

Nixon: A Mad President is Constrained from Launching War While Being Removed

by Jeffrey Steinberg

Aug. 4—In 1967, the 25th Amendment was ratified. For the first time, it provided for the removal of a President from office, in the event he or she is judged physically or mentally unfit to continue to serve. Under the provisions, the Vice President, plus a majority of the Cabinet, was empowered to invoke the 25th Amendment and remove the President from office. If the President contested the decision, provisions further allowed for a Congressional vote to make the ultimate determination.

When Richard Nixon was going through the final phases of the Watergate investigation, there was concern among leading White House officials, including White House Chief of Staff Gen. Alexander Haig, National Security Advisor Henry Kissinger, and others, that the President was dangerously unstable.

They rightly feared that Nixon might order dangerous military actions or worse, so that Defense Secretary Schlesinger personally ordered the Chairman of the Joint Chiefs of Staff (JCS), “If the President calls you, don’t do what he says,” according to author William Quandt.

This was not a rogue action. In effect, according to sources close to those events, the instructions to the JCS were part of the process, spelled out in the 25th Amendment for potentially removing Nixon from office. Although Nixon ultimately decided to resign, rather than face certain impeachment in a Senate trial—or removal by the provisions of the 25th Amendment,—the first case in which the 25th Amendment was put in play was the Watergating of Richard Nixon.

On at least one other occasion, the 25th Amendment was activated. That involved President Ronald Reagan. According to his own account, former Senator Howard Baker, who took over as Reagan’s White House Chief of Staff in the midst of the Iran-Contra scandal of Reagan’s second term, was told, upon taking the job, that



The Richard M. Nixon Library & Museum

President Nixon meets with Chief of Staff Alexander Haig (right) and National Security Adviser/Secretary of State Henry Kissinger (left) in the White House on November 13, 1972.

his first assignment was to determine whether Reagan was fit mentally to continue to serve out the remainder of his term. Baker recounted his trepidations about the first Cabinet meeting he attended as Chief of Staff. He was to make an initial judgment whether or not President Reagan should be removed under the 25th Amendment. To his great relief, Reagan walked into the Cabinet meeting room and immediately cracked a series of funny jokes. Baker concluded that the President had all his marbles.

In the Nixon case, the merit of the 25th Amendment, which had just been recently ratified, was clear. President Nixon was caught in the Watergate coverup trap, and he had no way out—except to launch either a foreign war or a domestic coup. His desperation, at times, bordered on madness, and it was precisely such a context, following the assassination of President John F. Kennedy, that prompted several leading Members of Congress, led by Sen. Birch Bayh, to draft the 25th Amendment.