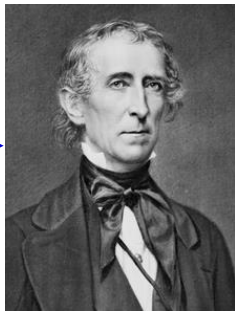
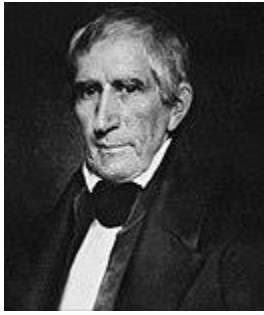


Order of Presidential Succession



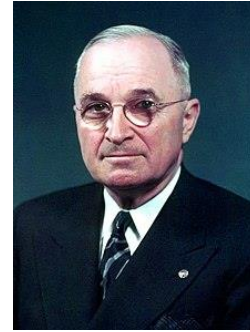
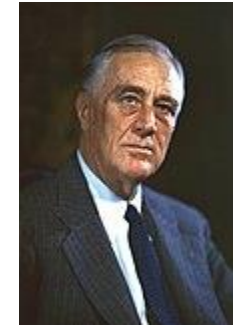
Presidents who have died in office, and their successors



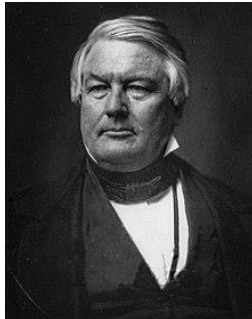
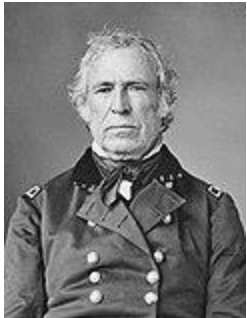
William Henry Harrison
4 April 1841



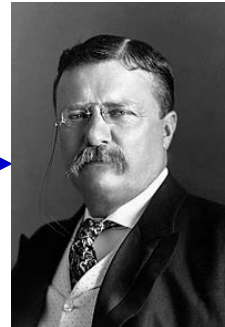
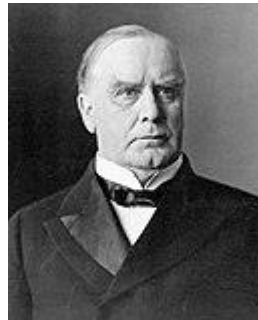
James Garfield (assassinated)
19 September 1881



Franklin Roosevelt
12 April 1945



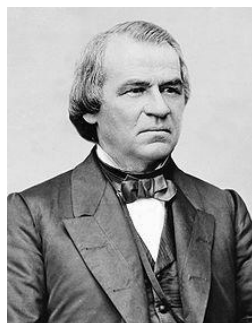
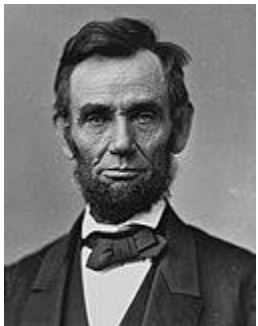
Zachary Taylor
9 July 1850



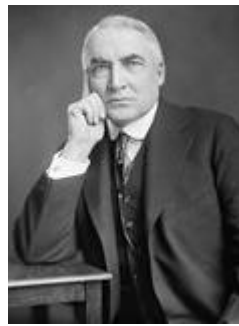
William McKinley (assassinated)
14 September 1901



John Kennedy (assassinated)
22 November 1963



Abraham Lincoln (assassinated)
15 April 1865



Warren Harding
2 August 1923

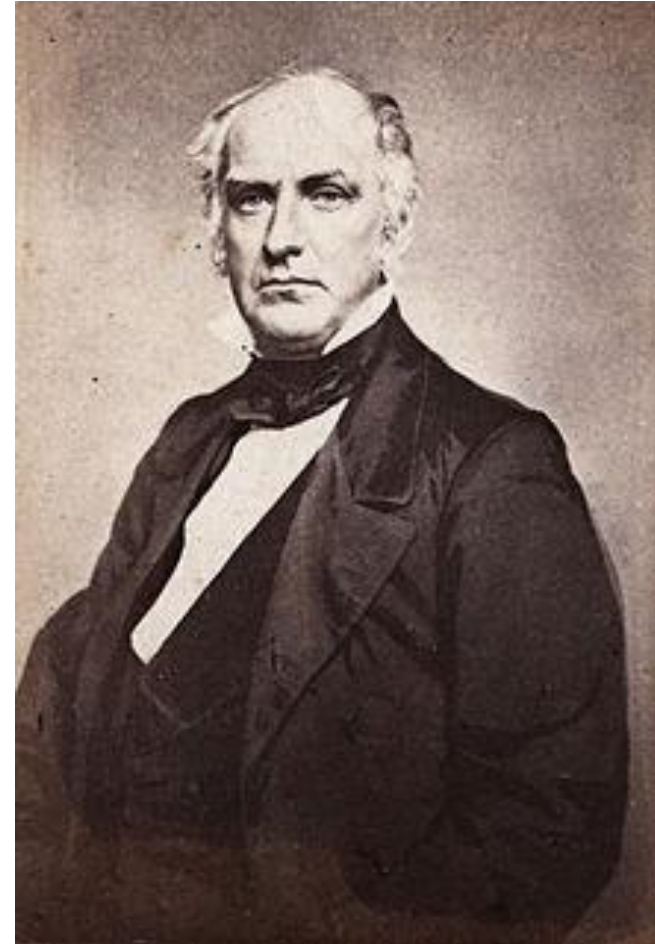


Richard Nixon (RESIGNED)
9 August 1974

15 members of Congress have been killed while in office.
The first was in 1827 (from a duel); the most recent was in 1983 (airline crash)

Among them:

- Edward Dickinson Baker (1811-1861)
 - Born in London, immigrated to US at age 5
 - Served as US Representative from Illinois and later as Senator of Oregon
 - A longtime friend of Abraham Lincoln
 - He was anti-slavery and pro-union
 - He was a colonel during both the Mexican-American War and Civil War.
 - Died 21 October 1861 during the Battle of Ball's Bluff while leading a Union regiment.
 - He is the only sitting Senator to ever be killed in a military engagement
 - ❖ NOTE: Baker City and Baker County are both named for him



Constitutional Foundations for Succession

The line of succession is mentioned in three places in the Constitution

- **Article II, Section 1, Clause 6** makes the Vice President first in the line of succession and allows the Congress to provide by law for cases in which neither the President nor Vice President can serve.
 - ↳ The current such law governing succession is the **Presidential Succession Act of 1947**.
- **20th Amendment, Section 3** provides that if the President-elect dies before his term begins, the Vice President-elect becomes President on Inauguration Day and serves for the full term to which the President-elect was elected.
 - ↳ The section also provides that if, on Inauguration Day, a president has not been chosen or the President-elect does not qualify for the presidency, the Vice President-elect acts as president until a president is chosen or the President-elect qualifies.
 - ↳ Finally, it allows Congress to provide by law for cases in which neither a President-elect nor a Vice President-elect is eligible or available to serve.
- **25th Amendment** (ratified in 1967) clarified Article II, Section 1: that the Vice President is the direct successor of the President. He/she becomes President if the President dies, resigns or is removed from office.
 - ↳ The 25th also provides for the situation where the President is temporarily disabled, such as if the President has a surgical procedure or becomes mentally unstable. **It also required vice presidential vacancies to be filled by a presidential nomination and Senate confirmation.**
 - ↳ Previously, when a vice president had succeeded to the presidency or otherwise left the office empty (through death, resignation, etc), the vice presidency remained vacant until the next presidential election.

A Brief History of the Succession List's Evolution

- The original Constitution held that Congress will determine an order of succession should both the President and Vice President be unable to lead
 - ↳ In 1792, the order was: (1) President, (2) Vice President, (3) Senate President pro tempore, and then (4) Speaker of the House
- In 1886, Congress changed the order, removing both the heads of the Senate and House and replacing them with Cabinet officers.
 - ↳ Proponents of the change argued that the legislative leaders lacked executive experience;
 - ↳ Dissenters countered by pointing out those Cabinet officers, while Senate-confirmed, were nevertheless not elected by a body of the electorate.
- In 1947, President Truman suggested changes which brought the order of succession to nearly what it is today.
 - ↳ He proposed that the House and Senate leaders be returned to and be granted priority in the line of succession over the Cabinet so as to ensure the President would not be able to appoint his successor to the Presidency.
 - ↳ Cabinet members are ordered in accordance with the date their office was established
- In 1967, ratification of the 25th Amendment allowed a vacant Vice President position to be filled as a Senate-confirmable position. The President would nominate someone to the position.
 - ↳ Prior to 1967 there was no provision to do this. When a President dies, the Vice President rose to succeed him, and the Vice Presidency remained vacant.
- In 2003, Legislation was introduced to move the Secretary of Homeland Security from nr.18 in the line to nr.9 *This is not yet approved!*
 - ❖ Though the statutory list of Presidential succession has only 18 candidates, there are ‘conspiracy theories’ about the existence of a secret, longer list possibly numbering in the hundreds!
 - ↳ If it indeed exists, any legal or Constitutional foundation for such a list would be questionable at best.

Presidential Line of Succession

(Current as of October 2022)

1. President of the United States
2. Vice President of the United States
3. Speaker of the House
4. President pro tempore of the Senate
5. Secretary of State
6. Secretary of the Treasury
7. Secretary of Defense
8. Attorney General
9. Secretary of the Interior
10. Secretary of Agriculture
11. Secretary of Commerce
12. Secretary of Labor
13. Secretary of Health and Human Services
14. Secretary of Housing and Urban Development
15. Secretary of Transportation
16. Secretary of Energy
17. Secretary of Education
18. Secretary of Veteran Affairs
19. Secretary of Homeland Security

Joe Biden
Kamala Harris
(vacant)
Patty Murray
Anthony Blinken
Janet Yellen
Lloyd Austin
Merrick Garland →
Deb Haaland
Tom Vilsack
Gina Raimondo
Julie Su (n/e, Acting since March 2023)
Xavier Becerra
Marcia Fudge
Pete Buttigieg
Jennifer Granholm (n/e – born in Vancouver, Canada)
Miguel Cardona →
Denis McDonough
Alejandro Mayorkas
(n/e – born in Havana, Cuba)



How it works

1. If the President is unable to discharge his office, the Vice President automatically moves into the Presidency.

↳ No one automatically moves into the Vice President job. To fill the vacancy, the new President will nominate a candidate, who then must be approved by the Senate.

2. If the President and Vice President are no longer capable of discharging their office, then the Speaker of the House automatically ascends to fill the job as President.

↳ The Vice President job is filled as explained above.

Eligibility

↳ The only exception is that the next person in line must be Constitutionally eligible (ie, age 35+, natural-born citizen, 14 year resident of the US)

↳ “Acting officers”

↳ If there is a retirement, an Undersecretary tends to temporarily fill the Secretary vacancy until a replacement nomination is approved through Congress.

↳ So long as these are Senate-confirmed undersecretaries, yet they are the highest ranking in the department, then they may be eligible in the line of succession until a high-up is confirmed.

Several constitutional law experts have raised questions as to the constitutionality of the provisions that the Speaker of the House and the President pro tempore of the Senate succeed to the presidency.

↳ James Madison, one of the authors of the Constitution, raised similar constitutional questions about the Presidential Succession Act of 1792 in a 1792 letter to Edmund Pendleton. These two issues:

↳ The term "Officer" in the relevant clause of the Constitution is most plausibly interpreted to mean an "Officer of the United States", who must be a member of the Executive or Judicial Branch. The Speaker and the President pro tempore are not officers in this sense.

↳ Furthermore, to include a Supreme Court Justice in the line of succession, Madison pointed out, would violate separation of powers philosophy.

↳ Under the principle of separation of powers, the Constitution specifically disallows legislative officials from also serving in the executive branch. For the Speaker or the President pro tempore to become an 'Acting President', they must resign their position so as to have no conflict (at which point, with resignation, they are no longer in the line of succession).

This forms a constitutional paradox to some.

“Designated Survivor” / “Designated Successor”

- ↪ A member of the United States Cabinet who is appointed to be at a physically distant, secure, and undisclosed location when the president and the country's other top leaders (ie, the Vice President, secretary of state, etc) are gathered at a single location, such as during State of the Union addresses and presidential inaugurations.
- ↪ This is intended to maintain continuity of government in the remote possibility of a catastrophic event which kills many officials in the presidential line of succession

Recent years	1 March 2022	State of the Union	Secretary of Commerce
	20 January 2021	Presidential Inauguration	undisclosed
	4 February 2020	State of the Union	Secretary of the Interior
	5 February 2019	State of the Union	Secretary of Energy
	30 January 2018	State of the Union	Secretary of Agriculture
	28 February 2018	Presidential address to Congress	Secretary of Veteran Affairs
	20 January 2017	Presidential inauguration	(1) President pro tempore of the Senate (2) Secretary of Homeland Security

Additional Concerns

In 2003 the **Continuity of Government Commission** suggested that the current law has "at least seven significant issues ... that warrant attention", including:

1. The reality is that all figures in the current line of succession work and reside in the vicinity of Washington, DC. In the event of a nuclear, chemical, or biological attack, it is possible that everyone on the list would be killed or incapacitated.
2. Doubt (such as those two expressed to the left by James Madison) that Congressional leaders are eligible to act as President.
3. A concern about the wisdom of including the President pro tempore in the line of succession.
 - ↪ It is generally used as a "largely honorific post traditionally held by the longest-serving Senator of the majority party".
 - ↪ In 2001, the President pro tempore was then-98-year-old Strom Thurmond of South Carolina; he was followed by 100 year old Robert Byrd!
 - ↪ Thurman, a southern Democrat (changed to Republican in 1964) and segregationist, led the longest filibuster in the nation's history in opposition to civil rights legislation
4. A concern that the current line of succession can force the presidency to abruptly switch parties mid-term,
5. A concern that the succession line is ordered by the dates of creation of the various executive departments, without regard to the skills or capacities of the persons serving as their Secretary, or of the purpose for the department itself.

6. The fact that, should a Cabinet member begin to act as President, the law allows the House to elect a new Speaker (or the Senate, a new President pro tempore), who could in effect remove the Cabinet member and assume the office themselves at any time.
7. The absence of a provision where a President is disabled and the vice presidency is vacant (for example, if an assassination attempt simultaneously wounded the President and killed the Vice President).

Proposals for Change

Continuity of Government Commission of 2003

↳ Lead by Gerald Ford and Jimmy Carter, it advised...

↳ It recommended a constitutional amendment to allow Congress to legislate for the temporary appointment of members of Congress in case a large number of members were rendered unable to perform their duties.

↳ The Senate already is covered by measures that allow replacements to fill vacancies.

↳ The commission warned that it takes an average of four months to stage the special election needed to fill a vacancy in the House, which meant that an attack on members of the House could kill or incapacitate so many members of the body that it would not be able to operate at all and might appear illegitimate if it did so.

↳ A major attack could mean that Congress would have to confirm a Vice President or fill a vacancy on the Supreme Court without the needed quorum to perform its obligations.

There is some discussion of – in the event of the entire line of succession being incapacitated – finding a mechanism wherein all living former Presidents would return to provide temporary leadership until the Congress can name replacements and elections can be arranged.

- ↳ Supporters: These former presidents would be seen as legitimate extensions of government, and they are known quantities to the electorate.
- ↳ Distractors: Does this mean a ‘co-Presidency’ situation? Can you imagine Clinton, Bush Jr, Obama, Trump and Carter trying to get along and make unified decisions?
 - ↳ Irrelevant anyway: The Constitution does not presently allow their return in such a manner.