

The Problems in

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If the vice presidency becomes vacant, President Nixon will face a crucial decision between nominating a replacement who can easily be confirmed by Congress or choosing a successor likely to be a presidential candidate himself in 1976.

The 25th Amendment to the Constitution, ratified in 1961, provides that when there is a vacancy in the office of vice president, "the president shall nominate a vice president who shall

take office upon confirmation by a majority vote of both houses of congress."

The amendment gives a president who commands a congressional majority the political opportunity of naming a successor who can carry on his policies. But in the case of Mr. Nixon, politically shaky from the Watergate scandals and confronted with a Democratic majority in congress, it is unlikely that he could win approval of any nominee who appears to be a formidable Republican presidential candidate for 1976.

The president has been winning his veto tests with

Congress, but a two-thirds margin is required for veto overrides. Mr. Nixon's last veto was sustained by a bare 5-vote margin.

Reports that the white house has been working on a "contingency list" in case the vice president resigned have been circulating within the Nixon administration for the past several weeks.

One such report said that former Texas Governor John Connally, now on an extended speaking tour to test the water for a prospective presidential candidacy, heads the list.

This report — and all reports that such a contingen-

cy list actually exists — have repeatedly been denied Gerald L. Warren.

During the president's recent visit to San Clemente, various White House sources said that this list was a high-priority item within the administration, because vice president Spiro Agnew's resignation was expected soon.

Mr. Nixon changed his plans to stay at San Clemente through the Labor Day weekend and flew back to Washington in the middle of the night to meet with Agnew in the White House on that Sturday.

After the meeting spokesmen both for the White

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House and for the Vice President denied that any resignation had been discussed.

If Agnew does resign, the President will face a basic decision between naming some broadly acceptable senior political figure who could not be a candidate in 1976, or choosing a prospective presidential candidate.

One Republican Senator said yesterday that he assumed that Agnew would resign at some point, and that the difficulty would be in confirming the new presidential nominee.

"If it's Connally, it's going to give some of us a lot of trouble — and it looks like

Connally to me," this senator said.

Others who have been mentioned as possible replacements include New York Governor Nelson Rockefeller, Senators Barry Goldwater of Arizona and Hugh Scott of Pennsylvania, Attorney General Elliot Richardson, Deputy Attorney General William Ruckelshaus and presidential counselor Melvin R. Laird.

Of this group, either Goldwater or Scott would probably have an easy time of confirmation, because they are senators and because they are not prospective candidates for 1976. Laird

also is popular with Congress, but he has operated independently within the White House and is not believed to be the first choice of Mr. Nixon.

Rockefeller and Richardson are both prospective presidential candidates, and Ruckelshaus, the former administrator of the Environmental Protection Agency, also is considered politically ambitious.

Any "contingency list" must be considered in the context of Mr. Nixon's penchant for pulling political surprises — as he did in 1968 when he selected Agnew as his running mate.

The provision of the 25th Amendment providing for the vice presidential replacement was a relatively uncontroversial portion of an amendment whose principal purpose was to provide an orderly transfer of power when a President is disabled.

Provisions of a succession amendment had been a frequent topic for political scientists. However, the issue became a serious one in Congress only with the murder of President Kennedy and the subsequent 14-month vacancy in the vice presidency after Lyndon Johnson became President.