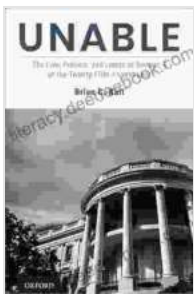


# The Law, Politics, and Limits of Section 4 of the Twenty-fifth Amendment

The Twenty-fifth Amendment to the United States Constitution was adopted in 1967 in the wake of the assassination of President John F. Kennedy and the subsequent confusion over the line of succession.

Section 4 of the amendment addresses the issue of presidential disability and provides a process for removing a president from office if they are unable to discharge the powers and duties of the office.



## Unable: The Law, Politics, and Limits of Section 4 of the Twenty-Fifth Amendment by Brian C. Kalt

★★★★☆ 4.5 out of 5

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## The Legal Framework

Section 4 of the Twenty-fifth Amendment states that:



***“Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.”***

The amendment also provides for a process by which the president can challenge their removal from office. If the president does not agree with the declaration of disability, they can submit a written declaration to Congress stating that they are able to discharge the powers and duties of the office. Congress then has 21 days to consider the president's declaration and to vote on whether to remove the president from office.

### **The Political Realities**

The Twenty-fifth Amendment has only been invoked twice in its history. In 1973, Vice President Spiro Agnew resigned from office after he was indicted on charges of bribery, extortion, and tax fraud. President Richard Nixon nominated Gerald Ford to replace Agnew, and Ford was confirmed by Congress.

In 1985, President Ronald Reagan underwent surgery for a cancerous polyp in his colon. Vice President George H. W. Bush became acting president for eight hours while Reagan was under anesthesia.

In both cases, the invocation of the Twenty-fifth Amendment was relatively straightforward and uncontroversial. However, the amendment has the

potential to be used for more political purposes.

For example, if a president is unpopular or if their opponents control Congress, it is possible that the Twenty-fifth Amendment could be used to remove them from office even if they are not actually unable to discharge the powers and duties of the office.

### **The Limits of the Amendment**

The Twenty-fifth Amendment does not define what constitutes a "disability" for purposes of removal from office. This leaves open the possibility for political interpretations of the amendment.

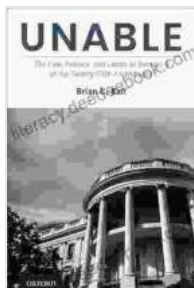
Additionally, the amendment does not provide for any judicial review of a decision by Congress to remove a president from office. This means that Congress has the final say on whether or not to remove a president, even if their decision is based on partisan or political considerations.

The Twenty-fifth Amendment to the United States Constitution is a complex and controversial law. It provides a process for removing a president from office if they are unable to discharge the powers and duties of the office, but it also has the potential to be used for political purposes.

The limits of the amendment are unclear, and it is possible that it could be used to remove a president from office even if they are not actually unable to discharge the powers and duties of the office.

The Twenty-fifth Amendment is a powerful tool that should be used with caution. It is important to ensure that the amendment is not used for

political purposes and that it is only used to remove a president from office if they are truly unable to discharge the powers and duties of the office.



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