

Amerika-Institut der Universität München
München 22, Ludwigstrasse 18
1 May 1956

Professor Piero Calamandrei
Borgo degli Albizi 14
Firenze, Italien

Dear Professor Calamandrei:

Because of two weeks' absence from München, I have only now received a letter of April 12 from John Adams in Beirut, in which he asks me to supplement if possible what he had written you on the subject of provision for the exercise of the powers of the American Presidency in the event of the incapacity or absence of the President.

I agree with what Adams has written, and there is nothing significant that I can add thereto. Adams writes: "I do not believe that there is any provision that authorizes the Vice President or anyone else to act in the President's name during his absence." I am sure this is correct. By way of illustration, when President Wilson was in Paris in 1919, it was necessary for him to return to Washington at the time of the adjournment of Congress, March 4, in order to approve or veto bills passed by Congress, since no one else had the power to do so. Today, with much faster communication, bills may be sent by plane for the President's action when he is abroad. No Vice President has ever exercised that authority.

I agree entirely also with Adams' statement that "Congress has never established whose compound it is to determine the capacity or incapacity of the President." Since President Eisenhower's heart attack, I know that there has been considerable discussion of the need to designate, by act of Congress, some group of persons (such, for example, as the Supreme Court) who in cases of doubt might determine officially whether a President was or was not incapacitated for performing the duties of his office. I know that there have been articles on the subject in the New York Times in the past two months. I hoped that I might find something on the subject in my newspaper clippings, but have been unable to do so. I am sure, however, that such proposals have not gone beyond the stage of discussion. I regret that I am not able to be more helpful.

Sincerely yours,

Julius W. Pratt
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