

Caretaker Not Aim of 25th

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By Mary Russell

Washington Post Staff Writer

The 25th Amendment to the Constitution, which deals with naming a successor to former Vice President Agnew, was not intended to provide a "caretaker" Vice President, according to Sen. Birch Bayh (D-Ind.), the amendment's author.

Bayh said yesterday the consensus of the legislative history of the amendment, passed in 1965, was that the man nominated should be someone capable of being President, taking over in case a President dies.

Some Democratic members of the House and Senate, including former presidential nominee Sen. Hubert H. Humphrey (D-Minn.), have argued against appointing a man who might run for the presidency in his

own right in 1976 and want the nominee to disclaim any such ambitions.

"I don't make that disqualifying assessment," Bayh said yesterday. "If a man happens to be in the running in 1976 that's just a fact of political life. From the practical standpoint, we should find someone who's going to be a good Vice President and a good President." Bayh said the consideration of that man "has to be out of the partisan arena."

Bayh also said he expects it to be a man of the President's own party and said the discussion at the time when the 25th Amendment was being considered was man who could "work harmoniously with the President."

Choosing a new Vice President in case the office was vacant was a secondary consideration to most of the senators and congressmen when they passed the 25th Amendment. Its main purpose was to fix a line of succession and deal with the question of what to do in case the President was physically or mentally disabled.

But Bayh thought the question of filling a vice presidential vacancy was as important as presidential disability or the line of succession.

The Judiciary Subcommittee on Constitutional Amendments, which Bayh headed, considered several ways to fill a vacancy.

They considered a special election, a reconvening of the electoral college, establishment of a second Vice

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President and selection of a new Vice President by Congress.

The electoral college idea and special election proposal were discarded because of the delay that might be involved, plus the fact that an election might produce a Vice President not able to work with the President.

The same problem might exist if Congress alone chose the Vice President.

Finally they settled on the nomination of the new Vice President by the President by the President subject to Congressional approval. His method had two main advantages. It would thod had two main advantages. It would ensure that the President could nominate a person of his own party, and confirmation by Con-

gress would create public confidence in the selection.

Beyond that, Section 2 of the 25th Amendment, which reads, "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, "is vague.

It leaves open the question of the procedures Congress should use in confirming the nominee, the timing—how soon should he be confirmed and is the President required to send the name up quickly.