

# STATE BAR OF MICHIGAN



308 TOWNSEND STREET

AREA CODE 517  
484-5411

LANSING, MICHIGAN 48914

MILTON E. BACHMANN  
EXECUTIVE SECRETARY

March 13, 1964

*Pres. Succession*

*M*

Honorable Gerald R. Ford, Jr.  
House Office Building  
Washington, D. C.

Dear Mr. Ford:

When the Board of Commissioners met in Lansing on February 28, consideration was given to a resolution which concerned itself with presidential inability and succession. The resolution under discussion was one that had been earlier adopted by the House of Delegates of the American Bar Association upon report and recommendation of its Committee on Jurisprudence and Law Reform.

Following full discussion and an explanation by one of Michigan's delegates to the American Bar Association, John W. Cummiskey of Grand Rapids, the Board unanimously approved the resolution and directed that copies be sent to Michigan's Congressmen and Senators.

A copy of the resolution is enclosed.

Sincerely yours,

*Milton E. Bachmann*

Milton E. Bachmann  
Executive Secretary

MEB:jg  
Enclosure



## COMMISSIONERS

- |                             |                                     |                                 |                               |                                |                               |                             |                              |                                       |
|-----------------------------|-------------------------------------|---------------------------------|-------------------------------|--------------------------------|-------------------------------|-----------------------------|------------------------------|---------------------------------------|
| HAROLD H. BOBIER<br>FLINT   | ELDEN W. BUTZBAUGH<br>BENTON HARBOR | LOUIS H. CHARBONNEAU<br>DETROIT | GILBERT H. DAVIS<br>ROYAL OAK | AUSTIN J. DOYLE<br>KALAMAZOO   | WILLIAM M. ELLMANN<br>DETROIT | DAMON J. KEITH<br>DETROIT   | HAZEN E. KUNZ<br>DETROIT     | LAWRENCE B. LINDEMER<br>LANSING       |
| ROBERT E. MCKEAN<br>DETROIT | THEODORE MESSNER<br>HOUGHTON        | CASS PIOTROWSKI<br>HAMTRACCK    | JOHN P. PURCELL<br>BAGINAW    | HARRY D. REBER, SR.<br>FREMONT | JAMES R. ROOD<br>MIDLAND      | ALLAN F. SMITH<br>ANN ARBOR | MARSHALL E. SMITH<br>PONTIAC | JOHN L. WIERENGO, JR.<br>GRAND RAPIDS |

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## RESOLUTION ADOPTED BY THE BOARD OF COMMISSIONERS February 28, 1964

### I.

Be It Resolved, that the State Bar of Michigan recommend that the Constitution of the United States be amended in accordance with the principles set forth in the Consensus of the special Conference convened by the American Bar Association in Washington, D. C., January 21, 1964, as follows:

(1) In the event of the inability of the President, the powers and duties, but not the office, shall devolve upon the Vice President or person next in line of succession for the duration of the inability of the President or until expiration of his term of office;

(2) The inability of the President may be established by declaration in writing of the President. In the event that the President does not make known his inability, it may be established by action of the Vice President or person next in line of succession with the concurrence of a majority of the cabinet or by action of such other body as the Congress may by law provide;

(3) The ability of the President to resume the powers and duties of his office shall be established by his declaration in writing. In the event that the Vice President and a majority of the cabinet or such other body as Congress may by law provide shall not concur in the

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declaration of the President, the continuing disability of the President may then be determined by the vote of two-thirds of the elected members of each House of the Congress;

(4) In the event of the death, resignation or removal of the President, the Vice President or the person next in line of succession shall succeed to the office for the unexpired term; and

(5) When a vacancy occurs in the office of the Vice President the President shall nominate a person who, upon approval by a majority of the elected members of Congress meeting in joint session, shall then become Vice President for the unexpired term.

## II.

Be It Further Resolved, that the State Bar of Michigan reaffirm in principle the support of the need for interim statutory clarification of the problem after the Constitutional proposals have been submitted by Congress for action by the State legislatures, such legislation to provide a remedy while the Constitutional proposals are under consideration.

## III.

Be It Further Resolved, that, in view of the manifest need for a prompt solution by Constitutional Amendment of the problems of Presidential succession and inability, the State Bar of Michigan urge that state and local bar organizations support by all appropriate means an amendment to the Constitution of the United States in accordance with the principles set forth in the recommendations of the Committee on Jurisprudence and Law Reform.