The Nature of a President

Rules and Contingencies

The Constitution sets up rules for presidential election, succession, impeachment, compensation, and terms of service. The Constitution allows for two ways that a person can become president—by election or through succession. Being elected is the more common of the two. To be elected, a person must receive a majority of electoral votes in the Electoral College. The House of Representatives selects the president if none of the candidates receives a majority of the electoral votes.

The other way a person can become president is by succession. The Founding Fathers understood that sometimes presidents would be unable to serve their full terms, so they included in the Constitution a provision that if a president could not complete his term, the vice president would gain the presidential powers—but not the title of president.

In 1841, however, Vice President John Tyler set the precedent for vice presidential succession. Following the death of President William Henry Harrison, Tyler assumed both the title and powers of the presidency. In 1967, the Twenty-fifth Amendment was added to the Constitution, formally stating that if a president passes away, resigns, or is impeached by both houses of Congress, the vice president will become president. In the twentieth century, Theodore Roosevelt, Calvin Coolidge, Harry Truman, Lyndon Johnson, and Gerald Ford became president through succession.

The Twenty-fifth Amendment also provides that the vice president can take over presidential duties if he and a majority of the Cabinet members concur that the president is incapacitated or if the president declares himself incapacitated. Under the Amendment, the vice president and Cabinet members must send a written declaration to the Senate President Pro Tempore and the Speaker of the House. The vice president can then immediately assume the role of Acting President.

Additionally, the Twenty-fifth Amendment provides that the president can regain his position by sending a written declaration to the Senate President Pro Tempore and the Speaker of the House. If the vice president and a majority of the Cabinet disagree with the president, the decision goes to Congress. Congress can keep the vice president as acting president with a two-thirds vote in both houses.

The Twenty-fifth Amendment was invoked while Ronald Reagan was president. Vice President George H.W. Bush became the Acting President when Mr. Reagan had to have surgery following an assassination attempt. Hours after the surgery, President Reagan resumed his position.

The Constitution also provides for the succession of vice presidents. If the vice presidency is vacated, the president nominates a new person for the position. Congress must then approve the nominee.

If for some reason, the vice president is unable to assume the presidency, someone else must step up to fill the role. The Presidential Succession Act of 1947 states that if the vice president cannot become president, the Speaker of the House will get the position. If the Speaker of the House cannot assume the presidency, then the President Pro Tempore of the Senate is next in line. Following the President Pro Tempore are the members of the Cabinet in order of the departments' creation. It is for this reason that when the president makes a State of the Union Address, one Cabinet member is selected not to attend the speech in case of a catastrophic event.
An example of the Presidential Succession Act in practice occurred during the 1970s, when a man who had run for neither the presidency nor the vice presidency became President of the United States. In 1973, Vice President Spiro Agnew resigned his post. President Nixon nominated Gerald Ford as Agnew's replacement, and Congress confirmed the nomination. Shortly thereafter, President Nixon himself resigned because of his involvement in the Watergate scandal. With Nixon's resignation, Gerald Ford became president.

The Framers of the Constitution had a keen understanding of human nature and the temptations of power. They foresaw that at some point, a president might need to be removed from office. This is done through a process of impeachment, which includes filing formal charges against the president and conducting a trial. The House of Representatives can impeach the president by a majority vote. If the majority votes for the impeachment, the Senate then votes whether or not to convict the president. In order to convict the president, two-thirds of the senators present must vote in favor of it.

Grounds for impeachment include "treason, bribery, or high crimes and misdemeanors." Of the 43 men to hold the office of President of the United States, only two have been impeached: Andrew Johnson and Bill Clinton. In both instances, the House voted to impeach, but the Senate did not convict. President Richard Nixon came close to being impeached, but he resigned prior to the House action.

The Framers' understanding of human nature is evidenced by another rule set forth in the Constitution: the president's compensation. The president is paid a salary plus an expense allowance, both of which are set by Congress. To prevent bribery, payoffs, or other corruptions, presidents are not allowed to accept gifts—monetary or otherwise—as payment for fulfilling the duties of office.

Additionally, a president's salary cannot be changed while he is in office. This safeguard is to prevent Congress from trying to bribe or punish a president because they are trying to force his hand or do not like his actions.

The president's salary and expense allowance has increased several times to allow for inflation and increased responsibilities. The president's salary in 2004 was $400,000 with a $50,000 expense allowance. The president also has access to a Boeing 747 and a helicopter, is given Secret Service protection for himself and his family, has total health care, and receives a pension. Although in a powerful position, the president is still a citizen, subject to income tax on both the salary and expense allowance.

Finally, the term limit provides that a president can only serve two four-year terms in office. This was a precedent set by George Washington and continued by the first 31 presidents. The limit was not part of the original Constitution but was added with the passage of the Twenty-second Amendment in 1951, after Franklin D. Roosevelt was elected president four times.

The only way to spend more than the allowed eight years in office is by succession. For example, if the president passes away, the vice president serves the remainder of the term. At the end of that term, the president can run for office and be elected for his own term. However, no one can serve as president for more than 10 years. If a vice president assumes the presidency during the first or second year of the term, he or she can be elected to only one full term in the White House.