

# When a Vice President Dies —

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## COMMENT CURRENT NATIONAL

### LEAGUE OF By COL. ED In a Re

**I**T SEEMS to be a source of concern to many Americans to remember the country played in the League of Nations and how the league is functioning. Those of us who wish with concern these first of the league's life are positive stand that it is for world peace.

The ultimate purpose is to do away with war. It has been here for a long time and are deep in the soil of political and economic life. It is strange that after all they have not been eliminated. Further, the league must have the strong opinion back of it. It has an attempt been made to change opinion for world peace basis. When you think of national all strange that it has been somewhat certain.

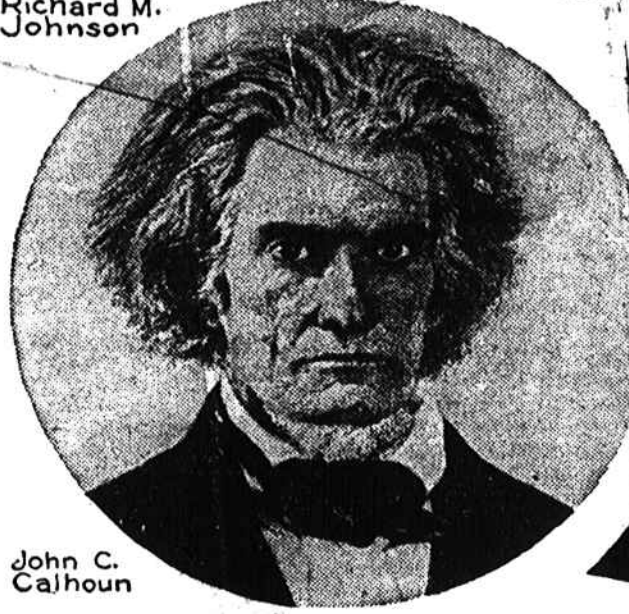
### OPPOS By WIL Senat

**I** AM unable to see a free press has its evils intolerable. houses were destroyed. Where the Whig prevails. Senator could not other was barrel. No procedure can have in upon have it places shut of is not

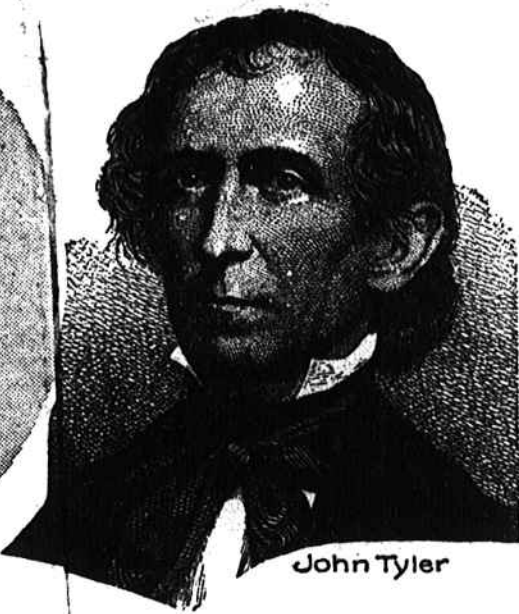
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Home of Henry Wilson, the "Cobbler" Vice President in Natick, Mass.



John C. Calhoun



John Tyler



William R. King

**ELMO SCOTT WATSON.**

**A**LTHOUGH November 25, 1885, probably has little significance to the average American, in reality it was an important date in our history. On that day just 50 years ago Thomas Andrews Hendricks, vice president of the United States, died at his home in Indianapolis, Ind.

Now, of course, it has become a standard joke that the vice president, so far as his authority and powers are concerned, is a most unimportant high-ranking official in our national government. Hendricks was probably an abler man than the majority of his predecessors had been, yet the same obscurity, which had engulfed the others when they were elected, had been his lot when he went to Washington as vice president with Grover Cleveland. He had been in public life for 40 years, beginning with his election to the Indiana legislature in 1845. In 1850 and again two years later he was elected to congress. Defeated for the governorship of Indiana in 1860, he was elected to the United States senate in 1863 and served there until 1869. In the Democratic convention of 1869 he ran second to General Hancock in the balloting for President, but both lost out to Horatio Seymour. Again a candidate for governor of Indiana in the same year, Hendricks was defeated, but in 1872 he staged a come-back and was elected. In the 1876 Democratic convention he was again a strong contender for the Presidency, but when Samuel J. Tilden was nominated instead, Hendricks received 730 out of the 738 votes cast for vice president. The Democrats were defeated that year, but eight years later they won and Hendricks became vice president.

He died eight months after inauguration, but his death while occupying that office was not unique, for four previous vice presidents had died before finishing out their terms. Why, then, was his passing a significant event? The answer to that question lies in the result of his death and an event which followed soon afterwards.

The Constitution of the United States provides that "in case of the removal of the President from office or of his death, resignation or inability to discharge the powers and duties of the said office the same shall devolve on the vice president, 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 a President shall be elected." Up to the time of Hendricks' death, however, the congress had not seen fit to pass a law providing for the case of removal, death, resignation or inability both of the President and vice president and this despite the fact that four vice presidents had already died while in office and one had resigned.

If at any of these times when the office of vice president was vacant, the President then in the White House had died, resigned or been unable to discharge the duties or powers of his office the nation would have been without a Chief Executive. Of course, the congress could have passed a law providing for his successor—provided it was in session. But what if it had adjourned? Since the President alone has the power "on extraordinary occasions to convene both houses or either house," who could have called the congress together to choose the new Chief Executive?

Although the need for providing for such contingencies had been apparent for nearly 75 years, nothing was done about it until Vice President Hendricks died in 1885. Then the congress acted to avert the potential dangers which might result from the loss of both the President and vice president. On January 19, 1886, it passed a law providing for a Presidential succession in case the vice president could not serve. Under its terms the secretary of state would become President. In case he, too, would be unable to serve, the next in line would be the secretary of the treasury and so on down the cabinet—secretary of war, attorney-general, postmaster-general, secretary of the navy, secretary of the interior, secretary of agriculture, secretary of commerce and secretary of labor.

Under the provisions of the Twentieth amendment to the Constitution (the "lame duck amendment," adopted February 6, 1933), still further safeguards in the matter of Presidential succession were added to the law of the land. In case the President-elect should die within the time of his election and his inauguration, the vice president-elect would become President.

Considering the importance of the office which the vice president may be called upon to fill, it is a curious anomaly of our government that his position is so lightly regarded and that so little care is usually taken in filling that position with an outstanding man. In the early days of the republic, when the two men receiving the highest electoral vote were chosen President and vice president, respectively, there was little room for complaint about the caliber of the men who served as vice president. It was taken as a matter of course that the vice president would become the new President when the Chief Executive under whom he served had filled his allotted time in the White House. Thus Vice President John Adams succeeded President George Wash-

ington and Vice President Thomas Jefferson succeeded President John Adams.

But the break from this tradition came when Aaron Burr was vice president under Jefferson. Burr served one term, then became involved in the scheme which led to his trial for treason and, as a result, George Clinton was chosen vice president when Jefferson was elected for his second term. Again precedent was ignored, for instead of Clinton succeeding Jefferson as president, that honor went to Jefferson's secretary of state, James Madison. Clinton, however, was re-elected vice president but died in 1812 after serving only three years of his term. During the last year of Madison's first term as President the United States had no vice president.

When Madison was re-elected, Elbridge Gerry became vice president. He also died in office after serving only a little over a year and the United States was again without a vice president—this time for nearly three years. So James Madison was the only President in our history during whose administrations two vice presidents died in office.

The next vice president was Daniel D. Tompkins who served both terms under Monroe, but when Monroe retired, Tompkins did not become his heir to the high office. Again it went to a secretary of state, John Quincy Adams. Adams' vice president was John C. Calhoun of South Carolina, who was again chosen for the office when Andrew Jackson became Chief Executive. Thus the South Carolinian had the honor of occupying that office under two Presidents of opposite political faith.

But Calhoun did not serve out his term under Jackson. He quarreled with "Old Hickory" and in 1832 the vice presidency was again vacant, this time because of a resignation, the first and only one thus far in our history, instead of a death. When Jackson was re-elected President, Martin Van Buren, his former secretary of state, became vice president, and after Jackson retired from the White House Van Buren succeeded him.

Up to this time the vice presidency had been filled with men of unquestioned ability. "But in 1836 there was a sudden lowering of the standard for vice president," says a historian. Richard M. Johnson, who was chosen by the Democrats to run with Van Buren, lived in a border state, Kentucky, where Van Buren was not strong. Otherwise he was merely a second-rate politician whose principal claim to fame was that he had killed the great Indian chief, Tecumseh, during the Battle of the Thames in 1813. It helped elect him, even though it was a spurious claim. More authentic is his distinction of being the only vice president who has ever been elected by the United States senate.

The Twelfth amendment to the Constitution provides that a candidate must receive a majority of the whole number of electoral votes to be chosen vice president. If no candidate receives such a majority, the senate must then choose a vice president from the two candidates who have received the largest number of votes. In the election of 1836 electoral votes were cast for the candidates for vice president as follows: Richard M. Johnson, 147; Francis Granger, 77; John Tyler, 47, and William Smith, 23. The total number of votes cast for Granger, Tyler and Smith was 147, the same number as Johnson, and no candidate had a majority of the whole number of votes cast. Therefore the election fell to the senate, which chose Johnson.

His election marked the beginning of the custom of filling the second highest office in

land with men chosen more for political expediency than for ability. An even stronger manifestation of that custom was shown in the next campaign when William Henry Harrison, the Whig candidate, defeated Van Buren, the Democrat, for re-election. Harrison's running mate was John Tyler, who was not even a Whig but a Virginia Democrat.

Just a month after Harrison's inauguration, "Old Tippecanoe" died and John Tyler became the first vice president to win the Presidency through the death of his predecessor. The Constitution had left undetermined the question whether a vice president, upon the death of the President, should become President in fact or should merely discharge the duties of the office until the congress should decide what to do next.

For half a century after its adoption no one knew the answer to that question nor apparently even thought much about it. When Tyler became President, he settled the question—to his own satisfaction, at least—by acting on the assumption that he was President in fact. Since no one challenged his right to do so, he established the precedent, followed ever since, that the vice president who succeeds to the highest office through the death of his predecessor shall serve out the remainder of the term for which that predecessor was elected. Moreover, during Tyler's administration the country was without a vice president for the longest period in its history—three years and 11 months.

In 1850, when President Zachary Taylor died after having been in office only a little more than a year, Vice President Millard Fillmore followed the precedent established by Tyler and served as President for the next three years. Again there was a vacancy in the office of vice president during the greater part of an administration. There was another vacancy during the next administration, that of Franklin A. Pierce, after William R. King became President and was dead.

Incidentally, King was the only vice president who ever took the oath of office in the United States. Before his death his health began to fail and he was unable to recuperate. When it was clear that he would be unable to discharge his duties, President Fillmore, in 1853, passed an act authorizing Sharkey, United States minister to the United Kingdom, to administer the oath of office to King on March next.