonafede, "White House Report/Rockefeller's role fails to match Ford promise," National Journal (August, 1975), p. 1192.
- ⁹Hans W. Wendt and Carole A. Muncy, "Studies of Political Character: Factor Patterns of 24 U.S. Vice-Presidents," The Journal of Psychology, 102 (March, 1979), p.
- ¹⁰Sol Barzman, Madmen and Geniuses (Chicago, 1974), p.
- ¹¹Wendt and Muncy list the following variables: amount of campaigning and travel; talkativeness; flexibility; liking by others; own hopes for the presidency as far as known; shrewdness and cunning; notoriety of career or scandals; persistence in goal seeking; feeling of usefulness in office; favorable treatment or recognition by the president; charisma; overall productivity; and age first married.
- ¹²The exact wording in the Twenty-Fifth Amendment is "principal officers of the executive departments" rather than cabinet, but this language was substituted for the cabinet since no reference is made in the Constitution to the cabinet and it was felt that mentioning it here would institutionalize this group. See Birch Bayh, One Heartbeat Away (Indianapolis, 1968), p. 102.

¹³The top five ranked vice presidents (overall effectiveness rating) were placed in the "Good" category. Those ranked sixth through thirteenth in overall effectiveness were placed in the "Fair" category. Those ranking fourteenth or lower were placed in the "Poor" category.

CHAPTER VI

PRESIDENTIAL SUCCESSION AND THE VICE PRESIDENCY

On July 6, 1965, the Twenty-Fifth Amendment to the Constitution of the United States was proposed by Congress. The proposed amendment dealt primarily with presidential disability and vice presidential vacancy. Prior to the proposed amendment several presidents had been disabled and the vice presidential office had been vacant 16 times. On February 23, 1967, the proposed amendment was declared ratified. Section Two provided for the filling of vice presidential vacancies. Seven years later Section Two of the Twenty-Fifth Amendment had been invoked twice.

For over two years the United States had a president and a vice president, neither of whom had faced election to those offices. After the resignation of Spiro Agnew, Richard Nixon nominated Gerald Ford to be Vice President. Following the resignation of Nixon, Ford became President, and he nominated Nelson Rockefeller for Vice President. Thus, Gerald Ford was President, although never being elected except by the majority of voters of a single congressional district in Michigan. His Vice President, Nelson Rockefeller, had unsuccessfully attempted to win his party's presidential nomination on three occasions. Both came into power through the process outlined in Section Two of the Twenty-Fifth Amendment. Neither the principal author nor the other members of Congress voting on this section conceived of this ever happening. It was not brought up during the congressional hearings nor debated on the floor.

This does not automatically condemn the amendment. For some it does not even justify criticism. As former Senator Birch Bayh has stated, "Compared to many issues of the day, presidential succession and disability had little legislative sex appeal."¹ Several important criticisms have been directed toward the amendment--the undemocratic nature of filling vice presidential vacancies; not providing for time limits; and lack of provision for other contingencies--to name a few. What was the rationale behind Section Two of the Twenty-Fifth Amendment and how has that section worked in practice? Perhaps after years of trying, the United States has satisfactorily solved the problem of presidential succession. Perhaps not. This chapter will attempt to answer these questions. Before detailing the rationale behind Section Two, a brief history of presidential succession is in order.

The History of Presidential Succession

Only one written plan for presidential succession was submitted to the Constitutional Convention in 1787. This was the Pinkney Plan. It contained the following:

In case of his [the President's] removal, death, resignation, or disability, the President of the Senate shall exercise the duties of his office until another President be chosen--and in case of the death of the President of the Senate the Speaker of the House of Delegates shall do so. . . .²

A similar plan was voiced by Alexander Hamilton at the Convention: "On the death, resignation, or removal of the Governor, his authorities are to be exercised by the President of the Senate till a successor be appointed."³ Two points should be made about these two proposals. First, the President of the Senate referred to is not the vice president since that office had not been brought up yet at the Convention. Second, in

both provisions the succession is only temporary, pending the use of some other selection method. On September 4, the Committee of Eleven (created for difficult problems) made its report:

... in case of his removal as aforesaid, death, absence, resignation or inability to discharge the powers or duties of his office, the Vice President shall exercise those powers and duties until another President be chosen, or until the inability of the President is removed.⁴

The primary difference in this plan and the earlier proposals is that it made the vice president heir rather than the President of the Senate. Also clear is that the vice president was not to become the president (merely exercise powers and duties), although the Committee of Eleven provided no provision for a special election in case of the president's death or removal.⁵

The means of providing a successor when both the office of the president and vice president are vacant was also discussed during the Constitutional Convention. On August 27, 1787, it was suggested that Congress have the power to appoint a successor "until the time of electing a President shall arrive." Madison objected to the underscored portion because it would make all successors permanent and prevent the holding of "special elections." He moved to substitute, and the delegates adopted the following: "until such disability be removed, or a President shall be elected."⁶

The provision for a "single" vacancy and this proposal for a "double" vacancy were sent to the Committee of Style. The Committee reported the following:

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, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the president

and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or the period for choosing another president arrive.⁷

On September 15, a verbal amendment was made changing "or the period for choosing another president arrive" to the clause found in the Constitution today, "or a President shall be elected (Article II, Section 1)."

In summary the following points should be made:

1. In the event of a 'single' vacancy, the vice president would exercise the powers and duties of the presidency but would not become president.
2. In the event of a 'single' vacancy, the vice president would act as president until a president was elected.
3. In the event of a 'double' vacancy, the named successor would act as president until a president was elected.
4. No provision was made for a vacancy in the vice presidency.

In addition to the provision for succession, the vice president was also made presiding officer of the Senate and given a tie-breaking vote. Of these two constitutional powers, succession was the more important. This was especially true following the first instance of presidential succession.

The Tyler Precedent: The First "Single" Vacancy

John Tyler, the first individual to succeed to the presidency, afforded a definitive (although questionably accurate) interpretation of the constitutional language pertaining to succession.⁸ Tyler believed that "... the same shall devolve on the vice president..." (Article II, Section 1) referred to the office of the president rather than just the powers and duties of the office. He became the new president and regarded the procedure of a special election applicable only to instances of double vacancies.⁹ Tyler settled the issue concerning the status of a

vice president succeeding to the presidency. As far as Tyler was concerned, there was to be no special election.

Presidential Succession Acts

Article II, Section 1 of the Constitution provides that when there is a vacancy in both the presidency and vice presidency, Congress may by law provide for a successor. Acting under this constitutional authority, Congress passed the first Presidential Succession Act in 1792. That act named the President of the Senate pro tempore as the immediate successor. If there were no President pro tempore, then the Speaker of the House of Representatives would succeed to the presidency. According to the Act, either successor was to act as President until the disability be removed or a president be elected. Since these designated successors were only temporary, the act also provided for a "special election" to be held to elect a new president and vice president. This congressional endorsement of a "special election" in the act is very significant. In light of the fact that several men supporting this 1792 act were present during the writing of the Constitution, it is hard to question the constitutionality of such a provision.

The 1792 Presidential Succession Act went unchallenged for several years; however, certain events raised doubts about the value of the Act. The impeachment of Andrew Johnson underlined the danger of designating the President pro tempore of the Senate, a member of the tribunal by whose decrees a vacancy may be produced, as heir to the presidency.¹⁰ Following the death of President Garfield, another flaw in the Act was highlighted. Since congressional sessions were not the lengthy ones we

experience today, Congress was not in session and therefore no successor existed in the event something happened to Vice President Arthur.¹¹

These defects and a recurrence of the lack of a successor during the Cleveland administration, when Vice President Hendricks died and Congress had not convened, resulted in the Presidential Succession Act of 1886. This Act placed the heads of the cabinet departments (in order of their creation, beginning with the Secretary of State) as successors in the event of a "double vacancy." The Act also allowed a "special election" to be held.

The 1886 law remained unchanged until President Truman succeeded to the presidency after the death of Franklin Roosevelt. President Truman delivered a special message to Congress proposing changes in the 1886 law. "That old act," he said, "gave the President power to appoint his own successor, in the person of the Secretary of State."¹² In Truman's opinion the office of the President should be filled by an elected, not appointed, official. After several unsuccessful attempts to revise the presidential succession law during the Truman administration, Congress passed the Presidential Succession Act of 1947. The Act provided that whenever there was a vacancy in the presidency and vice presidency, the line of succession began with the Speaker of the House. If there were no Speaker of the House, the President pro tempore of the Senate would act as President. Finally, if there were no President pro tempore, the cabinet officers (beginning with the Secretary of State and continuing in the order of establishment) would act as President. Contrary to Truman's wishes, Congress did not include a "special election" provision in the 1947 Act.

Although all three Presidential Succession Acts provided for succession beyond the Vice President, succession has never proceeded further

than the vice president. None of the Acts has ever been used because there has never been a "double" vacancy. However, the succession of Lyndon Johnson to the presidency in 1963 marked the sixteenth time the vice presidency had been vacant. These vacancies totaled more than 37 years or nearly one-fifth of the history of the United States.

Development of the Twenty-Fifth Amendment

Shortly after the death of President Kennedy, Lyndon Johnson, the Vice President, was sworn into office and became the thirty-third President. He served without a vice president, however, because neither the Constitution nor the Presidential Succession Act provided for the filling of vice presidential vacancies.

As Chairman of the Senate Subcommittee on Constitutional Amendments, Birch Bayh introduced on December 12, 1963, a resolution that provided, among other things, for the filling of vacancies in the vice presidency.¹³ Although Congress adjourned before action could be taken on this resolution, Congress did pass a resolution acceptable to both chambers on July 6, 1965, and within two years the proposed amendment was ratified. The section pertaining to vice presidential vacancies (Section Two) provided the following: "Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both houses of Congress." Two successive implementations of this section resulted in an appointive president and vice president.¹⁴ This somewhat surprising situation led the Subcommittee on Constitutional Amendments to hold hearings examining the workings of Section Two.¹⁵

Promise and Performance

The preceding discussion of the history of presidential succession and development of the Twenty-Fifth Amendment ignored the basic rationale behind the Amendment. Before critically examining the only two occurrences of the use of Section Two, some discussion on this rationale is in order. Why was Section Two written to provide for presidential nomination and congressional confirmation?

Rationale

"Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President. . ." (emphasis mine).

Section Two gives the initiative for filling vice presidential vacancies to the President. During the hearings and debate it was proposed that Congress, or perhaps only those members of Congress of the same party as the President, be given the initiative for selection. The President could then exercise his veto if not satisfied with the congressional choice. Support for this method comes from the contingency plans for electing a president or vice president when one or both do not receive a majority of electoral college votes. Reliance on presidential initiative won the day for several reasons. First, the most important and frequently mentioned support of presidential (and for that matter the entire Section Two) was that the vice president must be someone with whom the president can work. Allowing the president to have the initiative in vice presidential selection is, it was argued, the best method for insuring "harmony." Second, there is somewhat of a precedent for allowing this method. Both major

parties in the United States allow their presidential nominees to select their running mates at the national conventions. Third, this method insures that the vice president will be of the same party as the president. Finally, all of these factors taken together mean that should a vice president selected under Section Two succeed to the presidency, continuity would be provided. During the Senate debates of September 28, 1964, Birch Bayh stated, "By this means, it is virtually assured that the Vice President will continue to be a man in whom the President has full confidence and a man of the same political party and political philosophy."¹⁶

No time limit was placed on the nomination process, although some were proposed during the debate and have been advocated since.

" . . . shall take office upon confirmation by a majority vote of both Houses of Congress . . . " (emphasis mine).

The appointment of a vice president was to be atypical of other presidential appointments. This was because of the unique role that was to be played by members of Congress. The Congress was to act for the entire electorate with each representative and senator casting a vote as an elector (the 535 members approximate the electoral college except for the three votes given Washington, D.C. by the Twenty-Third Amendment). This role ("surrogate electors") is unlike the "advise and consent" role established by the Constitution for Senate confirmation of officers. The confirmation process would also allow a deliberate and extensive examination of the nominee's qualifications. Birch Bayh stated in the Senate debates of February 19, 1965,

It would provide for a Vice President who would have received a vote of confidence and would have been, in fact, elected by the Members of both Houses who have the responsibility for being close to the people and knowing what they desire and expressing their wishes in Congress.¹⁷

Congress is to represent the people in electing a new vice president. This responsibility is quantitatively different than any other.¹⁸

In summary the rationale supporting Section Two of the Twenty-Fifth Amendment is as follows:

1. It insures a vice president of the same party.
2. It insures continuity should an appointed vice president succeed to the presidency.
3. It insures harmony between the presidential-vice presidential team.
4. It allows the Congress to act as 'surrogate voters,' thus indirectly giving the electorate a voice in the selection of the vice president.

All other proposals for filling vice presidential vacancies were dismissed on the grounds that the above goals (which are very similar to those listed in Chapter IV) were not met. Do the first and only two instances of the implementation of Section Two confirm or dispel this rationale?

Surrogate Electors

There appears to be a contradiction voiced by those supporting congressional confirmation with the congressmen and senators acting as "surrogate electors" expressing the wishes of their constituent voters. On the one hand, one might suppose that if this is the role that congressmen are to adopt, then the vote would somewhat parallel party strength in the Congress. After all, at election time voters are exercising a political function. Likewise, if congressmen are acting for the public in "electing" a vice president, it would not be unusual for party politics to become involved. Indeed, it would be anticipated. Furthermore, although Congress lacks the party discipline that characterizes parliamentary governments, there are some issues that are more likely to elicit party

cohesion. Jewell and Patterson have noted that issues involving the prestige and fundamental programs of the administration and issues involving the special interests of the parties are more likely to evoke partisan voting.¹⁹ A major appointment like that of vice president certainly involves the prestige of a president. The vice president, if confirmed, will become a spokesman of the administration, President of the Senate, and most important, potential heir to the presidency. Since the nomination will be of interest to both major parties, it is suspected that party cohesion will be evident.

Yet the same individuals voicing support of the Congress acting as "surrogate electors" have argued that partisan politics should be eliminated from the process:

I have more faith in the Congress acting in an emergency in the white heat of publicity, with American people looking on. The last thing Congress would dare to do would be to become involved in a purely political move (emphasis mine).²⁰

While this quotation has stronger partisan tones than suggested in the above discussion, it is apparent from the hearings and debate that the "white heat of publicity" would prevent politics entering the confirmation and at the same time speed the process. One cannot have it both ways.

Examination of the voting on the Ford and Rockefeller confirmations allays any doubts about partisan politics playing a part in the confirmation process and at the same time raises doubts about the possibility of congressmen and senators acting as "surrogate electors" (see Table VIII). One would have to agree with Schlesinger, in his observation that it seems improbable that any popular election would have given Ford and Rockefeller such extraordinary majorities.²¹ The conclusion is obvious that

TABLE VIII
 CONGRESSIONAL VOTE ON CONFIRMATION OF VICE
 PRESIDENTIAL NOMINEES BY PARTY

	House		Senate		Total
	Democrat	Republican	Democrat	Republican	
Ford					
For	201	186	52	40	479
Against	35	0	3	0	38
Rockefeller					
For	134	153	53	37	377
Against	99	29	4	3	135

Source: Congressional Quarterly, Vol. 21 (November 27, 1973); Vol. 22 (January 12, 1974); Vol. 23 (January 11, 1975).

Congress did not act as a "surrogate electorate," but was guided by the advise and consent function given for cabinet, judicial, and other superior officers.

Harmony or Continuity?

That presidential nominees determine, in effect, their vice presidential running mates weighed heavily in giving the president the initiative in filling vice presidential vacancies. As was pointed out in Chapter III, more often than not presidential nominees select vice presidential running mates who serve in some way to "balance the ticket." As one congressman stated, "Whether they should or not, they will not, in the final analysis, choose their vice presidential candidate to succeed them; they will choose them to help them succeed."²² Will presidents use this power in the same way that presidential nominees have used it? According to the rationale supporting Section Two, the answer would be no. In order to test this question, three areas of possible balance were selected (based on historical balances).

Ideology

The ideology of Nixon, Ford, and Rockefeller was defined by respective ADA ratings. The ratings were available for Gerald Ford up until the time he became a nominee. Using the votes on which the ADA rated Congress for 1971 and 1973, and comparing the position favored by the ADA and the position taken by President Nixon, an approximate ADA score was tabulated. Similarly, an approximate ADA score was derived for Nelson Rockefeller. Using this measure, Nixon's ADA rating was 7, Ford's was 11, and Rockefeller was far removed from the former with a rating of 70.

Another measurement was undertaken attempting to demonstrate similarity or dissimilarity in political beliefs. A list of issues was selected and a general agreement or disagreement score was noted. The position for Mr. Nixon was determined from the Public Papers and "The Public Record of Richard Nixon."²³ The position for Mr. Ford was taken from the "Analysis of the Philosophy and Voting Record of Representative Gerald R. Ford, Nominee for Vice President of the United States" and from his voting record.²⁴ Mr. Rockefeller's views were obtained from a report prepared by the Congressional Research Service: "Analysis of the Philosophy and Public Record of Nelson A. Rockefeller, Nominee for Vice President of the United States."²⁵ The data are given in Table IX. The broad issues listed in this table are the ones addressed by the Library of Congress study on Mr. Ford and Mr. Rockefeller. Because each issue is so broad, it was possible for a positive score on one specific policy and a negative score on another specific policy within each issue. If this occurred, a score of "ambivalent" was recorded in the table. Otherwise the men were rated according to the preponderance of specific policy positions within each issue.

While one might question the existence of an ideological balance between Richard Nixon and Gerald Ford, based on the ADA ratings and policy positions, certainly the difference between Gerald Ford and Nelson Rockefeller is great enough to label it a balance. The lack of balance in ideology between Richard Nixon and Gerald Ford could be attributed to many factors. When nominating Ford, though, Nixon had the concerns of Watergate, and he had been elected to the presidency his second time (and thus reached the constitutional limit). There was no need, therefore, to select a more liberal nominee in hopes of gaining a potential electoral

TABLE IX
 POSITION OF PRESIDENT AND VICE PRESIDENTIAL
 NOMINEE ON SELECTED ISSUES

Issues	Position				
	Nixon	Ford	Nixon-Ford Agreement (Yes-No)	Rockefeller	Ford-Rockefeller Agreement (Yes-No)
ABM	+	+	Y	+	Y
Abortion	-	+	N	+	Y
Atomic Energy	+	+	Y	+	Y
Balanced Budget	+	+	Y	+	Y
Busing	-	-	Y	0	N
Capital Punish- ment	+	+	Y	-	N
Civil Rights	+	-	N	+	N
Drug Control	+	+	Y	+	Y
Aid to Education	+	0	N	+	N
Election Reform	+	+	Y	+	Y
Executive Privi- lege	+	+	Y	+	Y
Food Shortage	X	-	-	+	N
Foreign Policy	+	+	Y	+	Y
Gun Control	-	+	N	+	Y
Housing	+	-	N	+	N
Impoundment	+	+	Y	0	N
Minimum Wage	+	---	N	+	N
National Health Insurance	X	+	-	+	Y
Oil Imports	X	+	-	-	N
Prayers in Pub- lic Schools	X	+	-	+	Y
Revenue Sharing	+	+	Y	+	Y
Tax Reform	+	0	N	+	N
Pollution Control	+	+	Y	+	Y
SST	+	+	Y	0	N
Wage and Price Controls	-	-	Y	-	Y
Welform Reform	+	+	Y	+	Y
Women's Rights	+	+	Y	+	Y

Agreement Nixon-Ford = 70%

Agreement Ford-Rockefeller = 59%

+ = For.

- = Against.

0 = Ambivalent.

X = Not available.

edge in a forthcoming election. Gerald Ford, on the other hand, selected the man who, in all probability, appeared to be his likely running mate in 1976 when he nominated Nelson Rockefeller. An ideological balance would appeal to the ideological differences within the Republican party and between the parties. With his definite decision to enter the 1976 election, it is evident ideology was an important factor in Ford's selection of a vice presidential nominee.

Geography

Another political consideration of presidential nominees in selecting a running mate is a geographical "balancing of the ticket." Using birthplace, residence, and areas of political participation to determine geographical areas, both vice presidential nominees balanced their respective presidents. Nixon, from the West, chose a midwesterner, who in turn selected Nelson Rockefeller, an established easterner.

Character

The early classification of presidents relied on categories such as "weak" or "strong" with very little clarification of the criteria used for either. Recently, more sophisticated typologies concerning presidential character have been developed.²⁶ Barber's typology relies on the following classifications: active-positive, active-negative, passive-positive, and passive-negative. If "character" is as important in determining behavior of a president, as Barber and others would have us believe, then the "character" of a potential heir to the presidency becomes important. Defenders of Section Two would argue that the best method for

insuring harmony and continuity is to give the president the power to select the vice president. Has this been confirmed by the two occurrences of vice presidential nomination?

To test this rationale each president and vice president nominee was labeled as either active or inactive using several criteria: the number of governmental offices and positions held or contested; the number of governmental proposals initiated; strict activity (example: working or campaigning long hours). Relying on these indices, Richard Nixon would be labeled an "active" president.²⁷ Nixon held several governmental offices and contested several others. He was a member of the House of Representatives from 1946 to 1950, and was a United States Senator from 1950 to 1952. In 1952, Nixon became Vice President and successfully ran again with Eisenhower in 1956. Nixon campaigned vigorously in 1960 for the presidency. As part of his campaign strategy, he promised to visit all 50 states before the election. Two years later Nixon lost his bid for the governorship of his home state of California. He was elected President in 1968, and defeated George McGovern in the 1972 election.

Nixon sponsored several pieces of legislation during his membership in the House and Senate. He sponsored 47 bills and cosponsored 28 others from 1947 to 1952.²⁸ He initiated many governmental proposals as President. During his third year as President, Nixon proposed his six great goals: revenue sharing, welfare reform, executive reorganization, health insurance, environmental protection, and economic prosperity. These facts indicate an active political career.

The career pattern for Nixon's vice presidential appointee, however, is quite different. Ford was elected to the House of Representatives in 1949. He was re-elected until his nomination to the vice presidency in

1973. His lifelong political dream was to become Speaker of the House.²⁹ He was not considered an active congressman. Although he was a member of Congress for 25 years, not one major bill ever came out of Congress under his name or aegis.³⁰ Representatives from both parties criticized Ford for his lack of leadership in the House of Representatives and other politicians were critical of his inactivity as Vice President and President.³¹ It should be noted that Gerald Ford was House Minority Leader from 1963 until becoming Nixon's Vice President. Yet, the acquisition of that leadership position had little to do with Ford's activity. As terHorst has argued:

In selecting Ford as Hoever's successor, the Young Turks picked an easy-going, pipe-smoking man whose prime qualification was that he knew he had few enemies in the House. Ford had not clawed his way to the top of the heap, nor had he demonstrated such charismatic leadership that supporters clamored to do his bidding.³²

The number of political positions held by Nelson Rockefeller is quite extensive.³³ In addition, Rockefeller sought the Republican nomination for the presidency on several occasions. As Governor of New York from 1959 to 1973, Rockefeller initiated many programs such as the State Consumer Protection Board, no-fault insurance, a large-scale construction program to rehabilitate prison facilities, and he created the nation's first State Council on the Arts.

Based on these facts and the indices relied upon, the following pattern occurs: an "active" Nixon selected an "inactive" Ford, who chose Rockefeller, an "active" politician.

The data, then, appear to indicate that of the four major reasons justifying Section Two, only one has been confirmed in the two instances of filling a vice presidential vacancy. Both Richard Nixon and Gerald

Ford did nominate vice presidents of the same political party. As demonstrated earlier, Congress did not act as "surrogate electors," but was directed by the "advise and consent" function given to the Senate on all other nominations of superior officers. It has also been shown that both presidents nominated vice presidents who "balanced" many of their characteristics. This reliance on a balance is not what the supporters of Section Two envisioned. In fact, it is a major attack on the rationale supporting presidential nomination of vice presidents.

Proposals for Change

Section Two of the Amendment has not worked as was intended and there is no reason to believe it will work any differently in the future. Several suggestions have been put forward for improving it.

First, it has been proposed that a time limit be placed on the nomination and confirmation of a vice presidential appointment. In late 1974, President Ford remarked, "In this dangerous age . . . we need a vice president at all times, and I speak as one who ought to know."³⁴ The confirmation of Gerald Ford took 55 days while that for Nelson Rockefeller took 121 days. Birch Bayh, among others, vehemently opposed any time limit. After the first two appointments, Bayh stated, "Both Senator Ervin and myself talked about the folly of setting a time limit on the search for truth."³⁵ Another related proposal would require joint confirmation hearings. This would, it is argued, expedite the process and at the same time allow each house to vote separately. The American Bar Association endorsed this proposal in a report issued in June, 1974.³⁶

A second group of reforms are more extreme than those discussed above. In the ninety-fourth Congress, Senator John Pastore introduced a

resolution that would have restored, in his mind, some democracy to the procedure for filling vice presidential vacancies. Pastore's proposal provided that Section Two would be inoperative in the event a vice president, appointed under that provision, succeeded to the presidency. In that case, a special election would be held to elect a new president and vice president for the remainder of the existing term (if at least one year remained). He stated that the purpose of his proposal was to allow the voice of the people to be expressed through an election should the situation ever arise when an appointed vice president succeeds to the presidency.³⁷ This proposal would remedy the situation found repugnant to so many in 1976: an appointed president and vice president. Another proposal, related to this one, would use special elections only under different circumstances. Senator Hathaway proposed,

... that in the case of a vacancy occurring in the office of both the president and the vice president, there will be a special election with the highest ranking officer of the House of Representatives of the same party as the outgoing president serving as acting president until such election is held.³⁸

Criticisms of these proposals focus on their creation of a "caretaker" regime and the undesirability of a special election. The same criticisms apply to the proposal to abolish the vice presidency (assuming some provision for a temporary successor and a subsequent special election). Given the findings in this and previous chapters, it is important to discuss these criticisms.

Special Elections and Caretaker Regimes

Section One of the Twenty-Fifth Amendment precludes the use of a special election when a president dies, resigns, or is removed from office. The section makes Tyler's precedent constitutional, and thus grants a

succeeding vice president presidential status. Given a president through this method, there is no need for a special election to elect one.

This is not what the Founding Fathers intended. This is Tyler's interpretation of Article II, Section 1, paragraph 6, and Birch Bayh has stated that Tyler probably ignored what our Founding Fathers thought.³⁹ They intended for the succeeding vice president to act as president until a president could be chosen.⁴⁰ This points out a philosophical justification for advocacy of special elections, especially when succession goes beyond the vice president. The questions of practicality and feasibility remain, but surely what takes precedence in this instance is a belief in democratic principles. While few might deny that selecting national leaders by inheritance would be less bothersome than periodic popular elections, such a policy is fundamentally undemocratic. In short, easiest is not always best (nor is it always the most practical). Speaking of the power to fill a vacancy in the vice presidency through presidential appointment, then, Congressman Charles Mathias stated, "I oppose such power as being in conflict with the basic principles of the Republic and the philosophy of the Constitution which tends to disperse, rather than to centralize power."⁴¹

One of the major concerns voiced with the use of special elections is the inability of an acting president to perform executive duties in an efficient and credible manner. This concern over a "caretaker" regime is one that should be taken seriously. The pressing problems of domestic and foreign policy demand an administration that commands the respect of the Congress and the public. Would that respect for an acting president be forthcoming? Since the United States has never witnessed an acting president, any answer must rely on speculation; however, it is possible

to get a general indication by examining the closest thing--a succeeding vice president.⁴² Table X illustrates the percentage of approval ratings for every Gallup poll since the succession of Harry Truman.⁴³ Surprisingly, the highest approval rating average occurs with the first year successors. When the subsequent four-year terms of these successors are included, the approval rating drops about 10 percentage points. This suggests a "honeymoon" period, but all of the figures are relatively high and close. These data suggest that the closest thing the United States has to compare to an acting president has not had a problem with approval ratings. It should be noted that Gerald Ford's ratings are lower than the other successors. One could argue that this is because of the particular way in which Ford became Vice President. Acceptance of this argument could lead one to condemn the method of selection. Another argument is that an acting president would receive even worse approval ratings. Again, the closest evidence is presented in Table X. That evidence suggests that succeeding vice presidents do not experience exceptional first year (or full term) credibility gaps with the public. In fact, for the first year just the opposite holds true.

An acting president (before a special election would be held) would reduce the probability of low approval ratings. Although approval ratings may remain relatively high, anyone succeeding to the presidency raises the question of what role the successor will play. Will the successor serve as caretaker? Will the successor initiate new and different policies? This uncertainty would be reduced if the public knew a successor would act as president until an election could be held. It would be easier for the public, Congress, and the successor to know that a definite role was expected of the one succeeding.

TABLE X
 AVERAGE APPROVAL RATINGS OF PRESIDENTS, 1945-1977

	First Year Following Succession (%)	Overall for Successor		First Year Following Election (T)	Overall for Elected Terms (%)
		Elected Terms (%)	Elected Terms (%)		
Truman	67.3	47.2	53.7	47.5	40.8
Eisenhower					
1952	---	---	---	68.0	68.9
1956	---	---	---	62.6	60.2
Kennedy	---	---	---	75.6	70.2
Johnson	79.0	62.8	74.0	66.0	51.6
Nixon					
1968	---	---	---	61.6	56.9
1972	---	---	---	40.2	36.4
Ford	45.7	---	45.8	---	---
Carter	---	---	---	64.1 ¹	49.6 ²
Average	64.0	55.0	57.8	60.7	54.3

¹As of November, 1977.

²As of January, 1980.

For those who still could not live with a policy allowing acting presidents, it should be noted that both the Constitution and the 1947 Presidential Succession Act provide for acting presidents. Sections Three and Four of the Twenty-Fifth Amendment provide for an acting president whenever the president becomes disabled. Most of what is contained in these sections is provided for in the original text of the Constitution, but again, Tyler's precedent led to confusion over implementation. The 1947 Presidential Succession Act also specifies, "If there is neither a President nor Vice President, then the Speaker of the House shall act as President."⁴⁴

Birch Bayh is opposed to the use of special elections for the following reasons: (1) delay, (2) departure from quadrennial presidential elections, (3) cost, and (4) divisive partisan effect on the country at a time when unity is most needed.⁴⁵ All these concerns have possible remedies. As part of the mechanics of a special election law, Congress could establish a limit on the length and cost of the election. Limitations on campaign spending have already been used in presidential elections. Congress could also set a time limit on the whole process. Because they have no vice president, the French use special elections with a 35-day time limit on the entire process. Noting that this procedure has worked well for the French, Schlesinger has stated, "Short campaigns, federally financed, would be a blessing infinitely appreciated by the electorate."⁴⁶ Regarding the concern over the departure from quadrennial presidential elections, this is a question open to constitutional interpretation with most evidence supporting a specially elected president serving only the remainder of a term. The constitutional language used pertaining to presidents is the same as that used with members of Congress, and it is

not questioned that congressmen elected in special elections serve only until the regular term expires. Why should the presidency be unique in this regard? Finally, there is the question of special elections occurring during times when the country is in need of unity. If events dictated when elections would be held, elections occurring during national emergencies or crises would be postponed. Thus, the 1944 presidential election very likely should have been postponed because of the possible divisiveness it could have created. On the other hand, one could just as easily argue that elections can provide the unity needed during emergency or crisis situations.

The most formidable obstacle to special elections in the United States is Section One of the Twenty-Fifth Amendment. Considering that the Constitution has been amended only 26 times (and 10 of those in one group), it is unlikely that any change is forthcoming in the near future. If such an amendment were proposed, why not use the opportunity to abolish the vice presidency? This question is discussed in the concluding chapter.

NOTES

¹ Birch Bayh, One Heartbeat Away (New York, 1968), p. 52.

² Ruth Silva, Presidential Succession (Ann Arbor, 1951), p. 4.

³ Ibid.

⁴ Ibid., p. 5.

⁵ Ibid., pp. 5-6.

⁶ Ibid.

⁷ U.S. Congress, House, Committee on the Judiciary, Application of the Twenty-Fifth Amendment to Vacancies in the Office of Vice President, 93rd Cong., 1st sess., 1973, pp. 117-118. (Hereafter referred to as Application of XXVth.)

⁸ Bayh, p. 14.

⁹ Ibid. The first official paper placed before Tyler to be signed contained the title "Acting President" under the prescribed place for his signature. Tyler took one look and without hesitation struck the word Acting. This could be labeled a constitutional coup, for there is little evidence that Tyler acted constitutionally.

¹⁰ President Johnson escaped conviction by one vote. The president pro tem (next to succeed) voted for conviction.

¹¹ A further flaw became apparent in the rush to provide Arthur with a successor. In electing a president pro tem, the Senate could place an individual of a different party in line to succeed the president.

¹² Bayh, pp. 21-22.

¹³ Ibid., pp. 351-353. This was Joint Resolution 139.

¹⁴ That chain of events began with Spiro Agnew's resignation on

October 10, 1973. President Nixon, using Section Two of the Twenty-Fifth Amendment, nominated Gerald Ford on October 12, 1973. On December 6, 1973, for the first time in the history of the United States, Congress approved a vice presidential nominee, and for the first time the House acted with the Senate in confirmation of an executive official. Following Nixon's resignation in August of 1974, Gerald Ford nominated Nelson Rockefeller for Vice President. Congress confirmed the nomination on December 19, 1974.

¹⁵U.S. Congress, Senate, Committee on the Judiciary, Examination of the First Implementation of Section Two of the Twenty-Fifth Amendment, Hearings before the Subcommittee on Constitutional Amendments, 94th Cong., 1st sess., 1975. (Hereafter referred to as First Implementation.)

¹⁶U.S. Congress, Senate, Committee on the Judiciary, Selected Materials on the Twenty-Fifth Amendment, 93rd Cong., 1st sess., 1973, p. 287. (Hereafter referred to as Selected Materials.)

¹⁷Ibid., p. 288.

¹⁸First Implementation, p. 19.

¹⁹Malcolm Jewell and Samuel Patterson, The Legislative Process in the United States (New York, 1966), p. 430.

²⁰Selected Materials, p. 292.

²¹First Implementation, p. 68. The House vote for both men is significant at the .05 level, but the Senate vote is not. It should be noted that a chi square test of significance is of questionable value since there is no true sample involved here. A better indication of the lack of party influence here is a "party vote." Jewell and Patterson describe party vote as one in which the two parties take opposite sides and each party has a high (60-80) index of cohesion. None of the votes on vice presidential nominees approaches this definition.

²²Arthur M. Schlesinger, Jr., "On the Presidential Succession," Political Science Quarterly, 89 (Fall, 1974), p. 484.

²³"The Public Record of Richard Nixon," Congressional Quarterly, 26 (August 16, 1968), p. 50.

²⁴U.S. Congress, Senate, Report of the Committee on Rules and Administration, Nomination of Gerald Ford of Michigan to be Vice President of the United States, 93rd Cong., 1st sess., 1973.

²⁵U.S. Congress, Senate, Report on the Committee on Rules and Administration, Nomination of Nelson A. Rockefeller of New York to be Vice President of the United States, Hearings, 93rd Cong., 2nd sess., 1974.

²⁶James D. Barber, The Presidential Character, 2nd ed. (Englewood Cliffs, N.J., 1977), p.

²⁷Barber also classifies Nixon as "active," but the reader should note that Barber's active-passive classification relies on only one criterion: day-to-day output of energy.

²⁸"The Public Record of Richard Nixon," p. 2151.

²⁹"Notes and Comment: Congressman Ford," New Yorker, 49 (November, 12, 1973), p. 42.

³⁰B. Brower, "Under Ford's Helmet," New York Times Magazine (September 15, 1974), p. 65.

³¹"Ford: Keeping a Low Profile on Capitol Hill," Congressional Quarterly, 33 (August 3, 1974), p. 2027.

³²J. F. terHorst, Gerald Ford and the Future of the Presidency (New York, 1974), p. 81.

³³Coordination of Inter-American Affairs, 1940-1944; Assistant Secretary of State for American Republic Affairs, 1944-1945; Chairman of International Development Advisory Board, 1950-1951; Under Secretary of Health, Education and Welfare, 1953-1954; Chairman of President Eisenhower's Commission on Government Organization, 1953-1958; Assistant to President Eisenhower, 1954-1955; Governor of New York, 1959-1973; Member of the Advisory Committee on Intergovernmental Relations, 1965-1969; Chairman of Governor's Conference Committee on Human Resources, 1967-1972; and Member of President Nixon's Foreign Intelligence Advisory Board, 1969-1974.

³⁴First Implementation, p. 181.

³⁵*ibid.*, p. 61.

³⁶*ibid.*, p. 143.

³⁷*ibid.*, p. 2.

³⁸*ibid.*, p. 21.

³⁹ *Ibid.*, pp. 59-60.

⁴⁰ *Ibid.*, p. 118. The article originally agreed upon by the Constitutional Convention read: "... and in the case of the removal as aforesaid, death, absence, resignation or inability to discharge the powers and duties of his office, the Vice President shall exercise those powers and duties until another President be chosen, or until the inability of the President be removed." It was not until later in the Convention that the Committee on Style, which had no authority to amend or alter the substance or meaning of the provisions, combined this phrase with the "double vacancy" provision creating a single paragraph (Article II, Section 1, paragraph 6). It was Tyler who later gave his own interpretation to the paragraph, although Congress was trying to tell him differently.

⁴¹ Application of XXVth, p. 318.

⁴² Gerald Ford's case provides what would have to be an even closer type.

⁴³ The data for this table were taken from updated material for Gallup polls.

⁴⁴ John D. Feerick, From Failing Hands (New York, 1965), pp. 318-319.

⁴⁵ First Implementation, pp. 17-19.

⁴⁶ Schlesinger, p. 504.

CHAPTER VII

CONCLUSION

The Founding Fathers created the vice presidency for certain reasons. Once created, they assigned this officer two constitutional duties. While the wisdom of these men is evident in the longevity of the Constitution, the vice presidency has not developed as they intended. Not only the office but the succession procedure has also failed to operate as they intended. Numerous explanations can be given for why this occurred. The development of political parties, and their impact on the electoral process, is a major reason for the demise of the vice presidency. Other reasons have been discussed in the preceding pages. Given these findings, the office is of questionable worth.

Why not abolish the vice presidency? Several conventional reasons exist for not doing so. First, there is what could be called the "elective successor" argument. Presidential vacancies do occur, and the vice president, as provided in the Constitution, is the immediate successor to the presidency. It seems only appropriate that in a government that is called democratic, the successor should be an elected official. This argument, as pointed out in the preceding chapter, was the reason for passing the 1947 Presidential Succession Act. As an elected official, the vice president not only remedies presidential vacancies but in such a way that gives credibility and legitimacy to the process.

This reasoning concerning the "elective successor" is indirectly revealed in the concern which presidential candidates show in the selection of their vice presidential running mate. Assuming that the voters can be "won over" or "lost" because of this selection, presidential candidates search for the running mate whose candidacy will result in the former.

A second reason for not abolishing the vice presidency is that a vice president serves as an apprentice or understudy for the presidency. Like the first reason, this one is tied to the succession function. Given the constitutional provisions making the vice president the immediate successor, it makes sense to have someone as best prepared as possible for becoming president. This argument is most persuasive when vice presidents are given important duties to perform and are actively involved in an administration's day-to-day governing; however, the argument does not depend on this. Even if a vice president is not given important day-to-day duties, he would, if nothing else through osmosis, be in a better position to become president than another officer.

Third, if the vice presidency is abolished, who will serve as immediate successor? It is unlikely that a new officer would be created with a national constituency like the vice president currently claims. A rather substantial change such as abolishing the vice presidency would probably be accompanied with some provision for special elections. That would, in all probability, result in the creation, so the argument goes, of a caretaker regime. Such a regime would be an unfortunate situation for the country to be in, particularly, it is argued, at a time of a death, resignation, or removal of a president.

Other reasons exist for retaining the vice presidency, though none are as compelling as the above three. For example, it is argued that

since the Founding Fathers in their wisdom saw a need for the vice presidency, the office should be retained. Also, all reform proposals, should the vice presidency be abolished, are attacked as having their own particular pitfalls. The caretaker regime problem has already been mentioned. In addition, it is argued that the vice presidency, though deservedly criticized in the past, is developing into an important office and is attracting higher caliber individuals.

Every argument given above has been questioned and tested in the preceding chapters. As revealed in those chapters, very few of the arguments have been supported by the evidence presented. The conclusions presented in this study, taken together, lead to the overall conclusion that the vice presidency should be abolished.

Most voters do not vote "for" a vice presidential candidate. When a presidential candidate announces his choice of running mate, he normally loses votes. Even if this were not true, presidents normally select running mates that are as unlike them as possible in order to attract votes. They are constrained only by the fear of dividing the party or leaving themselves vulnerable to charges of blatant political use of the office. The question is not if they will use the office to attract votes, but given that as a political fact, how extreme the balance will be. The system encourages balance, and in so doing works against harmony and continuity when succession is necessary.

When compared with other offices, the vice presidency is not a good training ground for the presidency. Executive experience gained from serving as governor (especially from a big state) is better preparation for the presidency than vice presidential or legislative experience. From

1868 to 1956, 40 percent of all major party presidential nominees were governors prior to being nominated.¹

Promises from presidential nominees aside, vice presidents have not been given important day-to-day duties. Even if a president did give a vice president such duties, it would be up to the discretion of each succeeding president to follow or ignore this practice. Neither has there been improvement, this century, in the caliber of individuals selected as vice president. Since World War II, the vice presidency has contributed two things to its occupant: notoriety and political skill. Given the failure of the office in the other areas, however, this finding is rather alarming. What this means is that more vice presidents, selected for reasons other than their ability to be president and with backgrounds less suited for doing so, are becoming presidential candidates. The mass media and its coverage of campaigns and the White House is responsible for the notoriety. The political skill probably comes from experiencing the campaign first-hand with the presidential candidate, one of the few occasions in which the vice president (or vice presidential candidate) is given an active role.

Why not just seek reforms rather than abolishment? There is a problem with most reforms. The problem is that most reforms are inextricably linked to reforms in the election of the vice president. For example, the two general reforms most often mentioned in connection with the vice presidency are to give the vice president more important duties or improvement of the caliber of individual selected for vice president. Neither of these reforms is likely to be adopted unless the election procedure is changed. Presidents are not going to give a vice president (a potential rival) the kind of important duties that reformers desire. The

reason is because unlike department heads, and officials working in the Executive Office, presidents cannot fire vice presidents. That is a combination that results in weakness in the vice presidency. Likewise, the ticket balancing tradition is more inclined to result in lesser qualified individuals being selected. Any reform drastic enough to remedy these problems (such as independent election of a vice president) would violate the constraints discussed earlier. Less drastic reforms would hardly be worth the bother.

If the vice presidency were abolished, some method of presidential succession would have to be devised. Changes would also have to be made in the other areas of constitutional duties performed by the vice president: President of the Senate and his role in declaring a president unable to perform his powers and duties. One proposal would be to transfer these duties (though perhaps the Senate function should be dropped entirely) to the Secretary of State. This successor could serve out the remainder of the term (as vice presidents do now), or an additional reform could require that the successor serve only until an election could be held.

The Secretary of State was the designated successor in the event of a double vacancy from 1886 to 1947, and is still a potential successor under current law. Secretaries of State would have at least as much executive experience as vice presidents and more experience in foreign affairs (an area of increasing importance to presidents). There would be numerous questions surrounding the special election procedures, but this is merely an additional suggested reform. A less drastic change would be to simply switch the vice presidential duties to the Secretary of State.

Someone other than Secretary of State could be named as the immediate successor, such as the highest ranking Congressman of the same party as the outgoing president. Another proposal would be to require the president's party in each house of Congress to elect, in January of the first session, a designated successor. A law could then specify one as the immediate successor and the other as successor in the event of a double vacancy. This would approximate the selection of a prime minister in a parliamentary system.

The above mentioned reforms would remedy some of the flaws created by the development of the vice presidency. They are not flawless. The vice presidency's flaws are so severe the office no longer lives up to the justifications for its retention.

NOTE

¹ Robert DiClerico, The American President, 2nd ed. (Englewood Cliffs, N.J., 1983), pp. 8-9.

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