

# “THE PRESIDENT HAS BEEN SHOT”

*Confusion, Disability, &  
the 25th Amendment*

*With a New Postscript:*  
THE 1992 ELECTION CAMPAIGN

*Herbert L. Abrams*

# President Has Been Shot Confusion Disability The 25th Amendment Pb

**Miller Center Commission on  
Presidential Disability and the Twenty-  
fifth Amendment**

## **President Has Been Shot Confusion Disability The 25th Amendment Pb:**

**The Cumulative Book Index** ,1996 A world list of books in the English language      **Subject Guide to Books in Print** ,1991      *Who's Who in Science and Engineering 2008-2009* Who's Who Marquis,Marquis Who's Who,2007-12      **Current Law Index** ,1982      **Papers on Presidential Disability and the Twenty-Fifth Amendment** Kenneth W. Thompson,1988 This volume the second in the series brings together experts in politics law and medicine and provides an in depth analysis of presidential disability and the Twenty Fifth Amendment It addresses the controversial questions which arise with regard to the Constitution and the transfer withdrawal and resumption of presidential authority Also considered is the issue of the interpretation of the Twenty Fifth Amendment Co published with the Miller Center      *Presidential Disability Under the Twentyfifth Amendment* Thomas H. Neale,2018-12-04 Sections 3 and 4 of the Twenty Fifth Amendment to the U S Constitution provide for presidential disability or inability Section 3 of the amendment sets the procedure whereby a President may declare himself or herself unable to discharge the powers and duties of the office by transmitting a written declaration to this effect to the President pro tempore of the Senate President pro tem and the Speaker of the House of Representatives Speaker For the duration of the disability the Vice President discharges the President s powers and duties as Acting President When the President transmits a written declaration to the contrary to the President pro tem and the Speaker he or she resumes the powers and duties of the office Section 3 is intended to cover either unanticipated disability such as injury or illness or anticipated disability such as medical treatment It has been activated three times under circumstances in which the President underwent general anesthesia for medical treatment It was informally implemented by President Ronald Reagan in 1985 and was formally implemented twice by President George W Bush in 2002 and 2007 under similar circumstances Section 4 provides for instances of contingent presidential disability It was intended by the Twenty Fifth Amendment s authors to provide for cases in which a President was unable or unwilling to declare a disability In these circumstances the section authorizes the Vice President and a majority of either the Cabinet or such other body established by law a presidential disability review body acting jointly to declare the President to be disabled When they transmit a written message to this effect to the President pro tem and the Speaker the Vice President immediately assumes the powers and duties of the office as Acting President If the President at a time of his choice transmits a written message to the President pro tem and the Speaker that no disability exists he or she resumes office The Vice President and a majority of the Cabinet or disability review body may however contest this finding by a written declaration to the contrary to the aforementioned officers delivered within four days of the President s declaration Congress then decides the question assembling within 48 hours if it is not in session If Congress decides by a two thirds vote of both houses that the President is unable to discharge the duties of the office the Vice President continues as Acting President until the disability is resolved If the two thirds margin is not obtained or if Congress is in session at the time but does not vote on the question within 21 days

of receiving the requisite declaration then the President resumes the powers and duties of the office Similarly if Congress is not in session at the time and assembles as required by Section 4 but does not vote within 21 days of the day on which it is required to assemble then the President resumes the powers and duties of the office Section 4 s complexity and concern about its potential for misuse have raised questions among some observers that it could be implemented for political purposes During debate on the amendment its authors and proponents largely rejected such claims They insisted the section was not intended to facilitate the removal of an unpopular or failed President in support of which they cited checks and balances incorporated in the amendment that were designed to prevent abuse of the procedure To date Section 4 has not been implemented Two bills pending in the 115th Congress would establish a presidential disability review body as authorized by Section 4 of the Twenty Fifth Amendment H R 1987 introduced on April 6 2017 and H R 2093 introduced on April 14 of the same year Papers on Presidential Disability and the Twenty-Fifth Amendment Kenneth W.

Thompson,1988-03-25 Politics law and medicine come together in any analysis of presidential disability Constitutional questions arise in the interpretation and implementation of the Twenty fifth Amendment For these reasons the Miller Center turned to a group of outstanding medical legal and political authorities to broaden and deepen understanding on presidential disability Contributors Senator Birch E Bayh Jr Kenneth R Crispell M D Paul B Stephan III C Knight Aldrich M D Norman J Knorr M D Daniel Harrington M D James F Childress and Kenneth W Thompson The Report of the Miller Center Commission on Presidential Disability and the Twenty Fifth Amendment is included as an annex Co published with the Miller Center of Public Affairs **Presidential Disability and Succession** Richard M. Merelman,1965 **Report of the Miller Center**

**Commission on Presidential Disability and the Twenty Fifth Amendment** Miller Center Commission on Presidential Disability and the Twenty-fifth Amendment,1988-03-22 This report which is included as an annex in Papers on Presidential Disability and the Twenty Fifth Amendment by Six Medical Legal and Political Authorities is also available separately It summarizes the conclusions of the study Co published with the Miller Center of Public Affairs **Burden of Decision**

Daniel Schuker,2014 This Article offers a new approach to understanding classifying and assessing cases of presidential disability In constitutional terms presidential disability refers to any condition that renders the President of the United States unable to discharge the powers and duties of the office Remarkably the existing legal infrastructure under the Twenty Fifth Amendment provides no guidance for determining when a President has become constitutionally disabled Nor does it explain when the President under Section 3 should initiate the succession process and when the Vice President and other senior officials under Section 4 should take the lead instead During crises of presidential disability administrations have felt obliged to devise ad hoc solutions The framework developed here poses three basic questions to formulate a legal diagnosis of a President s condition How severe is the disability When is the disability expected to end Where is the disability located The new framework indicates based on a given diagnosis who either the President or the Vice President with other designated

officials would be best positioned to determine whether to invoke the Twenty Fifth Amendment This systematic approach grounded in historical experience should mitigate the uncertainties of what has so often proved a politically charged and disorderly process

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