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No Veep

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No Veep

On the occasions when we have not had a vice president, who presided over the Senate and performed any other vice presidential duties?

Here is a fact that surprises most Americans: during one in every six years of U.S. history, there has been no vice president. For the equivalent of 38 years of our nation's existence -- 17 percent of our history -- no VP. This is because of three situations that arose between our nation's founding and passage of the 25th Amendment in 1967, which finally addressed the vacuum:

- eight presidents died in office, necessitating the vice president to move into the presidency; that left the nation without a VP for 287 months of our history;
- six vice presidents died in office -- eerily, four of them during the third week of November; worse, James Madison had two VPs die on him; this situation left the nation without a VP for 140 months; and
- two vice presidents -- John Calhoun and Spiro Agnew -- resigned from the office, leaving the U.S. without a VP for some 4 months.

Add the numbers up, and you'll see that there were 431 months in which the U.S. had no VP: 38 years!

THE VICE PRESIDENT WHO DUELED

The nation came close to experiencing an additional period without a VP -- and under less than savory circumstances. Early on July 11, 1804, Alexander Hamilton and sitting Vice President Aaron Burr met to defend their honor on a dueling ground in Weehawken, New Jersey. Historians are not sure who fired first. But that morning Burr was more accurate with the hair-triggered .54-caliber pistol, and his shot felled Hamilton, who died the next day in New York City. The event caused such an uproar that Burr was indicted for murder in New York and feared that a mob would break into his house to do him harm. To keep passions from escalating, Burr left New York, sought refuge for two months on an island off the Georgia coast, and then returned to the capital to serve out his remaining six months as vice president under Thomas Jefferson. How different our nation's history might have been had Hamilton killed Burr.

RUNNING DEBATE FROM 1841-1967

Remarkably, when the first president died in office back in 1841, Americans were not quite sure what to do. William Henry Harrison expired after only 30 days in office. Debate ensued over whether Vice President John Tyler was merely *acting* president or was really, truly, constitutionally president. Tyler, ambitious and possessing a strong personality, asserted that he was not merely a place-holder (i.e., not merely *acting* president); he asserted that he was constitutionally authorized to *be* president for the 47 remaining months of his term. Following Tyler's example, it became customary for the vice president to assume the presidency without ambiguity, and this turn of events came about on seven subsequent occasions -- upon the deaths of Presidents Taylor, Lincoln, Garfield, McKinley, Harding, Franklin Roosevelt, and Kennedy.

Nevertheless, our nation had a running debate from 1841 to 1967 about how to turn the custom into law. In 1967 the debate was settled with the ratification of the 25th Amendment, and now there is a clear constitutional procedure to nominate a new vice president, should the previous vice president die, become disabled, or resign. Spiro Agnew's resignation in October of 1973, then Gerald R. Ford's nomination later that fall, triggered the 25th Amendment for the first time; it had been ratified only six years earlier.

APPENDIX A: DEATH

It's amazing to think that, just due to presidents' deaths, our nation lacked a sitting vice president for the equivalent of 24 years of our history. John Tyler served for 47 months without a VP; Millard Fillmore for 32 months; Andrew Johnson for 47 months; Chester Arthur for 41 months; Theodore Roosevelt for 42 months; Calvin Coolidge for 19 months; Harry S. Truman for 45 months; and Lyndon B. Johnson for 14 months. That's a total of 287 months -- almost 24 years -- 11 percent of our nation's history -- without a vice president.

It could have been worse. In addition to the four presidents who were assassinated (Lincoln, Garfield, McKinley, Kennedy), and the four who died of natural causes while in office (W. H. Harrison, Taylor, Harding, FDR), six presidents were the victims of assassination attempts (Andrew Jackson, Franklin Roosevelt, Harry Truman, Theodore Roosevelt, Gerald Ford, Ronald Reagan). Others suffered such severe health problems (notably Washington, Wilson, and Eisenhower) that they easily could have died. Add these folks up, and you're looking at the nation losing or almost losing more than one-third of its presidents. It's a high-risk job.

The historical record brings us to one of the glaring oversights of the Founders who met in Philadelphia in 1787. The Constitution they drafted did not adequately answer the question of *vice presidential* succession. Not until the Twenty-fifth Amendment was ratified in 1967 did this gap in governance get solved.

Vice presidents have quipped that their job is the most useless on earth. (Some veeps have certainly lived down to that perception.) Franklin Roosevelt's first VP, John Nance Garner, summarized it this way: "The vice presidency? It's not worth a pitcher of warm spit."

As stipulated by the U.S. Constitution, *the vice president is the only U.S. official who is a member of two branches of government.* One of the duties of the vice president is to preside over the Senate. More specifically, the veep is the tiebreaker -- he can only vote to break a deadlock in the Senate (Article I, Section 3). As constitutional writer Linda Monk has pointed out, "The vice president's power to cast a vote in a divided Senate is one of the checks and balances that the executive branch has over the legislative branch, and it has been used several times in U.S. history to help the president win passage of controversial laws."

When there is no vice president in the Senate -- for whatever reason -- there is no constitutional crisis. The top dog is the *president of the Senate pro tempore* (in daily parlance, the *president pro tem*). He is selected by the majority party caucus. Next down the food chain are the *presiding officers of the Senate*, who are appointed by the president pro tem to chair the Senate as it conducts its business. The glory of being one of these presiding officers is fleeting, usually lasting only an hour at a time, as the position continually rotates among senators in the majority party.

Prior to 1967, when there was no vice president, his tasks were picked up by cabinet members, other administration officials, and the president himself.

(Question from Dave M. from Rockford, Michigan)